

**Minutes of 1271st Meeting of the
Town Planning Board held on 27.5.2022**

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 C.H. Hau

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

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

Mr Ricky W.Y. Yu

Dr Venus Y.H. Lun

Mrs Vivian K.F. Cheung

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Ms Bernadette W.S. Tsui

Mr K.L. Wong

Principal Assistant Secretary (Transport) 3

Transport and Housing Bureau

Miss Fiona W.S. Li

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 Stanley T.S. Choi

Professor Jonathan W.C. Wong

Professor Roger C.K. Chan

Dr Conrad T.C. Wong

In Attendance

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board

Ms Josephine Y.M. Lo

Senior Town Planner/Town Planning Board

Ms Annie H.Y. Wong

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 1269th Meeting held on 13.5.2022

[The item was conducted in Cantonese.]

2. The draft minutes of the 1269th meeting held on 13.5.2022 were sent to Members on 27.5.2022. Subject to any proposed amendments by Members on or before 30.5.2022, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 30.5.2022 without amendments.]

3. Since the representers, commenter and representer's representatives of Agenda Item 3 had arrived, the Chairperson suggested and Members agreed to consider Agenda Item 3 first.

[Ms Bernadette W.S. Tsui and Miss Winnie W.M. Ng joined the meeting at this point.]

Tsuen Wan and West Kowloon District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comment in respect of the the Draft Yau Ma Tei Outline Zoning Plan No. S/K2/23
(TPB Paper No. 10833)

[The item was conducted in English and Cantonese.]

4. The Secretary reported that the following Members had declared interests on the item for owning properties in the Yau Ma Tei (YMT) area; and/or having affiliation with the Institute of Future Cities (IOFC) of the Chinese University of Hong Kong (CUHK) which was the Planning Department (PlanD)'s consultant of the updated Air Ventilation Assessment in respect of the YMT Outline Zoning Plan (OZP):

Mr Andrew C.W. Lai - owning/co-owning with spouse properties in Yau
(*as Director of Lands*) Tsim Mong District;

Mr Stanley T.S. Choi - his spouse being a director of a company owning
properties in YMT;

Dr Conrad T.C. Wong - having current business dealings with CUHK and
being a director of a company owning properties in
YMT;

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

Mr Franklin Yu - having current business dealings with CUHK;

Mrs Vivian K.F. Cheung - her spouse being an employee of CUHK; and

Mr Ben S.S. Lui - his former employer having conducted the District
Study for Yau Ma Tei and Mong Kok, which covered
the planning area of the YMT OZP.

5. Members noted that Mr Stanley T.S. Choi and Dr Conrad T.C. Wong had tendered apologies for being not able to attend the meeting. Members also agreed that as the interests of Mrs Vivian K.F. Cheung and Mr Ben S.S. Lui were considered indirect, Professor John C.Y. Ng and Mr Franklin Yu had no involvement in the amendments, and the properties owned by Mr Andrew C.W. Lai and his spouse were not affected by the proposed amendments, they could stay in the meeting.

Presentation and Question Sessions

6. The Chairperson said that notification had been given to the representers and commenter 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 commenter, Members agreed to proceed with the hearing of the representations and comment in their absence.

7. The following government representatives, representers, commenter and representer's representatives were invited to the meeting at this point:

Government Representatives

Planning Department (PlanD)

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

Mr Clement Miu - Senior Town Planner/Yau Tsim Mong

Representers, Commenter and Representer's Representatives

R1 – The Real Estate Developers Association of Hong Kong

Mr Ian Brownlee] Representer's Representatives

Mr Benson Poon]

Mr Eric Chih]

Ms Ho Yuen Fun Foon]

R3/C1 – Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

8. 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 comment. The representers, commenter and representer's representatives

would then be invited to make oral submissions. To ensure the efficient operation of the hearing, each representer, commenter or the representer's representative would be allotted 10 minutes for making oral submissions. There was a timer device to alert the representers, commenter and the representer's 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 representers, commenter and the representer's representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representers, commenter and the representer's representatives. After the Q&A session, government representatives, the representers, commenter or the representer's representatives would be invited to leave the meeting. The Town Planning Board (the Board) would deliberate on the representations and comment in their absence and inform the representers and commenter of the Board's decision in due course.

9. The Chairperson invited PlanD's representative to brief Members on the representations and comment.

10. With the aid of a PowerPoint presentation, Mr Derek P.K. Tse, DPO/TWK, PlanD, briefed Members on the representations and comment, including the background of the amendments, the grounds/views/proposals of the representers and commenter, planning assessments and PlanD's views on the representations and comment as detailed in TPB Paper No. 10833 (the Paper).

[Messrs Franklin Yu and L.T. Kwok joined the meeting during PlanD's presentation.]

11. The Chairperson then invited the representers, commenter and the representer's representatives to elaborate on their representations/comment.

R1 – The Real Estate Developers Association of Hong Kong (REDA)

12. With the aid of a PowerPoint presentation, Mr Ian Brownlee made the following main points:

- (a) REDA's submission was made in the broad interest of Hong Kong as a whole and in the interests of maintaining an efficient, fair and sustainable urban

development system. The submission was based on principles rather than any development proposals of particular sites;

- (b) in June 2010, REDA submitted a representation in respect of the draft YMT OZP No. S/K2/21 (OZP 21), in which some grounds were almost the same as those in R1 in respect of the subject draft OZP. Given that the Board had not given adequate consideration to the representation, REDA lodged a Judicial Review (JR) against the Board's decision. In 2015, the Court of First Instance (CFI) ordered that the OZP should be remitted to the Board for reconsideration for the reasons that amongst others, the Board failed to make sufficient inquiries regarding the building height restriction (BHR) in relation to development intensity and the Sustainable Building Design Guidelines (SBDG);

Floor-to-Floor-Height (FTFH)

- (c) many of the fundamental issues raised by REDA in respect of OZP 21 were still not covered in the Paper, and lacking a forward-looking planning approach was one of them. The FTFHs of residential and commercial buildings adopted in PlanD's review on the BHRs (the Review) were 3m and 4m respectively, while those proposed by REDA were 3.5m and 4.5m respectively. With reference to some recently completed residential and commercial developments with FTFHs of 3.5m and 4.2m respectively, the FTFHs adopted by PlanD could not respond to the current industry standards for high quality developments. It would disincentivise redevelopment efforts for the whole YMT area and encourage the provision of small size flats that could not meet the need of people;
- (d) adopting design for a post-COVID era was a new ground included in R1's submission. The imposition of BHRs by PlanD was against the scientific analysis for future building design, which should ensure sufficient internal living space to enable natural ventilation for reducing the risk of transmitting diseases between people and addressing climate change;

- (e) the studies carried out by CUHK and the Education University of Hong Kong revealed that ‘work from home’ would be a long term trend, but psychological stress might be induced in multi-generation families which lived and worked together in small accommodations. Providing better internal spaces with higher ceilings was the second best measure among all to improve air circulation within the building and prevent the feeling of an oppressive space. With a FTFH of 3m, only ceiling height of about 2.5m could be achieved and this was not desirable for a decent internal environment. Therefore, R1 proposed to further relax the BHRs by 20m with a view to allowing higher FTFH and hence, better internal living environment;

