

**Minutes of 1275<sup>th</sup> Meeting of the  
Town Planning Board held on 8.7.2022**

**Present**

Permanent Secretary for Development  
(Planning and Lands) (Acting)  
Mr Vic C.H. Yau

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 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

Professor Roger C.K. Chan

Dr Venus Y.H. Lun

Mr Vincent K.Y. Ho

Mr Timothy K.W. Ma

Ms Bernadette W.S. Tsui

Mr K.L. Wong

Chief Traffic Engineer/Hong Kong  
Transport Department  
Mr Horace W. Hong

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**

Dr Conrad T.C. Wong

Mrs. Vivian K.F. Cheung

Mr Ben S.S. Lui

**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 Carmen S.Y. Chan

## **Opening Remarks**

1. The Chairperson, Mr Vic C.H. Yau, welcomed all Members and remarked that the then Permanent Secretary for Development (Planning and Lands) (PS(PL)), Ms Bernadette H.H. Linn, had taken up the post of the Secretary for Development and her successor would assume the post of PS(PL) in the fourth quarter of 2022. During the interim period, he would act as PS(PL), and assume the role of the Chairperson of the Town Planning Board (the Board) and chair the Board meetings.

## **Agenda Item 1**

[Open Meeting]

Confirmation of Minutes of the 1272<sup>nd</sup> and 1273<sup>rd</sup> Meetings held on 6.6.2022 and 17.6.2022 respectively, and 1270<sup>th</sup> and 1274<sup>th</sup> Meeting held on 22.6.2022

[The item was conducted in Cantonese.]

2. The draft minutes of the 1272<sup>nd</sup> and 1273<sup>rd</sup> meetings held on 6.6.2022 and 17.6.2022 respectively, and 1270<sup>th</sup> and 1274<sup>th</sup> meeting held on 22.6.2022 were sent to Members on 8.7.2022. Subject to any proposed amendments by Members on or before 11.7.2022, the minutes would be confirmed.

[Post-meeting Note: The minutes of the 1272<sup>nd</sup>, 1273<sup>rd</sup>, 1270<sup>th</sup> and 1274<sup>th</sup> meetings were confirmed on 11.7.2022 without amendments.]

## **Agenda Item 2**

[Open Meeting]

## **Matters Arising**

[The item was conducted in Cantonese.]

(i) Approval of Draft Outline Zoning Plan

3. The Secretary reported that on 14.6.2022, the Chief Executive in Council approved the draft Tai Po Outline Zoning Plan (OZP) (renumbered as No. S/TP/30) under section 9(1)(a) of the Town Planning Ordinance. The approval of the draft OZP was notified in the Gazette on 8.7.2022.

(ii) Reference Back of Approved Outline Zoning Plans

4. The Secretary reported that on 14.6.2022, the Chief Executive in Council referred the approved Discovery Bay Outline Zoning Plan (OZP) No. S/I-DB/4 and the approved Kwun Tong (South) OZP No. S/K14S/24 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the two OZPs was notified in the Gazette on 8.7.2022.

(iii) Withdrawal of Judicial Review Application (HCAL 475/2020) in Respect of the Draft Central District Outline Zoning Plan No. S/H4/17

5. The Secretary reported that Hong Kong Sheng Kung Hui Foundation (the Applicant) withdrew its judicial review (JR) application against the Town Planning Board (the Board) in respect of the development restrictions on its site at the Hong Kong Sheng Kung Hui Compound (the Site) under the draft Central District Outline Zoning Plan No. S/H4/17 (the draft OZP). Professor John C.Y. Ng had declared an interest on the item for personally knowing Mr Yeung To Lai Omar who was one of the applicant's representatives for its representation in respect of the draft OZP. As the item was procedural in nature, Members agreed that Professor Ng could stay in the meeting.

6. On 1.4.2020, the Court granted leave to the Applicant for its JR application against the Board's decisions on 6.12.2019 and 10.1.2020 to partially uphold some of the representations in respect of the draft OZP by amending the building height restriction of the northern part of the Site from 135mPD to 80mPD and the Notes of the "Government, Institution or Community (1)" zone to stipulate that planning permission was required for any new development or redevelopment of the existing building(s). The Court also granted a consent order on 14.12.2020 for the Applicant's application of 25.11.2020 to amend its JR

application to challenge the Board's decision on 28.8.2020 to confirm its decision on 10.1.2020. Based on the consent summons jointly filed by the Applicant and the Board, the Court granted leave to the Applicant's application on 14.12.2020 but also stayed the JR proceedings until the Chief Executive in Council (CE in C)'s decision pursuant to section 9 of the Town Planning Ordinance was available.

7. On 27.5.2022, the former Chairperson reported to the Board that the CE in C had referred back the draft OZP to the Board for further consideration and amendment under section 9(1)(c) of the Ordinance on 17.5.2022 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. In light of the CE in C's decision, the Applicant agreed that its JR application had become academic. Accordingly, the Applicant and the Board represented by the Department of Justice filed a joint application to the Court on 4.7.2022 for withdrawal of the JR. The Court also granted such leave for the withdrawal on 6.7.2022. There were no further legal proceedings in respect of the JR.

