

**Minutes of 1258<sup>th</sup> Meeting of the  
Town Planning Board held on 5.11.2021**

**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 L.T. Kwok

Mr Daniel K.S. Lau

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne 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

Dr Conrad T.C. Wong

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

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

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  
Mr C.K. Yip

Secretary

**Absent with Apologies**

Mr Thomas O.S. Ho

Ms Lilian S.K. Law

Mr Y.S. Wong

**In Attendance**

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

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

Senior Town Planner/Town Planning Board  
Ms Carmen S.Y. Chan

## **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 1257<sup>th</sup> Meeting held on 22.10.2021**

[The item was conducted in Cantonese.]

2. The draft minutes of the 1257<sup>th</sup> Meeting held on 22.10.2021 were sent to Members on 5.11.2021. Subject to any proposed amendments by Members on or before 8.11.2021, the minutes would be confirmed.

[Post-meeting Notes: The minutes were confirmed on 8.11.2021 without amendments.]

## **Agenda Item 2**

[Open Meeting]

### **Matters Arising**

[The item was conducted in Cantonese.]

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

Town Planning Appeal No. 2 of 2021

Temporary Storage Use for a Period of 3 Years in “Village Type Development” (“V”) Zone, Lots 293 S.A ss.1 (Part), 293 S.A ss.2 (Part), 293 S.B ss.1 (Part) and 293 S.B ss.2 (Part) in D.D. 122, Ping Shan, Yuen Long  
(Application No. A/YL-PS/611)

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3. The Secretary reported that an appeal had been abandoned by the appellant on her own accord. Town Planning Appeal No. 2/2021 was received by the Appeal Panel (Town Planning) (TPAB) on 4.6.2021 against the decision of the Town Planning Board on 9.4.2021 to reject on review an application No. A/YL-PS/611 for a temporary storage use for a period of 3 years at a site zoned “V” on the then approved Ping Shan Outline Zoning Plan No. S/YL-PS/18.

4. The appeal was abandoned by the appellant on 19.10.2021. On 20.10.2021, the TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

5. Members noted the abandonment of the appeal.

(ii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 6 of 2021

Proposed Temporary Private Car Park for a Period of 3 Years in “Recreation” (“REC”) Zone, Lot 1604 S.G RP in D.D. 17, Lo Tsz Tin Village, Tai Po

(Application No. A/NE-TK/699)

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6. The Secretary reported that an appeal had been abandoned by the appellant on his own accord. Town Planning Appeal No. 6/21 was received by the TPAB on 6.9.2021 against the decision of the Town Planning Board on 16.7.2021 to reject on review an application No. A/NE-TK/699 for deletion of approval conditions (e) and (f) regarding the submission and implementation of a drainage proposal and maintain the Rural and New Town Planning Committee’s decision on 12.3.2021 to approve the application for temporary private car park at the application site for a period of 3 years until 12.3.2024 with the same approval conditions and advisory clauses. The application site fell within “REC” zone on the approved Ting Kok Outline Zoning Plan No. S/NE-TK/19.

7. The appeal was abandoned by the appellant on 21.10.2021. On 27.10.2021, the TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

8. Members noted the abandonment of the appeal.

(iii) Appeal Statistics

9. The Secretary reported that as at 29.10.2021, a total of 10 cases were yet to be heard by the TPAB and three appeal decisions were outstanding. Details of the appeal statistics were as follows:

Allowed	37
Dismissed	167
Abandoned/Withdrawn/Invalid	210
Yet to be Heard	10
<u>Decision Outstanding</u>	<u>3</u>
Total	427

**Kowloon District**

**Agenda Item 3**

[Open meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Kwun Tong (South) Outline Zoning Plan No. S/K14S/23  
(TPB Paper No. 10780)

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[The item was conducted in Cantonese and English.]

10. The Secretary reported that amendments to the draft Kwun Tong (South) Outline Zoning Plan No. S/K14S/23 (the draft OZP) were supported by the Planning and Engineering Study on the Kwun Tong Action Area (KTAA) – Feasibility Study (the Study) commissioned by the Energizing Kowloon East Office of Development Bureau. AECOM Asia Company Limited (AECOM) was one of the consultants of the Study and representations/comments had been submitted by the Hongkong and Yaumati Ferry Company Limited (R13) (a subsidiary of Hong Kong Ferry (Holdings) Company Limited (HKF)) and Ms Mary Mulvihill (R11/C3). The following Members had declared interests on the item:

- |                   |   |
|-------------------|---|
| Mr Thomas O.S. Ho | - having current business dealings with AECOM;  |
| Mr K.K. Cheung    | - his firm having current business dealings with HKF, and hiring Mary Mulvihill on a contract basis from time to time;            |
| Mr Alex H.T. Lai  | - his former firm having current business dealings with HKF, and hiring Mary Mulvihill on a contract basis from time to time; and |
| Dr C.H. Hau       | - having past business dealings with AECOM.   |

11. Members noted that Mr Thomas O.S. Ho had tendered apologies for not being able to attend the meeting. As Dr C.H. Hau had no involvement in the Study and Messrs K. K. Cheung and Alex H.T. Lai had no involvement in the submission of representations and

comments, they could stay in the meeting.

12. The Secretary also reported that Mr L.T. Kwok had declared an interest on the item as his serving organization was located in the Kwun Tong District. Members noted that his serving organization had no property interests in the area covered by the draft OZP and agreed that he could stay in the meeting.

### Presentation and Question Sessions

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

14. The following government representatives, consultants of the Study and representers/commenters and their representatives were invited to the meeting at this point:

### **Government's Representatives**

#### Planning Department (PlanD)

Ms Jessie K.P. Kwan - District Planning Officer/ Kowloon  
(DPO/K)

#### Energizing Kowloon East Office, Development Bureau (EKEO, DEVB)

Mr K.C. King - Deputy Head

Ms Carol Y.M. Cheuk - Senior Place Making Manager (Planning)

#### Transport Department (TD)

Mr Ryan W.Y. Fung - Senior Engineer

### **Consultants' Representatives**



AECOM

Mr David T.F. Wong - Traffic & Transport Consultant

Atkins China Ltd

Mr Jacky C.K. Yeung - Senior Associate Director

**Representers/Commenters and their Representatives**

R10 - Designing Hong Kong Ltd

Mr Paul Zimmerman - Representer's representative

R9 – Melanie Ann Moore

R11/C3 – Mary Mulvihill

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

R13 – The Hongkong and Yaumati Ferry Company Ltd

*The Hongkong and Yaumati ]*

*Ferry Company Ltd*

Mr Cheung Kwok Wai ]

Mr Gabriel Lee ]

*Vision Planning Consultants Ltd ]* Representer's representatives

Mr Chan Kim On ]

Ms Szeto Wai See ]

C4 - 港九電船拖輪商會有限公司

Mr Cheung Kwok Wai ] Commenter's representatives

Mr Wong Yan Hung ]

15. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that PlanD's representative would be invited to brief Members on the representations and comments. The representers/commenters and their representatives would then be invited to make oral submission. To ensure efficient operation of the hearing, each

representor, commenter or their representative would be allotted 10 minutes for making oral submission. There was a timer device to alert the representors/commenters or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after all attending representors, commenters or their representatives had completed their oral submissions. Members could direct their questions to the government representatives, the Study consultants or the representors, commenters or their representatives. After the Q&A session, the government representatives, the Study consultants and the representors, commenters or their representatives would be invited to leave the meeting. The Town Planning Board (the Board) would then deliberate on the representations and comments in their absence and inform the representors and commenters of the Board's decision in due course.