Plot Ratio (PR) and BHRs

- (f) similar to the situation in 2010, the information submitted by PlanD in the Paper was insufficient to facilitate the Board to make a reasonable and informed decision. There was no evidence that the permissible PRs of some existing old buildings in YMT, which might be up to 15 or 16, had been considered in the formulation of the BHRs. PlanD should provide details on (i) a list of buildings with existing PR higher than the PR as stipulated on the OZP; (ii) a plan showing the location of such buildings; (iii) diagrams and calculations to indicate that sites with a PR greater than 12 as permitted under the Buildings Ordinance (BO) could be accommodated within the BHRs; and (iv) detailed consideration of the implications of SBDG on the design of such buildings with the BHRs. PlanD should provide the information before the hearing;
- (g) according to PlanD’s responses in paragraph 5.2.3 (a) (iv) of the Paper, PRs of some of the existing old buildings under BO were yet to be confirmed, as the existing building bulk was calculated based on the volumetric building control system (the volume approach). This, however, could not justify the absence of basic assessment of the site areas, gross floor areas (GFAs) and PRs of these sites. While PlanD further responded that the development right of the existing buildings would be respected given the provision in the Notes of the OZP, i.e. development or redevelopment was subject to the

maximum PR stipulated on the OZP or the PR of the existing building, whichever was greater, R1 held an opposite view that the development right of most of these sites would not be materialised as the BHRs specified were too low. It was actually an act of downzoning; and

- (h) with regard to paragraph 5.2.3 (a) (v) of the Paper concerning the existing buildings completed before the incorporation of PR restrictions under OZP in 1993, PlanD responded that the prevailing BHRs of the respective “Commercial” (“C”) and “Residential (Group A)” (“R(A)”) zones could generally accommodate the existing PR as well as the SBDG requirements given the design flexibility allowed under the BHRs. However, the FTFH of 3m adopted by PlanD could not provide any design flexibility at all, and PlanD had elaborated that adjustment on some development assumptions such as FTFH might be required to achieve the existing PR. This implied that the stipulated BHRs could not allow the proposed developments to achieve the full PRs unless the FTFH was reduced to lower than 3m, and this would compromise the quality of internal living space.

13. With the aid of a PowerPoint presentation, Mr Eric Chih made the following main points:

- (a) according to regulation 24 of the Building (Planning) Regulations (B(P)R), every room used for habitation in any building should have a head room of not less than 2.5m measured from floor to ceiling. The FTFH of 3.5m proposed by REDA had made reference to the Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-5 on ‘Height of Storeys Regulations 3(3) & 24 of Building (Planning) Regulations’ in that any storey height of a typical floor of a flat in a domestic building not exceeding 3.5m would be accepted by the Buildings Department. For the case exceeding 3.5m, approval might be obtained if strong justifications were provided;
- (b) PlanD considered the adopted FTFH of 3m under the Review reasonable. However, people in general would prefer a higher head room. As he was

aware, even an old 6-storey building of 70 years in Sham Shui Po had a typical floor height of 3.15m;

- (c) he took an existing old building cluster with a site area of medium size (i.e. about 2,000m²) in YMT, namely Man Wah Sun Chuen as an example to illustrate the merits of REDA's proposal. The development was built under the old volume approach, and the PR would be equivalent to 15 to 16 if calculated under the prevailing B(P)R. For the sake of assessment, a composite PR of 10.7 was assumed. Whilst the assessment revealed that the stringent BH control of 100mPD proposed by PlanD could accommodate the assumed PR and comply with the SBDG requirements, the development would be bulky and dense, similar to Mei Foo Sun Chuen built in the 1960s. In comparison, the scheme adopting a BHR of 120mPD proposed by REDA could achieve a layout with taller but fewer towers and wider building separations, and air ventilation performance could hence be improved; and
- (d) another case study for development with a large site area was conducted and the selected site was The Coronation, a residential development adjacent to Man Wah Sun Chuen. It was built in 2012 before the introduction of SBDG with a PR of 7.5 and a BH of 130mPD. In the hypothetical scheme which complied with the SBDG requirements and maintained the development intensity, the number of building blocks remained unchanged but the disposition was adjusted for provision of ventilation corridors. However, if PlanD's proposed BHR of 100mPD was adopted, a PR of only about 6 could be achieved in order to comply with the SBDG requirements. This demonstrated that the BHRs might only cater for the permissible PR under the OZP for sites of medium size, but not those of large size.

14. With the aid of a PowerPoint presentation, Mr Benson Poon made the following main points:

- (a) REDA supported the relaxation of BHRs under the current OZP, but objected to the extent of relaxation as it was still too restrictive to achieve optimal urban design and planning merits. REDA mainly objected to Items A, B1 and B2

and proposed to further relax the BHRs of (i) “C” zones on both sides of Nathan Road from 110mPD to 130mPD and those at strategic locations next to MTR stations from 110mPD to between 150mPD and 180mPD; and (ii) all “R(A)” zones from 100mPD to between 120mPD and 125mPD;

- (b) as shown in the photomontages on Plans 9A and 9B of TPB Paper No. 10394, which presented the existing views from Viewing Point A at Sun Yat Sen Memorial Park and Viewing Point B at Central Pier No. 7 respectively, the indicative buildings with PlanD’s proposed BHRs would be entirely shielded by the existing or committed developments along the waterfront from both viewing points. As the BH levels did not breach the ridgeline, there might be room for further relaxation. However, PlanD did not assess the optimal BH below the ridgeline which might achieve more benefits in respect of environmental quality in the Visual Impact Assessment (VIA);
- (c) as demonstrated in REDA’s Visual Assessment, whilst REDA’s proposed BHRs would not protrude the ridgeline, the buildings of 130mPD at the commercial spine along Nathan Road and the proposed height band of 130mPD, 150mPD and 180mPD for “C” zone could be visible from Viewing Points A and B respectively;
- (d) the BH profile resulting from the relaxation of BHR from 80mPD to 100mPD and from 100mPD to 110mPD proposed by PlanD was generally monotonous in that the stepped BH variation was subtle and ineffective, lacking tall landmark buildings and visual interest in the skyline. Under the Urban Renewal Authority (URA)’s District Study for Yau Ma Tei and Mong Kok (YMDS), BHRs ranging from 150mPD to 200mPD were proposed in order to form a new rhythmic skyline and distinct stepped BH profile. This echoed REDA’s proposal of further relaxation of BHRs to allow design flexibility for iconic landmarks and visual interest of the BH profile;
- (e) with reference to the BH concept for the draft Mong Kok OZP No. S/K3/30 as mentioned in paragraph 3.23 (a) of TPB Paper No. 10422, ‘the higher BH of the “C” sites would facilitate downwash effect improving the local air

ventilation performance and also help avoid monotonous BH along Nathan Road'. With a higher BHR, landmark buildings to reinforce district identity and significantly more space at the ground level for public open space and pedestrian flow could be allowed. Given that the YMT and Mong Kok areas located next to each other shared similar urban characteristics, the justifications for a higher BHR along the commercial spine in the YMT OZP should be equally applicable;

- (f) to demonstrate how better urban design and environmental quality of "C" zones along Nathan Road could be achieved with higher BHRs, computer 3D-models generated to compare the BH profile around Jordan MTR Station under the scenarios of blanket BHR of 110mPD and REDA's BH proposal were shown. It demonstrated that REDA's proposal would result in more BH variation with landmark buildings and visual interest, more ground level area for open space and pedestrian flow, and better environmental quality with more space between buildings; and
- (g) to sum up, PlanD's Review had not adequately assessed or provided evidence to respond to REDA's proposals. The overly restrictive BHR did not factor in the following:
 - (i) accommodation of permitted PR under the B(P)R of the existing buildings;
 - (ii) dire need for redevelopment in the district and the lack of incentives for redevelopment by the private sector;
 - (iii) constraints in respect of site area of different sizes in redevelopments;
 - (iv) good urban design principles of a BH profile with landmark buildings and visual interest;
 - (v) FTFH of current standards of top quality development, and lower site coverage (SC) (above 15m) to allow greater design flexibility, better air

ventilation and environmental quality; and

(vi) a need for leading-edge sustainable design for a post-COVID era; and

- (h) Members were invited to consider REDA's proposals and decide to defer the hearing for PlanD to review REDA's proposals or to incorporate REDA's proposals into the OZP amendments.