8. Members noted the withdrawn of the JR case.

### **Hong Kong District**

#### **Agenda Item 3**

[Open meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comment in respect of the Draft Stanley Outline Zoning Plan No. S/H19/15

(TPB Paper No. 10823)

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[The item was conducted in Cantonese.]

9. The Secretary reported that the amendment item was for a private housing site (the Site) in Stanley and was supported by a Traffic Impact Assessment (TIA) conducted by the Highways Department (HyD). Dr Conrad T.C. Wong had declared an interest on the item for having current business dealings with HyD. Members noted that Dr Conrad T.C. Wong had tendered an apology for not being able to attend the meeting.

## Presentation and Question Sessions

10. 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.

11. The following government representatives and the representers/commenter or the representatives of the representers were invited to the meeting at this point:

### ***Government's Representatives***

#### Planning Department (PlanD)

Mr Mann M.H. Chow - District Planning Officer/Hong Kong  
(DPO/HK)

Mr Rico W.K. Tsang - Senior Town Planner/Hong Kong  
(STP/HK)

Mr Edwin C.H. Lee - Town Planner/Hong Kong

#### Transport Department (TD)

Mr Daniel K. Chow - Senior Engineer/Southern & Peak  
(SE/S&P)

### ***Representers/Commenter and their Representative***

#### R1 – Designing Hong Kong Limited

#### R2 – Paul Zimmerman (Vice-chairman of Southern District Council)

#### R4 – Phillip Douglas Black

Mr Samuel W.K. Wong - Representers' representative

R3/C1 – Mary Mulvihill

Ms Mary Mulvihill

- Representer/Commenter

12. While the representer/commenter and their representative had yet to arrive, the Chairperson invited PlanD's representative to brief Members on the representations and comment.

13. With the aid of a PowerPoint presentation, Mr Rico W.K. Tsang, STP/HK, PlanD, briefed Members on the representations and comment, including the background of the amendment, the grounds/proposals of the representers and commenter, planning assessments and PlanD's views on the representations and comment as detailed in TPB Paper No. 10846 (the Paper).

[Ms Sandy H.Y. Wong, Dr Jeanne C.Y. Ng, Messrs Franklin Yu and Vincent K.Y. Ho joined the meeting during PlanD's presentation.]

14. Noting that the representer/commenter and representers' representative had arrived, the Chairperson extended a welcome. He briefly explained the procedures of the hearing. He said that as PlanD's presentation had completed, he would now invite the representer/commenter and the representers' representative to make oral submissions. To ensure efficient operation of the hearing, each representer, commenter or their representative would be allotted 10 minutes for making oral submission. There was a timer device to alert the representer/commenter and the representers' representative 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 representer/commenter and the representers' representative had completed their oral submissions. Members could direct their questions to government representatives, representer/commenter and the representers' representative. After the Q&A session, the government representatives, representer/commenter and the representers' representative would be invited to leave the meeting. The Town Planning Board (the Board) would then deliberate on the representations and comment in their absence and inform the representers and commenter of the Board's decision in due course. He then invited the representer/commenter and the representers' representative to elaborate on their representations/comment.



R1 – Designing Hong Kong Limited

R2 – Paul Zimmerman (Vice-chairman of Southern District Council)

R4 – Phillip Douglas Black

15. With the aid of a PowerPoint presentation, Mr Samuel W.K. Wong, made the following main points:

- (a) he clarified that R1 and R2 had not proposed to rezone the Site to “Government, Institution or Community (“G/IC”) as mentioned in PlanD’s presentation;
- (b) he opposed rezoning the Site from “Green Belt” (“GB”) to “Residential (Group B)” (“R(B)”) for private housing development (Amendment Item A) as this would contravene the original planning intention of the “GB” zone, i.e. for the conservation of the existing natural environment amid the built-up areas/at the urban fringe, and to safeguard it from encroachment by urban type development. The Site and its surrounding area were heavily vegetated and forming a continuous woodland with ecological value. The existing condition of the Site was no different from its adjacent “GB” zone;
- (c) traffic was another major concern. The larger area covering the Site was mainly served by Cape Road which was connected to Tai Tam Road to the east leading to Chai Wan and the Eastern Corridor and Repulse Bay Road/Deep Water Bay Road/Island Road to the west leading to MTR Ocean Park Station and Wan Chai/Central via Aberdeen Tunnel. Although the Transport Department (TD) had indicated that there were less than 10 traffic accidents along this section of Cape Road concerned in the past three years and the road was not considered a traffic black spot, traffic condition in the area was susceptible to interruption caused by traffic accident at not only Cape Road, but also the connecting roads. An online research revealed that there were more than 10 traffic accidents occurred along Repulse Bay Road/Deep Water Bay Road. While it seemed that the two roads were far from the Chung Hom Kok area, once

there were traffic accidents, the knock-on effect of which on the traffic to and from Stanley was significant in that the resulting traffic queue could be as long as several kilometres and the traffic jam might last for three to four hours. Further increase in population in the area due to the proposed private development would increase the pressure on the traffic capacity of the area ;

- (d) the South District Council (SDC) had been objecting to rezoning of “GB” sites for housing development since 2014. The SDC was consulted on the rezoning proposal of the Site in September 2021 and all DC members objected to it mainly on the grounds that there was no justification for destroying a “GB” zone for housing development and there existed better alternatives such as the Ma Hang Prison which was not in operation; increase in population would put extra burden on the traffic capacity of the area; the housing shortage issue would not be alleviated if the Site was for low density private housing development; and the Site and its surrounding “GB” area would be closed for the sole use of the future residents that public access to the “GB” zone for enjoying the natural scenery would be deprived of; and
- (e) the SDC was also of the view that the Government should first address the shortage of public housing rather than providing luxurious private housing in the Southern District. There were many alternatives to increase private housing units without destroying the natural environment. The Government could consider making use of brownfield sites for private housing developments or redeveloping low-rise tenement buildings in the old districts of the Metro Area, such as areas in the Western District, Tsim Sha Tsui, Sham Shui Po and Yau Mong, to residential towers with higher plot ratio, given that only Metro Area was served by proper transport network and community facilities.

