

**Minutes of 1253rd Meeting of the
Town Planning Board held on 20.8.2021**

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 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 Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Mr Y.S. Wong

Chief Traffic Engineer (New Territories East)

Transport Department

Mr W.H. Poon

Chief Engineer (Works),

Home Affairs Department

Mr Gavin C.T. Tse

Assistant Director (Environmental Assessment)

Environmental Protection Department

Mr Terence S.W. Tsang

Director of Lands

Mr Andrew C.W. Lai

Director of Planning
Mr Ivan M.K. Chung

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

Secretary

Absent with Apologies

Mr Thomas O.S. Ho

Mr L.T. Kwok

Dr Jeanne C.Y. Ng

Dr Conrad T.C. Wong

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Caroline T.Y. Tang (Agenda Items 1 to 4)
Ms Fannie F.L. Hung (Agenda Items 5 to 10)

Senior Town Planner/Town Planning Board
Mr Alex C.Y. Kiu (Agenda Items 1 to 4)
Ms Annie H.Y. Wong (Agenda Items 5 to 10)

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 1251st Meeting held on 6.8.2021

[The item was conducted in Cantonese.]

2. The draft minutes of the 1251st meeting held on 6.8.2021 were sent to Members on 20.8.2021. Subject to any proposed amendments by Members on or before 23.8.2021, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 23.8.2021 without amendments.]

Agenda Item 2

[Open Meeting]

Matters Arising

[This item was conducted in Cantonese.]

- (i) **Town Planning Appeal Decision Received**

Town Planning Appeal No. 3 of 2019

Proposed House (New Territories Exempted House – Small House) in “Agriculture” Zone, Lot 1356 S.B in D.D. 39, Ma Tseuk Leng San Uk Ha, Sha Tau Kok, New Territories
Application No. A/NE-LK/114

3. The Secretary reported that the subject appeal was against the Town Planning Board (the Board)'s decision to reject on review an application (No. A/NE-LK/114) for a proposed house (New Territories Exempted House (NTEH) – Small House) at a site zoned “Agriculture” on the Luk Keng and Wo Hang Outline Zoning Plan.

4. The appeal was heard by the Appeal Board Panel (Town Planning) (TPAB) on 30.9.2020. On 9.8.2021, the appeal was dismissed by TPAB mainly on the consideration of land availability for Small House development:

- (a) there was no unfairness to the Appellant as far as the Board adopted the “cautious approach” in considering planning applications for NTEH (Small House) developments by placing more weight on outstanding Small House applications;
- (b) none of the previously approved applications mentioned by the Appellant was useful as a comparison to the case presently under appeal as they were all approved before the Board adopted the “cautious approach” or were ‘existing use’, and there were similar applications which were rejected in 2018; and
- (c) land available within the subject “Village Type Development” zone for Small House development was estimated according to the established practice of the Planning Department based on assumptions which TPAB considered to be fairly reasonable.

5. Members noted the decision of TPAB.

(ii) Appeal Statistics

6. The Secretary reported that as at 13.8.2021, a total of 11 cases were yet to be heard by the Appeal Board Panel (Town Planning) and decisions of three appeals were outstanding. Details of the appeal statistics were as follows:

Allowed	37
Dismissed	167
Abandoned/Withdrawn/Invalid	208
Yet to be Heard	11
Decision Outstanding	3
<hr/> Total	<hr/> 426

Tsuen Wan and West Kowloon District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/K20/133

Proposed Comprehensive Office, Commercial and Retail Development with Relaxation of Building Height Restrictions in “Comprehensive Development Area (1)” Zone and an area shown as ‘Road’, the Site of the Guangzhou-Shenzhen-Hong Kong Express Rail Link West Kowloon Terminus at the Junction of Lin Cheung Road and Austin Road West, Kowloon (TPB Paper No. 10757)

[The item was conducted in Cantonese and English.]

7. The Secretary reported that the application site (the Site) was located at the topside of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) West Kowloon Station (WKS) operated by Mass Transit Railway Corporation Limited (MTRCL), and adjoining the West Kowloon Cultural District (WKCD) operated by West Kowloon Cultural District Authority (WKCDA). The application was submitted by Century Opal Limited and Max Century (HK) Limited which were subsidiaries of Sun Hung Kai Properties Limited (SHK). Wong & Ouyang (HK) Limited (W&O), MVA Hong Kong Limited (MVA), AECOM Asia Company Limited (AECOM) and Ove Arup & Partners Hong Kong Limited (ARUP) were four of the consultants of the applicants. The following Members had declared interests on the item:

- Mr Thomas O.S. Ho - having current business dealings with SHK, MVA, AECOM and ARUP, and past business dealings with MTRCL;
- Mr Franklin Yu - having current business dealings with W&O and ARUP and his spouse being an employee of SHK;
- Dr Conrad T.C. Wong - having current business dealings with SHK and MTRCL;
- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Company (1933) Limited (KMB) and Long Win Bus Company Limited (Long Win), and SHK having shareholding interests in KMB and Long Win;
- Dr Frankie W.C. Yeung - being a Director of Ma Wan Park Limited which was a subsidiary of SHK, and being the Chairman of the Xiqu Centre Advisory Panel;
- Mr Wilson Y.W. Fung - being a board member of the WKCDA;
- Ms Sandy H.Y. Wong - being a member of the WKCDA Audit Committee;
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Arts Centre which had collaboration with MTRCL on arts projects;
- Mr K.K. Cheung - his firm having business dealings with MTRCL, SHK, W&O and ARUP;
- Mr Alex T.H. Lai - his former firm having business dealings with MTRCL, SHK, W&O and ARUP;

- Dr C.H. Hau - having past business dealings with AECOM;
- Ms Lilian S.K. Law - being a former executive director and committee member of The Boys' & Girls' Clubs Association of Hong Kong which had received sponsorship from SHK before; and
- Mr Y.S. Wong - his spouse being a director of a company which owned a flat at Austin Road West.

8. Members noted that Mr Thomas O.S. Ho and Dr Conrad T.C. Wong had tendered apologies for being unable to join the meeting, and Dr Frankie W.C. Yeung and Messrs Franklin Yu and Y.S. Wong had not yet joined the meeting. As the interest of Miss Winnie W.M. Ng was direct, she was invited to leave the meeting temporarily for the deliberation session of the item. As the interests of Messrs Wilson Y.W. Fung and Peter K.T. Yuen, Dr C.H. Hau, Ms Sandy H.Y. Wong and Ms Lilian S.K. Law were indirect, Messrs K.K. Cheung and Alex T.H. Lai had no involvement in the application and the property of the company of Mr Y.S. Wong's spouse had no direct view of the Site, Members agreed that they could stay in the meeting.

Presentation and Question Sessions

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

PlanD

- Mr Derek P.K. Tse - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK)
- Mr Clement C.M. Miu - Senior Town Planner/Yau Tsim Mong

Applicants' Representatives

Sun Hung Kai Properties Limited

Mr Eric Tung

Sun Hung Kai Real Estate Agency Limited

Ms Rebecca Wong

Mr Tim Mak

Mr Vitus Cheung

Mr Hanson Wong

Mr Jovial Wong

Mr Vincent Lim

Ms Agnes Ng

Masterplan Limited

Mr Ian Brownlee

Ms Lam Chin Chin

Zaha Hadid Architects

Ms Sara Klomps

Ms Bianca Cheung

One Bite Design Studio Limited

Ms Sarah Mui

Mr Alan Cheung

Ms Samantha Chuang

SCENIC Landscape Design Studio Limited

Mr Christopher Foot

Ramboll Hong Kong Limited

Mr Calvin Chiu

MVA Hong Kong Limited

Mr Edmund Kwok

Ove Arup

Ms Jingwen Zhao

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

11. With the aid of a PowerPoint presentation, Mr Derek P.K. Tse, DPO/TWK, PlanD briefed Members on the background of the review application including the consideration of the application by the Metro Planning Committee (MPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10757 (the Paper).

12. The Chairperson then invited the applicants' representatives to elaborate on the review application.

13. With the aid of a PowerPoint presentation, Mr Ian Brownlee, Ms Sara Klomps and Ms Sarah Mui, the applicants' representatives, made the following main points:

Overview and Background

- (a) in the regional context, the Site was a gateway to the Pearl River Delta/Greater Bay Area via the national high-speed railway network. In the local context, the Site was an important transport hub where four railway lines met. Hence, the proposed development was not an ordinary commercial development. It was required to enhance the long-term competitiveness of Hong Kong and sustain the territory as an international financial and commercial centre;
- (b) the WKS development and the proposed development were physically interrelated. With WKS using part of the lower/basement levels, the foundation and structural elements for the proposed development were built together with the station;
- (c) the scheme submitted by MTRCL (under application No. A/K20/113) and approved by MPC in 2010 (the Approved Scheme) was sub-optimal and had very little design characteristics. The low floor-to-floor (FTF) height (3.85m) of the office towers did not meet the current standard for Grade A

office, and the floor plates were huge, irregular and inefficient. There was very little open space provision and the open spaces were disconnected. Part of the existing Sky Corridor above the WKS was very narrow (only 2m wide) and had lots of level changes but no shading;

- (d) the applicants considered that there was scope for improvement to the Approved Scheme and submitted the subject s.16 application. However, the development scheme under the s.16 application (the s.16 Scheme) was rejected by MPC for the reason that it would breach the ridgeline from the strategic viewpoint at Central Pier No. 7;

Design Vision and Concept

- (e) buildings should not be isolated objects but should connect to the city and the lives of the people. As a consequence, the public realm was as important as the buildings themselves;
- (f) the Site was Hong Kong's major international transport hub and offered a fantastic opportunity for architects to create iconic buildings;
- (g) the design team had looked at successful examples in other cities' international transport hubs, like the King's Cross St Pancras Station in London and Grand Front Osaka, and identified three key components to those developments, viz. landmark buildings (typically the station itself), mixed use commercial developments (predominantly office and retail), and most importantly, a network of public open spaces, creating destinations within and connections to the city around;
- (h) while the WKS building, with its walkable undulating roof, was iconic, the Site lacked a network of open spaces which could connect the neighbourhoods of Yau Tsim Mong and WKCD;
- (i) there was a need to create a new central open space node at the Site, which was large and attractive enough to create its connectivity across the Site and

with the neighbourhood. However, there was insufficient space in the Approved Scheme to accommodate such an open space node. Hence, the design team decided to take away the central office tower of the Approved Scheme and re-distribute the building mass to the other two office towers, while maintaining visibility of the unbreached portion of the ridgeline when viewed from Central Pier No. 7;

- (j) to ensure that the public realm was vibrant, the section of the proposed West Kowloon Parkway (WKP) within the Site was widened. Lifts were provided to link up the retail levels of the proposed development, making the WKP barrier-free and easy to navigate. A series of pavilions offering food and beverage would be distributed along the WKP;
- (k) despite a significant reduction in building height (BH) as compared to the s.16 Scheme, some portions of the proposed development under the Revised Scheme would still exceed the BH restrictions on the Outline Zoning Plan (OZP). The applicants were willing to compensate the public by introducing a landscaped rooftop observation deck (ROD) for the public to enjoy the harbour view free of charge from 9am to 9pm daily. The ROD would be oriented in such a way that it would not overlook the neighbouring residential developments. It would be a new public destination for Hong Kong;
- (l) in terms of building design, the applicants were committed to adopting a low carbon strategy for the environment, promoting the health and comfort of its users, and providing an optimised micro climate for the community;
- (m) accordingly, the FTF height had been increased to 4.2m to increase the daylight factor within the offices;
- (n) to reduce air-conditioning energy usage, a façade combining external shading device with the highest performance glazing was proposed to minimise heat gains and glare;

- (o) to complement the curvilinear forms of the WKS, sweeping curvatures were introduced on the façade;
- (p) the large central open space node would also enhance the air ventilation and micro climate within the Site, and reduce heat island effect;

Creating an Activated and Connected Urban Realm

- (q) the proposed WKP would be a north-south connection from Yau Ma Tei to the West Kowloon waterfront promenade and only a section of the WKP fell within the Site. Kowloon-Canton Railway Corporation (KCRC) had no objection for the applicants to redesign and manage the landscape deck over the West Kowloon Station Bus Terminus (WKSBT) to the immediate north of the Site and the proposed observation deck and escalator to the immediate south of the Site so that over half of the WKP would be under a coherent design and management to create a better quality environment for pedestrians and the neighbourhood;
- (r) to better understand the needs of the neighbourhood, the applicants carried out public engagement surveys. The locals generally called for more nature, space for wellness, respect for the local history and better connectivity. The applicants also surveyed seven major open spaces in the district and found out that the local needs were not fully answered by the existing open space provisions;
- (s) to better integrate with the WKS, WKCD and the new/old neighbourhood, the applicants conducted engagement workshops with different stakeholders, including elderly service providers, to identify the elements to be included in the proposed development to attract local residents and visitors;
- (t) the improved design of WKP would focus on walkability and attractions to bring people over, and those attractions should focus on wellness and user friendliness while changing themes would be needed. More shelters, seating, good signage, community amenities and pavilions, community

library, changing and nursing station, open café, community rentable spaces, etc. would be provided. There would be community concierge for wheelchair and baby stroller rental, so the open space would be for all ages and abilities;

- (u) placemaking was about attracting people to come back again and again. The applicants would organise outdoor performances, e-sports events, art and culture events, etc. all year round to make the open space more vibrant. Some of the events would be collaborated with local organisations;

Sustainability and Iconic Development

- (v) MPC considered the s.16 Scheme not iconic enough as compared to the surrounding developments like the International Commerce Centre (ICC). Iconic place was a place that people would come back for its unique character and range of social activities provided. There were lots of buildings that people might consider to be iconic, but they might not want to go back after visiting those buildings once. For such reason and the BH restrictions, the applicants considered that an ICC type of iconic building was not suitable for the Site;