R3/C1 – Mary Mulvihill

15. With the aid of a visualiser, Ms Mary Mulvihill made the following main points:

- (a) PlanD's opening statement that the Review was not related to amendments to the PR on the OZP was disagreed. It was in fact about whether the PR could be accommodated in the current BH framework. Besides, the Review was presumably intended to achieve an optimum balance between development and livability. Yet, it was objected by REDA (R1);
- (b) some points raised in the Explanatory Statement (ES) of the OZP were contradictory and repetitious:
- (i) whilst it was stated that BHR reviews for Kowloon OZPs were to meet public aspirations for greater certainty and transparency in the statutory planning system, it was actually in response to pressure from developers;
- (ii) the statement that 'some of the high-rise redevelopments were considered undesirable from the urban design perspective as they were visually incompatible and out-of-context with the local built environment' was fully agreed. However, some developments at the benefit of the Administration objected by the community, such as the development at Sai Yee Street, were not mentioned;
- (iii) the Review, as stated in the ES, was conducted in 2018 to comply with

the Court's ruling on a JR application and to provide flexibility for future development to comply with SBDG. Such objective could be easily met by reducing PRs instead of increasing BHRs;

- (iv) it was stated that specific BHR for the "Government, Institution or Community" ("G/IC") and "Other Specified Uses" ("OU") zones in terms of mPD and/or number of storeys, which mainly reflected the existing and planned BHs of development, had been incorporated into the OZP. However, the reality was that extensive increases in both PR and BHR were granted under planning applications for redevelopments at "G/IC" sites;
- (v) the updated Air Ventilation Assessment conducted in 2018 (AVA 2018) found that the adoption of SBDG's design measures within the YMT area in future would enhance the building permeability, in particular at the pedestrian level. However, there would be no improvement to air quality at the street level since podiums would be built;
- (vi) with reference to the significant demand for increasing PR and BHR of industrial buildings (IB) in Kwun Tong under the Administration's IB Revitalisation Scheme, it was meaningless to incorporate a minor relaxation clause in respect of BHR into the Notes of the OZP which claimed to provide incentive for developments/redevelopments with design merits or planning gains. Relevant measures could be announced in the Policy Address anytime to increase the BH regardless the impact;
- (vii) she had some comments on the criteria in the ES for considering applications for minor relaxation of BHR. Firstly, amalgamation of smaller sites could not achieve better urban design and local area improvements, while smaller sites could provide relief from the monolithic and identical wall effect and allow pedestrians to enjoy cross ventilation. Secondly, there was no need to grant bonus PR

for developers to provide non-building area (NBA) and setback (SB) as these features should be mandated in the OZP. Thirdly, there had not been a single URA redevelopment to improve the circulation space at grade and the criterion of providing better streetscape would not be achieved. Fourthly, it was not necessary to provide flexibility to address specific site constraints as property right was not absolute, and if a site had constraints, it was caveat emptor. Taking the failure of tree preservation in the conservation project at 1881 Heritage as an example, such criterion as catering for the need of tree preservation in consideration of minor relaxation application should be removed;

(viii) for existing buildings where the BHs had already exceeded the provision under the OZP, while there was a general presumption against such application for minor relaxation unless under exceptional circumstances, the exceptional circumstances would be trotted out and approval would be granted by the Board anyway;

(ix) despite that SBs had been incorporated into some particular sites in the OZP, the construction of podiums at those sites would compromise the advantage of SBs; and

(x) there was only one NBA designated on the OZP. Since 'the grid street pattern of the YMT area served as an important wind path system and should be preserved as far as possible' as stated in the ES, more SBs and NBAs should be incorporated into the OZP;

(c) the incorporation of BHRs along Nathan Road, being the main commercial spine within the YMT district, would not improve the street environment but further increase the existing wall effect due to podium design;

(d) the amendments to the OZP would not bring public benefit. It would encourage respective project proponents to maximise PR and BHR, hence, turning the interesting district into monotonous landscape with no local features and landmarks;

- (e) REDA (R1)'s promotion of innovation design, visual interest and landmark buildings in the YMT area was just to render support to URA's YMDS and its associated tagline of 'rhythmic skyline'. The local residents and small businesses in the district including those in Man Wah Sun Chuen would be eventually affected by URA's redevelopment projects;
- (f) it was irrelevant for REDA to claim that internal ventilation of a flat could be improved with higher ceilings because there were no openable windows provided in the 'nano flats' at all;
- (g) the amendment to the Notes of the OZP to delete the SB requirement was objected. It was a sweetener proposed by Methodist Church Hong Kong (MCHK) to allow for streetscape improvement and amenity planting purpose in return for a significant increase in GFA under its redevelopment proposal. It was not a measure for ventilation improvement but streetscape improvement or community benefit. The deletion was not justified. From a previous experience, a covered open space open to public to facilitate pedestrian flow was proposed in the redevelopment of a church site of MCHK at the junction of Kennedy Road and Queen's Road East. However, the open space was fenced off after implementation. MCHK should keep the promise of providing the community benefit proposed under the redevelopment proposal and the SB on the OZP should not be deleted;
- (h) in relation to the site at 855-865 Canton Road which had been rezoned from "G/IC" to "R(A)" to reflect the predominantly residential nature of the existing development at the site, it was doubted whether an alternative "G/IC" site would be provided in view of the deficit of GIC facilities in the YTM District;
- (i) learning from the lockdown experience in the COVID-19 pandemic, the commercial area should be rezoned to mixed use blending residential use and other activities in a neighbourhood to support the local economy;

- (j) she agreed with REDA that there was a lack of data in the Paper. In other OZPs involving BHR reviews, there were detailed maps provided with lots of data presented in different colours while such details were not provided for the subject OZP;
- (k) she also agreed with REDA that the current round of amendments to the OZP was a waste of time given the URA's YMDS which had been presented to the Board. Amendments to the OZP for higher PRs and BHRs would be proposed; and
- (l) in conclusion, the OZP should be shelved pending the upcoming proposed amendments arising from URA's YMDS.

[Dr Venus Y.H. Lun joined the meeting during R3/C2's presentation.]

16. As the presentations of PlanD's representatives, the representers, commenter and the representer's representatives had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the representers, commenter, the representer's representatives and/or the government representatives 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.

R1's Submission and PlanD's Responses

17. Having regard to R1's presentation at the meeting, a Member asked which important points raised by them, i.e. REDA had not been covered by the Paper. In response, Mr Ian Brownlee, R1's representative, said that their concern was on property rights. PlanD had concluded in the Paper that the development rights of the existing buildings were respected but no evidence was provided to support such conclusion. To support such conclusion, PlanD should provide a list of buildings with existing PRs higher than the permissible ones on the OZP. While PlanD claimed that the PRs of some old buildings built under the previous volume approach were yet to be determined, such PRs could be calculated in accordance with the current regime of B(P)R like the example of Man Wah Sun Chuen as demonstrated in R1's presentation. PlanD also did not provide details to support the assessment results that the

current BHRs of the respective “C” and “R(A)” zones could generally accommodate the existing PRs with the SBDG requirements, and mentioned that ‘adjustment to development assumptions’ might be required. According to the CFI’s ruling, the Board should decide on reasonable BHRs to accommodate the permissible PRs taking into account SBDG requirements without the need to rely on minor relaxation of BHR. In the absence of the said information, he was of the view that the Board was not provided with adequate basis to make informed decisions. Also, the introduction of “OU(Mixed Use)” zone which was proposed in REDA’s representation in respect to OZP 21 was not responded.

18. Having noted R1’s clarification, the same Member further enquired whether there was any evidence demonstrating that the permissible PRs of some old existing buildings had been taken into account in the formulation of the BHRs. In response, Mr Derek P.K. Tse, DPO/TWK, PlanD, maintained that the representation submitted by R1 had been duly addressed in the Paper. He further explained, with the aid of some PowerPoint slides, that the assumptions for determining BHRs, which were derived from relevant building control requirements including SBDG, were suitably generalised for the purpose of formulating the overall BH profile. While all relevant planning considerations including development intensity had been taken into account in the Review, it was not intended to carry out detailed assessments of individual sites. To substantiate, supplementary background information of the assessment in the Review was presented herewith. Within the OZP, amongst about 689 existing developments in “C” and “R(A)” zones, there were 27 and 49 of them respectively with approved PRs under BO exceeding OZP restrictions. Three out of the aforesaid 27 developments in “C” zone and eight out of the aforesaid 49 developments in “R(A)” zone would be subject to SBDG requirements. The Review revealed that the BHRs of the respective “C” and “R(A)” zones could generally accommodate the existing PRs of these developments as well as the SBDG requirements.