16. Mr Samuel W.K. Wong also conveyed the views of Mr Phillip Douglas Black (R4) by presenting his video recording and the main points were as follows:

- (a) Mr Black was a town planner who had been working in Hong Kong for forty years. He was also a resident of Stanley for about thirty years and familiar with the local context of the area;
- (b) he objected to the rezoning of the Site because the subject “GB” zone was unique to the local community in that it could serve as a buffer between Ma Hang and Chung Hom Kok despite that it might comply with the criteria of the second stage of the review of “GB” sites (“GB” review);
- (c) there was no indicative plan showing the layout of the nine residential towers of the proposed development, for which the acceptability of the departmental technical assessments was questionable, especially on visual impact. While it was mentioned that all specific urban design control would be included in the land lease, there still needed to be certainty that the design elements like podium-free design, stepped building height profile and building permeability would be implementable in the plan-making process. There was also no assessment on how the standalone 150-place of Residential Care Home for the Elderly (RCHE) could be accommodated on a dense development site given that there were no podium structures and the RCHE was subject to higher standards of traffic noise mitigation than residential use;
- (d) according to the tree survey, a total of 1,442 trees were identified within the site. He queried whether the site formation recommended by the Civil Engineering and Development Department and the ingress/egress point on Cape Road recommended by the TD had taken into account the need to preserve the four rare/protected trees, the three significant trees and those trees with trunks as wide as 1.7m within the Site;
- (e) he also questioned the findings of the visual appraisal undertaken by PlanD. For the view from the Stanley promenade (i.e. VP2), it was doubtful whether the distant mountain and sky views could be considered as slightly reduced and the magnitude of visual change was slight.

When viewing from the Stanley Bus Terminus at Stanley Plaza (i.e. VP5), the proposed development with building height of 85mPD would intrude the mountain ridgeline, the visual changes were said to be slight;

- (f) there was only one section plan attached to the MPC Paper No. 7/21 for demonstrating the compatibility of the housing development with the local setting. However, the section selected only captured the narrowest part of the proposed development which could not accurately represent its visual relationship with the adjacent residential developments. More section plans should be provided to demonstrate the compatibility of the proposed development with its surroundings;
- (g) there was a double standard in respect of the nature and scope of technical assessments required for the rezoning proposal initiated by the Government and those under the s.12A application submitted by the private sector. Taking rezoning application involving “GB” zone submitted by private landowner as an example, the applicant had to submit indicative Master Layout Plans with sections and elevations, full development and accommodation schedules and various technical assessments on traffic, tree preservation, visual, drainage, sewerage, environmental, tree felling and compensation, traffic noise, ecological and geotechnical aspects for the Board’s consideration. Such details, however, were not provided for rezoning proposals initiated by the Government;
- (h) he suggested the following alternatives for the Board’s consideration: (i) withdrawal of the rezoning proposal and requesting PlanD to identify alternatives sites for private housing development in Stanley; (ii) retaining the Site as “GB” zone and allowing only applications for RCHE and public car park use; (iii) if the Site was really needed for housing development, it should be used for lower-scale affordable housing implemented by the Housing Authority; and (iv) if the Site had to be retained as “R(B)” zone, given the paucity of design information and uncertainty in the technical assessments undertaken by the government

departments, more planning controls such as the requirement of layout plan submission under s.16 application should be imposed so that the Board could scrutinize the submission; and

- (i) he quoted a statement from Lord Widgery C.J. that *“Planning is something which deals with localities and not with individual parcels of land and individual sites. In all planning cases, it must be of the greatest importance when considering a single planning application to ask oneself what the consequences to the locality will be if permission is granted”* as his closing remark.

17. Mr Samuel W.K. Wong supplemented on R4’s views that only a few pages of TIA, visual impact assessment and landscape assessment were provided in support of the rezoning proposal. However, it was noted that for the rezoning of a “GB” site for public housing development in Tsing Yi, other technical assessments such as environmental impact assessment, sewerage and drainage impact assessments were also provided. Also, there should be an assumption for formulating the development parameters and estimating the population generated, etc. for the rezoning proposal and such information should be provided to the public for reference and comment. Although the Agriculture, Fisheries and Conservation Department (AFCD) had indicated that the ecological value of the “GB” was low, proper document on the findings should be made available for the public. With such detailed information provided, the public could better understand the rezoning proposal and make suitable comments.

[Mr Wilson Y.W. Fung left the meeting temporarily during R4’s video presentation.]