16. The Chairperson invited PlanD's representative to brief Members on the representations and comments.

17. With the aid of a PowerPoint presentation, Ms Jessie K.P. Kwan, DPO/K, briefed Members on the representations and comments, including the background of the amendments, the grounds/views/proposals of the representors and commenters, planning assessments and PlanD's views on the representations and comments as detailed in TPB Paper No. 10780 (the Paper).

[Miss Winnie W.M. Ng and Dr Conrad T.C. Wong joined the meeting during the presentation of PlanD's representative.]

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

#### R10 – Designing Hong Kong Ltd

19. With the aid of a PowerPoint presentation, Mr Paul Zimmerman, the representor's representative, made the following main points:

- (a) he was concerned about the interface between the commercial/office (c/o) building with the proposed public transport interchange (PTI) at the

ground level and the waterfront. The “Commercial (2)” (“C(2)”) site (the Site) had special potential in that it was situated in a location with piers, commercial developments and the PTI would bring more visitors to the waterfront. A detailed and concrete proposal for the provision of an at-grade retail frontage with food and beverage (F&B) and outdoor seating should be provided so as to create an active and vibrant waterfront space;

- (b) there were cases of developments where indicative drawings showing the design of retail facilities at ground level with F&B area for commercial developments with at-grade PTI had previously been presented to the Board, however, upon completion of the project, those design features were not implemented. Taking the examples of the waterfront with PTI development at Harbour North in North Point, Grand Promenade in Shau Kei Wan and Kerry Hotel in Hung Hom, the open space outside the respective PTI was flanked by blank walls and was inactive without F&B and seating area for people to enjoy the waterfront;
- (c) although the government had now indicated that retail frontage of not less than 90m at ground level facing the waterfront would be stipulated under the lease, the Board should further consider whether to require the submission of a Master Layout Plan (MLP) to the Board for its consideration so as to retain some control on the design of the development;
- (d) referring to the Island Resort in Siu Sai Wan, whilst there was a retail/ F&B frontage at ground level, the emergency vehicular access (EVA) directly abutted the building façade and there was no room for outdoor seating area (OSA). Under the Building (Planning) Regulations (B(P)R), a part of the building façade was deemed to be served by EVA if the horizontal distance between the EVA and such part of the façade did not exceed 10m. As such, if the EVA could have a 5m-setback from the building facade, OSA could be provided immediately outside the F&B at the ground level of the commercial development for public enjoyment and would enhance vibrancy. The constraint for provision of OSA due to the box culvert as mentioned by the government representative might not be material. In

any event, OSA might be provided within the lot boundary; and

- (e) it was suggested to require submission of MLP for the “C(2)” zone for the Board’s approval and to refine the relevant Explanatory Statement (ES): (i) to require 50% of the ground level frontage facing the waterfront to be used for retail and F&B; (ii) to require set-back of the EVA by a minimum of 5m from the building line to allow OSA in front of the F&B facilities; and (iii) to delete the minimum size requirement of 7,050m<sup>2</sup> for the PTI to facilitate the provision of a retail/F&B frontage.

[Mr Franklin Yu joined the meeting during R10’s presentation.]

R9 – Melanie Ann Moore

20. Ms Mary Mulvihill, representer’s representative, said that Ms Moore (R9) was concerned about the re-provisioning of trees at the Site. Although there was no registered Old and Valuable Tree identified within the Site and it was stated in the Paper that no insurmountable problem was identified for provision of sufficient compensatory trees at the at-grade and elevated open spaces of the development and a Landscape Master Plan (LMP) requirement would be stipulated under lease, whether the promises stated in the Paper could be realized was questionable. The Harcourt Garden and Tsim Sha Tsui Rest Garden were examples of tree preservation and compensation proposals that did not materialize. Besides, due to the number of trees to be felled, the ecosystem would be affected. Although the tree felling to compensatory ratio was 1:1.76, the biodiversity in the ecosystem could not be maintained as the species of the compensatory trees types were limited.

R11 /C3 – Mary Mulvihill

21. With the aid of visualizer, Ms Mary Mulvihill made the following main points:

- (a) the pedestrian network should be well-designed to facilitate pedestrian movement in a convenient way rather than having a ‘spaghetti’ junction network that was only for facilitating vehicle movement. Pedestrians should not be required to walk up and down multiple levels;

- (b) the provision of not less than 90m retail/F&B frontage on the ground floor of the “C(2)” site facing the harbour should be mandated;
- (c) it was stated in the Paper that the maximum building height (BH) of 100mPD for the main portion of the “C(2)” site was in line with the BH restrictions currently imposed for other waterfront sites in Kwun Tong Business Area (KTBA) so as to create a stepped BH profile descending from the inland area to the waterfront. However, the stepped BH profile no longer existed as the Board had approved about 20 applications for minor relaxation of plot ratio and/or BH restriction in the Kwun Tong area and more in the Kowloon Bay area since 2018 involving redevelopment of pre-1987 industrial buildings. There might be more applications for minor relaxation of BHR in future with cumulative air ventilation and traffic impacts in the area that had not been assessed;
- (d) it was difficult to understand Social Welfare Department’s advice that child care centre and residential care home for the elderly were considered not appropriate for the Site. The Site should be suitable for the elderly and disabled persons to enjoy the waterfront. The Site was previously zoned “Government, Institution or Community” (“G/IC”), hence, more Government, institution and community (GIC) facilities should be provided. Beside, while the Site might not be suitable for the provision of a sports centre, instead of passive spaces, ball courts or more recreation space should be provided to cater for the district needs;
- (e) the integration of pet garden into public open space (POS) might give rise to conflict among open space users. From experience, public open space in private development (POSPD) would become an ornamental appendage to the commercial development and the space would be over managed and public use would be restricted;
- (f) there were many street sleepers in Kwun Tong area. Dormitories, shelters, public toilets and shower facilities should be provided for the needy; and

- (g) agreed with R10 on the observations about the poor design of waterfront with PTI and supported the provision of a 100m at-grade waterfront with F&B facilities to provide a vibrant waterfront experience for the public. Vibrancy would not be induced by retail facilities. Iconic building with galleries, restaurants, public library and public viewing areas should be provided at the Site to create a focal point for the district. The land sale of the Site could adopt a “two-envelope” approach.

### R13 – The Hongkong and Yaumati Ferry Company Ltd

22. With the aid of PowerPoint slides, Mr Cheung Kwok Wai, Mr Gabriel Lee and Mr Chan Kim On, representer’s representatives, made the following main points:

- (a) they did not object to the amendments on the draft OZP but had to raise concern on the proposed land uses near the queuing area for the dangerous good vehicles (DGVs) as well as the dangerous goods vehicles ferry pier (DGVFP);
- (b) the Kwun Tong DGVs Ferry Service was essential for transporting DGVs between Kowloon and Hong Kong as vehicles carrying specified dangerous goods were not allowed to use the cross-harbour tunnel. The services provided were to serve the community daily needs including petrol/gas, oxygen for hospitals, materials for fire hydrant, perfume or soft drinks, etc.;
- (c) the video taken at peak hours showed the current situation of the DGVs in the queuing area with physical separation between vehicles and some DGVs queuing back onto the road. In view of the current situation, the proposed queuing area of 2,300m<sup>2</sup> for 20 DGVs could not cater for the needs. Although there was no statutory requirement for physical separation between Category 2 and Category 5 DGVs in the queuing area, the oil companies had a set of safety guidelines on physical separation requirement between DGVs to allow sufficient space to move the vehicles around in case of emergency;