19. Given the supplementary background information provided, the same Member further enquired on whether it was essential for the Board to consider such information before making a decision on the representations in respect of the OZP. In response, Mr Derek P.K. Tse, DPO/TWK, PlanD, clarified that the provided information was not the ‘basis’ to determine the BHRs, but a checking in application of the BHR proposals on some individual sites. Since it was not the objective of the Review to investigate site-specific circumstances in the formulation of BH profile and BHRs, it was not essential for the Board to consider the

supplementary background information just presented before making the decision. He also explained that similar to the BHR reviews of other OZPs, which were purposed on imposing general BH control, such information involving site-specific calculations was not provided in the Paper.

20. The Chairperson then asked about the approach adopted in the Review and whether such approach had also been applied to the BHR reviews of other OZPs, such as Wan Chai OZP. In response, Mr Derek P.K. Tse, DPO/TWK, PlanD, said that the approach in the Review was consistent with that for the BHR reviews of other concerned OZPs. Relevant factors such as SC, FTFH and SBDG requirements had been taken into consideration in the Review. The assessments of the Review ascertained that the BHRs of 110mPD for “C” zone and 100mPD for “R(A)” zone could achieve the permitted PRs under the OZP with SBDG requirements in place.

21. As per the supplementary background information presented by PlanD, Mr Ian Brownlee, R1’s representative, quoted paragraph 9.6.2 in REDA’s submission that ‘a fair and transparent review process needed to be carried out to ensure that private property rights were respected, and reasonable incentives were available to enable financially viable redevelopment to proceed’. For conducting a fair and transparent review, he elaborated that the basis of the Review for determining the BHRs should be provided to the Board and the representers before the hearing. He did not ask for every single detail of individual sites, but a table and a plan of those existing buildings with PRs exceeding the provision under the OZP for verification. He further requested that the hearing be adjourned for allowing enough time for the Board and the representers to study the supplementary background information presented by PlanD at the meeting. The Chairperson noted his request and agreed that it would be duly recorded in the minutes.

Assumptions adopted in BH Assessment

22. The Chairperson and some Members raised the following questions to R1:
- (a) the FTFH adopted in residential developments in Kowloon completed in the past five years;

- (b) with reference to PlanD's assessment of BH for a composite building at Annex E2a of TPB Paper No. 10773, whether it was valid that by adopting the FTFH of 3m, the BH required to accommodate the permissible PR of a composite building at a Class A site and the SBDG requirements would be 98mPD; and
- (c) regarding the case study conducted for the site of The Coronation, given the current BHRs on the OZP, whether it was valid that the larger the site area of a development, the more difficult it was to achieve the permitted PR in order to comply with the SBDG requirements.

23. With the aid of some PowerPoint slides, Mr Ian Brownlee and Mr Eric Chih, R1's representatives, made the following main points:

- (a) whilst the requested information was not available, it was noted that there were four residential developments recently completed for sale in Kowloon, namely Square Mile on Sham Mong Road, Soyo at Soy Street, Uptify at Yin Chong Street and L. Living 23 at Pine Street, for which the FTFTs were 3.15m, 3.1m-3.5m and 3.4m respectively. All of these FTFTs were over 3m. Since it was a market trend, a FTFH of 3.5m should be adopted in the Review;
- (b) the assessment of BH as set out in TPB Paper No. 10773 was valid. Nevertheless, the adoption of FTFH of 3m was arguable given the current market trend; and
- (c) the larger the site area of a development, the more the SBDG requirements, such as building separation, would need to be fulfilled which would take up more buildable area of the site. Hence, the BH would need to be increased for accommodating the permissible PR. Despite that many sites in YMT were relatively small in size, it was not uncommon to amalgamate small sites for redevelopments in the old district.

24. The Chairperson and some Members raised the following questions to PlanD:

- (a) the number of approved building plans with a FTFH of 3m; and whether there were approved building plans with a FTFH exceeding 3m;
- (b) the formulation of the adopted FTFH of 3m;
- (c) whether overseas examples had been taken into account in the determination of FTFH;
- (d) with regard to different FTFH adopted in the Review and observed in the property market, whether the BHRs stipulated on the OZP allowed design flexibility;
- (e) for any development with a BH exceeding the permissible one in the statutory planning regime under special circumstances, whether there was provision in the Notes of the OZP for minor relaxation; and the magnitude of relaxation; and
- (f) whether development right had been taken into consideration in the Review.

25. With the aid of some PowerPoint slides, Mr Derek P.K. Tse, DPO/TWK, PlanD, made the following main points:

- (a) the actual number of approved building plans with a FTFH of 3m was not available. There were approved building plans with a FTFH exceeding 3m;
- (b) the adopted FTFH of 3m was formulated taking into account the minimum height of room for habitation of 2.5m as stipulated under B(P)R and the height of 0.5m for building/structural elements. The same assumption had been generally adopted in other similar reviews for the concerned OZPs;
- (c) overseas examples had not been considered in determining the FTFH in the Review;

- (d) the FTFH of 3m was adopted for domestic buildings in the BHR reviews for both Mong Kok and YMT OZPs. By adopting reasonable assumptions in assessing the BHRs for domestic buildings taking SBDG requirements into account, the estimated BH required would be 98mPD at most (depending the site classification and site area, the required BH might be less). Against the stipulated BHR of 100mPD, at least 2m could be allowed for design flexibility. It would be a matter of choice by project proponents in adopting different design parameters to achieve their desirable building design for an individual site through variation of these assumptions including FTFH at the detailed design stage;
- (e) according to the findings of the Review, the BHRs of 110mPD for “C” zone and 100mPD for “R(A)” zone could accommodate the permitted PRs under the OZP. Should a project proponent pursue a scheme exceeding the concerned BHR, there was a minor relaxation clause for BHR under the OZP so that the project proponent could apply for such relaxation under s.16 of the Town Planning Ordinance. Each application would be considered by the Board on its individual merits. With reference to previous planning approvals, the extent of the relaxation was generally up to 20% based on the merits of the case; and
- (f) some existing old buildings constructed under the volume approach did not have any approved PR under BO and their PRs under the current B(P)R were yet to be confirmed. Notwithstanding, the Notes of the OZP stated that development/redevelopment was subject to the maximum PR stipulated on the OZP or the PR of the existing building, whichever was the greater. The development right of the existing buildings would thus be respected.

Urban Design and Visual

26. The Chairperson and some Members raised the following questions to R1:

- (a) regarding the urban design analysis conducted by R1 for the “C” zones along Nathan Road, whether there were other images from different viewing

angles;

- (b) whether the further relaxation of BHRs for both “C” and “R(A)” zones proposed by R1 would breach the ridgeline;
- (c) the criteria to determine the location of landmark buildings; and
- (d) the justifications for further relaxation of BHRs proposed by R1.

