

**Minutes of 1263<sup>rd</sup> Meeting of the  
Town Planning Board held on 21.1.2022**

**Present**

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

Chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr Frankie W.C. Yeung

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Dr Conrad T.C. Wong

Dr Hon Y.S. Wong

Principal Assistant Secretary (Transport) 3  
Transport and Housing Bureau  
Miss Fiona W.S. Li

Chief Engineer (Works),  
Home Affairs Department  
Mr Paul 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  
Ms Lily Y.M. Yam

Secretary

**Absent with Apologies**

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Peter K.T. Yuen

Dr C.H. Hau

Dr Lawrence K.C. Li

Mr C.H. Tse

**In Attendance**

Chief Town Planner/Town Planning Board  
Ms Josephine Y.M. Lo

Senior Town Planner/Town Planning Board  
Ms M.L. Leung

## **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 1262<sup>nd</sup> Meeting held on 7.1.2022**

[The item was conducted in Cantonese.]

2. The draft minutes of the 1262<sup>nd</sup> meeting held on 7.1.2022 were sent to Members before the meeting. Subject to any proposed amendments by Members on or before 24.1.2022, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 24.1.2022 without amendments.]

## **Agenda Item 2**

[Open Meeting]

### **Matters Arising**

[The item was conducted in Cantonese.]

#### (i) **Approval of Draft Outline Zoning Plans**

3. The Secretary reported that on 4.1.2022, the Chief Executive in Council (CE in C) approved the draft Ma On Shan Outline Zoning Plan (OZP) (re-numbered as No. S/MOS/24) and Kwu Tung South OZP (re-numbered as No. S/NE-KTS/18) under section 9(1)(a) of the Town Planning Ordinance. The approval of the draft plans was notified in the Gazette on 14.1.2022.

(ii) Reference Back of Approved Outline Zoning Plans

4. The Secretary reported that on 4.1.2022, the CE in C referred the Approved Wan Chai OZP No. S/H5/29 and the Approved So Kwun Wat OZP No. S/TM-SKW/13 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the Approved Wan Chai OZP was notified in the Gazette on 14.1.2022, and that for the Approved So Kwun Wat OZP would be on 21.1.2022.

**Hong Kong District**

**Agenda Item 3**

[Open Meeting – Presentation and Question Sessions only]

Review of Application No. A/H5/414

Proposed Minor Relaxation of Building Height Restriction for Permitted Flat Use in “Residential (Group B)” Zone and area shown as ‘Road’, 33-35 Kennedy Road, Wan Chai, Hong Kong

(TPB Paper No. 10802)

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[The item was conducted in Cantonese and English.]

5. The Secretary reported that the application site (the Site) was located in Wan Chai, and T.K. Tsui & Associates Limited (TKT) was one of the consultants of the applicants.

6. The following Members had declared interests on the item:

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

Mr Alex T.H. Lai - his former firm having current business dealings with TKT; and

Miss Winnie W.M. Ng - her company owning an office in Wan Chai.

7. As Messrs K.K. Cheung and Alex T.H. Lai had no involvement in the application, and the property owned by the company of Miss Winnie W.M. Ng had no direct view of the Site, Members agreed that they could stay in the meeting.

Presentation and Question Sessions

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

***PlanD***

Mr Mann M.H. Chow	- District Planning Officer/Hong Kong (DPO/HK)
Ms Floria Y.T. Tsang	- Senior Town Planner/Hong Kong (STP/HK)

***Applicants' Representatives***

Mr Keith Graham Kerr	] Board Profit Limited and Come First
Mr Hon Chung Hei	] Limited
Mr Alex Leung	]
Mr Cheung Chi Fong	]
Mr Lee Hoi Kit Alex	]
Mr Ian Brownlee	] Masterplan Limited
Ms Heather Yuen Sik Kiu	]
Ms Kira Whitman	]
Mr Ng Siu Lung	]

9. 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.