Planning Merits and Justifications

- (w) the rejection of the s.16 application by MPC effectively invited a revision of the s.16 Scheme and provided a list of issues that needed to be addressed by the applicants. Regarding MPC's major concern in relation to the ridgeline, it was noted that the eastern part of the concerned ridgeline had already been compromised by the existing developments (The Coronation and Langham Place). Despite the design challenge posed by the odd-shaped bands of BH restrictions of the "Comprehensive Development Area (1)" ("CDA(1)") zone, the applicants' architects were able to come up with a revised scheme (the Revised Scheme) that could preserve the visibility of the western portion of the ridgeline from the strategic viewpoint at Central Pier No. 7 without affecting other strategic viewpoints. Under the Revised Scheme, the impact on the ridgeline had been addressed and the BH had

been significantly reduced. In general, about half of the proposed development could conform to the BH restrictions of the “CDA(1)” zone;

- (x) as presented earlier, the Revised Scheme had improved the architectural and sustainable design concepts and collectively created an iconic landmark at the Site;
- (y) in response to MPC’s concern on connectivity, the applicants had sought consent from KCRC for the associated design, management and maintenance right of the section of WKP above the WKSBT to the immediate north of the Site and the proposed observation deck and escalator to the immediate south of the Site. The effect of the agreement was that over 50% of the WKP would be under the applicants’ design and management to address MPC’s concerns on connectivity. That presented the applicants with an opportunity to create a landmark as good as the High Line in New York. Apart from improved visual integration, integration within the podium levels, and walkability of the station development would also be improved;
- (z) the physical and visual integration of the Site with the surroundings, which formed part of the symbolic importance of the proposed development, could be better achieved under the Revised Scheme;
- (aa) with community engagement, a participatory design with the community would ensure that the design of the open space could respond to the needs of the local community while improving the open space and placemaking components and connection to the neighbourhood;
- (bb) two viewing platforms would be provided, including the ‘The Strata Balcony’ in the north for view to Kowloon hinterland and the ridgeline, and the ‘Harbour Lookout’ in the south (outside the Site) for view to WKCD, the harbour and Hong Kong Island;

Conclusion

- (cc) while addressing MPC's concerns raised on the s.16 Scheme, the Revised Scheme with reduced BH and enhanced planning and design merits had struck a balance among relevant considerations, which justified an approval by the Board; and
- (dd) a video presenting mainly the uses and activities that could take place at the Site upon completion of the proposed development was shown at the end of the presentation.

14. As the presentations of PlanD's representative and the applicants' representatives had been completed, the Chairperson invited questions from Members. She suggested Members to focus their questions on two fundamental issues of the review application viz. (i) whether the Master Layout Plan (MLP) of the proposed development was acceptable as the Site was zoned "CDA(1)", and (ii) whether the relaxation of BH restrictions sought was acceptable. She reminded Members not to delve into the detailed design of the proposed development scheme, as the Board should avoid micro-management which could unduly limit the autonomy of lot owners over choices of detailed designs delivering the statutory land uses and control parameters. Rather, Members should focus on the broad layout of the proposed development in terms of say, connectivity, walkability and provision of public spaces, etc.

15. Noting that the previous application (No. A/K20/113) was approved in 2010, a Member enquired about the general lack of development progress over the past 11 years. In response, Mr Derek P.K. Tse, DPO/TWK, PlanD made the following main points:

- (a) the Site was rezoned to "CDA(1)" in 2009 to facilitate the XRL development. A Planning Brief (PB) was prepared in the same year to guide the Site's development;
- (b) in 2010, MTRCL submitted a planning application (No. A/K20/113) which was approved by MPC;

- (c) in 2013, the general building plans for the Approved Scheme were approved by the Building Authority;
- (d) in 2019, the Site was sold to the applicants; and
- (e) in 2021, the subject s.16 application was rejected by MPC.

16. The Chairperson supplemented that the applicants were not the owners of the Site in 2010. Back then, MTRCL was invited to submit a MLP to ascertain the development parameters of the planned land sale of the Site. Though the MLP was approved in 2010, SHK as the successful bidder of the Site could submit another MLP for the Board's consideration as in the present case.

BH Restrictions and the Ridgeline

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

- (a) whether protection of the ridgeline had been taken into account in imposing the BH restrictions on the "CDA(1)" zone;
- (b) whether visibility of the ridgeline from any strategic viewpoint, other than Central Pier No. 7, would be affected by the proposed development;
- (c) whether further breaching of the ridgeline was acceptable as it had already been breached by the existing developments;
- (d) the increase in BH of the proposed development as compared to the BH restrictions on the OZP/PB for the Site;
- (e) whether the Board had approved any application involving breaching of the ridgeline in other parts of West Kowloon; and
- (f) a brief account of those developments like Harbour City, The Victoria Towers, Langham Place and the Sai Yee Street (SYS) redevelopment, etc.

which breached the 20% building free zone of the ridgeline of Beacon Hill/Lion Rock, and whether those developments were approved by the Board after the promulgation of the Urban Design Guidelines.

18. In response, Mr Derek P.K. Tse, DPO/TWK, made the following main points with the aid of some PowerPoint slides and the visualiser:

- (a) protection of the ridgeline had already been taken into account when the Board imposed the BH restrictions on the “CDA(1)” zone in 2009. That said, MPC was aware of the strategic location of the Site and added paragraph (8) to the Remarks of the Notes of the “CDA(1)” zone to allow flexibility to relax BH restrictions for proposals with outstanding planning or design merits;
- (b) development at the Site would be visible from four strategic viewing points, including Sun Yat Sen Memorial Park, Hong Kong Convention and Exhibition Centre, Central Pier No. 7 and the Peak. Visibility of the ridgeline would only be breached at the strategic viewing point of Central Pier No. 7;
- (c) according to the Urban Design Guidelines in Chapter 11 of the Hong Kong Planning Standards and Guidelines (HKPSG), the predominant urban form in Hong Kong was characterised by high-rise developments against the ridgelines at Victoria Peak and Lion Rock as backdrop. Capitalising on the strategic location and good accessibility, the southern tip of West Kowloon Reclamation area where the Site was located would emerge as a new major high-rise node with high quality architectural/landmark building design. While consideration should be given to preserving the ridgelines, there should be flexibility for relaxation for special landmark buildings to give punctuation effects at suitable locations. While the eastern portion of the ridgeline had already been partially compromised by the existing developments, the Chief Town Planner/Urban Design & Landscape of PlanD and Chief Architect/Central Management Division 2 of the Architectural Services Department had no adverse comment in respect of

the ridgeline view. On balance, PlanD had no objection to the revised scheme;

- (d) Annex J of the Paper provided a comparison of the major development parameters and requirements between the PB and the Revised Scheme. In terms of BH, the proposed Tower One had exceeded the BH of the PB by +3m (+2.61%) to +58m (+64.44%), while the proposed Tower Two had exceeded the BH of the PB by +9m (+9%) to +32m (+35.56%);
- (e) the Board had not approved any application involving breaching of the ridgeline in other parts of West Kowloon since the promulgation of the Urban Design Guidelines; and
- (f) the Urban Design Guidelines were first promulgated in 2002. In general, the BH of the existing/approved buildings (i.e. the Ocean Centre redevelopment, The Victoria Towers and Langham Place) involving breaching of the ridgeline were reflected on the respective OZPs when the BH restrictions were subsequently imposed. The Kowloon Station development was a “CDA” development first approved by the Board in 1994. The above cases were not directly comparable to the subject review application. The zoning amendment to the SYS site was recently agreed by the Board. Considering the SYS site being a major transport hub and the need to incorporate a substantial amount of government, institution and community facilities and public open space into the development, a BH restriction of 320mPD was imposed even though the ridgeline would be breached. In that context, the SYS case was to a certain extent similar to the subject review application which had struck a balance among various planning considerations.

West Kowloon Parkway, Connectivity and Integration

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

- (a) the management arrangement of the WKP, specifically, how the 1.5km long WKP could be better managed;
- (b) whether the other sections of the WKP not under the applicants' management, and the connection points say, to railway stations, would also be opened 24 hours daily;
- (c) connectivity with the WKS and the airport;
- (d) east-west connectivity with the local neighbourhood noting that the WKP was parallel to the existing north-south Yau Ma Tei – Jordan connection;
- (e) noting that cycling was permitted on the section of the WKP within WKCD, whether cycling was permitted on the section of the WKP within the Site;
- (f) whether there would be level changes along the WKP;
- (g) whether rain shelters/sun shades would be provided along the WKP for a pedestrian-friendly walking environment under Hong Kong's weather;
- (h) whether more facilities would be provided along the section of the WKP over the WKSBT noting that it would be under the applicants' management;
- (i) whether there would be signage to/from the old districts; and
- (j) the forecasted pedestrian flow of the proposed development.

20. In response, Messrs Eric Tung, Ian Brownlee and Tim Mak, Ms Rebecca Wong and Ms Sarah Mui, the applicants' representatives, made the following main points:

- (a) together with the section of the WKP over the WKSBT, the applicants would manage over 50% of the WKP. The applicants would liaise with the management bodies for the remaining part of WKP, including the Central Kowloon Route Landscape Deck managed by the Highways Department

(HyD) and the Central Square in WKCD managed by the WKCDA, to ensure a smooth interface at the implementation stage;

- (b) the applicants intended to keep the entire WKP, including all connections, to be opened 24 hours daily. That said, the applicants could only commit to open the 50% of the WKP under their management for 24 hours daily. The applicants had already been discussing with WKCDA in that respect, and would liaise with HyD in due course;
- (c) connections to the adjacent developments and the WKS were completed before the Site was sold. The applicants would try their best endeavour to provide the required connections at the closest locations possible, and explore ways to improve the connectivity of the WKS to facilitate XRL travellers to transfer to Tuen Ma Line and the Airport Express Line;
- (d) the WKP had many entrances, the farthest one in the north was Yau Ma Tei North. There was an entrance at the footbridge off Man Wah Sun Chuen. The Sky Corridor above the WKS had four connection points to the section of the WKP within the Site. There were footbridges connecting the Kowloon Station and the Austin Station to the WKP. Finally, the southernmost entrance was at WKCD. In addition, there were many entrances to WKCD and the landscape decks of Central Kowloon Route and the WKSBT. The applicants had high expectation of the WKP to rejuvenate the old districts of Yau Tsim Mong;
- (e) the section of the WKP within WKCD was at ground level, and hence cycling was permitted. Cycling within the Site might be difficult but could be explored, and scooters could be permitted;
- (f) one of the applicants' design objectives was to reduce the number of level changes in the existing pedestrian connection. However, the WKP had a few pre-determined levels. The section of the WKP at WKCD was at the ground level to link up with the West Kowloon Waterfront Promenade. The existing footbridges were all at Level 1 where pedestrian access was

provided within the retail portion of the proposed development. The WKP at Level 2 was connected to the landscaped decks of the Central Kowloon Route and WKSBT;

- (g) the applicants were aware of the locals' demand for weather shelter/shading along the WKP. While the retail portion of the proposed development would provide an alternative route to the WKP during bad weather, there would be canopies at the side of the mall for shelter/shading. For areas outside the Site, the applicants would need to seek approval/agreement from the relevant parties/authorities;
- (h) the applicants' initial agreement with KCRC included both design and management of the landscape deck of the WKSBT which was currently quite barren and needed improvement;
- (i) the applicants would provide signage to/from the old districts, which was presented to MPC during the s.16 application stage. In addition, such signage/directional information would be provided via the applicants' community map app; and
- (j) the forecasted peak pedestrian flow of the proposed development would be about 30,000 persons/hour (2-way).

21. A Member remarked that integration was more than apps and signage to attract people to the proposed development. Integration was also about preserving the characteristics of the old district and preventing the old district from wilting while the new development prospered. The Member suggested the applicants to look further into the issue.

Provision of Private Open Space for Public Use

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

- (a) the forecasted patronage of the ROD;

- (b) whether the ROD was a genuine planning gain noting that the Site was surrounded by higher developments, notably to its west;
- (c) whether the ROD was uncovered or not;
- (d) whether biodiversity and urban forestry had been taken into account in the landscaping for the proposed private open space for public use; and
- (e) an elaboration on pet-friendly facilities in the proposed private open space for public use.

23. In response, Messrs Eric Tung, Ian Brownlee and Tim Mak, the applicants' representatives, made the following main points:

- (a) two dedicated elevators would be provided to serve the ROD. It equated to an hourly capacity of 400 to 500 persons or about 8,000 persons/day. The elevators were gross floor area (GFA) accountable, and there would be operation and maintenance costs associated with the ROD and other private open space for public use. All such costs would be borne by the applicants;
- (b) the location of the ROD (and the southern viewing platform) was chosen because they were overlooking the central plaza of WKCD and hence commanded an unobstructed view of the harbour;
- (c) like many successful observation decks in the World, e.g. the Empire State observation deck, the ROD would be partially covered and landscaped;
- (d) though not presented, biodiversity and urban forestry considerations were included in the landscape submission. It should, however, be noted that the Site was separated from WKCD by about 40m of landscape area managed by KCRC. The applicants acknowledged the importance of biodiversity and urban forestry, and there was sufficient scope at the detailed design stage to address those two aspects with regard to the Site's landscape provision; and

- (e) there would be pet-friendly facilities along the WKP. The applicants would also host regular pet gathering functions.

Placemaking and Public Engagement

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

- (a) whether the applicants had considered the needs of XRL travellers;
- (b) whether the applicants had considered domestic helpers' needs; and
- (c) whether placemaking and public engagement would be a long-term or one-off exercise, and if it was a long-term exercise, what would be the staffing arrangement.