27. With the aid of some PowerPoint slides, Mr Ian Brownlee, Mr Benson Poon and Mr Eric Chih, R1’s representatives, made the following main points:

- (a) while there was no 3-D model image from other view angles available to show the commercial spine with the BHRs proposed by PlanD and REDA, there were photomontages from two viewing points demonstrating that REDA’s proposed BHRs would not protrude the ridgeline;
- (b) the BHRs proposed by R1 would not breach the ridgeline, but the 20% building free zone at certain locations. That said, those buildings protruding the 20% building free zone would be shielded by developments along the waterfront such as the Grand Austin;
- (c) with reference to the Sai Yee Street project on the Mong Kok OZP, landmark buildings were located adjacent to transport nodes such as MTR stations where lots of traffic and pedestrian flows would be generated and a variety of activities could be attracted. From urban design perspective, landmark buildings could create a punctuation effect to allow people to identify locations. With higher BHs, more space on the ground level at sites of landmark buildings could be created for better ventilation, and a more interesting BH profile could be achieved; and
- (d) the BHRs proposed by PlanD were too restrictive for achieving good quality developments and urban design. The objective of imposing BHRs was to avoid excessively tall and out-of-context buildings. REDA’s proposed

further relaxation of BHR for 20mPD for “R(A)” zone, which was formulated based on a FTFT of 3.5m, SBDG requirements and allowance for design flexibility, should not be regarded as out-of-context. The further relaxation of BHRs would not impose adverse air ventilation impact since the increment in the absolute BH was minor and would not result in breaching the ridgeline from visual perspective.

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

- (a) whether the current BHRs on the OZP would result in monotonous BH profile as claimed by R1;
- (b) with regard to the case study presented by R1 concerning the accommodation of permissible PRs at sites with larger site areas, the size of the sites in the YMT area in general;
- (c) whether the BHRs proposed by PlanD and the further relaxation of BHRs proposed by R1 would breach the ridgeline; and
- (d) the concept of preserving the ridgeline, noting from the photomontage from Viewing Point B at Central Pier No. 7 that some parts of the ridgeline had already been interrupted.

29. With the aid of some PowerPoint slides, Mr Derek P.K. Tse, DPO/TWK, PlanD, made the following main points:

- (a) a stepped BH concept was generally adopted for the YMT area, with BH profiles of 110mPD along Nathan Road stepping down to 100mPD towards the eastern and western parts as well as the more low-rise developments or open space to the further east and west. Subject to the use, size, configuration and classification of individual sites, redevelopments might not necessarily be built up to the maximum BH limit. This would contribute to variations in BH in the YMT area;

- (b) in general, most of the sites in YMT were small to medium in size with site area ranging from 200m² to 300m². There were a few larger sites with site area of around 1,000m²;
- (c) the current BHRs of 110mPD for “C” zone and 100mPD for “R(A)” zone would not breach the ridgeline of Lion Rock viewed from the strategic viewing points at Sun Yat Sun Memorial Park and Central Pier No. 7 and PlanD did not assess the impact of R1’s proposal on the ridgeline. Photomontages from the two strategic viewing points were prepared to illustrate the possible visual impact of the BHRs on the ridgeline if the developments were built accordingly. It was demonstrated that the resultant BH profile would not affect the ridgeline; and
- (d) the ridgeline of Victoria Peak and Lion Rock were famous features which provided natural backdrops for the metro area of the city characterised by high-rise developments. There was in general a public consensus that ridgelines were valuable assets and preservation of which should be given special consideration as far as possible in the process of development. There were exceptional cases allowing developments with BHs breaching the ridgeline under special circumstances and with strong justifications, such as in case of the commercial development at Sai Yee Street with community facilities and a major public transport interchange provided for the benefit of the community.

30. Regarding the minor relaxation clause, Mr Ian Brownlee, R1’s representative, stressed that there was a set of criteria for the Board’s consideration of applications for minor relaxation and there were applications rejected due to insufficient planning justifications. The CFI ruled that reasonable BHRs should be determined to accommodate the permissible PRs on the OZP without the need to rely on minor relaxation. In that regard, the Chairperson clarified that applications for minor relaxation would be considered by the Board based on individual merits and PlanD’s response was to answer a Member’s question on whether there was a mechanism allowing minor relaxation of BHR.

31. The Chairperson and a Member raised questions on the interface of URA's YMDS with the OZP and its implication on the OZP. In response, Mr Derek P.K. Tse, DPO/TWK, PlanD, said that the current OZP amendments were made in 2021 in response to the CFI's ruling on the JR lodged by R1 to incorporate the revised BHRs after completion of the Review which had taken into account all relevant planning considerations including the permissible development intensity and the implications of SBDG. The Board was briefed about YMDS's recommendations in January 2022 including further relaxation of PRs and BHRs along Nathan Road, planning tool of transfer of PRs, etc. Members generally considered that YMDS had provided some good recommendations to tackle urban renewal issues in the Yau Mong areas. Subject to the completion of detailed supporting technical assessments by URA, some recommendations of YMDS might be initiated for the Board's consideration in the next round of OZP amendments possibly later in 2022.

The Amendment related to MCHK

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

- (a) in relation to R3/C1's submission, whether MCHK had submitted representation in respect of the subject OZP and whether MCHK's sites or developments would be affected by the amendment items; and
- (b) noting that MCHK had lodged a JR application in respect of the BHRs imposed on its four sites in the YMT area, whether the four sites were subject to the current BHRs on the OZP.

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

- (a) MCHK did not submit representation in respect of the subject OZP. The Ward Memorial Methodist Church and Yang Memorial Methodist Social Service Centre was zoned "G/IC(2)" for which the 3m-SB requirement was removed under the current OZP amendment. Under the Review, SB requirements were retained mainly for the beneficial effects on air

ventilation in accordance with the findings of the AVA. Given that the “G/IC(2)” site did not fall within any air path as identified in the AVA, the retention of such SB was considered unnecessary, and the deletion of which from the Remarks of the Notes of the OZP for the “G/IC(2)” zone was consistent with the approach adopted in the BHR reviews for other concerned OZPs; and

- (b) the four MCHK sites were located next to Gascoigne Road to the east of Nathan Road and the south of Waterloo Road near King’s Park, and were not subject to the current BHRs under the amendment items of the OZP.

34. Ms Mary Mulvihill, R3/C1, pointed out that the 3m-SB was proposed by MCHK for streetscape improvement and amenity planting purpose under its redevelopment proposal, and was not an air ventilation measure. Taking the SB away was not for the interest of the community while the church could still be benefited from the redevelopment. In that regard, the Chairperson asked and Mr Derek P.K. Tse, DPO/TWK, PlanD, responded that the redevelopment proposal of MCHK on the “G/IC(2)” site was not subject to planning permission granted by the Board and the incorporation of SB requirement on the previous OZP (OZP 22) was not to reflect any approval condition on such requirement. Rather, the SB requirement was to facilitate MCHK’s redevelopment proposal at that time.

35. As Members had no further questions to raise, the Chairperson said that the hearing procedure for the presentation had been completed. The Board would further deliberate on the representations and comment and inform the representers and commenter of the Board’s decision in due course. The Chairperson thanked the representers and commenter and the representer’s representatives and the government representatives for attending the meeting. They left the meeting at this point.

[Dr Jeanne C.Y. Ng left the meeting during the Q&A session. Mr Stephen L.H. Liu left the meeting at this point.]

Deliberation Session

36. The Chairperson remarked that the 3m-SB requirement of concern to R3/C1 was

not an approval condition of a planning permission. The justification of deleting the SB from the Remarks of the Notes of the OZP for the concerned “G/IC(2)” zone, i.e. the SB imposed not for air ventilation consideration, was clearly set out in paragraph 5.2.5 (f) of the Paper. It was consistent with the approach adopted in other OZPs involving BHR reviews. With regard to the amendments related to BHRs, the Chairperson pointed out that the amendments were to give effect to the orders of the Court in reviewing the BHRs, NBAs and SBs taking into account the implications of SBDG and permissible PRs. The approach and assumptions adopted in other relevant BHRs reviews were generally followed in the subject Review. R1 considered the current BHRs still too restrictive and proposed further relaxation of the BHRs. The Board should decide whether there were strong justifications in the submissions to further relax the BHRs.