- (d) the Qualitative Risk Assessment (QRA) conducted by the Government concluded that the predicted societal risk for the DGV pier was considered acceptable. However, after the social event in 2019, some activities/ industries that were considered as low safety risk in the past were now re-assessed as medium/medium to high risk level. The QRA should be reviewed and updated if it was conducted before 2019. The Security Bureau had advised their company that there was still a high risk of terrorist attack in Hong Kong. The Critical Infrastructure Security Co-ordination Centre of the Hong Kong Police had also indicated reservation on a proposal to open up the breakwater in the Kwun Tong Typhoon Shelter (KTTS) for public use;
- (e) there was currently no safety requirement or conditions imposed on uses near the DGVFP, and relevant government departments should revisit the public liability and safety consideration. If the safety of the DGV services could not be enhanced and the potential adverse impacts of adjacent uses could not be ascertained, it might affect their ability to secure insurance coverage for their services; and
- (f) to enhance the safety of the proposed queuing area of the DGVs, some safety requirements were suggested to be incorporated in both Kwun Tong (South) and Kai Tak Outline Zoning Plans, which were (i) to maintain a minimum of 2,300m<sup>2</sup> of KTVFP queuing area and not less than 5m buffer area should be provided along the boundaries of the queuing area, KTVFP access road and the KTVFP; (ii) to amend paragraph 8.4.3 of the Explanatory Statement (ES) for “G/IC(1)” zone of the Kwun Tong (South) OZP as “...For any new shared-use activities or design proposals therein, relevant Government department and the operator of KTVFP should be consulted and their prior agreement should be obtained in order not to affect the operation of these facilities.”. Same amendments should also be made to paragraph 9.7.15 of the ES of the Kai Tak OZP; (iii) to amend the Covering Notes of the two OZPs in relation to area shown as ‘Road’, Remarks of the Notes for relevant zones (i.e. “Other Specified Uses” (“OU”) annotated ‘Drainage Facility and

At-grade Public Open Space' on the Kwun Tong (South) OZP and "Open Space" and all "OU" zones as specific purposes and uses on the Kai Tak OZP) to state that 'a clear and non-building buffer area of not less than 5m alongside the boundaries of the KTVFP's queuing area and its Pier should be provided, and if situation allows, proper fence with warning signage(s) should also be provided for safety and security purpose'.

[Dr Frankie W.C. Yeung joined the meeting during the presentation of R13's representatives.]

C4 - 港九電船拖輪商會有限公司

23. With the aid of PowerPoint slides, Mr Cheung Kwok Wai, representer's representative, made the following main points:

- (a) the Hong Kong & Kowloon Motor Boats & Tug Boats Association Ltd. was established in 1954. They did not object to the amendments on the OZP, but had to raise concern on the potential impact of developments in the KTAA on navigation safety for vessels getting into/out of the KTTS. The configuration of the KTTS necessitated vessels to travel in a 'S' shape route, which meant that vessel masters could not avoid direct view of the KTAA development; and
- (b) the proposed waterfront development abutted the KTTS which was heavily used by vessels. Potential light pollution from LED illumination system along the waterfront would affect the vision of the vessel masters using the KTTS and increase the risk of accidents. As all their members were owners of registered passenger ship and tug boats, the association was one of the stakeholders of the area. As such, their association, the Hong Kong Cargo-Vessel Traders' Association Ltd., the Local Vessels Advisory Committee of the Marine Department and other relevant committees related to the use of the harbour should be consulted, especially on proposals in relation to the design of the waterfront and activities in the water bodies at the Kai Tak and Kwun Tong waterfront areas.



[Mr Alex T.H. Lai left the meeting during the presentation of C4's representative.]

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

25. The Chairperson, Vice-chairperson and some Members asked the following questions:

Waterfront Vibrancy

- (a) the vision and planning and design concept for the KTAA;
- (b) whether at-grade retail and F&B facilities would be provided within the "C(2)" zone facing the waterfront; whether requirements for retail and F&B facilities would be mandatory; and whether R10's proposal of including the requirement in the ES was acceptable;
- (c) whether additional requirement for minimum floor area for at-grade retail and F&B facilities facing the waterfront frontage should be included in the ES or the Design Control Drawing to be incorporated into the lease;
- (d) whether a set-back of the EVA by a minimum of 5m from the building line of the c/o development could be specified in the ES to facilitate the provision of OSA in front of the retail frontage;
- (e) the possibility of providing more facilities for active activities in the open spaces of KTAA;

POSPD

- (f) the size and extent of the POSPD and how its design could integrate with the piers and the harbourfront as well as the vision and design concept of KTAA;
- (g) whether activities in the c/o development and the POSPD would spill over into the POS and affect public use of the POS;

#### Pedestrian Connectivity

- (h) pedestrian connectivity of KTAA with the surrounding areas and MTR stations;
- (i) noting that part of the promenade in front of the DGV queuing area would be closed during the DGV boarding time, whether there were any measures to facilitate pedestrian flow;
- (j) given the safety concerns, could the section of the promenade adjacent to the Kwun Tong DGVFP or the DGV queuing area be decked over to completely segregate the uses;

#### Traffic Impact

- (k) noting that traffic congestion was always a problem in the KTBA, what road improvement measures were proposed to alleviate the traffic impact; and
- (l) the traffic flow figures of Hoi Yuen Road/Wai Yip Street junction during peak hours.

26. In response, Ms Jessie K.P. Kwan, DPO/K, Mr K.C. King, Deputy Head of EKEO, Mr Ryan W.Y. Fung, SE of TD, and Mr David T.F. Wong, Traffic and Transport Consultant, made the following main points:

### Waterfront Vibrancy

- (a) the planning intention of KTAA was to bring vibrancy to the waterfront and to create synergy for redevelopments in the area so as to expedite transformation of Kowloon East into another attractive Core Business District. The KTAA proposal had adopted the key planning and design merits of the Kai Tak Fantasy Competition winning scheme such as 'healthy city' theme and green design element. The key features included extensive greenery, multi-level pedestrian and open space network, grand landscape staircase connecting the POSPD at podium level of the c/o development to the at-grade POS in the west that could also serve as a performance area, and integration of open space and waterfront promenade;
- (b) EKEO was reviewing the indicative PTI layout in the "C(2)" site with a view to providing not less than 90m of retail frontage at the ground level facing the harbourfront. A 90m-retail frontage would be more than 50% of the total façade length facing the harbourfront of the "C(2)" site along the waterfront. EKEO would co-ordinate with relevant bureaux/departments (B/Ds) to incorporate the minimum length of retail frontage as a mandatory requirement under the lease. The requirement could also be incorporated in the ES;
- (c) it was considered that the floor area of retail and F&B facilities at the waterfront façade might not have to be mandated. Specifying the minimum length of the retail frontage would serve the purpose and would allow more design flexibility. According to the B(P)R and the Code of Practice for Means of Access for Firefighting and Rescue, EVA should serve not less than one-fourth of the total length of all the perimeter walls of the building, and a portion of building frontage of the "C(2)" site along passageway would still be available for other uses or activities in association with the retail frontage subject to the detailed design;

- (d) since it could not be ascertained whether R10's proposal of specifying a minimum of 5m-setback of the EVA from the building façade could meet the relevant statutory requirements, it was suggested that the ES should not be amended as proposed by the representer;
- (e) EKEO had collaborated with non-government organizations (NGOs) to bring active activities to the area, such as on-shore rowing and fitness programme in the western portion of the Kwun Tong promenade. The waterfront area within KTAA was only a section of the continuous waterfront promenade in Kowloon East linking Cha Kwo Ling in the east. The design of various sections would contribute to different functions to serve different users' needs and the proposal to provide skate park along the waterfront could be conveyed to relevant B/Ds for consideration. EKEO together with the relevant government departments would continue to identify suitable locations for different activities/uses to create vibrant public spaces along the waterfront for public enjoyment;