25. In response, Ms Rebecca Wong and Ms Sarah Mui, the applicants' representatives, made the following main points:

- (a) the applicants' community map app would let XRL travellers know about upcoming events at the Site and the district, for example, local arts and culture festivals;
- (b) the applicants had yet to engage the domestic helper organisations. The applicants had, however, consulted care-givers and ethnic minorities on their needs. The applicants therefore came up with the idea of Community Pavilions which were like multi-function rooms for people of different cultures and religion to use. The applicants had also looked into weekend/weekday usage and made adjustments to the programmes/activities that would be offered; and
- (c) nurturing a sense of belonging/ownership of a place required time and was a long-term process. The applicants were committed to placemaking as a long-term task and would set up its own team to implement it with the help of consultants.

Master Layout Plan

26. A Member enquired how the planning merits proposed by the applicants could be enforced. In response, Mr Eric Tung, the applicants' representative, made the following main points:

- (a) the proposed development was one of the most important projects in Hong Kong or even PRD, and Hong Kong people had high expectation of it;
- (b) SHK positioned the proposed development as a catalyst to transform the entire West Kowloon, not just another commercial project;
- (c) with over 65% of its book value/annual revenue from its investment portfolio (i.e. rental income), SHK was aiming at the long-term success of its projects which in turn, hinged upon the long-term success of the district in which individual project was situated;
- (d) SHK's proposal about the WKP was inspired by The High Line in New York the success of which stemmed from its ability to link up interesting old places like galleries, book stores, restaurants, coffee shops, etc. Eventually, what started as a citizen-funded open space project transformed a run-down district into a highly desired residential neighbourhood. SHK genuinely hoped that the WKP could integrate the proposed development with interesting old places in the old neighbourhood of Yau Tsim Mong;
- (e) taking the International Finance Centre (IFC) as another example, SHK built 11 footbridges to link up the Outlying Districts Services Ferry Pier, the Central-Mid-Levels Escalators and open space in the area to enhance pedestrian convenience notwithstanding that it was only required by the PB to provide six footbridges. SHK also voluntarily setback the land fronting the sea for a slip road to avoid traffic tailing back onto the main road when entering IFC's carpark; and

- (f) those examples demonstrated SHK's long-term commitment to the districts within which its developments were located. SHK was committed to implementing every planning merit it proposed in the best manner it could.

27. While appreciating SHK's commitment, the Chairperson requested PlanD to explain the Government's role in enforcing the proposed planning merits through say, the MLP and the lease.

28. In response, Mr Derek P.K. Tse, DPO/TWK, made the following main points:

- (a) if the review application was approved, the applicants would be required under one of the approval conditions to submit a revised MLP to incorporate such details as the locations of various facilities and their opening hours. The revised MLP would then be deposited in the Land Registry;
- (b) subsequent substantial amendments to the revised MLP would be submitted to the MPC for consideration; and
- (c) there were clauses under the lease regarding compliance with the Town Planning Ordinance, which provided the necessary enforcement tool.

29. Mr Ian Brownlee, the applicants' representative, supplemented the following main points:

- (a) planning applications would be approved "as submitted" meaning that the whole submission became part of the approved scheme;
- (b) the applicants would be required to submit a revised MLP and Landscape Master Plan (LMP), etc. under the approval conditions;
- (c) whilst the MLP and LMP might not include each and every detail, there was definitely control on the physical development of the Site; and

- (d) the commitments made by Mr Eric Tung, the executive director of SHK, at the meeting reflected what the applicants intended to achieve.

30. In response to a Member's follow-up question as to whether there would be conflicts between the MLP and the lease, the Chairperson advised that the lease for recent sale sites, including the Site, only specified the basic development parameters, such as gross floor area and area of public spaces. There were clauses under the lease requiring the development to follow the approved MLP, and hence, there would not be any conflict between the two.

Others

31. The Chairperson and some Members raised the following questions to the applicants' representatives:

- (a) the proposed provisions for the public's enjoyment as planning gain which were not required by the PB;
- (b) an elaboration on the proposed 4.2m FTF height for offices;
- (c) whether the applicants had considered ways to minimise sunlight reflection from the proposed development onto the surrounding developments;
- (d) an elaboration of how the proposed elevator to the WKS could enhance the sunlight penetration to the WKS;
- (e) an elaboration on the curvilinear design of the proposed office towers; and
- (f) vehicular flow of the proposed development.

32. In response, Mr Eric Tung, Mr Tim Mak, Ms Rebecca Wong and Ms Sarah Mui, the applicants' representatives, made the following main points:

- (a) the 8,500m² of private open space for public use and the 700m² ROD were on top of the requirement in the PB. The proposed community amenities

were also not required by the PB and could be enjoyed by the public 24 hours daily without going into the mall. Those were some examples of planning gains that would be brought by the proposed development;

- (b) the applicants had conducted extensive researches on the optimal FTF height for Grade A office. In the old days when there was little or no automation/computerisation, office was built for people only and a floor height of 9 feet would be enough. Nowadays, office had to cater for the needs of machines as well. A raised floor of 150mm would be required for the cable ducts, and for effective cooling of computers, a higher ceiling height was required or the air conditioning wind speed would have to be raised to uncomfortable levels for human beings. Therefore, a FTF height of 4.2m was required. It was first adopted in IFC and ICC, and at present almost all Grade A offices in the World, including the Hudson Yards, followed such standard;
- (c) low emissivity (low-e) glass, a double-layer glass with a special coating in between the two layers to reduce heat absorption without affecting visible light transmission, would be employed to reduce the energy consumption of the proposed development and minimise reflection of sunlight onto the surrounding developments;
- (d) the proposed elevator to the WKS would be made of glass and housed in a big void to allow more sunlight to penetrate into the WKS;
- (e) the WKS was designed by another architectural firm, and it had a curved design. The proposed development, right next to the WKS, should echo the curved design of the WKS for a harmonious overall development. The applicants had therefore commissioned Zaha Hadid Architects, a renowned architectural firm specialising in designing curvilinear buildings, to design the Revised Scheme; and
- (f) the Revised Scheme had no GFA change as compared to the Approved Scheme. That said, the loading/unloading spaces for office development

were located from the ground level to Level 2 to avoid traffic tailing back to Lin Cheung Road. It was made possible by the increased BH to allow a higher ceiling on Level 2 for loading/unloading.

33. A Member suggested the applicants to incorporate historical/cultural elements into the proposed development.

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

[Messrs K.K. Cheung and Stanley T.S. Choi left the meeting temporarily, and Professor Jonathan W.C. Wong, Mr Alex T.H. Lai and Mr Philip S.L. Kan left the meeting during the question and answer session.]

[Miss Winnie W.M. Ng left the meeting temporarily at this point.]

Deliberation Session

35. The Secretary reported that Mr Peter K.T. Yuen further declared an interest for his relative being an independent non-executive director of SHK. Members agreed that as the interest of Mr Yuen was indirect, he could stay in the meeting.

36. The Chairperson invited Members to consider whether the Revised Scheme had addressed the concerns of MPC and was an improvement to the s.16 Scheme, in that it would result in less protrusion of the ridgeline, better connectivity with the surrounding areas and an increase in the provision of open space for public use while the applicants had also made effort in placemaking. PlanD had no objection to the application at both the s.16 and s.17 application stages since the Site was a prime site and the applicants had provided substantial planning merits to justify the proposed relaxation of BH restrictions.

37. The Vice-chairperson and Members generally supported the review application, and considered the Revised Scheme acceptable mainly on the following considerations:

- (a) the applicants were responsive to MPC's concerns raised at the s.16 application stage, and made significant efforts to revise the development proposal to address the concerns, demonstrating their determination to develop such a prime site better;
- (b) the proposed BH, while still exceeding the BH restrictions of the "CDA(1)" zone, was significantly reduced and would not breach the western part of the concerned ridgeline. It was noted that the eastern part of the ridgeline had already been blocked by The Coronation and Langham Place and was no longer visible from Central Pier No. 7;
- (c) the additional 8,500m² of private open space for public use and the ROD for public access free of charge were planning gains and could justify the relaxation of BH restrictions sought; and
- (d) the design of the office towers in the Revised Scheme was compatible and blend in better with the design of WKS than the s.16 Scheme or the Approved Scheme.

38. Some Members also expressed the following observations/concerns on the proposed development for the applicants to enhance the development scheme:

West Kowloon Parkway

- (a) the WKP was a very important connection linking up the western part of Kowloon, but there was no mention of such details as pedestrian comfort in the applicants' submission/presentation;

- (b) the full length of the WKP should be covered as far as possible to encourage pedestrians to use the WKP rather than relying on the retail portion of the proposed development for shelter/shading/seating;
- (c) while the average width of the WKP (at 8m or above) was acceptable, the 5m bottleneck width was undesirable. The applicants should be encouraged to eliminate the bottleneck, and approval conditions should be imposed to govern the provision of the WKP;
- (d) urban forestry and biodiversity were important considerations in WKCD's landscaping, but there might not be adequate consideration given to those two aspects in the applicants' submission/presentation. As the WKP extended all the way from Yau Ma Tei to WKCD, its landscape design should be consistent, and there should be more biodiversity-friendly design and a continuous canopy in the landscaping of the part of the WKP under the applicants' management to integrate with WKCD's landscaping;
- (e) as cycling was allowed at the West Kowloon Waterfront Promenade, the applicants should consider accommodating cycling on the WKP or at least provide bicycle parking to facilitate cyclists;

Private Open Space for Public Use

- (f) there should be measures to ensure that the 8,500m² of private open space for public use would genuinely be opened for the public's enjoyment. Appropriate approval condition should be imposed to govern its provision;

Placemaking

- (g) placemaking should be a continuous effort. It would actually benefit the applicants more if people were brought back to the proposed development again and again. The applicants should be encouraged to put efforts in placemaking in a continuous manner;

Integration with the Neighbourhood and Public Engagement

- (h) there was insufficient integration with the neighbourhood in that the applicants focused on how to draw people from the old neighbourhood to the mall. Little had been presented to the Board as to how benefits/buisness could be brought from the proposed development back to the surrounding neighbourhood as a planning gain to justify the relaxation of BH restrictions sought. The applicants should consider ways, other than signage alone, in which travellers from the Mainland could be brought to explore the old neighbourhoods of Yau Tsim Mong upon exiting the XRL;
- (i) the applicants should incorporate the historical and cultural elements of the old districts of Yau Tsim Mong such as their traditional trades and temples, etc., into the new development;
- (j) the applicants' public engagement efforts could be expanded and carried out on a long-term basis. Preferably, the applicants should hire its own team to conduct public engagement for a better integration of new and old neighbourhoods in the long run; and
- (k) the transport integration should also be enhanced to facilitate travellers to transit from the WKS to other parts of the territory and the airport.

39. The Chairperson summarised that the subject review application was generally acceptable to Members as MPC's various concerns had been addressed. The relaxation of BH restrictions sought was also considered acceptable as the Site was in a prime location, the proposed buildings were iconic and there were planning gains like increased open space for public use and improved connectivity to justify the relaxation of BH restrictions. Members' site-specific concerns could be incorporated into the approval conditions as appropriate, while Members' other concerns such as consideration of placemaking, public engagement and pedestrian flow, etc., could be included as advisory clauses.

40. In response to the Vice-chairperson's enquiry as to whether an approval condition could be imposed on the design and management of the portion of the WKP at the WKSBT, which KCRC had agreed to entrust to the applicants, the Secretary advised that it would be more appropriate to include it as an advisory clause as that part of the WKP was outside the Site. Mr Andrew C.W. Lai, the Director of Lands, remarked that as the WKSBT was granted to KCRC, KCRC should ensure that any agreement it had with SHK should not result in an inferior design of the part of WKP at the WKSBT to its present conditions.

41. A Member observed that the Site was a rare opportunity in Hong Kong – a landmark site in the heart of the metropolitan area, and surrounded by projects like the West Kowloon Waterfront Promenade, HyD's Walkway Covers project in Yau Tsim Mong, and the pilot study on underground space development at Kowloon Park in Tsim Sha Tsui West. If properly connected, those projects would form a super parkway several kilometers long to enhance the territory's image as an international metropolis. The Member suggested and the Chairperson agreed that the Development Bureau, given its role over planning of the harbourfront, would be in an appropriate position to co-ordinate the overall pedestrian connectivity of the said projects in the western part of Kowloon in relation to the waterfront.

42. After deliberation, the Town Planning Board (TPB) decided to approve the application on review, on the terms of the application as submitted to the TPB. The permission should be valid until 20.8.2025, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of a revised Master Layout Plan, taking into account approval conditions (c) to (h) below, to the satisfaction of the Director of Planning or of the TPB
- (b) the building heights for the proposed development (in terms of mPD) should not exceed the maximum building heights as proposed by the applicants;
- (c) the submission and implementation of a revised Landscape Master Plan, including the provision and arrangement of the private open space for public use and West Kowloon Parkway within the Site and taking into account

urban forestry, biodiversity as well as integration with the landscaping of the West Kowloon Cultural District, to the satisfaction of the Director of Planning or of the TPB;

- (d) the submission of a revised Traffic Impact Assessment and implementation of the traffic improvement measures identified therein, taking into account pedestrian connectivity to the surrounding developments, to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission of a revised Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) in relation to (e) above, the implementation of the local sewerage upgrading/sewerage connection works identified in the revised Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (h) the submission of implementation programme indicating the timing and phasing of the proposed development to the satisfaction of Director of Planning or of the TPB.”

43. The TPB also agreed to advise the applicants to note the advisory clauses as set out at Annex M of the Paper and the following additional advisory clauses:

- “(a) the landscape design of the West Kowloon Parkway, including the portion at the landscape deck of the West Kowloon Station Bus Terminus, should be consistent, and a more biodiversity-friendly and user-friendly design should be adopted;
- (b) more efforts should be made in placemaking to connect the development with the surrounding neighbourhoods in a continuous manner, including

incorporation of the historical and cultural elements of the old districts of Yau Tsim Mong into the development;

- (c) possible ways, other than signage, in which travellers from the Mainland could be brought to explore the old neighbourhoods of Yau Tsim Mong upon exiting the West Kowloon Station should be explored; and
- (d) the transport integration should be enhanced to facilitate travellers to transit from the Guangzhou-Shenzhen-Hong Kong Express Rail Link to other parts of the territory and the airport.”