37. At the Chairperson’s invitation, Mr Ivan M.K. Chung, the Director of Planning (D of Plan), explained that regarding the FTFHs, 2.5m was the minimum height of room for habitation as stipulated under B(P)R while 3.5m was the maximum height of a typical floor of a flat as set out in PNAP APP-5 which would be accepted by the Building Authority in consideration of building plans. It was not a statutory requirement nor standard under the town planning regime. The FTFH of 3m adopted in the Review of the OZP was one of the assumptions for the purpose of formulating the overall BH profile, urban design frameworks and district-wide development control. It was generally applied to the BHR reviews for other OZPs which were subject to JR, e.g. Wan Chai and Kennedy Town. For reference, the FTFH of public housing development in general was 2.8m. The FTFH assumption was considered reasonable and the current BHRs under the OZP could accommodate the permitted development intensity and allow design flexibility for future developments. Adopting different FTFHs to follow the market trend would be a design choice to be made by project proponents for individual projects at detailed design stage. Concerning the existing buildings with PRs exceeding the permissible ones stipulated on the OZP, there was a provision in the Notes of the OZP that redevelopments were subject to the PRs of the existing buildings. Besides, there was a minor relaxation clause for BHR to cater for special circumstances.

38. With regard to the current BHRs on the OZP, Members noted the background of the Review in relation to the Court’s ruling. Having considered that the approach of the Review was generally consistent with other similar reviews, in which reasonable assumptions had been adopted and relevant planning considerations taken into account, they agreed that the current

BHRs were appropriate and could achieve the permitted PRs under the OZP with the incorporation of SBDG requirements. Some Members considered that the BHRs under the Review (i.e. from 80mPD to 100mPD for “R(A)”) was already lenient and provided design flexibility. For the amendments to the Remarks of the Notes of the OZP for the “G/IC(2)” zone, Members noted the justification and agreed to delete the SB requirement. They also expressed views/enquiries on various issues during deliberation as below.

R1's Submission and the Request for Adjournment of the Hearing

39. A few Members were of view that while R1 had provided some case studies in support of their proposal to further relax the BHRs, no comprehensive study had been conducted and there was a lack of technical assessment to support such proposal. On the contrary, as detailed in the Paper, relevant considerations including air ventilation, visual impact, permissible development intensity and local characters (e.g. site areas of the existing developments were predominantly small to medium) had been duly taken into account in determining the BHRs in the Review.

40. Regarding the evidence requested by R1 that sites with PRs exceeding those stipulated on the OZP could be accommodated within the BHRs, a Member pointed out that in addition to the said relevant considerations, PlanD had provided the supplementary background information to substantiate the argument upon Members' inquiries. Noting the purpose of the Review and following the practice in other relevant OZPs involving BHR reviews, it was not essential for the Board to look into the details of site-specific circumstances before making a decision.

41. In response to a Member's question on the release of planning data for OZP amendments, Mr Ivan M.K. Chung, D of Plan, said that in general, for planning and engineering studies in the territorial level involving a range of technical assessments, the study findings and recommendations would be submitted to the Board for consideration prior to the plan-making process. For land use or BHR review of an OZP, whilst all relevant considerations would be taken into account during the course of the review, only the principles and necessary information, rather than detailed report covering assessment on individual sites, where appropriate, in support of the resultant proposed amendments to the OZP would be submitted for the Board's consideration. In that connection, it was considered that relevant information of the subject Review had already been provided in conjunction with the proposed amendments in TPB Paper No. 10773 for the Board's consideration.

42. The Chairperson remarked that it was not uncommon for government representatives and the representers/commenters/their representatives to elaborate their arguments or justifications by providing some additional information in open meetings. The crux of the issue was whether the content of the information was critical to possibly effect a change of the Board's decision that adjournment of the meeting was required to further study the information. Apparently, as noted from the above discussion, the provided information was not critical in nature.

Minor Relaxation Clause

43. A Member pointed out that the current BHRs could accommodate the permissible PRs on the OZP and the SBDG requirements without the need to rely on minor relaxation of BHR. The provision of the minor relaxation clause was to allow the submission of development schemes with further relaxed BHRs justified by planning merits for the Board's consideration.

Urban Design and Visual

44. A Member considered the assumptions adopted in the Review reasonable. For the FTFH of 3.5m for domestic buildings proposed by R1, a Member commented that it was desirable but not essential, while some Members had reservation about further relaxing the BHRs due to the market trend of adopting a higher FTFH. There was a concern that upon relaxing BHRs but not PRs, 'nano flats' or pencil towers would be developed, and the overall cityscape and living environment would not be improved ultimately which would defeat the purpose of incorporating BHRs on the OZP. A Member added that in view of some parts of interrupted ridgeline, some strategic viewing points might be subject to review as appropriate.

45. In response to a Member's question on the administrative measure to prevent developers from developing 'nano flats', the Chairperson said that where land grant or lease modification was required, the minimum flat size requirements for residential development or redevelopment projects would be stipulated in the relevant land documents.

URA's YMDS

46. The Chairperson remarked that OZP amendments for some of the recommendations of URA's YMDS would be initiated by the Government in due course with a view to improving the overall environment in the YMT and Mong Kok areas through redevelopments. The public would be invited to submit representations and comments in respect of the amendments accordingly. Members generally noted that further relaxation of development restrictions on the OZP would be required subsequently and recognised that the recommendations, with a vision to tackling urban renewal issues, would provide more incentives for project proponents to carry out redevelopment projects and hence improve the overall urban environment.

Conclusion

47. Members generally agreed that there was no strong justification to amend the draft OZP to meet the adverse representations and that all grounds and proposals of the representations and comment had been addressed by the departmental responses as detailed in TPB Paper No. 10833 and the presentations and responses made by the government representative at the meeting.

48. After deliberation, the Town Planning Board (the Board) noted the supportive view of Representation No. **R1 (part)** and decided not to uphold Representations No. **R1 (part) to R3**, and agreed that the draft OZP should not be amended to meet the representations for the following reasons:

“(a) the building height restrictions (BHRs) of the “Commercial” (“C”) and “Residential (Group A)” (“R(A)”) zones are considered appropriate taking into account all relevant considerations including the existing building height profile, committed development, topography, site formation level, local characteristics, compatibility with surroundings, predominant land use and development intensity, visual impact, air ventilation, the Sustainable Building Design Guidelines (SBDG) requirements and a proper balance between public interest and private development right. The revised BHRs could accommodate the permitted plot ratio (PR) of the relevant zones under the Outline Zoning Plan (OZP) with incorporation of SBDG requirements which could enhance air permeability and greenery, and would not generate adverse visual and air ventilation impacts on the surrounding areas. There are no

strong justification and assessment for supporting the proposed further revision of BHRs for the “C” and “R(A)” zones (**R1 and R3**);

- (b) Yau Ma Tei (YMT) is an old urban area predominantly residential in nature with some commercial uses concentrated along Nathan Road which is very different in character from Tsim Sha Tsui (TST), which is a high-rise commercial node recognised in the Urban Design Guidelines under the Hong Kong Planning Standards and Guidelines. It is considered not appropriate to incorporate a relaxation clause for BHRs for site area not less than 1,800m² in the YMT OZP similar to that tailor made for the TST OZP (**R1**);
- (c) the setback (SB) requirements as stipulated under the OZP are important air ventilation measures to improve the pedestrian wind environment at the concerned area with narrow streets less than 15m wide. It is considered necessary to specify ‘under exceptional circumstances’ requirement so that any application for minor relaxation of SB requirement must demonstrate the exceptional circumstances with strong justifications (**R1 and R3**);
- (d) as the “Government, Institution or Community (2)” (“G/IC(2)”) zone does not fall within any existing air path, the 3m SB requirement has been deleted to allow design flexibility for the future redevelopment of community facilities, similar to other adjacent “G/IC” sites along Waterloo Road that are also not falling within air path (**R3**); and
- (e) the amendments to OZP involve mainly revisions to BHRs and there is no revision to the PR restrictions. There is no strong justification for amending the current PR control (**R2 and R3**).”