#### POSPD

- (f) the "C(2)" site was about 1.37ha and a POSPD of not less than 6,500m<sup>2</sup> was required to be provided at ground and podium levels facing the waterfront with sea view and be opened to the public 24 hours daily. A LMP illustrating the design and greenery concepts of the proposed c/o development and the POSPD would be submitted by the future developer as required under the lease. Design Control Drawing would be prepared by EKEO to provide guidelines for the future developer and the concerned government departments to ensure that the proposed at-grade POSPD and the adjoining POS to be managed by the Leisure and Cultural Services Department (LCSD) would be designed in a comprehensive and integrated manner with due regard to the urban design and landscape/greenery concepts, pedestrian connectivity, interface with the PTI and retail frontage, etc. Subject to agreement with relevant B/Ds, the Design Control Drawing would be attached to the lease, and the Task Force on Kai Tak Harbourfront

Development of the Harbourfront Commission would be consulted before finalization of the land sale documents;

- (g) the retail frontage would be provided within the “C(2)” site and not within the POS. If any commercial activities were proposed to be extended onto the POS, permission should be obtained from the relevant government departments;

#### Pedestrian Connectivity

- (h) pedestrians could access the KTAA from the MTR Kwun Tong Station along Hoi Yuen Road with widened footpath on the eastern pavement. Near the northwest of the Site, new at-grade pedestrian crossings at Hoi Yuen Road and Wai Yip Street and a proposed public footbridge across Wai Yip Street would be provided to further enhance pedestrian connectivity to the waterfront. The existing footbridge connecting Manulife Financial Centre and the Kwun Tong Passenger Ferry Pier (KTPFP) across Wai Yip Street to the northeast of the Site would be modified to connect directly to the c/o development which would facilitate pedestrians coming from the proposed Cha Kwo Ling Promenade to its east. Residents from the Tsui Ping Estate area could access the waterfront via walkways along Tsui Ping River (currently being implemented) to the Kwun Tong Promenade. There would also be road improvement works near Ngau Tau Kok MTR station to improve the pedestrian crossing at Kwun Tong Road. Under the multi-modal environmentally friendly linkage system for Kowloon East, an elevated walkway with travellers along Wai Yip Street linking KTAA and KBAA and a pedestrian cum cyclist bridge with travellers across KTTS connecting KTAA and the former Kai Tak Runway had been proposed and would be further studied;
- (i) based on the operator’s and TD’s advice in 2017, there were around 14 DGVs waiting at the queuing area before departure of vessel in the busiest hour. While the promenade along the Kwun Tong DGVFP would be closed temporarily until the ferry departure, administrative measures could be

implemented to minimize the closing period. Also, the pavement along Kei Yip Lane to the north of the queuing area would serve as an alternative pedestrian route when the promenade was closed and the street environment would be further improved to enhance pedestrian comfort;

- (j) although decking over of a section of the promenade or the queuing area might be technically feasible subject to study, it would not address R13's concerns presented in the hearing meeting, and it was considered that the existing co-use arrangement should be maintained;

#### Traffic Impact

- (k) a Traffic and Transport Impact Assessment (TTIA) was conducted under the Study for the proposed c/o development and TD considered that the traffic impact arising from the development was acceptable with the proposed road improvement works shown on Plans H-6a to H-6d of the Paper. Regarding the prevailing traffic situation in KTBA, the existing road network had spare capacity and traffic congestion in KTBA was often caused by illegal parking/stopping and kerbside loading/unloading activities. To address that, TD had extended the duration of 'no stopping restriction zone' at along major roads such as Hoi Yuen Road and Wai Yip Street and Police had stepped up traffic enforcement actions with a view to maintaining smooth traffic; and
- (l) Wai Yip Street/Hoi Yuen Road junction would be converted from a roundabout to a signal controlled junction. Together with the proposed new roads (i.e. Roads L1 and L2) that connected with Kei Yip Road as shown on Plan H-6a of the Paper, some traffic would be diverted away from Wai Yip Street which would help alleviating the traffic congestion problem. According to the TTIA, the reserve capacities of Wai Yip Street/Hoi Yuen Road junction during the am and pm peak hour in 2031 would be 11% and 25% respectively.

27. In response to a Member's question, Mr Paul Zimmerman, representative of R10, said that the best design of the c/o development would be for the area adjacent to the PTI to be

lined with retail/F&B, outdoor seating and the waterfront promenade. To enhance vibrancy, there should be some OSA for the F&B facing the waterfront promenade adjacent to the building at ground level, and these requirements needed to be included in the lease and/or specified by the Board. His proposal for a 5m-setback was in line with B(P)R requirement that EVA be provided within 10m from the building façade. Ms Mary Mulvihill, R11/C3, supplemented that a minimum amount of F&B should be mandated, otherwise, the retail frontage would be occupied by retail shops that would not enhance vibrancy.

#### DGV Queuing Area and the Kwun Tong DGVFP

28. Regarding the operation of DGV services, some Members raised the following questions to R13's representative:

- (a) the number of DGVFP currently in the metro area;
- (b) the operation of DGVs delivery;
- (c) whether a reservation system for using the DGV ferry service could be introduced to reduce the number of DGVs waiting in the queuing area at one time;
- (d) the rationale for the 5m-setback requirement from the boundary of the DGV queuing area proposed by R13; and
- (e) what the concerns of R13 were on the risk and safety of the proposed development and the validity of the QRA.

29. In response, Mr Cheung Kwok Wai, representative of R13, made the following main points:

- (a) there were only two DGVFPs including the subject one in Kwun Tong on Kowloon side and the one in North Point on Hong Kong side;
- (b) the Kwun Tong DGVFP was operating 24 hours everyday. The DGVs

of oil companies would depart from Tsing Yi to take the DGV ferry service from Kwun Tong to the Hong Kong Island. The demand for DGV services was very high and was expected to further increase;

- (c) whilst a reservation system to facilitate the queuing arrangement could be considered, it required consent among their major clients including oil/gas companies, hospitals etc. The DGV drivers of oil companies had already been starting work in the early hours to meet the demand for gas/oil at peak hours. There would also be cost implications if DGV drivers were required to work in the odd hours;
- (d) the 5m-setback would allow for provision of an EVA. Similar safety measure was adopted in the oil storage depot in Tsing Yi and gas production plant in Tai Po. The 5m-setback was appropriate in case of emergency for exit to Kei Yip Lane and it could also act as a buffer to the proposed pet garden in the east; and
- (e) the existing queuing area was larger than that of the reprovisioned one and completely fenced off and DGVs were mainly parked in the middle portion away from the site boundary. Their main concerns were that the existing buffer and segregation from the adjacent areas could no longer be maintained with the reduced size of the queuing area. The location of plant rooms of the proposed underground storm water storage tank adjacent to the boundary of the queuing area might create fire hazard concerns. The QRA conducted did not take into account that the KTVFP was for the provision of ferry services for DGVs and the associated risks had not be properly assessed. Furthermore, the QRA that was undertaken before the social event in 2019 had not factored in the risk of terrorist attacks on DGV services. The vehicular trips at the time of conducting the QRA in 2017 were very different from those of the current situation, with more and larger DGVs. The Police's advice to them in November 2020 was that the proposal of the opening of the breakwater adjoining KTVFP would possibly compromise public safety as the ferry would be exposed to projectile threat from the open space along the breakwater.



Any person could take the chance to throw hazardous or flammable object from the open space towards the ferry and the consequence could be catastrophic.

30. Regarding the DGV queuing area, some Members raised the following questions to the government representatives:

- (a) whether there were any precautionary safety measures in the design of the DGV queuing area and the surrounding uses;
- (b) the long term plan for DGV ferry services;
- (c) the buffer distance between the DGVs within the queuing area and the adjacent POS cum pet garden;
- (d) whether the 5m-setback along the boundary of the queuing area proposed by R13 could be stipulated on the OZP;
- (e) whether the QRA conducted had not taken into account the risk arising from the operations of DGVs at the Kwun Tong DGVFP as claimed by R13; and whether R13's concern about the high risk level and the safety of the Kwun Tong DGVFP and its queuing area were valid; and
- (f) whether the comments from the Police and Secretary Bureau on the proposed development in KTAA were provided before the social events in 2019 as claimed by R13.