44. The meeting was adjourned for lunch break at 1:45 p.m.

[Mr Wilson Y.W. Fung, Dr Lawrence K.C. Li, Professor John C.Y. Ng and Mr Ricky W.Y. Yu left the meeting at this point.]

45. The meeting was resumed at 2:35 p.m.

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

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

Mr Lincoln L.H. Huang Vice-Chairperson

Mr Stephen L.H. Liu

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Mr Y.S. Wong

Chief Traffic Engineer (New Territories East)
Transport Department
Mr W.H. Poon

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

Sai Kung and Islands District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/SK-TMT/69

Proposed House and Associated Filling and Excavation of Land in “Green Belt”, “Village Type Development” Zones and area shown as ‘Road’, Lots 65, 96 and 98 RP in D.D. 252 and Adjoining Government Land, Tai Mong Tsai, Sai Kung, New Territories

(TPB Paper No. 10761)

[The meeting was conducted in Cantonese and English.]

Presentation and Question Sessions

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

PlanD

Ms Donna Y.P. Tam

- District Planning Officer/Sai Kung &
Islands (DPO/SKIs)

Applicant's Representatives

Mr Simon Cheung] Fairmile Consultants Limited
Mr Ho Cheuk Shing]
Ms Anna Kwong] Anna Kwong Architects & Associates
Ms Sophia Yuen]

48. The Secretary reported that Anna Kwong Architects & Associates (AKAA) was one of the consultants of the applicant and Mr Lincoln L.H. Huang, the Vice-Chairperson, had declared an interest on the item for having current business dealings with AKAA. Members noted that Mr Huang had not yet rejoined the meeting.

49. 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.

50. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, PlanD briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10761 (the Paper).

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

52. Mr Simon Cheung, the applicant's representative, made the following main points in response to the three rejection reasons given by RNTPC:

Planning Intention

- (a) the application site (the Site) was small in size and sandwiched between a village house and a residential development. There was no other small pocket of "Green Belt" ("GB") along Tai Mong Tsai Road within the Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (OZP). Therefore, the Site was more suitable for residential use than "GB";

- (b) according to PlanD, the residential development to the east of the Site was zoned “Residential (Group C) 2” (“R(C)”) on the Tai Mong Tsai and Tsam Chuk Wan Development Permission Area Plan (the DPA Plan) to reflect the “planned development” at that time. Similarly, the subject application at present involved a “planned development”, and hence it should be allowed;

Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within Green Belt Zone’

- (c) given the small site area and the adjacent village and residential developments, the Site had very little scenic value and could not provide much passive recreational use. It also had no recognised Fung Shui importance;
- (d) the immediately adjoining land was for residential use. Such exceptional circumstance rendered the small Site not suitable to serve as a buffer. The boundary of the “GB” zone should align with the neighbouring lots and be delineated from the northern boundary of the Site;
- (e) the proposed house development at the Site would be compatible with the surrounding character. A plot ratio of 0.37 of the proposed development was also in line with TPB PG-No. 10;
- (f) the proposed development was of a smaller scale and considered compatible with the neighbouring residential developments. There would not be excessive removal of vegetation, and greening would be provided within the Site upon development where possible to create a pleasant green environment as shown in the technical assessments submitted under the s.16 application. There would be minimal visual impact upon development as the house would mostly be hidden behind the existing vegetation;
- (g) the proposed vehicular access was considered appropriate for serving the proposed single-family house development;
- (h) the proposed house development would not have adverse impacts on sewage, traffic, water supply, drainage and slope stability, or be susceptible to adverse

environmental impacts as demonstrated by the technical assessments submitted by the applicant. It would not overstrain the provision of government, institution and community facilities given that it would only be used as a holiday home by a single family; and

Undesirable Precedent

- (i) approval of the application would not set an undesirable precedent as 12 applications for house development within the “GB” zone had been approved by RNTPC/the Board.

53. Ms Anna Kwong, the applicant’s representative, supplemented that her client was not aware of the publication of the DPA Plan and missed the opportunity to make representation. If her client had been aware of the DPA Plan publication, she believed that the Site could have been zoned “R(C)2” instead and possibly included in the residential development to its immediate east. If the application was not approved, the Site would be left in the present unmanaged state. On the other hand, if the application was approved, the applicant was willing to dedicate a part of her lot adjoining the village house for a public passage between the existing bus stop and the northern part of the “GB” zone.

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

Zoning and Background of the Site

55. A Member enquired about the background and rationale of the planning of the Site and its surrounding areas. In response, Ms Donna Y.P. Tam, DPO/SKIs, PlanD made the following main points:

- (a) the coverage of the OZP was bounded on the northern and eastern sides by Country Parks. The land was first put under statutory planning control with the exhibition of the DPA Plan on 29.9.2000;

- (b) there were existing woodlands adjoining the Country Parks and hence the general planning intention was to conserve the natural landscape and rural character of the area. Accordingly, all vegetated land in the locality, including the Site which formed part of the woodland to its north, was zoned “GB” on the DPA Plan to conserve the natural woodland;
- (c) as the area to the immediate west of the Site was occupied by existing domestic structures, it was zoned “Village Type Development” (“V”) to reflect the existing use; and
- (d) as the government land (GL) to the immediate east of the Site would soon be put on sale at that time, it was zoned “R(C)2” to reflect the committed land sale.

56. Mr Simon Cheung, the applicant’s representative, queried about the differential treatment of taking government land sale as “committed/planned development” while rejecting the private development next to it.

57. The Chairperson clarified that there was no differential treatment as PlanD was merely explaining the background, rationale and planning considerations of the DPA Plan preparation back in 2000. It was not a matter of allowing development at one site, while disallowing development at the adjacent site. She reiterated that the subject application should be considered in the context of its extant “GB” zoning.

58. A Member enquired when the applicant bought the Site. Ms Anna Kwong, the applicant’s representative, responded that the applicant inherited the Site from her father in the 1980s.

Proposed Vehicular Access

59. A Member enquired whether the proposed vehicular access to the proposed house would be in conflict with the bus stop in front of the neighbouring village house, and pose any traffic safety issue. With the aid of a site photo in the PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, PlanD responded that the traffic issue was not related to the bus stop.

According to the Transport Department, there might be sightline issue between the proposed vehicular access and Tai Mong Tsai Road as there was some existing vegetation on land adjoining the Site. Regular maintenance of the trees through pruning of tree branches might be required.

60. Ms Anna Kwong, the applicant's representative, responded that the applicant's consultants had already addressed the traffic and landscape issues of the proposed development by submitting technical assessments at the s.16 application stage.

61. Noting that the proposed vehicular access and the proposed drain were on GL, some Members enquired whether the applicant would still need to seek approval from the Government if the subject application was approved. Ms Donna Y.P. Tam, DPO/SKIs, PlanD responded that if the application was approved, the applicant would need to apply to the Lands Department (LandsD) for licence/permission to excavate on GL for the proposed drain. She further advised that as the Site was an agricultural lot held under the Block Government Lease without any building entitlement, the applicant would also need to apply for a land exchange together with the GL to effect the proposed house development and the access road should the application be approved.

Drainage and Sewerage Proposals

62. The Chairperson and some Members raised the following questions to the applicant's representatives:

- (a) with reference to paragraph 5.1.8 of the Paper, whether a sewage holding tank with a capacity of 16.65m³ would be provided within the proposed development, and whether the sewage collected would be pumped away on a daily basis;
- (b) the rationale of discharging stormwater into a stream;
- (c) noting that two car parking spaces would be provided in the proposed development, whether the liquid used in car washing would be discharged into the proposed drain; and

- (d) noting that the proposed drain would encroach more onto the “GB” zone, whether other alternative alignments had been explored.

63. In response, Mr Simon Cheung and Ms Anna Kwong, the applicant’s representatives, made the following main points:

- (a) a 16.65 m³ sewage holding tank, enough for holding sewage from 6 persons as required by the Environmental Protection Department, would be provided within the proposed development. There would be some filtering in the tank but the sewage collected would be pumped away on a daily basis;
- (b) the drain was for discharge of surface runoff which should be separated from the discharge of sewage;
- (c) the liquid used in car washing would be discharged into the proposed drain; and
- (d) unlike the village house to the west with stormwater drains discharged directly to Tai Mong Tsai Road, the applicant’s drainage consultant considered it more appropriate to discharge surface runoff into the nearby stream to avoid causing flooding on the road. That said, the applicant was willing to explore alternative drainage options.

64. The Chairperson and some Members raised the following questions to PlanD’s representative:

- (a) whether the applicant’s drainage proposal was required by the Government;
- (b) noting that the proposed drain was outside the Site, whether a separate planning application for the drainage proposal would be required should the subject application be approved; and

- (c) whether technical issues (like the proposed drain in the subject application) should be dealt with at the planning application stage or the implementation stage.

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

- (a) like all development proposals, the project proponent had a responsibility to address any impacts that might be generated from the proposed development, including drainage impacts, to the Government's satisfaction. In the subject case, the alignment of the drain was proposed by the applicant;
- (b) since the proposed drain was outside the Site and would likely involve excavation and/or filling of land in the "GB" zone, a separate planning application for the drainage proposal would be required should the subject application be approved; and
- (c) normally, applicants would submit the relevant technical assessments to demonstrate that the proposed development was technically feasible, including provision of measures to address drainage and sewage impacts. Details of the technical proposals could be dealt with at the implementation stage if the proposed development was acceptable to the concerned government departments in principle.

66. Ms Anna Kwong, the applicant's representative, supplemented that the applicant had spent over \$1 million on the technical assessments, which concluded that the proposed development was technically feasible.

Precedent Cases cited by the Applicant

67. In response to the Chairperson and a Member's enquiry about the 12 precedent cases of approved house development involving "GB" zones in other areas, Ms Donna Y.P. Tam, DPO/SKIs, PlanD made the following points:

- (a) the Site was zoned “GB” and it was the Board’s established practice to consider applications in “GB” zones in accordance with TPB PG-No. 10 for ‘Application for Development within Green Belt Zone’;
- (b) there were two important main planning criteria in TPB PG-No. 10 viz. (i) there was a presumption against development in a “GB” zone, and (ii) application for new development in a “GB” zone would only be considered in exceptional circumstances and must be justified with very strong planning grounds;
- (c) most of the precedent cases cited by the applicant were redevelopment cases or involving lots with building entitlement;
- (d) for the case in Hebe Haven, it involved old scheduled agricultural lots without any building entitlement. As the concerned application site was occupied by a polluting styrofoam factory, the application was approved considering that there would be substantial environmental improvement upon redevelopment; and
- (e) it was noted that there was neither building entitlement nor exceptional circumstances in the subject application to warrant favourable consideration in accordance with TPB PG-No. 10.

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

Deliberation Session

69. The Chairperson said that while the Site abutted a road and was near other developments, it nonetheless fell within the “GB” zone and according to the submitted

information, it was likely that the proposed drain to serve the proposed house would also encroach onto the “GB” zone which would require a separate s.16 application if proceeded.

70. Two Members were sympathetic to the application considering that the boundary between the “GB” and the “V”/“R(C)2” zones was not delineated by some physical features, and the Site was at the fringe of the “GB” zone along the roadside and located in between two development zones. One of them enquired whether a s.12A application would stand some chance of favourable consideration. The Chairperson, while noting the circumstances of the Site, remarked that there were still some issues that needed to be addressed by the applicant, notably the drainage proposal within the “GB” zone but outside the Site, the road safety concern associated with the proposed vehicular access to be affected by the roadside vegetation, if the applicant wished to pursue a s.12A application.

71. Most Members, however, were not supportive of the application as the Site was zoned “GB” and the proposed house was not in line with the planning intention of the “GB” zone, and there were no exceptional circumstances, such as building entitlement, to warrant approval of the application. No strong planning justifications or sufficient planning gains had been put forward by the applicant to support the application. Some Members were particularly concerned about the floodgate effect of approving the application. It was noted that there were other private lots in the close vicinity of the Site.

72. On the technical side, some Members were concerned about the discharge of surface runoff to a natural stream as car/floor washing activities at the Site could cause water pollution. A Member observed that there should be roadside drains along Tai Mong Tsai Road, and the applicant might consider connecting their drain to those along that road without affecting the “GB” zone.

73. The Chairperson concluded that the majority of Members did not support the application primarily on the ground that the application was not in line with the planning intention of the “GB” zone and applicant failed to provide strong justifications or exceptional circumstances to substantiate the application. There was no particular reason to deviate from the RNTPC’s decision and the rejection reasons given by RNTPC were appropriate.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The applicant fails to provide strong justifications in the submission for a departure from the planning intention;
- (b) the proposed development does not meet the Town Planning Board Guidelines No. 10 for ‘Application for Development within Green Belt Zone’ in that there are no exceptional circumstances for approving the application and the proposed development would affect the existing natural landscape of the area; and
- (c) the approval of the application would set an undesirable precedent for other similar applications encroaching onto the existing “GB” zone. The cumulative effect of approving similar applications would result in adverse impact on the landscape character of the area.”

Kowloon District

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/K15/124

Proposed Comprehensive Residential Development with Supporting Retail & G/IC Facilities in “Undetermined” Zone, Various Lots in S.D. 3 and Adjoining Government Land, Cha Kwo Ling Tsuen, Yau Tong, Kowloon

(TPB Paper No. 10759)

[The meeting was conducted in Cantonese.]

75. The Secretary reported that Kenneth To & Associates Limited (KTA), AIM Group Limited (AIM) and C M Wong & Associates Limited (CMW) were the consultants of the applicant and the following Members had declared interests on the application:

- Mr Franklin Yu - having current business dealings with CMW;
- Mr K.K. Cheung - his firm having past business dealings with AIM;
- Mr Alex T.H. Lai - his former firm having past business dealings with AIM; and
- Mr Daniel K.S. Lau - being a member and an ex-employee of the Hong Kong Housing Society (HKHS) which had business dealings with KTA.