49. The Board also agreed that the draft YMT OZP, together with its respective Notes and updated Explanatory Statement, was suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council for approval.

[Messrs Lincoln L.H. Huang and Daniel K.S. Lau and Ms Sandy H.Y. Wong left the meeting during the deliberation.]

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

- (i) Report on the Chief Executive in Council (CE in C)'s Decision on the Draft Central District Outline Zoning Plan No. S/H4/17
-

50. The Chairperson reported that the Town Planning Board (the Board) considered at its meetings in December 2019 and August 2020 the representations, comments and further representations in respect of the draft Central District Outline Zoning Plan (OZP) No. S/H4/17, with the amendments/proposed amendments involving the rezoning of the Hong Kong Sheng Kung Hui (HKSKH) Compound (the Site) at Lower Albert Road. After deliberation, the Board decided to amend the building height restrictions (BHRs) of the Site to 80mPD and stipulate the requirement of submission of a development scheme for any new development or redevelopment of existing building(s) through the planning application mechanism under section 16 of the Town Planning Ordinance (the Ordinance).

51. The draft OZP was considered by the CE in C on 17.5.2022. Pursuant to sections 9(1)(a) to 9(1)(c) of the Ordinance, CE in C might approve, refuse to approve, or refer the OZP to the Board for further consideration and amendment.

52. While the Board's concerns on the historical value and BHR of the Site were noted, given the unique background of the Site under the policy initiatives for development cum preservation, it was considered that a uniform BHR of 80mPD covering the Site and the requirement of section 16 application for any new development or redevelopment might hinder the plan to make gainful use of the Site through redevelopment. Hence, CE in C referred back the draft Central District OZP to the Board for further consideration and amendment under section 9(1)(c) of the Ordinance and invited the Board to give due regard to the Government's policy intention to facilitate the optimal use of the Site for preservation-cum-development initiatives. CE in C also asked the Development Bureau to invite HKSKH to submit to the

Planning Department (PlanD) a revised scheme for the preservation cum development of the Site with suitable building height supported by the appropriate technical assessments to facilitate PlanD's consideration of suitable development parameters for the Site and the associated amendments to the OZP.

53. In connection with CE in C's decision, the Board was also invited to give due regard to the following when reconsidering the OZP amendments for the Site in future:

- (a) the Site was exceptional in its land lease which provided for use by HKSKH without any restrictions except the need to seek prior approval of the Chief Executive. The CE in C approved in 2011 (at that time when there were no statutory planning requirements for the Site) the pursuit of a lease modification at nominal premium for a redevelopment scheme providing religious, medical, welfare and other facilities while preserving the four historic buildings within the compound;
- (b) HKSKH's proposal remained an important preservation-cum-development project and was the only outstanding project among those under the Conserving Central initiative promulgated by the Government in 2009;
- (c) with the lapse of time, the structures at the Site were rather dilapidated. Through the revised scheme to be submitted by HKSKH in which suitable development parameters would be proposed, it was expected that the preservation-cum-development project would be realised without further delay; and
- (d) HKSKH, being a non-profit making organisation, would have to cope with the challenge of preserving the graded structures on site while pursuing gainful use of the land. Understandably HKSKH had to ensure the long-term financial viability of the preservation-cum-development project.

54. Members noted the decision of CE in C on the Central District OZP and the follow-up action to be taken by the Development Bureau and PlanD.

(ii) New Town Planning Appeal Received

Town Planning Appeal No. 2 of 2022

Proposed Extension of Time for Commencement of the Approved Residential Development (Flat) and Minor Relaxation of Building Height Restriction for a Period of 2 Years at Lots 464 S.A. ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun, New Territories

(Application No. A/TM-LTY Y/337-1)

55. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 12.5.2022 against the decision of the Town Planning Board (the Board) on 25.2.2022 to reject on review a s.16A application No. A/TM-LTY Y/337-1 for proposed extension of time for a period of 2 years until 23.6.2023 for commencement of the approved residential development and minor relaxation of building height restriction at the application site (the Site).

56. The Site fell within an area zoned “Residential (Group E)” on the then approved Lam Tei and Yick Yuen (LTY Y) Outline Zoning Plan (OZP) No. S/TM-LTY Y/10 when the s.16A and s.17 applications were submitted, and was zoned “Residential (Group A)” on the draft LTY Y OZP No. S/TM-LTY Y/11 currently in force and when the s.17 application was considered by the Board.

57. The review application was rejected by the Board for the reason that the application was not in line with Town Planning Board Guidelines on Extension of Time for Commencement of Development (TPB PG-No. 35C) in that there had been a material change in planning circumstances since the granting of the last permission as there was a clear intention and plan for a public housing development covering the Site; and the applicant failed to demonstrate that there was a good prospect to commence the proposed development within the applied extension period and that genuine effort had been made in taking reasonable actions for the implementation of the approved development.

58. Members noted that the hearing date of the appeal was yet to be fixed and agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual

manner.

(iii) Appeal Statistics

59. The Secretary reported that as at 23.5.2022, a total of 14 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	39
Dismissed	168
Abandoned/Withdrawn/Invalid	211
Yet to be Heard	14
Decision Outstanding	0
<hr/> Total	<hr/> 432

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

Procedural Matters

Agenda Item 4

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/25
(TPB Paper No. 10837)

[The item was conducted in Cantonese.]

60. The Secretary reported that the amendment items mainly involved various public housing developments to be implemented by the Hong Kong Housing Authority (HKHA) and the Housing Department (HD) was the executive arm of HKHA, which were supported by two Engineering Feasibility Studies conducted by the Civil Engineering and Development Department (CEDD); and two sites to take forward the rezoning proposals under the latest area assessments of industrial land, which were supported by technical assessments conducted by the Institute of Future Cities (IOFC) of the Chinese University of Hong Kong (CUHK).

Representations had been submitted by Kung Hei Investment Limited, which was a subsidiary of CK Asset Holidays Limited (CK) (R1), the Hong Kong and China Gas Company Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD) (R2) and the MTR Corporation Limited (MTRCL) (R18). The following Members had declared interests on the items:

- | | |
|--|---|
| Mr Andrew C.W. Lai
<i>(as Director of Lands)</i> | - being a Member of HKHA; |
| Mr Paul Y.K. Au
<i>(as Chief Engineer
(Works), Home Affairs
Department)</i> | - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA; |
| Dr Conrad T.C. Wong | - having current business dealings with HKHA, CUHK and MTRCL, and past business dealings with CK; |
| Mr Franklin Yu | - being a member of the Building Committee and Tender Committee of HKHA, and having current business dealings with CUHK; |
| Mr L.T. Kwok | - his serving organization currently renting premises in various estates of HKHA at concessionary rent for welfare services, and formerly operating a social service team which was supported by HKHA and openly bid funding from HKHA; |
| Mr Daniel K.S. Lau
Ms Lilian S.K. Law |] being a member of the Hong Kong Housing Society (HKHS) which currently had discussion with HD on housing development issues; |
| Mr K. L. Wong | - being a member and an ex-employee of HKHS which currently had discussion with HD on housing |

development issues;

Mr Timothy K.W. Ma - being a member of the Supervisory Board of HKHS which currently had discussion with HD on housing development issues;

Dr C.H. Hau - conducting contract research projects with CEDD, being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD before, and having past business dealings with HLD;

Mr Stephen L.H. Liu - being a former member of the Council of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before;

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

Mrs Vivian K.F. Cheung - her spouse being an employee of CUHK.

61. Members noted that Dr Conrad T.C. Wong had tendered an apology for being not able to attend the meeting, and Messrs Stephen L.H. Liu and Daniel K.S. Lau had already left the meeting. As the item was procedural in nature, Members agreed that the other Members who had declared interests could stay in the meeting.