#### R3/C1 – Mary Mulvihill

18. Before Ms Mary Mulvihill made her oral representation, she questioned why an officer of the Development Bureau (DEVB) could take up the Chairperson position of the Board as the zoning amendment was driven by the DEVB and there was no public announcement on the change of chairmanship. The Chairperson responded that in his opening remarks, he had already mentioned that the successor of the then PS(PL) would assume the post of PS(PL) in the fourth quarter of 2022. Meanwhile, he, as the Deputy

Secretary (Planning & Lands), was currently doubling up the duties of PS(PL) who by post was the Chairperson of the Board. The posting arrangement had been announced by the Government. The Secretary supplemented that Members of the Board, including the official and non-official members, were appointed by the Chief Executive (CE), and PS(PL), being a government official, was appointed by CE as the Chairperson of the Board.

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

- (a) she fully supported R4's detailed submission in particular the issues of 'individual merit' and 'exceptional circumstances' and urged the members to read the detailed submission from R4;
- (b) the views from the SDC were fully supported. Given that the Site was densely vegetated, the proposed development would induce adverse landscape and visual impacts on Ma Hang Estate and residential developments in Chung Hom Kok. It would also have significant negative impacts on the views currently enjoyed by the locals and tourists;
- (c) there was no data to support the need for private housing sites. Hong Kong was currently facing demographic challenges with low birth rates, high record of emigration, and rising interest rate which made the acquisition of property for investment not attractive, while the Mainland was also facing demographic and economic challenges that there was less incentive for mainlanders to move to Hong Kong and invest in properties. The imperative need for rezoning "GB" for residential use was doubtful;
- (d) demographic data also showed that the birth rate was low and the projected birth rate was expected to decrease in Hong Kong. It was predictable that there would be a wave of school closures as the student population continued to shrink. Those school sites could be converted for residential and/or community uses which were additional sources of land supply in the urban area;

- (e) there was research indicating that there were over 20,000 vacant private housing units in Hong Kong. As reported in a newspaper, none of the 283 flats of a private housing development in Tai Po was sold on the first day in July and at least 34% of the units were still unsold since the sale of the development firstly launched in 2018. Thus, Members should inquire into the data with regard to the number of vacant units and ensure that there was a genuine need for housing units to support the rezoning of “GB”;
- (f) based on the findings of the second stage of “GB” review, the Site was identified suitable for housing development with a view to meeting the acute housing demand in short to medium term. Such housing demand was referred to public housing instead of private housing;
- (g) rezoning of the “GB” site for the proposed development would result in tree felling. Thus, the natural habitat would be destructed leading to the fragmentation of the ecosystem. The upland countryside landscape character of the Site and its surrounding would be irreversibly changed to residential landscape. The benefit of rezoning a “GB” site with high conservation value should be further evaluated;
- (h) the vacancy rate of offices was rising. Recently, developers were seeking planning permission for composite development with commercial elements on the lower floors and residential use on the upper floors in “Commercial” zone, e.g. conversion of the Novotel on Nathan Road. Such trend would facilitate a steady supply of private residential sites in the urban area. Besides, there were hotels in Tsim Sha Tsui converted to service apartments and the Central Business District had already shifted to the West Kowloon area. Based on these changes, a review of the current zonings in the said areas was needed to accelerate the supply of residential units; and
- (i) the Government should consider relocating the existing Ma Hang Prison adjacent to the “GB” site with a view to releasing the prison site for

housing development.

20. As the presentations from the government representatives, representer/commenter and representers' representative had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions for government representatives, representer/commenter or representers' representative to answer. The Chairperson then invited questions from Members.

*“GB” zone and Greening*

21. Some Members raised the following questions to PlanD's representatives:

- (a) the meaning of “buffer” as mentioned by R4;
- (b) considering the “GB” zone within which the Site was located was functioning as a ‘green corridor’ linking Tai Tam Country Park to its north and Stanley Ma Hang Park to its southeast, whether the southern tip of the Site could be reserved to maintain the corridor;
- (c) whether there was any wildlife connection between the “GB” zone in the northwest and the Stanley Ma Hang Park in the southeast; and
- (d) due to the size of the Site, whether the 30% green coverage could be provided at-grade.

22. In response, with the aid of some PowerPoint slides, Mr Mann M.H. Chow, DPO/HK, PlanD, made the following main points:

- (a) in general, a “buffer” referred to an area separating two different zones or land uses, especially when one of the zones/land uses would generate nuisance to the surroundings, such as a buffer between “Industrial” and “Residential” zones. As shown in the aerial photo, the Site was situated between two residential developments and did not serve a buffer function;



- (b) a stream was running outside the western boundary of the Site within the “GB” zone, and part of it would run underneath the southern tip of the Site. In the future land lease, there would be a condition specifying the southern tip of the Site as a ‘drainage reserve’ and no structure would be allowed on the top of it. The Lands Department (LandsD) would follow up at the stage of preparing the land lease;
- (c) as advised by AFCD, there were no significant ecological findings within the Site, and no wildlife connection was identified. The Site was located at the fringe of the existing built-up areas and had a relatively lower conservation value; and
- (d) as the area of the Site was relatively large, it was envisaged that the 30% green coverage could be provided at-grade within the Site.