10. With the aid of a PowerPoint presentation, Ms Floria Tsang, STP/HK, briefed Members on the background of the review application including the consideration of the application by the Metro Planning Committee (MPC) of the Town Planning Board (the Board),

departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10802 (the TPB Paper).

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

12. With the aid of a PowerPoint presentation, Messrs Ian Brownlee and Keith Kerr, the applicants' representatives, made the following main points:

*Site Context and Constraints*

- (a) The Site was the result of an amalgamation of two smaller lots. Yet, it was small and triangular in shape which had created constraints for building purpose;
- (b) there was a Right of Way (ROW) passing through the Site providing vehicular access from Kennedy Road to the Site, Wing Way Court and Phoenix Court. It was a private agreement in the 1950s among the owners of the said developments with a legal obligation that the ROW could not be built upon and under. The ROW occupied about 49.9% of the area of the Site which meant that nearly half of the Site was non-buildable, imposing a constraint on building design for development within the Site;

*Floor-to-floor (FTF) height*

- (c) the proposal would provide the much-needed new housing supply of 75 flats. With the building height restriction (BHR) slightly relaxed from 120mPD to 129.95mPD (+8.29%), a high standard floor-to-floor (FTF) height of 3.15m could be achieved;
- (d) there had been three sets of General Building Plans (GBPs) previously submitted by the applicants for the Site. With a FTF height of 3m, the GBP submitted in 2018 (the 2018 GBP Scheme), albeit approved, was not a quality scheme as it lacked a clubhouse and the gross floor area (GFA) for the

ancillary facilities was underestimated and counted as domestic GFA while it would normally be exempted. With a FTF height of 3.15m, the GBP submission in 2019 which could accommodate all necessary ancillary facilities with a site coverage of about 36.5% was however rejected. The GBP submission in 2020 with a FTF height of 3.05m (the 2020 GBP Scheme), albeit approved, could not achieve the maximum permissible plot ratio (PR) of 8 but only 7.647. Considering the limitations of previous GBP submissions, the current scheme was devised to accommodate the full permissible GFA with a FTF height of 3.15m and a BH of 129.95mPD;

- (e) according to Practice Note for Professional Persons (PNAP), Registered Structural Engineers and Registered Geotechnical Engineers APP-5 (also referred as Joint Practice Note No. 5) issued in April 2019, the minimum height of room for habitation was 2.5m, with a maximum of 3.5m for typical floor and a maximum of 4m for topmost floor. As such, a storey height of 3.15m, between 2.5m and 3.5m, was adopted in the subject scheme to follow the market trend. Moreover, a desktop survey on 40 new residential buildings completed in the last five years indicated that 80% of the sample had a typical FTF height of 3.15m or above, illustrating the predominant standard in the building sector;

#### *Design Merits*

- (f) compared with the s.16 scheme, the s.17 scheme had been enhanced to include an additional landscaping area in an existing sunken area along the ROW to improve the local environment. While the applicant could construct a podium with blank façade, it was proposed to provide more landscaping and greenery atop the 15m-high podium and use of clear glass as building material for the G/F facing Kennedy Road so as to enhance visual amenity;

#### *Responses to Public Comments*

- (g) in view of the objecting public comments received during the s.17 stage as



detailed in paragraph 6.1(a) to 6.1(h) of the TPB Paper, the applicants had responded that (a) a number of technical documents had already been submitted to support the application; (b) building plan approval was already secured for a 23-storey development; (c) the proposed building would be the lowest in the midst of the surrounding taller buildings; (d) there had been no material change in traffic terms since the Building Appeal Tribunal (BAT) decision in 1992; (e) the approved GBPs had not taken into account modern day's safety requirements; (f) although the ROW was a private agreement without government involvement, it should still be honoured; (g) there would be no car parking provision at the Site; and (h) the removal of trees was mandated by relevant government departments;