76. Members noted that Mr Alex T.H. Lai had already left the meeting. Members also noted that Messrs Daniel K.S. Lau, Franklin Yu and K.K. Cheung had no involvement in the application, and agreed that they should be allowed to stay in the meeting.

Presentation and Question Sessions

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

Government Representatives

Planning Department (PlanD)

- Ms Katy C.W. Fung - District Planning Officer/
Kowloon (DPO/K)
- Ms Jessie K.P. Kwan - Senior Town Planner/Kowloon
(STP/K)

Civil Engineering and Development Department (CEDD)

Mr Peter K.C. Poon - Senior Engineer/South (SE/S)

Applicant's Representatives

Mr Kenneth L.K. To] Kenneth To & Associates

Ms Veronica Y.S. Luk] Limited

Mr M Y Wan] M Y Wan and Associates Limited

Mr Frankie S.C. Cheng]

Ms Wendy W.H. Lam]

Mr K.H. Chan] Cha Kwo Ling Village

Mr C.S. So] Representatives

Ms Fanny L.H. Wong]

Mrs C.W. Chan Wong]

Mr K.W. Chan]

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

[Dr Frankie W.C. Yeung joined and Miss Winnie W.M. Ng left the meeting at this point.]

79. With the aid of the visualiser, Ms Jessie K.P. Kwan, STP/K, PlanD reported an amendment to page 6 of Annex I of TPB Paper No. 10759 (the Paper) that the heading should be 'Environmental Assessment (Annex F (FI-2))'. Then, with the aid of a PowerPoint presentation, she briefed Members on the background of the review application including the consideration of the application by the Metro Planning Committee (MPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in the Paper.

80. The Chairperson then invited the applicant's representatives to elaborate on the review application. With the aid of a PowerPoint presentation, Ms Veronica Y.S. Luk, the applicant's representative made the following main points:

- (a) the application was jointly made by Cha Kwu Ling Villagers Fraternity Association (CKLVFA), which was the long established and most representative organisation of Cha Kwo Ling Tsuen (CKLT), and the owners of some private lots at CKLT;
- (b) the application was rejected by MPC for two reasons. The first reason was that the application site (the Site) was zoned “Undetermined” (“U”) which would be subject to future study. A government study was being undertaken for comprehensive replanning of the Site for public housing development with supporting facilities. Approval of the application would undermine the comprehensive planning of land uses for the Site. In response, the applicant considered that as a village in existence for over a century, the existing circumstances of CKLT and villagers’ aspirations should be taken into account in its comprehensive replanning. The application which was jointly submitted by the villagers’ representative and private landowners within the Site should be treated seriously and with respect;
- (c) in response to the second reason concerning the applicant’s failure in demonstrating the technical feasibility of the proposed development and that the proposed development would have no adverse impacts on the area as required under the “U” zone, the applicant had revised the scheme by reducing the proposed development scale which involved removal of one proposed public housing block to make way for the provision of a standard size primary school development. The revised scheme was similar to the Government’s proposal in terms of scale and land use distribution. If the Government’s proposal had proven technically feasible, so be the applicant’s revised scheme;
- (d) the applicant’s proposal respected the rights and desires of the villagers and landowners by providing a decanting block for in-situ rehousing and two sites for private housing through land exchange whereas the Government’s proposal had no consultation with the stakeholders, no in-situ rehousing plan nor any plan allowed for land exchange. In terms of heritage, apart from

preserving the Law Mansion, a grade 3 building, as adopted under the Government's proposal, the applicant proposed to retain the four other existing buildings or structures including the remaining buildings of Porcelain Factory and former Sze Shan Public School. Regarding the development programme, if the application was approved by the Board, the villagers and landowners would fully cooperate to facilitate a faster and smoother implementation and thus the first public housing block for decanting purpose would be completed by 2025. On the contrary, if the Government relied on land resumption, there would be strong objections from the villagers and landowners, and the implementation of the Government's proposal would be substantially delayed;

- (e) the estimated total number of households at CKLT was about 542. A survey conducted by CKLVFA between 2018 and 2019 found that 366 out of 389 respondents (94%) aspired to be rehoused in-situ. A public housing block (T1) adjacent to the former Sze Shan Public School producing about 600 units was therefore proposed for decanting purpose. To maintain the social network among the villagers, the former Sze Shan Public School would be preserved in-situ for the reprovisioning of CKLVFA's office;
- (f) to clear the squatters within the portion of CKLT, sites at Fan Wa Street and Cha Kwo Ling Road were formed by the Government for non-in-situ land exchange with private landowners in the 1960s and 1970s. Given that there were currently 34 private lots with a total land area of about 2,600m² within CKLT, the applicant proposed to reserve sites with an equivalent area (i.e. the site area of Blocks T6 and T7) for foot-to-foot non-in-situ land exchange. Amongst which, the applicant directly and indirectly owned 22 building lots with a total land area of about 1,672m² which was the site area of Block T7;
- (g) the development scale proposed by the applicant was similar to the Government's proposal which was considered technically feasible. The site area of both schemes was about 3 hectares. The building height (BH) of the applicant's scheme ranged from 100 to 123mPD and the Government's scheme was 120mPD. The number of units proposed by the applicant were

4,660 for public housing and 324 for private housing while the Government's scheme would provide about 4,500 public housing units. The estimated population of the applicant's proposal would be about 14,000 which was about 1,400 more than that of the Government's proposal. Government, institution and community (GIC) and retail facilities would be provided under both schemes;

- (h) by overlaying the applicant's master layout plan (MLP) on the Government's proposal, the six residential blocks proposed by the applicant fell within the development portion of the Government's scheme for residential use and the sites proposed for land exchange only covered about 8.7% of the residential development portion. The applicant's heritage preservation proposal was also compatible with the Government's proposal. Although the Commissioner for Transport (C for T) commented that the feasibility of the proposed development had not been ascertained from traffic engineering perspective, the applicant's proposal could be further revised to tie in with the Government's road scheme. In other words, the Government's leading role in the replanning of CKLT would not be compromised; and
- (i) notwithstanding the above, there was a great difference in the completion year of both schemes. Since OZP amendment was not required under the applicant's proposal, the existing occupants at the site of Block T1 could soon be moved out with the aid of CKLVFA and the private lots would be surrendered to the Government for the construction of the decanting block which would be completed in 2025. Upon population in-take of the decanting block, the construction of the remaining development could commence for a target completion year by 2029. Taking into account the statutory planning procedure, land resumption and site clearance, the earliest population in-take under the Government's proposal would be 2031. The applicant's implementation programme would be at least two to six years ahead of the Government's proposal.

81. Mr K.H. Chan, the applicant's representative said that he was the vice-chairperson of CKLVFA. The CKLT villagers demanded in-situ rehousing. If the application was

approved, the villagers would be willing to cooperate with the Government in taking forward the replanning of CKLT. Taking affordability into consideration, the rehousing units should be provided by the Hong Kong Housing Authority (HKHA) instead of HKHS. Also, the former Sze Shan Public School should be preserved for CKLVFA's use and the traditions related to Tin Hau Festival should be maintained. The villagers had been suffering from natural and fire hazards over the years. They longed for a faster implementation programme of the CKLT redevelopment to improve their living conditions.

82. With the aid of a PowerPoint presentation, Mr M.Y. Wan, the applicant's representative made the following main points:

- (a) another villagers' representative, Mr Kwan Sik Jungaron, was unable to attend the meeting as the schedule had been postponed. He supplemented from the villagers' perspective that the villagers' aspiration of in-situ rehousing was mentioned in the s.16 planning application stage. Since the rental of housing units provided by HKHA was more affordable, the villagers suggested that the decanting block (T1) should be built by HKHA. The remaining public housing blocks to be developed by HKHS as proposed by the Government could remain unchanged;
- (b) since most of the site of Block T1 was on government land, the construction of the decanting block could commence first. The private land near T1 for a proposed access road of the public housing development was owned by the applicant. The applicant agreed to surrender the private land before the execution of land exchange for developing Block T1 at once. Being an access road of a public housing development abutting a main road (i.e. Cha Kwo Ling Road), gazettal under the Roads (Works, Use and Compensation) Ordinance (the Roads Ordinance) was not required. Without undergoing the land resumption and other statutory procedures, a faster development programme could be achieved;
- (c) the average waiting time for public rental housing (PRH) recently announced by HKHA was 5.8 years while the figure announced a decade ago was 3.7 years. The applicant's proposal with a faster implementation programme

and accepted by the villagers would facilitate an earlier completion of the decanting block to improve the villagers' living conditions;

- (d) CKLT was originally administered by the New Territories Administration. Around 1960s, it was administratively included into the New Kowloon Area under the purview of the then Works Bureau. At that time, there was a policy for land exchange for the owners of building lots at CKLT as evidenced by the response to objections to an approved layout plan for the development of Cha Kwo Ling by the then Secretary for Chinese Affairs in 1959. It was written that 'any owner of the private building land within the layout who wished to rebuild his property... might not be able to build exactly on his original lot but might have to adjust his building lines to suit or even take another similar area of open land on which to build...'. However, the land exchange for CKLT was no longer executed in the 1970s without any notice. The right of the owners of building lots at CKLT for land exchange due to village removal should not be deprived of;
- (e) with reference to DPO's PowerPoint slide on land ownership, the private lots owned by the applicant, Million Choice International Limited, was about 3.6% of the Site, which was the yellow areas on the plan. Of which, those within the site of Block T6 would be surrendered by the applicant to the Government through land exchange. The remaining private lots not owned by the applicant (i.e. the purple areas on the plan) could also be surrendered through land exchange and hence the whole site of Block T6 would eventually be owned by the Government. Together with the site of Block T7 involving only government land, the implementation of Blocks T6 and T7 for private housing would not involve any land resumption nor the procedure of seeking approval from the Executive Council;
- (f) SDEV's comment in relation to the Government-led approach, i.e. 'the intended statutory resumption of private land under the Land Resumption Ordinance (LRO) had to rest on the establishment of a public purpose, which could not be achieved by way of provision of private housing thereat' was not sound because the Government intended to hand-over the resumed land to

HKHS, i.e. a third party, to implement the Government's scheme whereas the applicant was also a third party, and the site area proposed for private housing was small and did not require land resumption. As such, similar to HKHS, the applicant could be involved as a third party in the redevelopment of CKLT for private housing development;

- (g) the applicant's proposal was similar to the Government's scheme presented to the Kwun Tong District Council (KTDC) in terms of development scale. The major difference was that the applicant did not propose connection road linking the Ex-Cha Kwo Ling Kaolin Mine Site (ex-CKLKMS), which fell within four "Residential (Group B)" ("R(B)") sub-zones, with Cha Kwo Ling Road. To avoid complicating the application, the Site was confined to the "U" zone. Although C for T had concern on the impacts of the proposed development on the capacity of some road junctions in Kwun Tong, according to the applicant's traffic consultant, a connection road to the ex-CKLKMS could not help address C for T's concerns and thus was considered not necessary to be included in the assessment;
- (h) in response to CEDD's allegation that the applicant's development programme was unrealistic, with reference to his experience in HKHA in the past 14 years, it was not uncommon nor technically infeasible to complete a single PRH block within four years;
- (i) the allegation that the development intensity proposed by the applicant had not been technically ascertained was not justified. As explained before, the development scale of the revised scheme was similar to that of the Government's proposal. If the technical feasibility of the applicant's proposal could not be ascertained, then by the same token, so be the Government's proposal; and
- (j) it was anticipated that the Government's proposal would encounter strong objections from the landowners and villagers of CKLT during the OZP amendment procedure. In the event that the Government's proposal was not supported by the Board, the applicant's proposal, if approved, could become a

fallback development option.

83. Ms Veronica Y.S. Luk, the applicant's representative, concluded that the application jointly submitted by the villagers and landowners reflecting their preferences should be respected. The proposed development was compatible with the Government's scheme and the Government's leading role in the redevelopment of CKLT would not be compromised. Moreover, with a faster implementation programme, the applicant's development proposal could be realised earlier, the CKLT villagers could improve their living conditions and the waiting time for PRH could be shortened. Lastly, the applicant's scheme, if approved, might be used as a fallback scheme in case the Government's proposal encountered strong objections or legal challenges.

84. As the presentations of PlanD's representative and the applicant's representatives were completed, the Chairperson invited questions from Members.

The Planning Context

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

- (a) the location and extent of the Site and the study area of CEDD's consultancy study; and
- (b) with regard to the planning intention, whether the applicant was required to ascertain the technical feasibility for developing the entire "U" zone.

86. In response, Ms Katy C.W. Fung, DPO/K, PlanD made the following main points with the aid of PowerPoint slides:

- (a) according to the development layout plan in KTDC Discussion Paper No. 19/2021 for the consultation with KTDC on 6.7.2021, the study area of CEDD's consultancy study mainly covered CKLT within the "U" zone, the adjoining land which was proposed for a new road connecting Cha Kwo Ling Road and the ex-CKLKMS and associated slope works. As shown on Plan R-1 of the Paper, the Site fell within the study area and covered the "U" zone

only; and

- (b) CKLT was rezoned to “U” in 2014 as an interim zoning subject to further study on appropriate use and development intensity and implementation mechanism. According to the Explanatory Statement of the OZP, the project proponent was required to submit appropriate assessments to demonstrate that the proposed developments would have no adverse impacts on the area for the Board’s consideration. The proposed development should be compatible with the surroundings in terms of land use, development intensity and building height with due regard to its waterfront relocation. Nonetheless, it was not necessary for the application site to cover the entire “U” zone, but the applicant had to demonstrate that the proposal under the application would not have adverse impacts on the surroundings.