### *Technical Assessments*

23. Two Members raised the following questions to PlanD’s representatives:

- (a) noting R4’s comments that there were different requirements for rezoning proposals initiated by the Government and those submitted under a s12A application, and comparing with the recent rezoning of “GB” sites in Tsing Yi and Ma On Shan that detailed information on tree compensation was not available for the zoning amendment on the current OZP, whether there were differences in respect of the assessment methodology among these proposals;
- (b) noting R4’s comments that the proposed building height of 85mPD would intrude into the ridgeline, whether the ridgeline as mentioned had to be preserved; and
- (c) the reasons for not undertaking an Ecological Impact Assessment for the rezoning amendment.

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

- (a) the rezoning proposal had been circulated to relevant government departments for comments before submission to the Board for consideration. All relevant departments advised that the proposed private residential development at the Site would not cause insurmountable problems from various aspects including drainage, sewerage, geotechnical and environmental as well as infrastructural capacity. Since relevant government departments had already examined the proposal, it was not necessary to undertake detailed technical assessments on those aspects. Moreover, for some other aspects that might warrant more concern, such as traffic, visual, landscape and conservation, relevant assessments including TIA, Visual Appraisal and Landscape Assessment had been conducted and the full reports of the assessments were attached to the MPC Paper No. 7/21 on proposed amendments to the approved Stanley OZP No. S/H19/14. For s.12A application, the applicant was required to submit relevant assessments to demonstrate that the proposal would be technically feasible and would not cause insurmountable problems on various aspects for the Board's consideration;
- (b) according to Chapter 11 of the Hong Kong Planning Standards and Guidelines (HKPSG) on Urban Design Guidelines, the famous ridgelines of Victoria Peak and Lion Rock which had provided panoramic views and natural backdrop of the metro area should be protected when viewing from the strategic vantage points. There was no recognized importance of ridgelines in Stanley which should be protected according to HKPSG; and
- (c) as advised by AFCD, while no significant ecological species were found within the Site, a natural stream was identified to the south of the Site. To avoid any possible adverse impact on the stream, a sufficient buffer distance had been maintained between the boundary of the Site and the stream. AFCD had no objection to the rezoning amendment.

*Tree issues*

25. Two Members raised the following questions to PlanD's representatives:
- (a) noting that the proposed development would inevitably affect existing trees within the Site, whether the trees mentioned by R4, i.e. four rare/protected trees, three significant trees and trees with trunks as wide as 1.7m on site should be preserved;
  - (b) whether a designated off-site area for tree compensation could be proposed for the housing development; and
  - (c) the reason why trees with trunk diameter more than 1m at breast height were not considered significant in the tree survey.
26. In response, with the aid of some PowerPoint slides, Mr Mann M.H. Chow, DPO/HK, PlanD, made the following main points:
- (a) according to the tree survey conducted by the consultant of LandsD, 1,442 trees including 159 dead trees and 230 in poor health condition with no registered Old and valuable Trees (OVTs) were found within the Site. While most of the existing trees were common species, four *Artocarpus hypargyrens* (白桂木) and three trees with significant size (diameter breast height of 1.1m to 1.7m) were found within the Site. When designating the location of the ingress/egress point, consideration had been taken to avoid affecting trees with significant sizes. Thus, the three trees of significant sizes along Cape Road could be retained subject to the detailed design of the proposed development. Suitable landscaping and tree preservation clauses would be incorporated in the land sale conditions to preserve the existing trees as far as possible and minimise the impact arising from tree felling. The future developer would be responsible for ensuring that the existing trees would not be unnecessarily affected or removed without the prior written consent of the Director of Lands (D of Lands). In granting

the consent, D of Lands might impose such conditions as transplanting of affected trees and/or compensatory planting as deemed appropriate;

- (b) tree preservation and compensatory planting proposals of 1:1 and other necessary mitigation measures would be implemented by the future developer in accordance with DEVB Technical Circular (Works) No. 4/2020 and the Lands Administration Office Practice Note No. 2/2020 for private projects. If 1:1 tree compensation could not be achieved within the Site, the developer had to submit alternative proposal, such as off-site compensation for agreement by D of Lands; and
- (c) it was noted that there were some trees with trunk diameter more than 1m within the Site. However, there were other criteria to be fulfilled for qualifying as potential OVTs. Those trees with large trunk size did not match with the potential OVT criteria at the juncture.

#### *Traffic Aspect*

27. A Member asked about the estimated trip rate generated by the 637 housing units in the proposed private housing development. Mr Daniel K. Chow, SE/S&P, TD, responded that in accordance with the traffic impact assessment (TIA), the estimated trip rates during am peak and pm peak on weekdays were about 170 and 135 (2-way flow) respectively while the estimated trip rate for weekend was about 60 (2-way flow). The TIA concluded that the existing road network had adequate capacity to accommodate the additional traffic flow generated by the proposed development.

28. The same Member noted in R4's written representation mentioned about the traffic issue related to RCHE and asked for elaboration on the issue. Mr Samuel W.K. Wong, representative of R4, elaborated that only the trips generated by the residential portion, but not those generated by the RCHE, were taken into account in the TIA. Visitors of RCHE might drive their own vehicles or take public transport, which would result in trip generation. He also said that lay-by for picking-up/dropping-off would be needed as the elderly would normally take more time to get on and off the vehicles to/from the RCHE. The same Member considered that the situation mentioned by Mr Wong might only be

applicable to Day Care Centre for the Elderly rather than RCHE. Mr Daniel K. Chow, SE/S&P, TD, supplemented that the trip rates generated by the proposed RCHE had been assessed with reference to other similar RCHE projects. It was envisaged that the proposed RCHE would not induce adverse traffic impacts on the local road network.