#### *Provision of Parking Spaces*

- (h) in 1992, the BAT dismissed an appeal against the rejection of building plans by the Buildings Department (BD) for a 32-storey residential development with 48 car parking spaces on the Site. The then Chief Highways Engineer advised that the proposed car parking spaces would attract more traffic and hence aggravate the congestion problem and might cause tail-back of vehicles along Kennedy Road. After all those 30 years, the physical condition of the Site and ROW had not altered at all and the comments of the then Chief Highways Engineer were still valid today. It was inappropriate for the Transport Department (TD) to change their stance in respect of the current application;
- (i) if car parking spaces were to be provided, there would be either an aboveground carpark that would further increase the BH or an underground carpark that would need to be squeezed in the small irregular site, rendering the layout inefficient;

#### *Approval Conditions*

- (j) at the s.16 stage, the approval conditions as suggested in the MPC Paper No. A/H5/414B (the MPC Paper) were considered irrelevant to the nature of the

application, which was merely a minor relaxation of BHR. In paragraphs 9.1.7 and 9.1.8 of the MPC Paper, the Director of Environmental Protection (DEP) had no objection but, for no reason, suggested an approval condition requiring the submission of a Noise Impact Assessment (NIA) given that noise had never been identified as an issue. On the sewerage impact, it was confusing that while the Director of Drainage Services (DSD) had no comment from sewerage viewpoint and was satisfied even without a Sewerage Impact Assessment (SIA), DEP suggested an approval condition requiring the submission of an SIA;

- (k) the approval conditions stipulated in the TPB Paper were unnecessary and disproportionate. However, in case the Board had concern on the implementation of the landscaping proposal, the applicant had no objection to the imposition of an approval condition requiring the submission of a detailed landscape plan;

*Criteria for Consideration of Application for Minor Relaxation of Building Height Restriction (BHR)*

- (l) according to paragraph 7.1 of the Explanatory Statement (ES) of the OZP, the BHR was intended to, amongst others, prevent excessively tall or out-of-context buildings. The proposed building height (BH) of 129.95mPD was not considered excessive comparing with the existing buildings nearby with heights ranging from 220mPD (Hopewell Centre), 160 to 180mPD (Bamboo Grove), 153mPD (Amber Garden), 143mPD (Wing Way Court) to 137mPD (Wu Chung House) in the immediate surroundings. In fact, the proposed development with a BH of 129.95mPD would be dwarfed by most of the buildings in the vicinity. On the visual and landscape impacts, there was no adverse comment from the Chief Town Planner/Urban Design and Landscape, PlanD and the Architectural Services Department;
- (m) there were six criteria for consideration of application for minor relaxation of BHR as set out in the ES of the OZP:

Criteria (a) – amalgamating smaller sites for achieving better urban design and local area improvements,

Criteria (b) – accommodating the bonus plot ratio granted under the Buildings Ordinance in relation to surrender/dedication of land/area for use as a public passage/street widening,

Criteria (c) – providing better streetscape/good quality street level public urban space,

Criteria (d) – providing separation between buildings to enhance air and visual permeability,

Criteria (e) – accommodating building design to address specific site constraints in achieving the permissible plot ratio under the Plan, and

Criteria (f) – other factors such as need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality and would not cause adverse landscape and visual impacts.

- (n) in respect of the six criteria, it was not mentioned that there should be direct public benefits arising from the relaxation or that the planning and design merits should be strong. It was perceived that fulfilling one of these criteria would be adequate for the approval be granted and the current proposal could achieve at least four to five of them, including: Criteria (a) and (c) by amalgamating smaller sites for achieving better urban design and streetscape; Criteria (d) by preserving the 9m-wide ROW as a building separation to facilitate wind and light penetration; Criteria (e) by providing a healthy FTF height of 3.15m while achieving the maximum permissible PR; and Criteria (f) by including some building design features (e.g. podium setback, ROW improvement, etc.) without causing adverse landscape and visual impacts.