Land Ownership and Land Administration

87. Some Members raised the following questions:

- (a) the distribution of private lots owned by the applicant and the history of land ownership of the Site; and
- (b) compensation and rehousing (C&R) arrangement for the redevelopment of CKLT.

88. In response, with the aid of PowerPoint slides, Ms Katy C.W. Fung, DPO/K, PlanD made the following main points:

- (a) as shown on the land ownership plan, the private lots in yellow colour were owned by the applicant which was about 3.6% of “U” zone. The private lots in purple-coloured area were not owned by the applicant which was about 2% of the “U” zone. Information about the history of land ownership of the Site was not available; and
- (b) a briefing to the CKLT villagers on the development proposal at CKLT and the

C&R arrangement was held by PlanD, CEDD and the Lands Department (LandsD) on 10.5.2021. Moreover, government officials from LandsD had been contacting the affected villagers to collect more information about their concerns. C&R would be provided in accordance with the prevailing policy.

89. A Member enquired on the implication of land ownership on land resumption. In response, the Chairperson remarked that who the landowners were and the history of land ownership were not relevant considerations for the purpose of land resumption. Mr Andrew C.W. Lai, Director of Lands (D of Lands), supplemented that under the prevailing land policy, the background of landowners and the history of land ownership were not material considerations for resumption of urban land under LRO. In the New Territories, village resites would be provided for affected indigenous villagers if their building lots were resumed. He further responded to the same Member's question that the history of land exchange at CKLT provided by the applicant's representative was noted. Notwithstanding that, the Government had to review its policies and refine its initiatives in response to changes in circumstances when implementing new developments. For instance, land exchange entitlements, commonly known as Letters A/B, were no longer issued since 1980s because of the immense difficulties in meeting the commitment with limited land resources.

90. In response to a Member's question on the ownership of private lots not owned by the applicant, Mr M.Y. Wan, the applicant's representative, with the aid of PowerPoint slides, said that 2% of the Site were private lots not owned by the applicant. Those lots were diversely owned by about 10 owners.

Implementation of the Proposal and Development Programme

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

- (a) in relation to the applicant's claim that the proposed development could be implemented smoothly and quicker with the support of the CKLT villagers and the organisation of CKLVFA, whether there was any cooperation agreement between the villagers and the landowners. Noting that the development programme would hinge on the reactions of the villagers and the land owners, whether there was any information on the number of landowners and villagers

who had indicated their support to the application and the evidence of their support;

- (b) whether the occupants of the squatters on government land would be involved in the development of private housing at Blocks T6 and T7;
- (c) given that there were still some private lots not owned by the applicant, whether it would affect the implementation of the development proposal;
- (d) the possibility of incorporating the applicant's scheme into the Government's proposal; and
- (e) as claimed by the applicant, whether the applicant's proposal could be a fallback option.

92. In response, Mr M.Y. Wan, the applicant's representative, with the aid of PowerPoint slides, made the following main points:

- (a) CKLVFA, which was the largest and most representative organisation of CKLT, was mainly composed of the local villagers born at CKLT. Since Mr Kwan Sik Jungaron, CKLVFA's representative, could not attend the meeting, details of the organisation could not be provided. However, the joint submission of the subject application by Million Choice International Limited and CKLVFA was the evidence of cooperation agreement. Before making the application, both the landowner and the villagers were briefed on the development proposal. The villagers supported the proposal as they could be rehoused in-situ at the decanting block. CKLT could still be maintained as a village in the form of a multi-storey building. Also, the villagers supported the proposal to preserve their cultural heritage which contained many of the villagers' memories including the former Sze Shan Public School where the villagers studied when they were young and the winning of a championship in the dragon-boat competition in the old days. The development proposal satisfying the villagers' aspirations and respecting the development right of private land owners was hence supported by both the villagers and the

landowners;

- (b) the local villagers did not have resources to participate in the development of the proposed private housing. CKLVFA was involved in the subject application only because of their aspiration for in-situ rehousing. There were about 10 squatters at the site of Block T1. The affected occupants would have to move twice before and after the completion of the decanting block. However, he did not foresee any problem from the occupants because according to their survey which covered about 70% of the total number of households of CKLT, 94% of the respondents wished to be rehoused in-situ and there would be about 20% to 30% spare housing units in the decanting block for them to choose from. While the possibility of objection from some villagers could not be ruled out, he believed that the villagers would be happy with the proposal; and

- (c) the applicant was willing to surrender their land to the Government before execution of land exchange so as to facilitate the implementation of the proposal while allowing them to implement the private housing at Block T7 which was solely on government land. As regards the implementation of Block T6 on land which was under fragmented ownership, the Government could offer land exchange proposals to those land owners whose responses could not be anticipated by the applicant. If the Government could not reach agreement with the landowners, their lots could be resumed under the LRO. The proposed private housing on that piece of land could then be materialised through land resumption and land sale or the Government might consider to incorporate that piece of land for public housing development.

93. In response, with the aid of PowerPoint slides, Ms Katy C.W. Fung, DPO/K, PlanD made the following main points:

- (a) as announced under the 2019 Policy Address (PA), the Government-led approach would be adopted to expedite the planning of land use and infrastructure for the redevelopment of three squatter areas in Kowloon including CKLT. All private lots in CKLT would hence be resumed for

high-density public housing development with associated supporting infrastructure and GIC facilities. It was also set out in the 2020 PA that HKHS was invited to undertake the implementation of the public housing at CKLT. The relevant parties including PlanD, CEDD and HKHS had been working closely for the public housing development; and

- (b) the applicant's proposal involving two sites for private housing development was not in line with the aforesaid Government's initiatives. Should the application be approved, the development layouts being examined under CEDD's study had to be re-visited to take on board the applicant's proposal under which the housing types, supporting infrastructure and GIC facilities would be affected and the technical assessments would need to be re-conducted. The statutory OZP amendment procedure could only be taken forward upon completion of all technical assessments. There would be time implication on the development programme.

94. In response to a Member's question on whether the faster and smoother implementation programme claimed by the applicant was justified, Mr Peter K.C. Poon, SE/S, CEDD, with the aid of a PowerPoint slide, said that he had reservation on the applicant's development programme to commence the construction of Block T1 in the first quarter of 2022 because the required site formation and infrastructure works including the proposed public access road had not been taken into account. He added that for the required site formation and infrastructure works, CEDD had to conduct feasibility study and technical assessments, carry out detailed design, seek funding approval, invite tender for the aforesaid works and then carry out the works before handing over a cleared and formed site with supporting infrastructure to the implementation agent of the public housing development. Furthermore, for any development that required construction of new access road which was a public road as proposed by the applicant, gazettal under the Roads Ordinance and the relevant public consultation exercise were needed. In the light of the above, the applicant's programme was considered too optimistic. Mr M.Y. Wan, the applicant's representative, did not agree with Mr Poon and said that site formation for a single tower was not required. From his experience in HKHA, it was not uncommon to include or exclude a public road in a public housing project, for which gazettal or de-gazettal procedure was required respectively.

95. In response to a Member's enquiry on whether the proposed private housing would include Home Ownership Scheme (HOS) flats, the Chairperson said that public housing development generally referred to PRH and/or HOS flats. Mr M.Y. Wan, the applicant's representative, confirmed that the proposed development of Blocks T6 and T7 was private housing which would not include HOS flats.

Technical Aspects

96. In response to a Member's enquiry on the technical assessments conducted for the proposed development, Mr M.Y. Wan, the applicant's representative, with the aid of the visualiser, said that taking account of the underground Truck Road T2 connecting Kowloon East with Tseung Kwan O, a geotechnical assessment was conducted and a low-rise elderly home was proposed above the road alignment. However, site investigation had not been carried out. To respect the Government's proposed breezeways within the Site, an air ventilation assessment was conducted. Mr Kenneth L.K. To, the applicant's planning consultant, supplemented with the aid of a PowerPoint slide that a range of technical assessments on environmental, traffic, drainage, etc. for the whole "U" zone had been conducted. Except traffic and environmental aspects, relevant bureaux or government departments had no adverse comment on technical aspects. On traffic aspect, a Traffic Impact Assessment (TIA) was conducted to assess the impact of the proposed development on the "U" zone only. It did not cover the three road junctions with improvement works proposed under CEDD's consultancy study as given in the KTDC Discussion Paper No. 19/2021. Given that the development intensity of the applicant's proposal was just about 10% more than that of the Government's proposal, the junction improvement works proposed by the Government could be regarded as a mitigation measure to address the traffic issue of the applicant's proposal. On environmental aspect, the outstanding noise issue was considered minor in nature that could be addressed through approval condition.

97. In response to a Member's question on the new road under the Government's proposal, Mr Peter K.C. Poon, SE/S, CEDD, with the aid of the visualiser, said that according to the TIA conducted in CEDD's study, the proposed new road connecting the access road of the ex-CKLKMS to Cha Kwo Ling Road would improve the traffic conditions at junctions near Sin Fat Road, Cha Kwo Ling Road and Wai Yip Street since the traffic from the ex-CKLKMS could use this new road to go directly to Cha Kwo Ling Road near the

seafront instead of using Sin Fat Road. KTDC Members who were consulted on the new road scheme on 6.7.2021 generally expressed support for it.

98. Mr M.Y. Wan, the applicant's representative, requested to give a final remark. He quoted the non-in-situ land exchange with the private owner of King Yin Lei as an example that the Government could carry out land exchange in a proactive and efficient manner. Such manner should be adopted to expedite the implementation of public housing projects. If the application was approved and the development layout under CEDD's study would be re-visited to take on board the applicant's proposal, the review of technical assessments could be carried out simultaneously during the construction of the decanting block. The time implication on the development programme would not be an issue. Regarding the history of land exchange at CKLT, information could be obtained from land records in the Land Registry. The Government's decision of not processing any land exchange at CKLT had not gone through the necessary procedure. He considered such decision unreasonable.

99. 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. The Chairperson thanked the government representatives and the applicant's representatives for attending the meeting. They all left the meeting at this point.

[Mr Lincoln L.H. Huang re-joined, and Messrs Stanley T.S. Choi and Stephen L.H. Liu and Dr Frankie W.C. Yeung left the meeting during the Q&A session.]

Deliberation Session

100. The Chairperson pointed out that further to the initiatives to resume urban private land in CKLT for high-density public housing development announced in the 2019 PA, a government study was being undertaken for comprehensive replanning of the Site for public housing development with supporting infrastructure and GIC facilities. Approval of the subject application would undermine the on-going comprehensive planning of land uses for the Site. Taking into account the land ownership of the Site, the applicant's development programme would hinge on the responses of other individual landowners and the occupants of the squatters, which were not entirely within the applicant's control. Members should

consider whether there were grounds that warranted a departure from the MPC's decision of rejecting the application.

101. Given that the divided interests from the diverse land ownership might result in difficulties in implementing the applicant's proposal, some Members cast doubt on the applicant's claim of a faster and smoother development programme and the feasibility of the proposal. An approval of the application would disrupt the timely implementation of the Government's proposal. Besides, with the established procedures for land resumption and the C&R arrangement, the implementation programme under the Government-led approach would be more certain and reliable in delivering the intended public housing development and related facilities. Members generally considered that there was no strong justification that warranted a departure from the MPC's decision of rejecting the application.

102. Notwithstanding the views above, Members in general appreciated the applicant's efforts in engaging the affected CKLT villagers and formulating a proposal reflecting the villagers' aspiration. The features of the applicant's scheme of sustaining the social network of CKLT and preserving heritage with historical and cultural importance were well noted. It was considered that the social, cultural and historical aspects of CKLT should be taken into account in the development proposal under the Government study.

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

- “(a) the application site is zoned “Undetermined” (“U”) which will be subject to future study. A Government study is being undertaken for comprehensive replanning of the site for public housing development with supporting facilities. Approval of this application would undermine the comprehensive planning of land uses for the application site; and
- (b) the applicant fails to demonstrate the technical feasibility of the proposed development and that the proposed development will have no adverse impacts on the area as required under the “U” zone.”

[Mr Andrew C.W. Lai, Director of Lands, left the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/K12/43

Proposed House in “Government, Institution or Community” Zone and area shown as ‘Road’,
Lot 1663 (Part) in S.D.2, Ngau Chi Wan Village, Kowloon

(TPB Paper No.10760)

[The meeting was conducted in Cantonese.]

Presentation and Question Sessions

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

PlanD

Ms Katy C.W. Fung - District Planning Officer/
Kowloon (DPO/K)

Mr William W.L. Chan - Senior Town Planner/Kowloon
(STP/K)

Applicant’s Representatives

Ms Michelle M.S. Yuen]
Mr Christopher Y.M. Chung]
Mr Tony K.T. Wong]
Mr Sammy K.L. Ip] MY Planning Limited
Mr Cliff K.H. Yung]
Mr Hudson S.H. Yeung]
Mr Johnson P.Y. Shue]

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

106. With the aid of a PowerPoint presentation, Mr William W.L. Chan, STP/K, PlanD briefed Members on the background of the review application including the consideration of the application by the Metro Planning Committee (MPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in the TPB Paper No. 10760 (the Paper).