29. A Member asked about the transport arrangement in case of emergency when an elderly in the RCHE needed to be sent to the hospital but the major road was blocked. Mr Mann M.H. Chow, DPO/HK, PlanD, responded that the nearest hospital of the Site was Grantham Hospital in Wong Chuk Hang which could be reached via Repulse Bay Road. Alternatively, the Eastern Hospital located in Chai Wan could be reached via Tai Tam Road. In case of serious traffic jam on one of the major roads, alternative route could be taken. Mr Daniel K. Chow, SE/S&P, TD, supplemented that available routes for the Site included Repulse Bay Road/Wong Nai Chung Gap Road leading to Wan Chai, Repulse Bay Road/Island Road leading to Wong Chuk Hang/Aberdeen area, Aberdeen Tunnel leading to the Wan Chai/Central, and Tai Tam Road leading to Chai Wan.

#### *Development Scheme*

30. Some Members raised the following questions to PlanD's representatives:

- (a) whether an indicative layout was available for conducting relevant technical assessments;
- (b) why the Site was proposed for private housing development but not for public housing development;
- (c) the types of private housing that would be expected on Site and whether there was a demand for such type of housing;
- (d) whether the housing demand situation of a particular site in Tai Po and the high vacancy rate in private housing market mentioned by R3 were relevant for considering housing development at the Site; and
- (e) the completion year of the proposed development including the RCHE.

31. In response, with the aid of the visualizer, Mr Mann M.H. Chow, DPO/HK, PlanD, made the following main points:

- (a) an indicative scheme with nine residential blocks and a 150-bed RCHE was prepared for conducting the relevant technical assessments;
- (b) there had been a constant and acute demand for both public and private housing. According to the latest projection of the Long Term Housing Strategy (LTHS), the total housing supply target for the 10-year period (from 2022-23 to 2031-32) was 430,000 units. With the ratio of private to public housing increased to 30:70, the private housing supply target was 129,000 units and therefore, there was need to address the demand for private housing. The Site was currently planned with a plot ratio of about 1.84 for private housing development. Should the Site be converted for public housing, the development intensity had to be reviewed to optimize the cost-effectiveness. If fact, having taken into account the transport and infrastructure capacity, provision of community facilities and open space, development scale and compatibility, and potential environmental, visual and air ventilation impacts etc. related to the current development scale, it was concluded that the Site was suitable for medium-rise private housing development;
- (c) the types of private housing to be developed on the Site would rest with the decision of the future developer. There would be no control on the housing type under the lease;
- (d) under the established methodology in estimating the demand and supply of housing units under the LTHS, the factor of vacancy rate in private housing sector had been taken into account; and
- (e) the Site had already been included in the Land Sale Programme (2022-23) and the development of the Site was expected to be completed in five to six years.

32. Regarding Members' enquiries on rezoning the Site for private housing development, Mr Andrew C.W. Lai, D of Lands, supplemented that the Government had been adopting a multi-pronged approach to increase land supply progressively to cater for the demand for both private and public housing with a provision ratio of 30:70. The latest annual private housing supply target was 12,900 units. To meet the target, the Government would strive to secure suitable development sites in the coming years and made them available to the market through land tender exercises. Besides, railway property developments, redevelopment projects undertaken by the Urban Renewal Authority and other private developers as well as lease modifications would also contribute to meeting the target. If relevant government departments considered that some special control was needed to address the conservation or design aspects for the proposed development at the Site, relevant requirements could be incorporated as lease conditions for the future developer to follow. The proposed development at the Site could provide 637 housing units which would be an important contribution in meeting the average annual private housing supply of 12,900. Besides, the average flat size of 70m<sup>2</sup> was considered to be medium to large sized flats which could cater for market needs in general. He noted Members' concern on the trees species at the Site. With a site area of about 2.4 ha, he believed that there should be scope for the future developer to provide greening area of not less than 30% within the Site, and there would be sufficient space within the Site for tree compensation, where necessary. Any tree preservation and compensatory planting proposals as well as other necessary mitigation measures would be implemented by the future developer in accordance with the established guidelines and practices.

33. A Member noted that the private housing supply was about 12,900 annually in the coming ten years and asked when the housing supply would be updated as the housing demand would keep changing in the society. The Chairperson said that according to the LTHS, the Government would update the long term housing demand projection annually and work out a rolling 10-year housing supply target to capture the social, economic and market changes over time, and make timely adjustment where necessary. The relevant ratio of private and public housing supply would also be kept under review.

*Others*

34. The Vice-chairperson and some Members raised the following questions to PlanD's representatives:

- (a) the existing population in Stanley and the percentage of increase in population due to the proposed development at the Site;
- (b) the average flat size of the proposed housing units and the size of the 150 beds of the RCHE;
- (c) the number of private projects with RCHE that had been realized in recent years;
- (d) whether Ma Hang Prison was still in operation;
- (e) whether the historic path mentioned by R4 fell within the Site and how historic structures if found within the Site could be dealt with; and
- (f) noting that the zoning amendment of the Site also involved the rezoning of a small portion of "Residential (Group C)" ("R(C)") zone to "R(B)" which was treated as a minor boundary adjustment, whether such arrangement was considered appropriate.