[Dr Frankie W.C. Yeung and Mr Franklin Yu joined, and Dr Roger Chan left the meeting during the presentation of the applicants' representatives.]

13. As the presentations of PlanD's representative and the applicants' representatives were completed, the Chairperson invited questions from Members. The Chairperson

remarked that the meeting was to consider an application for review on minor relaxation of the BHR of 120mPD for the Site, rather than determining whether the BHR for the Site was appropriate, and the application should be considered based on its planning and design merits and the site context.

*BHRs and Minor Relaxation of BHR*

14. Some Members raised the following questions:

- (a) the principles for stipulating BHRs for the Wan Chai OZP area and the area where the Site was located; and
- (b) whether approval had been granted before to similar application(s) involving increase in BH to accommodate higher FTF height.

15. With the aid of some PowerPoint slides, Mr Mann M.H. Chow, DPO/HK, made the following main points:

- (a) in stipulating BHRs on the OZP in 2010, BHRs generally commensurate with the planning intention of the various land use zones and the stepped BH concept from the hilly topography in the south to the lower area in the north were adopted. For the area in vicinity of the Site, considerations were also given to the ascending topography along Kennedy Road from the east to the west for which stepped BH bands had been imposed for sites along Kennedy Road on the OZP. In formulating BHRs for residential development, a FTF height of 3m based on the established practice was assumed and a height band of 120mPD was imposed for “R(B)” zone on that section of Kennedy Road including the Site. At the time of imposing BHRs on the OZP in 2010, some taller buildings nearby were already in existence, e.g. Wing Way Court (143mPD). To the north of the Site was a “Commercial (1)” zone subject to a BHR of 140mPD and to the south across Kennedy Road was a “R(B)” zone on the hill side subject to a BHR of 30 storeys under the approved Mid-Levels East OZP; and

- (b) there was no similar application for minor relaxation of BHR for “R(B)” zone within the Wan Chai OZP area.

#### *Site Constraints*

16. In response to some Members’ enquiries regarding the site constraints that would hinder the development on the Site, with the aid of some PowerPoint slides, Mr Mann M.H. Chow, DPO/HK, explained that site constraints were usually referred to sites of small size, containing steep slope or heritages, with overhead electricity cable and/or underground utility pipelines, etc. It should be noted that with the ROW in place, which was claimed to be a site constraint by the applicants, the 2018 GBP Scheme was approved with a PR of 7.999 which demonstrated that the ROW was not a hindrance to achieving full permissible PR.

17. Mr Keith Kerr, the applicants’ representative, further explained that in the previous approved building plan schemes, the Building Authority had approved the concerned building plans providing that the ROW was not to be built over, under or upon and should be maintained as a passage way during the lifetime of the development. The presence of the ROW limited the buildable area of the Site and the design of the development.

#### *Approval Conditions*

18. Some Members enquired about the need for imposing approval conditions requiring the submission of an NIA and an SIA. In response, Mr Mann M.H. Chow, DPO/HK, explained that facing the heavily trafficked Kennedy Road, the Site was subject to potential traffic noise impact which necessitated the submission of an NIA to ensure no adverse noise impact. On sewerage impact, compared with the previous four-flat development at the Site, the proposal would involve a considerable increase in the number of flats and population, and hence the potential sewerage impact on the existing sewerage network. The requirement for the submission of an SIA was to ensure no adverse sewerage impact.

19. Mr Ian Brownlee, the applicants’ representative, on the other hand, stated that the requirement of NIA was irrelevant to an application for relaxation of BHR. Besides, an SIA had never been requested by any government departments for the approval of the previous GBP submissions. It should be noted that only about 6 more flats (75 flats in total) were proposed

in the current proposal, comparing with the total of 69 flats in the 2020 GBP Scheme.

*Traffic and Parking Provision*

20. Some Members raised the following questions:

- (a) whether there was any building nearby without car parking provision; and
- (b) whether there was a need to provide car parking spaces within the Site.