107. The Chairperson then invited the applicant's representatives to elaborate on the review application. With the aid of a PowerPoint presentation, Ms Michelle M.S. Yuen, the applicant's representative made the following main points:

- (a) a previous application (No. A/K12/39) for a 3-storey house with total gross floor area (GFA) of 183.6m² was approved in 2013. Under the current application, the site area of 61.2m² and GFA were the same as those of the approved scheme. Due to the set back of the northern portion of the application site (the Site) (an area of about 21m²) in compliance with the approval condition of the approved scheme, an additional storey was proposed in the subject scheme to increase the building height (BH) from 3 to 4 storeys or from 8.23m to 13m so as to achieve the previously approved GFA;
- (b) assessments on the land use and BH compatibility of the proposed scheme with the surroundings were conducted. The Site was located at the periphery of the subject "Government, Institution or Community" ("G/IC") zone. To its north was an area zoned "Residential (Group B)" ("R(B)") for private residential developments with the buildings over 20 storeys. The site adjacent to Wing Ting Road was the Former St. Joseph's Home for the Aged which would be developed into a comprehensive development comprising residential use, residential care home for the elderly, shop and services and eating places. The plot ratio of the comprehensive development would be 7.5 and the BH of its residential towers would be over 50 storeys. Furthermore, as announced in the 2019 Policy Address (PA), the Site fell within an area proposed for a high-rise public housing development at Ngau Chi Wan Village (NCWV) which was currently under an engineering feasibility study (EFS). The proposed 4-storey house was considered

compatible with the surroundings in such context;

- (c) given that the site area was the same as that of the previously approved scheme and the Site occupied only 0.4% of the “G/IC” zone at the periphery, the proposed house with an additional storey would not frustrate the holistic planning in the area nor affect the provision of the planned community hall and other government facilities in the district. The Home Affairs Department also advised that the planned community hall would be integrated in the future public housing development under study. Approval of the proposed house would not delay the implementation of the planned government, institution and community (GIC) facilities as the previous approval for a house had already been granted and the EFS was currently in progress;
- (d) there would be no car parking provision for the proposed house. With the same GFA of the approved scheme, the proposed house would not generate adverse impact on the environmental and infrastructural capacity. A drainage plan had recently been submitted for approval and the Buildings Department verbally confirmed no in-principle objection to the submission. The relevant departments including the Environmental Protection Department, Transport Department, Highways Department, Drainage Services Department and Water Supplies Department had no objection to the review application;
- (e) the Site was a building lot. The approval conditions of the previous application had been complied with and a set of building plans had been approved. The previous application was deemed to have commenced;
- (f) the average floor height under the approved scheme was about 2.74m which was too compact. By increasing one storey in the proposed house, the living environment could be improved and a bigger family with different generations could be accommodated. The proposed floor height would range from 2.6m on 1/F and 2/F, 3.6m on 3/F to 4.2m on G/F, which did not exceed the maximum 4.5m set out in the Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical

Engineers on Height of Storeys Regulations 3(3) & 24 of Building (Planning) Regulations (PNAP APP-5);

- (g) the Urban Design and Landscape Unit of PlanD commented that the BH of the proposed house was higher than that of the approved scheme and those of the existing village houses nearby, but no objection to the application was raised;
- (h) the Paper stated that the proposed house was higher than the existing houses with height of one to three storeys in the surroundings such as Choi Hung Villa which was a 3-storey house. Given that those developments did not need to fulfil the setback requirement for road widening, the proposed house facing a different circumstance should not be compared with them directly. Also, it was unfair for the Architectural Services Department to comment that the proposed house was visually undesirable without taking account of the residential developments in the nearby “R(B)” zones and the proposed comprehensive development at the site of the Former St. Joseph’s Home for the Aged;
- (i) photomontages were prepared to demonstrate the visual compatibility of the proposed house. The selected viewpoints were frequently visited and accessible by the locals. From the viewpoint at Ngau Chi Wan Village Playground, the proposed house was compatible with the residential buildings with height of about 20 storeys in the existing “R(B)” zone. From the viewpoint at Lung Chi Path which was an access to NCWV from Lung Cheung Road, the proposed house was compatible with Fire Services Department Wing Ting Road Fire Services Married Quarters. From the viewpoint at Ngau Chi Wan Village Sitting-out Area, the proposed house was compatible with the landscaping setting. From the viewpoint at Wing Ting Road, the proposed house was compatible with 8 Clear Water Bay Road, which was the residential tower located to the further north of the road. The future comprehensive development would be located at the end of the road;
- (j) there was no objection received from the neighbourhood of NCWV. A

public comment was received during the 3-week public consultation, which was general in nature;

- (k) rejection reason (a) that the application was not in line with the planning intention was invalid since a house development had already been approved and would be built anyway regardless of the proposed increase in BH. As mentioned, the scale and location of the proposed house would not affect the provision of the community hall. Having the same site area of the approved scheme, the proposed house would not affect future planning in the area;
- (l) in response to rejection reason (b) that the proposed house development did not comply with the Town Planning Board Guidelines No. 16 (TPB PG-No. 16) for ‘Application for Development/Redevelopment within “Government, Institution or Community” Zone for Uses other than Government, Institution or Community Uses’, approval of the application for a 4-storey house would not delay the implementation of the planned GIC facilities as the previous application at the same site for a house had already been approved; and
- (m) in response to rejection reason (c) concerning BH, the proposed house with height of four storeys was compatible with the adjacent area which was residential in character and the proposed high-rise public housing at NCWV under study. The photomontages prepared by the applicant demonstrated that increasing one storey in the proposed house would not generate undesirable visual impact.

108. As the presentations of PlanD’s representative and the applicant’s representative were completed, the Chairperson invited questions from Members.

Previous Approval

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

- (a) whether the setback requirement was imposed when the previous application was allowed by the Town Planning Appeal Board (TPAB);

- (b) whether the BH of the house under the approved scheme was 3 storeys;
- (c) the site area and GFA under the approved scheme, and whether the approved GFA was specified in TPAB's decision; and
- (d) any approved building plan for the approved scheme.

110. In response, with the aid of PowerPoint slides and the visualiser, Ms Katy C.W. Fung, DPO/K, PlanD made the following main points:

- (a) when TPAB decided to allow the previous application (No. A/K12/39), approval condition (b) requiring the submission of design and layout of the proposed house that would not jeopardise the future road works to the satisfaction of C for T was imposed. The applicant hence submitted general building plans fulfilling such requirement by designating the area planned for road extension within the Site as a non-building area;
- (b) according to TPAB's decision, the development allowed was a 3-storey house with a height of 8.23m;
- (c) the site area of the previous application was 61.2m². According to the development parameters submitted under the previous application as shown in the table under paragraph 1.2 of Annex A of the Paper, the GFA was 183.6m². The approved GFA was not specified in TPAB's decision; and
- (d) subsequent to TPAB's decision in 2013, general building plans for a 3-storey house at the Site had been approved.

111. In response to a Member's question on the approved GFA in the previous application, Ms Michelle M.S. Yuen, the applicant's representative, with the aid of the visualiser, said that while the approved GFA was not specified in the TPAB's decision, the development parameters including the total GFA of 183.6m² were stated in the relevant paper in the planning application stage which was considered by the TPAB. It was written in TPAB's

decision that the construction of a 3-storey house occupying a site area of 61.2m² was allowed.

The Application and the Planning Context

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

- (a) with regard to rejection reason (b) and given the previous approval, how the proposed house would adversely affect the planned community hall;
- (b) the future use of the Site;
- (c) the BH of the existing houses in the vicinity of the Site;
- (d) any restriction on the BH of development at the Site;
- (e) if the application was approved, whether the existing houses in the vicinity of the Site could be redeveloped to 4 storeys;
- (f) whether the EFS for the proposed public housing development at NCWV introduced as background information in the Paper was a material consideration of the subject application, and whether the Site fell within the area for the proposed public housing development; and
- (g) the development restrictions under the “Village Type Development” (“V”) zone of the OZP.

113. In response, Ms Katy C.W. Fung, DPO/K, PlanD made the following main points with the aid of PowerPoint slides:

- (a) while the previous application was allowed by TPAB, PlanD had all along objected to house development within the “G/IC” zone so as to avoid piecemeal developments in the zone that would frustrate the comprehensive planning and provision of GIC facilities in the area;

- (b) as announced under the 2019 PA, the Government-led approach would be adopted and the Land Resumption Ordinance would be invoked for the redevelopment of three squatter areas in Kowloon including NCWV for public housing development. An EFS for public housing development was currently conducted by the Civil Engineering and Development Department. The EFS covered an area zoned “G/IC”, “R(B)”, “Open Space” and area shown as ‘Road’. The Site fell within the boundary of the EFS;
- (c) the BH of the existing houses in the vicinity including the existing NCWV and “V” zone in the south was one to three storeys;
- (d) there was no BH restriction under the provision of the subject “G/IC” zone. The three-storey house under the approved scheme was proposed by the applicant;
- (e) if the existing houses in the vicinity applied for increases in the development parameters including BH through planning applications, each application would be considered on its individual merits;
- (f) the EFS for proposed public housing development at NCWV was on-going. While the Site fell within the study area, the exact area required for the proposed public housing development had not yet been determined. The information of the EFS was hence provided as background information in the Paper. PlanD’s consideration and assessment of the application were mainly based on the planning intention under the Notes of the “G/IC” zone on the current OZP and TPB PG-No. 16; and
- (g) any development within the “V” zone of the OZP was subject to a maximum BH of 3 storeys or 8.23m.

114. In response to a Member’s question on whether the existing houses in the vicinity of the Site could be redeveloped to 4 storeys if the application was approved, Ms Michelle M.S. Yuen, the applicant’s representative, supplemented that under the existing planning circumstance, the proposed house was different from the other existing houses because it

was the only site abutting Wing Ting Road and hence was required to set back to give way for road widening. In that connection, approval of the application would not set a precedent for similar applications.

Land Administration

115. A Member enquired whether the Government's compensation for resumption of a 4-storey house would be more than that of a 3-storey house. In response, the Chairperson said that the compensation for resumed land was based on the valuation of the development intensity of the affected building or structure permissible under the lease. In general, the larger the GFA, the more the compensation it would be.

116. In response to a Member's question on whether the applicant would need to pay land premium if the proposed 4-storey house was approved, Ms Michelle M.S. Yuen, the applicant's representative, said that the Site was a building lot. It was undergoing the town planning and building plan submission procedures. The matter of land premium would be dealt with in the next stage when the application for lease modification was made to the Lands Department. The Chairperson and a Member asked about the development parameters and restrictions under the lease, Ms Yuen, with the aid of the visualiser, showing the relevant lease, said that the lease of the Site was an old schedule building lot and only the use of 'a house' without any restriction was indicated.

117. 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. The Chairperson thanked the government representatives and the applicant's representatives for attending the meeting. They all left the meeting at this point.

[Dr C.H. Hau left the meeting during the Q&A session.]

Deliberation Session

118. The Chairperson remarked that the Site was subject to the previous application allowed by TPAB. The application was rejected by MPC on the grounds, inter alia, of not in

line with the planning intention of the “G/IC” zone and the relevant TPB Guidelines. PlanD had maintained the stance of not supporting applications for house developments in the subject “G/IC” zone. Members should consider whether the previous approval was a material consideration and to what extent it should be taken into account. Members should also consider whether there were any other considerations in support of upholding the MPC’s decision or alternatively, any grounds that warranted a departure from the decision.

119. In response to a Member’s enquiry on the status and relevance of TPAB’s decision, the Secretary said that while the previous approval had expired, approval of general building plans for the approved 3-storey house had been obtained before the expiry. The applicant could implement the house development accordingly. As a supplementary information, TPAB’s decisions were not the rulings of courts that the Board was bound to follow. Each planning application would be considered by the Board on its individual merits.

120. While Members noted the relevance of TPAB’s decision, they had varied views on the application. A few Members, while noting that the approved GFA was not specified in TPAB’s decision, were of view that favourable consideration could be given to the application as a remedy due to the loss of GFA arising from the setback requirement for the sake of public interest. Also, since the future use of the Site was not yet determined at the moment and there was a mechanism to resume the Site if required, approval of the application would not frustrate the long-term planning intention of the Site.

121. Some Members, on the other hand, noted that the TPAB had allowed the previous application with conditions, of which the setback requirement was imposed intentionally to avoid jeopardising the planned road widening works. The applicant was entitled to develop the house with a height of three storeys or 8.23m occupying a site area of 61.2m² as specified in TPAB’s decision, provided that the approval condition on setback requirement was complied with. In other words, the development scale was confined to 3 storeys based on a site area of 61.2m² and there was no commitment that the maximum GFA in the previous scheme could be achieved. The applicant should be well aware of such requirement and had subsequently submitted general building plans to take forward the 3-storey house development with a reduced GFA to fulfil the setback requirement. There was no unfairness involved because the applicant would still be able to develop the house to the height allowed by the TPAB. Approval of the application would frustrate the comprehensive planning and

provision of GIC facilities in the area and thus there was no strong justification to warrant a departure from the MPC's decision of rejecting the application. A Member also added that as a fresh application, the planning intention of the "G/IC" zone as well as the BH of the existing structures in the immediate surroundings within the same zone which were in the range of one to three storeys were relevant.

122. At the Chairperson's invitation, Mr Ivan M.K. Chung, Director of Planning, pointed out that the Board was not bound by TPAB's decision and the application should be considered as a fresh application. For a house development within the "G/IC" zone, the planning intention of the zone which was intended primarily for the provision of GIC facilities was considered valid. Whilst the house was a low-rise structure and the proposed addition of one storey seemed to be insignificant, the magnitude of the increase in BH from 8.23m to 13m (i.e. an increase of about 58%) was actually substantial and not justified. He drew Members' attention that the previous application was allowed by the TPAB with the setback requirement but the relaxation of BH was not given correspondingly.

123. The Chairperson concluded that more Members were not in support of the application. While the Board would respect the TPAB's decision of allowing a 3-storey house at the Site, in considering the subject fresh application, the planning intention of the "G/IC" zone and the relevant TPB Guidelines should be relevant. There was no strong justification that warranted a departure from the MPC's decision.

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

- “(a) the proposed house development is not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone which is intended primarily for the provision of government, institution or community (GIC) facilities serving the needs of the residents in the area/district;
- (b) the proposed house development does not comply with the Town Planning Board Guidelines for ‘Application for Development/Redevelopment within “G/IC” Zone for Uses other than GIC Uses’ in that the proposed development would adversely affect the provision of the planned community hall and other

Government facilities in the district on a long-term basis; and

- (c) the building height of the proposed development is not in keeping with the surrounding low-rise structures in Ngau Chi Wan Village and would result in undesirable visual impact.”