31. In response, Ms Jessie K.P. Kwan, DPO/K, and Mr K.C. King, Deputy Director of EKEO, made the following main points:

- (a) relevant B/Ds had been consulted on the layout of the proposed DGV queuing area and there was no request to impose precautionary design measures. According to the QRA, a 5m-high solid concrete wall was recommended to be provided to separate the queuing area and the adjacent

POS cum pet garden as a safety measure. In addition, the plant room and pump room of the proposed underground storm water storage tank could be provided along the western boundary adjacent to the queuing area to serve as an additional buffer;

- (b) the Kwun Tong DGVs Ferry Service and the existing queuing area for DGV were granted to the operator under Short Term Tenancy for a 10-year period and subject to renewal thereafter. The current term would end in 2024. Dangerous goods delivery service was an essential service and there was no relocation plan for the DGV piers at the moment;
- (c) according to the proposed queuing area layout, there were non-DGV parking spaces along its eastern boundary. Assuming that the at-grade plant rooms of the underground storm water storage facilities would be placed along the western boundary of the pet garden, it was estimated that the closest distance between the DGVs and users of the adjacent pet garden would be about 10m;
- (d) the layout for the DGV queuing area had already been discussed and agreed amongst relevant parties including EKEO, relevant government departments and the current operator (i.e. R13) in 2019. Although no government departments had indicated specific requirements on the design of the DGV queuing area and they advised that there was no specific requirement for the 6m separation between Category 2 and Category 5 DGVs as proposed by R13, the QRA recommendations in paragraph 31(a) above would be adopted. The need for any additional precautionary measures would be further examined in the detailed design stage of the DGV queuing area and the pet garden. It was not advisable to designate the 5m-setback as proposed by R13 as it would affect the provision of a continuous waterfront promenade for public enjoyment. Besides, there was no setback requirement for the existing DGV queuing area and the waterfront promenade was currently opened for public passage when not in use for boarding ferries;

- (e) the QRA had assessed the development proposal for KTAA including the operations of DGVs at the Kwun Tong DGVFP, the co-use of the waterfront promenade and the location of the pet garden abutting the queuing area. The predicted individual risk arising from the Kwun Tong DGVFP complied with the Hong Kong Government Risk Guidelines as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). The predicted societal risk, taking into account the proposed development in KTAA, was considered acceptable. The QRA concluded that the proposed development in KTAA would not result in unacceptable risks to the overall population around the Kwun Tong DGVFP. Relevant B/Ds had no adverse comment on the QRA; and
- (f) Relevant B/Ds, including the Police and Security Bureau, were consulted on the layout of the queuing area in 2019 and they did not consider that there was a security threat and agreed to the layout. Furthermore, R13's representation submission in 2021 was provided to the Police and Security Bureau for comments, and both of them had no particular comment on the potential safety issue and security threat claimed by R13.

#### Other Matters

32. The Chairperson and some Members asked the following questions:

- (a) whether GIC facilities or services could be provided for the homeless in the district regarding the concerns raised by R11/C3;
- (b) noting that there was a deficit in the provision of sports grounds in Kwun Tong District, whether some sports or cultural facilities could be provided in the area;
- (c) the reason for providing an underground storm water storage tank right next to KTTS; and
- (d) responses to C4's views that there was a lack of consultation with vessels

related stakeholders and impact of light pollution on vessel navigation safety in KTTS.

33. In response, Ms Jessie K.P. Kwan, DPO/K, and Mr K.C. King, Deputy Head of EKEO, made the following main points:

- (a) the concerned B/Ds had been assisting street sleepers to quit street sleeping through various means by providing a wide-range of services to address their emergency needs and enhancing their work motivation and skills as well as providing short-term accommodation arrangements. The services provided by the Christian Concern for Homeless Association, being the NGO serving the district, included visits, counselling services, employment support, emergency funding and short-term hostel support to street sleepers in the Kwun Tong district;
- (b) the entire KTAA site was about 2.8 ha which could not meet the minimum site area requirement of about 3 ha for sports ground under the HKPSG. To promote vibrancy to the area, the future developer of the POSPD would be encouraged to organize sports and cultural events to add vibrancy to the area;
- (c) the storm water storage tank was proposed by the Drainage Services Department for flood control, and would provide temporary storage of excessive storm water runoff during heavy rain; and
- (d) although the KTTS and ferry piers were not within the Kwun Tong (South) OZP and was not subject of amendments, the comments submitted by C4 had also been circulated to relevant government departments including Marine Department for comments. In general, Marine Department's advice would be sought on marine safety matter. In addition, the Civil Engineering and Development Department had confirmed that no works were planned at the breakwater of the KTTS.

34. Regarding C4's concerns about light pollution, the Chairperson and some Members

asked the following questions:

- (a) what the particular concerns of KTTS users were; and
- (b) any suggestions on precautionary measures to avoid affecting vessels navigating in KTTS.

35. In response, Mr Cheung Kwok Wai, representative of C4, made the following main points:

- (a) the lighting from the proposed c/o development at the waterfront would affect the vision of vessel masters when the vessels entered or left the KTTS in a 'S' shape route having direct view of any lighting at the waterfront. The glare of the KTTA lighting arrangement would affect the marine navigation safety of vessels in the area; and
- (b) the suggestions included (i) installation of LED lights along the waterfront should be avoided; (ii) any lighting should not have direct projection onto the sea surface; and (iii) the projection angles from the light sources should be carefully adjusted to take account of the sea level difference between high and low tides.

36. In response to a Member's question on whether it was possible to restrict the installation of mega LED display at the façade of the c/o building under the lease, Ms Jessie K.P. Kwan, DPO/K, said that the comment could be conveyed to relevant government departments for consideration.

[Messrs Wilson Y.W. Fung, Stephen L.H. Liu, Franklin Yu, Stanley T.S. Choi, C.H. Tse and Andy S.H. Lam, Dr Frankie W.C. Yeung, Dr Lawrence K.C. Li, Professor Jonathan W.C. Wong, Miss Winnie W.M. Ng and Ms Sandy Wong left the meeting, and Mr K.K. Cheung left the meeting temporarily during the Q&A session.]

37. As Members did not have further questions to raise, the Chairperson said that the Q&A session was completed. She thanked the government representatives and the

representers/commenters and their representatives for attending the meeting. The Board would deliberate the representations/comments in closed meeting and would inform the representers/commenters of the Board's decision in due course. The government representatives and the representers/commenters left the meeting at this point.

### Deliberation Session

38. The Chairperson recapitulated the key concerns of the representations and said that regarding enhancing vibrancy of the waterfront site, it was stated in the Paper that relevant requirements were proposed to be stipulated under lease for provision of not less than 90m of retail frontage at the ground level of the "C(2)" site facing the harbour to enhance vibrancy. The government representatives had further indicated at the hearing that, as proposed by R10 at the hearing, the ES could be amended to reflect the same intention for a retail frontage of 90m along the waterfront. Members might also consider whether it was necessary to specify that the retail frontage should include F&B uses.

39. Regarding the concerns raised by the operator of the DGV services (R13), the Chairperson said that the eastern portion of the existing DGV queuing area was rezoned for alternative uses but the retained DGV queuing area, albeit reduced in size, was not the subject of any amendments. It was explained at the hearing that relevant government departments were well aware that the operation at the KTVFP was for DGV operations. In that regard, relevant government departments could be advised to ensure public safety and to provide sufficient buffer between the DGV queuing area and the public using the POS and waterfront promenade in the detailed design for the area.