21. In response, Mr Mann M.H. Chow, DPO/HK, made the following main points:

- (a) in general, subject to the TD's advice, a development without vehicular access could be allowed for not providing car parking spaces; and
- (b) judging from the BAT decision in 1992, the then Chief Highways Engineer advised that the ROW was too narrow to accommodate turn-around movement of vehicles, while TD considered that there was no waiting area for the proposed car lift and hence might cause tail-back of vehicles onto Kennedy Road. TD, in commenting on the current proposal, advised that circumstances had changed since 1992 such that the BAT case could no longer serve as a reference. It should be clarified that TD's stance was not to object to the application but to express concerns on the inadequacy in the information submitted by the applicants to support the zero provision of car parking spaces (except one for the disabled) under the current scheme. Nonetheless, traffic impact was not a rejection reason at the s.16 application stage.

*Planning and Design Merits*

22. A Member asked whether a planning approval should automatically be granted if all the criteria for considerations of minor relaxation of BHRs as stated in the ES of the OZP were fulfilled. In response, Mr Mann M.H. Chow, DPO/HK, said that while the said criteria served as a guideline, the application should be determined on the basis of individual merits.

23. Mr Ian Brownlee, the applicants' representative, in response to the Member's same question, said that the six criteria on consideration of minor relaxation of BHR did not require the merits to be for public benefit nor fulfilment of all of them. Indeed, the proposal had adequately met at least four of the criteria.

24. A Member enquired about the planning merits of adding the two topmost floors which would render the BH of the proposed development exceeding the BHR of 120mPD. In response, Messrs Ian Brownlee and Keith Kerr, the applicants' representatives, said that with a BHR of 120mPD, the podium footprint would fully occupy the developable area of the Site and the podium deck would be higher than the level of Kennedy Road. For the current scheme, the podium footprint could be reduced with set back from Kennedy Road and the level of the landscaped podium deck could be lowered to the level of Kennedy Road, as the GFA displaced from a less bulky podium could be accommodated in the tower portion with higher BH. Such arrangement would not only enhance the visual amenity along Kennedy Road for the pedestrians, but also improve air ventilation at the pedestrian level. Another public benefit would be an increase in the supply of quality flats and the future residents would be better off with a higher FTF height of 3.15m which was a modern standard in the market.

25. In response to a Member's enquiry on whether a higher FTF height would be a public benefit, Mr Mann M.H. Chow, DPO/HK, said that the public benefit would be more for the residents of the subject development and higher BHs might obstruct public views to the ridgelines. Regarding the applicants' desktop survey on 40 newly-built residential buildings, it should be noted that those buildings were scattered around the territory each with its individual circumstances. For those without BHR under OZP, their FTF height could be higher. Despite the 80% of the sample with a FTF height above 3.15m, there was still a 20% with a FTF height below 3.15m.

26. The Chairperson raised the following questions to the applicants:

- (a) whether the pedestrian connection across the Site to the staircase leading to Spring Garden Lane was provided in the two approved GBP submissions or could only be materialised through the minor relaxation of BHR; and
- (b) whether the proposed landscaping of the ROW could be provided without

minor relaxation of BHR.

27. In response, Messrs Ian Brownlee and Keith Kerr, the applicants' representatives, made the following main points:

- (a) there was an existing pedestrian connection passing through the ROW and leading to the staircase to Spring Garden Lane to the west. That pedestrian connection was retained in the two approved GBP schemes and the current scheme in order to maintain the same function. The provision of ROW was not a result of the relaxation of BHR, but a constraint on the Site which in turn contributed as a public benefit; and
- (b) the proposed landscaping of the ROW was not contingent upon the relaxation of BHR.

*Landscape and Air Ventilation Aspects*

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

- (a) the local wind environment of the Site;
- (b) whether any air ventilation assessment had been conducted in support of the current application;
- (c) with the proposed relaxed BHR, whether there would be any improvement in respect of air ventilation; and
- (d) the greening ratio of the proposal.