35. In response, with the aid of some PowerPoint slides, Mr Mann M.H. Chow, DPO/HK, PlanD, made the following main points:

- (a) the planned population of the Stanley OZP area was 18,250, including the estimated population of 1,826 of the proposed development at the Site and the percentage of increase due to the proposed development was 10%;
- (b) the average flat size of the proposed 637 units was about 70m<sup>2</sup>. While there was no information on the average gross floor area (GFA) of RCHE bed space, the total GFA for the 150-place RCHE was about 4,210m<sup>2</sup>;



- (c) although the number of completed private development with provision of RCHE from land sale was not available at hand, once any requirement of provision of government/institution/community facilities was stipulated in the land lease (e.g. provision of 150-bed RCHE with GFA of 4,210m<sup>2</sup> for the Site), it was a mandatory requirement that the developer must follow. If a breach of lease conditions was detected, LandsD would take appropriate lease enforcement actions;
- (d) the Ma Hang Prison was still being operated by the Correctional Services Department (CSD). It was currently a training base for the Rehabilitation Pioneer Leaders under the Rehabilitation Pioneer Project. The programme was designed for the youngsters and aimed to disseminate to young people the messages of law-abiding and drug-free life, and to support offender rehabilitation. Since the prison was in use, CSD had no relocation programme or the intention to release the site at the moment;
- (e) there was no record of any historic path within the Site. Historic structures of the old paths near Stanley Gap Road were located at a distance to the north of the Site; and
- (f) the amendments also involved a small area of 85m<sup>2</sup> originally zoned “R(C)” on the OZP. Due to its small size, it was treated as a minor boundary adjustment and did not form an amendment item as per the prevailing practice in plan-making.

36. In response to a Member’s query on whether R1 and R2 had proposed to rezone the Site to “G/IC”, Mr Mann M.H. Chow, DPO/HK, PlanD, clarified that it was only R5, and not R1 and R2, that had proposed to rezone the Site to “G/IC” as stated in the Paper.

37. As Members had no further questions to raise, the Chairperson said that the Q&A session was completed. He thanked the government representatives, the presenter/commenter and the presenters’ representative for attending the meeting. The Board would deliberate on the representations and comment in closed meeting and would inform the presenters/commenter of the Board’s decision in due course. The government

representatives, the representer/commenter and the representers' representative left the meeting at this point.

### Deliberation Session

38. The Chairperson remarked that the Government had been adopting a multi-pronged approach to provide land with a view to meeting housing and other development needs. The review of "GB" sites was one of the major sources of land supply and comprised two stages. The Site, with the provision of about 637 units, was identified under the second stage of the "GB" review and was a significant contribution to meeting the private housing supply target this year. The requirement of the provision of the 150-place RCHE would be included in the land lease and the facility must be provided by the future developer. Suitable conditions on tree compensation might be included in the land lease to address Members' concerns. As for some Members' suggestion on the provision of a green corridor at the southern tip of the Site, AFCD would be consulted on the need for such provision.

39. Some Members appreciated the efforts made by the Government in identifying suitable sites to meet the need for both public and private housing. They considered that:

- (i) the Site was suitable for private housing development given its considerable site area of about 2.4 ha and its location being sandwiched between two residential clusters which was considered an extension of the existing residential development;
- (ii) the proposed medium density private housing development was well positioned between the existing public housing development to its east with a higher development intensity and a low-density private housing development to its west and south;
- (iii) the number of residential units to be provided was about 5% of the annual housing supply target which could help to meet the private housing demand; and

- (iv) the supply of private housing units could offer a choice for people who would like to improve their living quality.

40. A Member, whilst noting that the average flat size of the proposed development was about 70m<sup>2</sup>, suggested imposing a requirement on the minimum flat size, e.g. not less than 26m<sup>2</sup> or the maximum number of units in the land lease so as to ensure that no nano flat would be provided by the future developer.

41. Considering the balance between conservation and development as well as the societal need, the Vice-chairperson had no objection to the rezoning amendment. He considered that the function of the “GB” buffer between the Country Park and built-up area in Stanley would not be affected as there would still be a large piece of green area to serve such function.

42. A Member held a different view and considered that the function of “GB” zone between two developed sites was important as it could serve as a green buffer for air purification and provide cooling effect for the area. It was the urban forestry concept which had been widely applied overseas and in the Mainland. It was ecologically important to link up different landscape nodes (i.e. a park, forest) in urban area to form a network where wildlife could move or reside. As these concepts were related to climate change issues, the Government should review the function of “GB” from such angle. The Vice-chairperson remarked that the Government might need to conduct a comprehensive study before incorporating such a concept in urban planning.