40. Regarding the concerns of C4 that the potential light pollution of any new illumination system at the waterfront might affect the safe navigation of vessels into and out of the KTTS, the Chairperson said that the matter was not related to any amendment items and relevant government departments could separately exercise control under the relevant legislations. She then invited Members to deliberate on the representations.

### Waterfront Vibrancy

41. Members generally supported the provision of a retail and F&B frontage at the

ground level to enhance vibrancy at the waterfront. In that regard, majority of Members agreed that the ES should be amended accordingly. Whilst one Member considered that in addition to specifying the length of the retail/F&B frontage, the minimum floor area might also need to be specified, other Members were of the view that design flexibility should be allowed and specifying the length of the retail/F&B frontage would suffice for the purpose.

42. A Member indicated support for the provision of OSA near the retail/F&B frontage. Two other Members considered that the requirement for a 5m-setback between the retail frontage and EVA could be specified in the ES. One other Member indicated that the arrangement for the interface between the retail/F&B frontage and EVA could be separately handled by EKEO.

#### Interface with DGV Queuing Area

43. Some Members expressed concerns that different views were expressed by R13 and the government representatives regarding the public safety in locating the DGV queuing area adjacent to the POS. Public safety must not be compromised and the relevant government departments should continue to liaise with the operator of the DGV services.

44. Members generally considered that given the Government's ongoing efforts to revitalise the waterfront which would bring in more visitors in future, it would not be desirable to locate DGV operations at prime waterfront areas and opportunity for relocation should be explored in the longer term. In the meantime, the feasibility to deck over the section of the waterfront promenade and the DGV queuing area so as to segregate the public from the DGV operations should be explored. Another Member said that pedestrian accessibility at Kei Yip Lane should be improved so as to provide an alternative route to connect with the Kwun Tong Waterfront further west.

45. A Member said that when the government designed the adjacent POS, an appropriate buffer area from the DGV queuing area that would restrict public access should be provided to avoid causing public safety issues in emergency situations. The parking area at the eastern boundary of the DGV queuing area should not be taken as the buffer as those spaces might be utilized for parking of DGV during operations.

46. Mr Terence S.W. Tsang, Assistant Director (Environmental Assessment), Environmental Protection Department supplemented that the Government was well aware that the Kwun Tong DGVFP was for DGV ferry services and hence a QRA was conducted for the KTAA. The QRA concluded that the predicted individual and societal risk for the KTVFP and its queuing area complied with the Hong Kong Government Risk Guidelines under the HKPSG.

#### Other Matters

47. A Member said that to address the needs of the homeless or those exercising in the locality, consideration might be given to providing shower facilities within the POS.

48. A Member indicated that the need for a stormwater storage tank immediately abutting the sea was unclear, and the feasibility to recycle and utilise the stored stormwater for irrigation should be explored. Another Member said that based on personal experience there was flooding problem in Kwun Tong and the stormwater facility was likely planned to improve the situation.

49. While noting that the concerns on light pollution for safety of vessels navigating in KTTS was an implementation issue which was not related to the amendments on the OZP, Members generally considered that the concerns should be drawn to the attention of Marine Department for its advice on whether follow up action would be required. If necessary, the Government might have to consider stipulating relevant requirements in the leases for selected sites along the waterfront. The general issue of possible impacts of LED lighting at waterfront promenade on navigation safety of vessels could also be conveyed to LCSD.

50. The Chairperson concluded that Members generally agreed that the OZP should not be amended to meet the adverse representation and that the grounds of the representations and comments had been addressed by the departmental comments as detailed in the Paper and the presentations and responses given at the meeting. Members considered that the ES for the “C(2)” zone should be amended to specify that (i) not less than 90m of retail frontage, which might include F&B, be included at the ground level facing the waterfront to enhance vibrancy; (ii) the EVA for the “C(2)” site should be designed in a manner which would not compromise public enjoyment of the waterfront promenade; and (iii) the Design Control Drawing would be



prepared to provide guidelines to ensure that the proposed at-grade POSPD and the adjoining POS would be designed in a comprehensive and integrated manner.

51. Regarding the DGV operations, the Chairperson said that given the intention of KTAA was to revitalize the waterfront and the need to co-exist with the DGV operations before its long term relocation, Members were of the view that relevant government departments should be fully aware that visitors to the area would increase over time and it was necessary to enhance the safety and comfort to the public when designing the adjacent POS and the drainage facilities, such as providing sufficient buffer distance.

52. Regarding the light pollution concerns on safety of vessels navigation in the KTTS, relevant government departments should consult Marine Department on whether follow up action would be required and consider the need or otherwise for stipulating mitigating measures in the lease conditions of sites along the waterfront. LCSD and the Buildings Department should also take note of the concerns raised in planning or approving general building plans for future projects along the waterfront.

53. After deliberation, the Board noted the general views provided by **R14 to R16** and decided not to uphold R1 to R13 and considered that the draft Kwun Tong (South) Outline Zoning Plan (OZP) should not be amended to meet the representations for the following reasons:

**“Item A**

The Development Proposal

- (a) the proposed Kwun Tong Action Area (KTAA) development with commercial uses, Government, institution and community (GIC) facilities, public transport interchange (PTI) and public open space (POS), and with enhanced pedestrian connections would better utilize this waterfront site and enhance accessibility and vibrancy of the waterfront (**R10 and R12**);

Provision of More At-grade Commercial Activities along the Waterfront

- (b) there is flexibility in revising the layout of the PTI in the detailed design

stage for enhancing the provision of at-grade retail uses in the proposed commercial/office (c/o) development along the waterfront promenade. Relevant control under lease would be considered upon further review and in consultation with relevant Bureaux/Departments (B/Ds) (**R10 and R14**);

#### Building Height and Visual Aspect

- (c) the building height (BH) restrictions as stipulated for the proposed c/o development are in line with the building height restrictions currently imposed for other waterfront sites in Kwun Tong Business Area and would allow stepped BH profile descending from the inland area to the waterfront. With incorporation of appropriate mitigation measures, there would be no insurmountable visual impact associated with the proposed c/o development on the surroundings (**R1, R2, R5 to R9 and R11**);

#### Air Ventilation Aspect

- (d) with provision of good design measures, the proposed KTAA development would not result in adverse air ventilation impact (**R1, R2, R5 to R9, R11 and R15**);

#### Traffic Aspect

- (e) with implementation of the proposed road improvement works, the proposed c/o development with the stipulated development intensity is technically feasible from traffic perspective (**R1 to R4, R15 and R16**);

#### Landscape and Environmental Aspects

- (f) there is no registered Old and Valuable Tree identified within the KTAA site. No insurmountable problem is identified for provision of sufficient compensatory trees at the at-grade and elevated open spaces at KTAA. Requirements on compensatory planting, landscape/greenery and Public Open Space in Private Development (POSPD) for the proposed c/o development could be implemented under Landscape Master Plan submission under lease. Any tree works would be conducted in

accordance with Government's prevailing technical circular (**R6 to R9, R11 and R15**);

- (g) it is not anticipated that there would be any adverse environmental impact associated with the proposed KTAA development (**R1 and R2**);

#### Design and Management of POSPD

- (h) Design Control Drawing would be prepared for the proposed at-grade POSPD and the adjoining POS for achieving a comprehensive and integrated design. Relevant requirements on POSPD would be specified in the lease for the proposed c/o development and would be implemented through established mechanism in accordance with the 'POSPD Design and Management Guidelines' (**R1, R11 and R15**);

#### Provision of GIC Facilities

- (i) the Government has been adopting a multi-pronged approach to identify suitable sites or premises for provision of social welfare facilities. Appropriate social welfare facilities would be provided within the proposed c/o development (**R6 to R9 and R11**);
- (j) the KTAA site is not big enough to meet the minimum site area requirement for a sports ground/sports complex as specified under the Hong Kong Planning Standard and Guidelines (**R11**);