29. In response, Mr Mann M.H. Chow, DPO/HK, made the following main points:

- (a) based on the AVA conducted in 2010 and the updated AVA in 2018, the major prevailing annual wind came from the east and the northeast, and the prevailing summer wind mainly from the southerly quarters in the Wan Chai



OZP Area. For wind coming from the east, it would flow along the major east-west roads such as Kennedy Road. Also, there would be downhill wind over the vegetated hillslopes from the south to the north channelling through the two north-south staircases on both sides of the Site, namely Spring Garden Lane on the west and Yen Wah Steps on the east. To improve the flow of downhill wind along those two narrow staircases, building setback requirements upon redevelopment thereat were imposed under the OZP. PlanD did not conduct any AVA specifically for the Site and the current proposal as it should be the responsibility of the applicants to demonstrate the air ventilation impacts, if needed; and

- (b) the greenery proposed in the s.16 scheme was about 53m<sup>2</sup> in area but such figure was not available in the s.17 scheme. In the s.17 scheme, an additional greening area was proposed by turning an existing sunken area into a greenery. However, no detailed information had been submitted by the applicants in the submission.

30. In response, Messrs Ian Brownlee and Keith Kerr, applicants' representatives, made the following main points:

- (a) the increase in BH under the application was only as minor as 10m. According to their experience, the associated air ventilation impact would be minimal and an AVA was considered unnecessary;
- (b) the setting back of the building from Kennedy Road under the current scheme would free up more space for air flow at the pedestrian level. Also, sufficient space between buildings had been allowed to facilitate air ventilation; and
- (c) regarding the landscaping of the sunken area, although the area was sunken, it would still be possible to grow plants therein because trees would grow to the light.

*The Proposal*

31. Noting that both the 2018 GBP Scheme and the current scheme could achieve the maximum permissible PR of 8, a Member asked about the reasons why the 2018 GBP Scheme with a smaller site coverage (i.e. 31.599%) could be built with a BH of 119.94mPD whereas the current scheme with a larger site coverage (i.e. 33.33%) would need to be built up to a BH of 129.95mPD.

32. In response, Messrs Keith Kerr and Alex Leung, the applicants' representatives, made the following main points:

- (a) Comparing with the current proposal, the 2018 GBP Scheme did not provide a clubhouse and adequate building services to meet the modern standard. Also, some ancillary facilities (e.g. electrical and mechanical facilities, fire safety provision, etc.) which had been placed within the podium and counted towards domestic GFA in the 2018 GBP Scheme were now moved up to the residential tower and exempted from GFA calculation. The purpose of the 2018 GBP Scheme was to demonstrate the possibility of achieving the maximum permissible development potential of the Site so as to facilitate discussion between the two subject lot owners for joint development of the Site. More importantly, the 2018 GBP Scheme was not a buildable scheme as explained above.

33. The Chairperson further asked why the 2018 GBP Scheme was not implemented soon after approval amid the prevailing housing shortage but rather much of the time was spent on revising schemes in the past few years. In response, Mr Keith Kerr, the applicants' representative, explained that although both the 2018 GBP Scheme and the current proposal could achieve the same domestic GFA of 5,725m<sup>2</sup>, the former had some floorspace which had been notionally counted as domestic GFA were not in the form of residential units but podium space. The purpose of so doing was to establish that BD and relevant government departments had no objection to realising the full development potential of the Site. Mr Keith Kerr further said that there was delay in their implementation programme as when foundation works was underway, more time was required to deal with issues arising from the small size of the Site, e.g. retaining wall issue, insufficient space to accommodate necessary equipment on-site at any

one time, etc. Moreover, to increase flat supply, the scheme was revised from 46 units in the 2018 GBP Scheme to 75 units in the current scheme.