62. The Secretary briefly introduced TPB Paper No. 10837. On 17.12.2021, the draft Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/25 was exhibited for public inspection under section 5 of the Town Planning Ordinance. The amendments mainly involved the rezoning of four sites for public housing developments, two sites for private housing developments, a site for a primary school, two sites to take forward the rezoning proposals under the latest area assessments of industrial land, and two sites to reflect the as-built conditions. During the exhibition periods, a total of 18 valid representations and two valid comments were received.

63. Since the representations and comments received on the 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 representer/commenter in the hearing session. Consideration of the representations and comment by the full Board was tentatively scheduled for August 2022.

64. After deliberation, the Board agreed that:

- (a) the 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]

Information Note and Hearing Arrangement for Consideration of Representations and Comment on the Draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/18 and the Draft Hok Tau Outline Zoning Plan No. S/NE-HT/6
(TPB Paper No. 10834)

[The item was conducted in Cantonese.]

65. The Secretary reported that the amendment items mainly involved a site for public housing development to be implemented by the Hong Kong Housing Authority (HKHA) and the Housing Department (HD) was the executive arm of HKHA, which was supported by an Engineering Feasibility Study conducted by the Civil Engineering and Development Department (CEDD) and AECOM Asia Company Limited (AECOM) as the consultant. The following Members had declared interests on the items:

Mr Andrew C.W. Lai - being a Member of HKHA;

(as Director of Lands)

- 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 Subsidised Housing Committee of HKHA;
- Dr Conrad T.C. Wong
- having current business dealings with HKHA;
- Mr Franklin Yu
- being a member of the Building Committee and Tender Committee of HKHA;
- Mr L.T. Kwok
- his serving organization currently renting premises in various estates of HKHA at concessionary rent for welfare services, and formerly operating a social service team which was supported by HKHA and openly bid funding from HKHA;
- Mr Daniel K.S. Lau
Ms Lilian S.K. Law
-] being a member of the Hong Kong Housing Society (HKHS) which currently had discussion with HD on housing development issues;
- Mr K. L. Wong
- being a member and an ex-employee of HKHS which currently had discussion with HD on housing development issues;
- Mr Timothy K.W. Ma
- being a member of the Supervisory Board of HKHS which currently had discussion with HD on housing development issues; and
- Dr C.H. Hau
- conducting contract research projects with CEDD and having past business dealings with AECOM.

66. Members noted that Dr Conrad T.C. Wong had tendered an apology for being not

able to attend the meeting, and Mr Daniel K.S. Lau had already left the meeting. As the item was procedural in nature, Members agreed that the other Members who had declared interests could stay in the meeting.

67. The Secretary briefly introduced TPB Paper No. 10834. On 17.12.2021, the draft Lung Yeuk Tau and Kwan Tei South (LYT) Outline Zoning Plan (OZP) No. S/NE-LYT/18 and Hok Tau (HT) OZP No. S/NE-HT/6 were exhibited for public inspection under section 5 of the Town Planning Ordinance. The amendments mainly involved the rezoning of two sites at Queen's Hill Extension from "Residential (Group B)" and "Residential (Group A)" to "Residential (Group A)1" for a public housing development, and a site from "Green Belt" and "Agriculture" to "Other Specified Uses" annotated "Cemetery" to reflect the existing use. During the exhibition periods, a total of two valid representations and one valid comment were received.

68. Since the representations and comment received on the OZP were of similar nature, the hearing of all representations and 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 comment by the full Board was tentatively scheduled for August 2022.

69. After deliberation, the Board agreed that:

- (a) the representations and comment 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]

Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for

Extension of Time Limit for Submission of the Draft Sha Lo Wan and San Tau Outline Zoning Plan No. S/I-SLW/1 to the Chief Executive in Council for Approval

(TPB Paper No. 10839)

[The item was conducted in Cantonese.]

70. The Secretary reported that the draft Sha Lo Wan and San Tau Outline Zoning Plan (OZP) was to replace the draft Development Permission Area Plan covering the Sha Lo Wan and San Tau area. Representations and comments had been submitted by the Hong Kong Bird Watching Society (HKBWS) (R1), the Conservancy Association (CA) (R2/C2) and Corona Land Company Limited represented by Llewelyn-Davies Hong Kong Limited (LD) (R47). The following Members had declared interests on the items:

- | | |
|------------------|---|
| Mr Ricky W.Y. Yu | - his firm having past business dealings with LD; |
| Dr C.H. Hau | - being a member of HKBWS and a life member of CA and his spouse being the Vice Chairman of the Board of Directors of CA; and |
| Mr K.W. Leung | - being a member of the executive board of HKBWS and the chairman of the Crested Bulbul Club Committee of HKBWS. |

71. As the item was procedural in nature, Members agreed that Members who had declared interests could stay in the meeting.

72. The Secretary briefly introduced TPB Paper No. 10839. On 27.8.2021, the draft Sha Lo Wan and San Tau Outline Zoning Plan No. S/I-SLW/1 (the draft OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 52 valid representations were received. Upon publication of the representations, four valid comments were received. According to the statutory time limit, the draft OZP should be submitted to the Chief Executive in Council for approval on or before 27.7.2022. Consideration of the representations and comments by the full Board under section 6B of the Ordinance was originally scheduled for April 2022. In view of the epidemic situation and the number of representers/commenters registered for

attending the hearing, the hearing of the representations and comments had to be rescheduled, and could now only be scheduled for June 2022 at the earliest. There was a need to seek the Chief Executive (CE)'s agreement for an extension of the statutory time limit for six months (i.e. to 27.1.2023) to allow sufficient time to complete the plan-making process.

73. The Board agreed that the CE's agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the draft OZP to the CE in C for a period of six months from 27.7.2022 to 27.1.2023.

Agenda Item 7

[Open Meeting]

Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for Extension of Time Limit for Submission of the Draft Sham Wat and San Shek Wan Outline Zoning Plan No. S/I-SW/1 to the Chief Executive in Council for Approval
(TPB Paper No. 10840)

[The item was conducted in Cantonese.]

74. The Secretary reported that the draft Sham Wat and San Shek Wan Outline Zoning Plan (OZP) was to replace the draft Development Permission Area Plan covering the Sham Wat and San Shek Wan area. Representations and comments had been submitted by the Hong Kong Bird Watching Society (HKBWS) (R1), the Conservancy Association (CA) (R2/C2) and Corona Land Company Limited (R17) represented by Llewelyn-Davies Hong Kong Limited (LD). The following Members had declared interests on the items:

Mr Ricky W.Y. Yu - his firm having past business dealings with LD;

Dr C.H. Hau - being a member of HKBWS and a life member of CA and his spouse being the Vice Chairman of the Board of Directors of CA; and

Mr K.W. Leung - being a member of the executive board of HKBWS and the chairman of the Crested Bulbul Club

Committee of HKBWS.

75. As the item was procedural in nature, Members agreed that Members who had declared interests could stay in the meeting.

76. The Secretary briefly introduced TPB Paper No. 10840. On 27.8.2021, the draft Sham Wat and San Shek Wan Outline Zoning Plan No. S/I-SW/1 (the draft OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 17 valid representations were received. Upon publication of the representations, four valid comments were received. According to the statutory time limit, the draft OZP should be submitted to the Chief Executive in Council for approval on or before 27.7.2022. Consideration of the representations and comments by the full Board under section 6B of the Ordinance was originally scheduled for April 2022. In view of the epidemic situation and the number of representers/commenters registered for attending the hearing, the hearing of the representations and comments had to be rescheduled, and could now only be scheduled for June 2022 at the earliest. There was a need to seek the Chief Executive (CE)'s agreement for an extension of the statutory time limit for six months (i.e. to 27.1.2023) to allow sufficient time to complete the plan-making process.

77. The Board agreed that the CE's agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the draft OZP to the CE in C for a period of six months from 27.7.2022 to 27.1.2023.

Agenda Item 8

Any Other Business

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

78. There being no other business, the meeting was closed at 1:10 p.m.