#### **Items B1, B2 and B3**

#### Reprovisioning of Pet Garden

- (k) relevant B/Ds will work together on the detailed design of the pet garden to be reprovisioned within KTAA with a target to maintain its existing size of 1,200m<sup>2</sup>. The proposed temporary and permanent pet-friendly open spaces in the vicinity will help meet such demand in the interim (**R1, R2, R11, R15 and R16**);

### Reconfiguration of Dangerous Goods Vehicle (DGV) Queuing Area

- (l) the area for the DGV queuing area has been examined under the Planning and Engineering Study on the Kwun Tong Action Area – Feasibility Study and the area of the “Government, Institution or Community (1)” zone could accommodate its operational need. There is no strong justification to the proposal to enlarge the DGV queuing area which would affect the planned POS/pet garden (**R13**);

### **Item C**

- (m) areas shown as ‘Road’ under Item C is to reflect the existing road network and areas reserved for new roads for the KTAA development (**R10 and R12**); and

### Public Consultation

- (n) the current term of Kwun Tong District Council was consulted on the draft OZP on 4.5.2021 and the statutory consultation process under the Town Planning Ordinance was duly followed (**R11**).”

54. The Board also agreed to amend the Explanatory Statement (ES) of the draft Kwun Tong (South) OZP No. S/K14S/23 to reflect Members’ views above and proposed amendments in Annex VIII(a) and VIII(b) of the Paper as follows:

#### Paragraphs 8.1.4 and 8.1.5 of the ES for “Commercial (2)” (“C(2)”) Zone

“A waterfront site at the KTBA is zoned “C(2)”, which is proposed for a mixed commercial development with office, shop, services and/or eating place uses... An at-grade public transport interchange (PTI) ~~in the podium with gross floor area of not less than 7,050m<sup>2</sup>~~, social welfare facilities **and public vehicle park** as required by the Government, ~~and~~ a minimum total provision of 6,500m<sup>2</sup> public open space in private development (POSPD) at ground level and deck level at locations facing the ~~waterbody~~ **waterfront** with sea view, **and not less than 90m of retail frontage which may include F&B uses at the ground level of the commercial development facing the waterfront** shall be provided. **The EVA for**

*the “C(2)” site should be designed in a manner which would not compromise public enjoyment of the waterfront promenade...”*

“In the “C(2)” zone, a stepped-down viewing deck facing the waterfront should be incorporated at the deck level of the POSPD...A set of landscaped staircases cascading down from the deck level to the adjoining public open space in the “OU” annotated “Drainage Facility and At-grade Public Open Space” zone and the waterfront promenade should be provided...*Design Control Drawing would be prepared to provide guidelines to ensure that the proposed at-grade POSPD and the adjoining POS would be designed in a comprehensive and integrated manner.*”

Paragraph 8.4.3 of the ES for “G/IC(1)” Zone

“Developments and redevelopments in the “G/IC(1)” sites in KTBA to the south of Kwun Tong Road are subject to maximum building heights of 15mPD or 40mPD as stipulated on the Plan. *The “G/IC(1)” site abutting Kei Yip Street is the dangerous goods vehicle (DGVs) queuing area of the Kwun Tong Vehicular Ferry Pier (KTVFP), which falls within the Kai Tak OZP. The KTVFP and the DGVs queuing area is a restricted zone. For any new shared-use activities or design proposals in the DGVs queuing area, relevant Government departments should be consulted and their prior agreement should be obtained in order not to affect the operation of the DGVs queuing area.*”

55. The Board also agreed that the draft OZP, together with their respective Notes and updated Explanatory Statements, were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council for approval.

[Mr Ricky W.Y. Yu, Dr C.H. Hau, Dr Jeanne C.Y. Ng, Dr Roger C.K. Chan and Dr Conrad T.C. Wong left the meeting during the deliberation session.]

[The meeting was adjourned for a break.]

[Dr Lawrence W.C. Poon, Professor T.S. Liu, Professor John C.Y. Ng and Mr Terence S.W. Tsang left the meeting at this point.]

56. The meeting was resumed at 2:40 p.m.

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

Permanent Secretary for Development  
(Planning and Lands)

Ms Bernadette H.H. Linn

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Mr L.T. Kwok

Mr Daniel K.S. Lau

Mr K.W. Leung

Dr Venus Y.H. Lun

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

Director of Lands  
Mr Andrew C.W. Lai

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

Director of Planning  
Mr Ivan M.K. Chung

Deputy Director of Planning/District  
Mr Tom C.K. Yip

Secretary

[Mr K.K. Cheung returned to the meeting at this point.]

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

**Agenda Item 4**

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-SK/302

Proposed Public Utility Installation (Solar Energy System) in “Agriculture” Zone, Lot 363 S.A in D.D. 112, Shek Kong, Yuen Long  
(TPB Paper No. 10781)

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[The item was conducted in Cantonese.]

**Presentation and Question Sessions**

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

- |                     |  |
|---------------------|--|
| Mr Anthony K.O. Luk | - District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FS&YLE) |
| Ms Cholene Yuen     | - Applicant’s representative   |

59. 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.

60. With the aid of a PowerPoint presentation, Mr Anthony K.O. Luk, DPO/FS&YLE, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10781 (the Paper). PlanD maintained its previous view of not supporting the proposed development.

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

62. With the aid of PDF slides, Ms Cholene Yuen, the applicant's representative, made the following main points:

- (a) the application was submitted by Swiss Caviar House (Asia) Limited which was a Switzerland based investment company. The company purchased the application site (the Site) in April 2014 for organic farming. However, after the typhoon in 2018, the plants, farming structures and boundary fences at the Site were destroyed and the farming works were suspended. Without proper fencing, illegal dumping of industrial wastes was found, and the soil was contaminated and considered unsafe for farming. The applicant had paid efforts to clean up the Site and it had to be kept fallow for a considerably long time before the contaminated land could be restored. To better utilize the Site, the applicant submitted the subject application to the Board for installation of solar system to join the CLP Renewable Energy Feed-in Tariff (FiT) Scheme;
- (b) the Site could be accessed via Kam Shui Road from the west and Nam Hing West Road from the east. The Site had no access from Shek Kong Airfield Road and was not considered to be located close to the Shek Kong Airfield;
- (c) there were at least 10 domestic structures with solar energy system (with a total area of about 350m<sup>2</sup>) installed at their roof top nearby. Besides, another larger scale solar energy system for industrial use at Kam Tsin Wai further south was also identified;
- (d) there were numerous examples, including airports in China, Australia, India, Malaysia, the United States and Hong Kong, showing a trend to install solar energy systems within airports to enhance operations without inducing negative impact. The Chinese People's Liberation Army in the



Mainland and the United States Department of Defence also applied the use of solar and renewable energy to generate power supply for their military stations. It was unclear what the security concerns relating to the Shek Kong Barracks were;

- (e) while the applicant had applied to CLP for participating in the FiT Scheme, in parallel, they also applied to the Agriculture, Fisheries and Conservation Department (AFCD) for certification of the Site for organic farm in July 2020. In May 2021, soil testing and on-site organic assessment were conducted by AFCD. Although the formal result was still pending, they were initially notified that the existing soil at the Site could not fulfil the requirement for organic farming. Since 2018, there had been no active farming activity at the Site and the Site had no potential for agricultural rehabilitation;
- (f) an application for installation of a larger scale solar energy system in San Tin within a “Green Belt” (“GB”) zone was approved by the Board (Application No. A/YL-ST/570). Besides, an application for temporary place of recreation, sports or culture (hobby farm) use for a period of 5 years and filling of land (Application No. A/YL-SK/314) at a piece of vacant land adjacent to the Site in Shek Kong was also approved by the Board; and
- (g) Hong Kong should support the National policy to achieve the target of being carbon neutral in 2060. Land zoned “Agriculture” (“AGR”) should not be used for agricultural purpose only and the Board was urged to approve the application so as to better utilize the Site for solar farm development which was in support of the National policy.