34. As Members had no further questions 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 applicants' representatives for attending the meeting. They left the meeting at this point.

[Miss Winnie W.M. Ng left the meeting during the question and answer session.]

#### Deliberation Session

35. The Chairperson remarked that the traffic issue was not part of the rejection reasons for the s.16 application and should be disregarded. She invited Members to consider two major considerations of the subject review application, i.e. (i) whether relaxing the BHR could address the site constraints in achieving the full development potential under the OZP, and (ii) whether there were planning and design merits, which were not necessarily for the benefits of the public, for the proposed relaxation of BHR. On site constraints, it was noted that the maximum development potential of the Site could be achieved as demonstrated in the 2018 GBP Scheme with a building height complying with the BHR. On planning and design merits, it was noted that the provision of ROW and landscaping was not contingent upon the application and the significance of the visual amenity contributed by the proposed landscaped podium for pedestrians on Kennedy Road was doubtful, given that the podium frontage facing the road was short. Although a higher FTF height could allow the future residents to enjoy a better internal living space, Members should note that the FTF height adopted by PlanD in devising the BHRs was 3m and that adopted by BD as the minimum was 2.5m, and that approving the subject application for relaxation of BHR for achieving a FTF height higher than the prevailing assumptions should be supported with strong justifications. She then invited views from Members on the review application.

36. Two Members considered that the subject application could be supported because the buildings nearby were taller than the proposed development.

37. The majority of Members, with reference to the criteria for consideration of such type of application as stated in the ES of the OZP, considered that the subject application could not be supported on the following considerations:

*Site Constraint*

- (a) the ROW was not considered as a site constraint capable of affecting the utilisation of full development potential of the Site;

*Planning and Design Merits*

- (b) based on the applicants' submission and elaboration at the meeting, there were no strong justifications in support of the minor relaxation of BHR;
- (c) the so-called planning and design merits under the current proposal could still be achieved even without the application, e.g. the landscaping/repaving of the ROW and the sunken area, provision of lighting to the staircase leading to Spring Garden Lane (outside the Site), etc. It was apparent that the applicants had not made their best effort to offer planning and design merits. Regarding the planning gain in the form of a street-level landscaped podium with setback from the road in exchange for a higher BH, such benefit was considered insignificant. Besides, the setback area was not accessible by the public;
- (d) noting that the FTF height for public housing was about 2.7m and that for private housing was generally around 3m, it could not be said that a FTF height below 3.15m would provide a sub-standard living environment as claimed by the applicants. The adoption of a FTF height of 3.15m could not be regarded as a public benefit;
- (e) the applicants had not submitted any information to demonstrate the improvement to the air ventilation they claimed; and

*BHR*

- (f) the area to the south across Kennedy Road was rather hilly, with a context completely different from that of the Site which lied in the area north of the road at a lower elevation. It would not be appropriate to compare the subject building with those high-rises on the hill as they had different site contexts and covered by two different OZPs. Also, some taller buildings nearby already existed at the time of imposition of the lower BHR of 120mPD and hence could not be taken as reference when assessing the application.

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

“the applicant fails to demonstrate strong planning and design merits to justify the proposed minor relaxation of building height restriction.”

[Dr Jeanne C.Y. Ng, Messrs Stephen L.H. Liu and Y.S. Wong left the meeting during the deliberation session.]

**Procedural Matters**

**Agenda 4**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Tai Po Outline Zoning Plan No. S/TP/29  
(TPB Paper No. 10803)

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[The item was conducted in Cantonese.]

39. The Secretary reported that the amendment items mainly involved two sites in Tai Po. One was for proposed public housing to be developed by the Hong Kong Housing Authority (HKHA) which was supported by an Engineering Feasibility Study conducted by the Civil Engineering and Development Department (CEDD), and Urbis Limited (Urbis) was one

of the consultants. The other was for proposed private residential development to take forward an approved s.12A application No. Y/TP/28 submitted by Ford World Development Limited (a subsidiary of Henderson Land Development Company Limited (HLD)), with AECOM Asia Co. Limited (AECOM) being one of the consultants of the applicant.