Tsuen Wan and West Kowloon District

Agenda Item 7

[Open Meeting]

Request for Deferment of Review of Application No. A/TW/519

Proposed Comprehensive Residential Development (Amendments to Approved Scheme) in “Comprehensive Development Area (3)” Zone, Tsuen Wan Town Lots 126, 137, 160 and 363, and adjoining Government Land, Tsuen Wan, New Territories

(TPB Paper No. 10758)

[The item was conducted in Cantonese.]

125. The Secretary reported that the application site was located in Tsuen Wan and the application was submitted by Tippon Investment Enterprises Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK). Llewelyn-Davies Hong Kong Limited (LD) and AECOM Asia Company Limited (AECOM) were two of the consultants of the applicant. The following Members had declared interests on the item:

- | | | |
|-------------------|---|---|
| Mr Thomas O.S. Ho | - | having current business dealings with SHK and AECOM and past business dealings with LD; |
| Mr K.K. Cheung | - | his firm having current business dealings with SHK and AECOM; |
| Mr Alex T.H. Lai | - | his former firm having current business dealings with SHK and AECOM; |

- Dr Conrad T.C. Wong - having current business dealings with SHK;
- Mr Peter K.T. Yuen - his relative being an independent non-executive director of SHK;
- Dr Billy C.H. Hau - having past business dealings with AECOM and owning a flat in Tsuen Wan;
- Mr Ricky W.Y. Yu - his firm having past business dealings with LD;
- 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 before;
- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Company (1933) Limited (KMB) and Long Win Bus Company Limited (Long Win) and SHK had shareholding interests in KMB and Long Win;
- Mr Franklin Yu - his spouse being an employee of SHK;
- Professor John C.Y. Ng - his spouse owning a flat in Tsuen Wan; and
- Mr Stanley T.S. Choi - his spouse being a director of a company which owned properties in Tsuen Wan.

126. Members noted that Dr Conrad T.C. Wong and Mr Thomas O.S. Ho had tendered apologies for being unable to attend the meeting, and Miss Winnie W.M. Ng, Dr Billy C.H. Hau, Professor John C.Y. Ng and Messrs Alex T.H. Lai, Ricky W.Y. Yu and Stanley T.S. Choi had already left the meeting. As the interest of Mr Franklin Yu was direct, Members agreed that he should be allowed to stay at the meeting but should refrain from participating in the discussion. For the other Members who had no direct interests or involvement in the application, Members agreed that they could stay in the meeting.

127. The Board noted that the applicant's representative requested on 20.7.2021 deferment of the consideration of the review application for two months so as to allow time to resolve issues arising from government departments' and public comments. It was the first time that the applicant requested deferment of the review application.

128. After deliberation, the Board agreed to defer a decision on the review application, as requested by the applicant, pending the submission of further information (FI) by the applicant. The Board also agreed that the review application would be submitted to the Board for consideration within three months upon receipt of FI from the applicant. If the FI 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 the Board had allowed two months for preparation of the submission of FI, and no further deferment would be granted unless under very special circumstances.

Procedural Matters

Agenda Item 8

[Open Meeting]

Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for Extension of Time Limit for Submission of the Draft Ma On Shan Outline Zoning Plan No. S/MOS/23 to the Chief Executive in Council for Approval
(TPB Paper No. 10763)

[The meeting was conducted in Cantonese.]

129. The Secretary reported that Amendment Items A, B1 and D involved public housing developments to be developed by the Hong Kong Housing Authority (HKHA) and the Housing Department (HD) was the executive arm of HKHA. An Engineering Feasibility Study (EFS) for the above-mentioned amendment items was conducted by the Civil Engineering and Development Department (CEDD) with Black & Veatch Hong Kong Limited (B&V), MVA Hong Kong Limited (MVA) and Urbis Limited (Urbis) as the study consultants. Representations and comments had been submitted by Kadoorie Farm and Botanic Garden (KFBG) (R44), World Wide Fund For Nature Hong Kong (WWFHK) (R46), Hong Kong Bird Watching Society (HKBWS) (R47/C3), the Conservancy Association (CA) (R49/C5), Greeners Action (GA) (R1640), Centre for Community and Place Governance (CCPG), Institute of Future Cities (IOFC) of Chinese University of Hong Kong (CUHK) (R52), Hong Kong and China Gas Company Limited (Towngas) (R5697), which was a subsidiary of Henderson Land Development Company Limited (HLD), and Ms Mary Mulvihill (R92/C16). The following Members had declared interests on the item:

- | | | |
|--|---|---|
| Mr Andrew C.W. Lai
<i>(as Director of Lands)</i> | - | being a member of HKHA; |
| Mr Gavin C.T. Tse
<i>(as Chief Engineer (Works),
Home Affairs Department)</i> | - | being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidized Housing Committee of HKHA; |
| Dr Conrad T.C. Wong | - | having current business dealings with HKHA and CUHK; |
| Mr K.K. Cheung | - | his firm having current business dealings with HKHA, B&V, KFBG, GA, Towngas and HLD, past business dealings with CA, and hiring Ms Mary Mulvihill on a contract basis from time |

- to time;
- Mr Alex H.T. Lai
- his former firm having business dealings with HKHA, B&V, KFBG, GA, Towngas and HLD, past business dealings with CA, and hiring Ms Mary Mulvihill on a contract basis from time to time;
- Mr Thomas O.S. Ho
- having current business dealings with HKHA, MVA and Urbis;
- Dr C.H. Hau
- conducting contract research projects with CEDD, being a member of HKBWS and a life member of CA and his spouse being the Vice-chairman of the Board of Directors of CA, being a former member of the Conservation Advisory Committee of WWFHK, being an employee of the University of Hong Kong (HKU) which had received a donation from a family member of the Chairman of HLD before, and having past business dealings with HLD;
- Mr Franklin Yu
- being a member of the Building Committee of HKHA and his firm having current business dealings with CUHK;
- Mr Y.S. Wong
- being a member of Funds Management Sub-Committee of the HKHA;
- Mr L.T. Kwok
- his serving organisation operated a

social service team which was supported by HKHA and openly bid funding from HKHA;

- Mr Daniel K.S. Lau
- being a member and an ex-employee of Hong Kong Housing Society which had discussed with HD on housing development issues;
- Dr Lawrence K.C Li
- being the Deputy Chairman of the Council of the Hong Kong Polytechnic University (PolyU) which had obtained sponsorship from HLD before;
- Mr Stephen L.H. Liu
- being a former member of the Council of PolyU which had obtained sponsorship from HLD before;
- Mr Peter K.T. Yuen
- being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from an Executive Director of HLD before;
- Mr K.W. Leung
- being a member of the Executive Committee of HKBWS and the Chairman of the Crested Bulbul Club Committee of HKBWS;
- Dr Lawrence W.C. Poon
- renting one and owning one residential unit in Ma On Shan (MOS); and his spouse being an employee of HD but not involved in planning work; and

Professor John C.Y. Ng - being a Fellow of IOFC, CUHK.

130. Members noted that Mr Thomas O.S. Ho, L.T. Kwok and Dr Conrad T.C. Wong had tendered apologies for being unable to attend the meeting. Members also noted that Dr C.H. Hau, Dr Lawrence K.C Li, and Messrs Andrew C.W. Lai, Alex H.T. Lai and Stephen L.H. Liu and Professor John C.Y. Ng had already left the meeting. As the item was procedural in nature, Members agreed the other Members who had declared interests could stay in the meeting.

131. The Secretary briefly introduced the TPB Paper No. 10763 (the Paper). On 16.10.2020, the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/23 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition periods, a total of 5,699 valid representations and 1,587 valid comments on the representations were received. On 7.7.2021, 8.7.2021 and 12.7.2021, the Town Planning Board (the Board) conducted the hearings of the representations and comments. On 18.8.2021, after deliberation, the Board decided to propose amendment(s) to meet/partially meet Representations No. R39 (part) to R42 (part), R43 to R78, R84 to R89, R92 to R2673, R2676 to R2685, R2689 to R2741, R2743 to R2764, R2780 to R2786, R2792, R3122, R3126, R3130 to R3899, R3903 to R5696 by reverting the zoning of the site at the upper part of Ma On Shan Tsuen Road (Amendment Item G) from “Residential (Group B)6” to “Green Belt”.

132. According to the statutory time limit, the draft OZP should be submitted to the Chief Executive in Council (CE in C) for approval on or before 16.9.2021. As the exhibition of proposed amendment(s) by the Board to the draft OZP and the consideration of further representation(s), if any, could only be arranged in the fourth quarter of 2021 at the earliest, it was not possible for the whole plan-making process including submission of the draft OZP to the CE in C for approval to be completed within the nine-month statutory time limit (i.e. 16.9.2021). In that regard, it was necessary to seek CE’s agreement under section 8(2) of the Ordinance for an extension of the statutory time limit for a period of six months from 16.9.2021 to 16.3.2022 to allow sufficient time to complete the plan-making process of the OZP.

133. After deliberation, the Board agreed that the CE’s agreement should be sought under section 8(2) of the Town Planning Ordinance to extend the time limit for submission of the

draft Ma On Shan OZP No. S/MOS/23 to the CE in C for a period of six months from 16.9.2021 to 16.3.2022.

Agenda Item 9

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Tsuen Wan Outline Zoning Plan No. S/TW/34
(TPB Paper No. 10765)

[The meeting was conducted in Cantonese.]

134. The Secretary reported that Amendment Items A and B involved two private housing sites which were supported by an Engineering Feasibility Study (EFS) conducted by the Highways Department (HyD) with Aurecon Hong Kong Limited (AURECON) as one of the consultants of the EFS. Amendment Items C and D involved two sites for public housing developments to be developed by the Hong Kong Housing Authority (HKHA) and the Housing Department (HD) was the executive arm of HKHA. These sites were supported by EFSs conducted by the Civil Engineering and Development Department (CEDD) with Black & Veatch Hong Kong Limited (B&V) and WSP (Asia) Limited (WSP) as the consultants of the two EFSs respectively. Amendment Item E involved another private housing site to take forward the decision of the Metro Planning Committee (MPC) on a s.12A application No. Y/TW/13 which was submitted by ENM Holidays Limited (ENM), and Kenneth To & Associates Limited (KTA), Wong & Ouyang (HK) Limited (WOL), MVA Hong Kong Limited (MVA) and Mott MacDonald HK Limited (MMHK) were four of the consultants of the applicant. Representations/comments had been submitted by the Conservancy Association (CA) (R2/C2), Kadoorie Farm and Botanic Garden (KFBG) (R3), ENM (C3) and Ms Mary Mulvihill (R84/C27). The following Members had declared interests on the item:

Mr Andrew C.W. Lai - being a member of HKHA;
(as Director of Lands)

Mr Gavin C.T. Tse - being a representative of the Director
(as Chief Engineer (Works), of Home Affairs who was a member of

- Home Affairs Department*) the Strategic Planning Committee and Subsidised Housing Committee of HKHA;
- Dr Lawrence W.C. Poon - his spouse being an employee of HD but not involved in planning work;
- Mr K.K. Cheung - his firm having current business dealings with AURECON, HKHA, B&V, WSP, EMN, WOL, MMHK and KFBG, past business dealings with CA, and hiring Ms Mary Mulvihill on a contract basis from time to time;
- Mr Alex H.T. Lai - his former firm having current business dealings with AURECON, HKHA, B&V, WSP, EMN, WOL, MMHK and KFBG, past business dealings with CA, and hiring Ms Mary Mulvihill on a contract basis from time to time;
- Dr C.H. Hau - conducting contract research projects with CEDD and a life member of CA and his spouse being the Vice Chairman of the Board of Directors of CA, and owning a flat in Tsuen Wan;
- Mr Thomas O.S. Ho - having current business dealings with HKHA, MVA and MMHK;
- Dr Conrad T.C. Wong - having current business dealings with HyD and HKHA;

- Mr Franklin Yu - being a member of the Building Committee of HKHA, and having current business dealings with WOL;
- Mr L.T. Kwok - his serving organisation operating a social service team which was supported by HKHA and openly bid funding from HKHA;
- Mr Daniel K.S. Lau - being a Member and an ex-employee of Hong Kong Housing Society which had discussed with HD on housing development issues and had business dealings with KTA;
- Mr Y.S. Wong - being a member of Funds Management Sub-Committee of the HKHA;
- Professor John C.Y. Ng - his spouse owning a flat in Tsuen Wan; and
- Mr Stanley T.S. Choi - his spouse being a director of a company which owned properties in Tsuen Wan.

135. Members noted that Mr Thomas O.S. Ho, L.T. Kwok and Dr Conrad T.C. Wong had tendered apologies for being unable to attend the meeting. Members also noted that Dr C.H. Hau, Messrs Andrew C.W. Lai, Alex H.T. Lai and Stanley T.S. Choi and Professor John C.Y. Ng had already left the meeting. As the item was procedural in nature, Members agreed the other Members who had declared interests could stay in the meeting.

136. The Secretary briefly introduced the TPB Paper No. 10765 (the Paper). On 26.2.2021, the draft Tsuen Wan Outline Zoning Plan (OZP) was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). During the

two-month exhibition period, a total of 93 valid representations were received. The valid representations were subsequently published for three weeks and 27 valid comments on the representations were received.

137. In view of the similar nature of the representations and comments, the hearing of all representations and comments was suggested to be considered by the full Town Planning Board (the Board) collectively in one group. To ensure efficiency of the hearing, a maximum of 10 minutes presentation time would be allotted to each representer/commenter in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for October 2021.

138. After deliberation, the Board noted the representations and comments with the required identity information missing and agreed that:

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

Agenda Item 10

Any Other Business

[Open Meeting] [The meeting was conducted in Cantonese.]

139. There being no other business, the meeting was closed at 7:30 p.m.