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

64. The Chairperson and some Member raised the following questions:

- (a) the decision of the application in San Tin (Application no. A/YL-ST/570) mentioned by the applicant's representative;
- (b) the security concerns relating to the Shek Kong Barracks;
- (c) in what aspects the application was considered not in line with the Assessment Criteria for Considering Applications for Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance (the Assessment Criteria); and
- (d) whether the Director of Agriculture, Fisheries and Conservation (DAFC) considered the soil at the Site not suitable for farming.

65. In response, Mr Anthony K.O. Luk, DPO/FS&YLE, made the following main points:

- (a) the application for proposed public utility installation (solar energy system) within "GB" zone in San Tin (Application no. A/YL-ST/570) was rejected by the RNTPC of the Board on 4.9.2020;
- (b) the comments provided by the Security Bureau were stated in paragraph 4.1.4 of the Paper, and there was no other information to supplement;
- (c) criterion (i) of the Assessment Criteria stated that planning application for stand-alone solar photovoltaic system as 'Public Utility Installation' use in the "AGR" zone was generally not supported except those on land with no active farming activities and low agricultural rehabilitation potential. DAFC indicated that the Site possessed potential for agricultural rehabilitation and the application was not supported from agricultural point of view; and
- (d) although there was no particular comment provided by DAFC on whether the soil at the Site was suitable for farming, their department would provide assistance to farmers on restoration of agricultural land and provision of agricultural infrastructure and technical support.

66. A Member raised the following questions to the applicant:

- (a) the original intended use of the Site;
- (b) whether alternative agricultural use would be considered if the subject application was rejected by the Board; and
- (c) the capacity of the proposed solar energy system.

67. In response, Ms Cholene Yuen, the applicant's representative, made the following main points:

- (a) the applicant had co-operated with the Guangdong Province Agricultural Association (廣東省農業協會) for growing Agarwood in order to produce Agarwood oil for medical use and perfume making;
- (b) as the Site was contaminated and could not be cultivated for safe and quality agricultural products, the Site would be more suitable for the solar farm use under application; and
- (c) the solar farm would have 100 odd solar panels covering about 30% of the Site, which would generate a capacity of about 20kW.

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

#### Deliberation Session

69. Members noted Security Bureau's comments regarding security concerns of the

application as stated in paragraph 4.1.4 of the Paper. They generally agreed with RNTPC's decision of not supporting the application.

70. In response to a Member's query, the Chairperson said that whilst installation of solar energy panels to facilitate agricultural activities in "AGR" zone could be considered as an ancillary use and was always permitted, the current application was for installation of a stand-alone solar energy system that was a 'Public Utility Installation' use and required planning permission. The Chairperson further said that following the Board's consideration of a similar planning application within a site zoned "GB" with relatively lower landscape value, PlanD was currently reviewing whether criterion (j) of the Assessment Criteria regarding a general presumption against such facilities within "GB" zones needed to be fine-tuned. The Chairperson said if the applicant wished to develop solar energy farm in other suitable locations, relevant governments could provide advice to the applicant separately.

71. After deliberation, the Board decided to reject the application for the following reason:

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission to justify a departure from the planning intention;
- (b) the application site is in close proximity to the Shek Kong Barracks. Approval of the application may result in security concerns; and
- (c) the proposed development is not entirely in line with the assessment criteria for considering applications for Solar Photovoltaic (SPV) system in that stand-alone SPV system in the “Agriculture” zone is generally not supported except those on land with no active farming activities and low agricultural rehabilitation potential.”

## **Procedural Matters**

### **Agenda Item 5**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments in respect of the Draft Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/10 (LFS OZP) and the Draft Tin Shui Wai Outline Zoning Plan No. S/TSW/15 (TSW OZP)

(TPB Paper No. 10782)

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[The item will be conducted in Cantonese.]

72. The Secretary reported that the amendment items involved a site in Tin Shui Wai for public housing development by the Hong Kong Housing Authority (HKHA) and the Housing Department (HD) was the executive arm of HKHA. The Engineering Feasibility Study for the aforesaid amendment item was conducted by the Civil Engineering and Development Department (CEDD) with Black & Veatch Hong Kong Limited (B&V) as the study consultants. Representations and comments had been submitted by Hong Kong Bird Watching Society (HKBWS) (C3 of both LFS OZP and TSW OZP) and Ms Mary Mulvihill (R2/C4 of both LFS OZP and TSW OZP). The following Members had declared interests on the items:

- |                     |   |
|---------------------|---|
| Mr Thomas O.S. Ho   | - having current business dealings with HKHA;   |
| Dr Conrad T.C. Wong | - having current business dealings with HKHA;   |
| Mr K.K. Cheung      | - his firm having current business dealings with HKHA and B&V, 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 HKHA and B&V, and hiring Ms Mary Mulvihill on a contract basis from time to time; |

- Mr Franklin Yu - being a member of the Building Committee and Tender Committee of HKHA;
- Mr Y.S. Wong - being a member of Funds Management Sub-Committee of Finance Committee of the HKHA;
- Dr C.H. Hau - conducting contract research projects with CEDD, and being a member of HKBWS;
- Mr K.W. Leung - being a member of the executive board of HKBWS and the chairman of the Crested Bulbul Club Committee of HKBWS;
- Dr Lawrence W.C. Poon - his spouse being an employee of HD but not involved in planning work;
- Mr L.T. Kwok - his serving organisation operating a social service team which was supported by HKHA (including a service unit at Tin Ching Estate) and had openly bid funding from HKHA;
- Mr Ricky W.Y. Yu - his firm having a project in Tin Shui Wai for social housing development;
- Mr Andrew Lai  
(as Director of Lands) - being a member of HKHA; and
- Mr Paul Y.K. Au  
(as Chief Engineer (Works),  
Home Affairs Department) - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidized Housing Committee of HKHA.

73. Members noted that Messrs Thomas O.S. Ho and Y.S Wong had tendered apologies for not being able to attend the meeting, and Dr Lawrence W.C. Poon, Dr C.H. Hau, Dr Conrad T.C. Wong, Messrs Alex T.H. Lai, Franklin Yu and Ricky W.Y. Yu had already left the meeting. As the item was procedural in nature, Members agreed that the above Members who had declared interests could stay in the meeting.

74. The Secretary briefly introduced the TPB Paper No. 10782. On 7.5.2021, the draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (LFS OZP) and the draft Tin Shui Wai OZP No. S/TSW/15 (TSW OZP) were exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of three valid representations for each of the OZPs were received. One other submission for the LFS OZP was made out-of-time and one other submission for the TSW OZP was made with identity information missing. Both submissions should be considered as invalid and treated as not having been made pursuant to sections 6(3)(a) and 6(3)(b) of the Ordinance. The valid representations were subsequently published for three weeks and a total of four valid comments for each of the OZPs were received. Two other submissions for the TSW OZP were made with identity information missing and should be considered as invalid and treated as not having been made pursuant to section 6A(3)(b) of the Ordinance.

75. Since the representations/comments received on the LFS OZP and TSW OZP were of similar nature, the hearing of all representations and comments was recommended 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 presenter/commenter in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for December 2021.

76. After deliberation, the Board noted that the representation made out-of-time and/or representations/comments with the required identity information missing for the two OZPs as mentioned in paragraphs 1.2 and 1.3 of the Paper should be treated as not having been made, 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 6**

[Open Meeting]

Any Other Business

77. There being no other business, the meeting was closed at 3:40 p.m.