40. Representations or comments, amongst others, were submitted by Ford World Development Limited (R2), the Conservancy Association (CA) (R3), Kadoorie Farm & Botanic Garden (KFBG) (R4), Mary Mulvihill (R169/C1), the Hong Kong and China Gas Company Limited (Towngas) (R170) which was a subsidiary of HLD, and Mass Transit Railway Corporation Limited (MTRCL) (R171).

41. The following Members had declared interests on the item:

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

Mr Paul Y.K. Au - being a representative of the Director of Home  
(*as Chief Engineer Affairs who was a member of the Strategic Planning*  
(*Works*), *Home Affairs Committee and Subsidised Housing Committee of*  
*Department*) HKHA;

Dr Lawrence W.C. Poon - his spouse being an employee of Housing  
Department (the executive arm of HKHA) but not  
involved in planning work;

Mr K.K. Cheung - his firm having current business dealings with  
HKHA, HLD, Towngas, AECOM, MTRCL and  
KFBG, past business dealings with CA, and hiring  
Ms Mary Mulvihill on a contract basis from time to  
time;

Mr Alex T.H. Lai - his former firm having current business dealings  
with HKHA, HLD, Towngas, AECOM, MTRCL

and KFBG, past business dealings with CA, and hiring Ms Mary Mulvihill on a contract basis from time to time;

- Dr Billy C.H. Hau - having past business dealings with HLD and AECOM; being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD before; currently conducting contract research project with CEDD; being a life member of the CA and his spouse being the Vice Chairman of the Board of Directors of the CA;
- Mr Thomas O.S. Ho - having current business dealings with HKHA, AECOM, Urbis, and past business dealings with MTRCL;
- Dr Conrad T.C. Wong - having current business dealings with HKHA and MTRCL;
- Mr Franklin Yu - being a member of the Building Committee and Tender Committee of HKHA;
- Mr L.T. Kwok - his serving organisation operating a social service team which was supported by HKHA and had openly bid funding from HKHA;
- Mr Daniel K.S. Lau - being a Member of Hong Kong Housing Society which had discussed with HD on housing development issues; co-owning with spouse a flat in Tai Po;

- Mr Y.S. Wong - being a member of Funds Management Subcommittee of Finance Committee of the HKHA;
- Dr Lawrence K.C. Li - being the Deputy Chairman of the Council of the Polytechnic University (PolyU) which had obtained sponsorship from HLD before;
- Mr Stephen L.H. Liu - being a former member of the Council of Hong Kong PolyU which 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 and had collaborated with the MTRCL on a number of arts projects;
- Dr Venus Y.H. Lun - owning a property in Tai Po; and
- Dr Frankie Yeung - owning a flat in Tai Po.

42. As the item was procedural in nature, Members agreed that the above Members who had declared interest could stay in the meeting.

43. The Secretary briefly introduced the TPB Paper No. 10803. On 17.9.2021, the draft Tai Po Outline Zoning Plan No. S/TP/29 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition period, a total of 171 valid representations and one valid comment were received. Six other representations were made with identity information missing and should be treated as not having been made pursuant to sections 6(2)(b) and 6(3)(b) of the Ordinance.

44. In view of the similar nature of the representations and the comment, the hearing of all representations and the comment 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 representer/commenter in the hearing session. Consideration of the representations and the comment by the full Board was tentatively scheduled for March 2022.

45. After deliberation, the Board noted that the representations made with the required identity information missing as mentioned in paragraph 1.3 of the Paper should be considered as invalid pursuant to sections 6(2)(b) and 6(3)(b) of the Ordinance, 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 5**

[Open Meeting]

### **Any Other Business**

46. There being no other business, the meeting was closed at 12:30 p.m.