#### *‘Green Corridor’*

43. Given the Site was sufficiently large for the proposed development, some Members suggested that the southern tip of the Site with an underground drainage reserve could be retained as ‘non-building area’ with green cover/landscaping so to maintain a ‘green corridor’ connecting the “GB” to the Stanley Ma Hang Park in the southeast. Whilst the “GB” and Stanley Ma Hang Park were physically segregated by Cape Road, a Member remarked that the ‘green corridor’ needed not be a physically continuous linkage as long as the canopies of trees along the two sides of Cape Road would extend over the road area. Keeping the ‘green corridor’ was a balance between conservation and development, and it

was also important to keep the continuity of the corridor from visual and urban design perspectives. A Member said that the uphill of the southern tip of the Site currently had no vegetation and reminded that the concerned area might be required for the provision of another ingress/egress for the Site. Hence, incorporating the ‘non-building area’ requirement in the lease should be carefully considered.

#### *Tree compensation/ Greening Ratio*

44. A Member expressed that the Site was currently almost fully covered by trees. While a 30% greening ratio was required for the proposed development at the Site, there would be a 70% loss of the green area. As the “GB” site was identified for development by the Government, it would be the responsibility of the Government to identify alternative site for tree compensation. A district wide tree compensation area (i.e. tree banks) was suggested to compensate for such loss. Another Member also echoed that the greening ratio of 30% for compensation was not ideal. There were some development projects which demonstrated an overall greening ratio of 200% or even 300% was achievable.

#### *Provision of RCHE*

45. Members generally supported the provision of RCHE within the private housing development. In line with the social welfare policy, a Member expressed the wish that the requirement of providing RCHE or other social welfare facilities be imposed in the land lease for all residential land sale sites. Another Member suggested that future developer should make use of the Site with RCHE facilities to target for ‘two-generation’ home buyer group, whereby the younger generation would live in the residential tower with their parents staying in the RCHE. In response to Member’s comments, Mr Andrew C.W. Lai, D of Lands, said that under the land lease, the future developer of the Site was required to construct a 150-bed RCHE in accordance with the requirement specified by the Social Welfare Department (SWD). Upon completion, the RCHE would be handed back to SWD, and the RCHE would be operated either by SWD or non-government organizations. A Member also supported the provision of RCHE, but observed that there was a lack of medical staff in Hong Kong. The Government should thus consider providing more training to attract more people to join the medical profession.

46. Given Members' comments as indicated above, some Members, while having no objection to the zoning amendment, considered that the future developer should be required to submit a layout plan under s.16 application for the Board's consideration so as to ensure that issues on traffic, tree compensation, green corridor, flat size, and interface between the residential portion and the RCHE could be addressed. A Member had reservation on imposing such a requirement as the procedures might delay the completion of the residential cum RCHE development. Another Member opined that more information, particularly on tree felling/compensation should be provided for Members' consideration of the zoning amendment.

#### *Others*

47. The Vice-Chairperson expressed that although only a small portion of "R(C)" was rezoned to "R(B)" which was treated as minor boundary adjustment, he considered it appropriate to specify such as an amendment item. The Secretary explained that such treatment was mentioned in the MPC paper No. 7/21 which had been made available for the public. As the amendment item mainly involving rezoning the "GB" to "R(B)" and the portion of "R(C)" to be rezoned to "R(B)" was too small in scale (i.e. about 85m<sup>2</sup>) that it could hardly be visible on the OZP, such amendment would be treated as minor boundary adjustment. Members of the public could still comment on such boundary adjustment. Besides, the "R(C)" portion was near the existing car park portion and adverse impacts on ecological, traffic and environmental aspects were not envisaged. According to the representations received, there was no public seemed to have no particular concern on the adjustment of the "R(C)" boundary. For future zoning amendments, consideration could be given to indicating the rezoning area as an amendment item even if the area was comparatively very small.

#### *Conclusion*

48. As Members had no further views, the Chairperson concluded that the majority of Members had no objection to the OZP amendments and made the following major points:

- (a) PlanD would further liaise with AFCD and LandsD regarding the requirement of the provision of a continuous 'green corridor' connecting

the “GB” zone and Stanley Ma Hang Park via the southern tip of the Site under the land lease;

- (b) In view of the issue of tree felling arising from the proposed housing development and the upcoming rezoning exercises under the latest round of GB review, DEVB would continue to follow up the issue with a view to addressing tree compensation in a more systematic manner as discussed in the 1270<sup>th</sup> TPB meeting held on 22.6.2022; and
- (c) given that the provision of ‘green corridor’ would be covered by the submission of a landscape plan and a traffic review would be required under the land lease, the location of the run in/out could be examined under building plan submission, and suitable development parameters such as maximum GFA and building height had been imposed for the “R(B)” zone with recommendation of podium free design in the Explanatory Statement of the OZP, it was considered not necessary to impose the requirement for submission of layout plan under s.16 application.

49. After deliberation, the Board decided not to uphold R1-R15 and considered that the draft Stanley Outline Zoning Plan (OZP) should not be amended to meet the representations for the following reasons:

- “(a) the government has been adopting a multi-pronged approach to increase land supply for both public and private housing including reviewing of “Green Belt” (“GB”) sites on an on-going basis. Taking into account that there are no insurmountable technical problems identified for the proposed housing development on traffic, landscape, visual, drainage, sewerage, geotechnical and environmental aspects, it is considered suitable for rezoning the representation site to “Residential (Group B)” (“R(B)”) for increasing the housing land supply (**R1 to R15**);
- (b) the representative site is intended for private housing development. In general, the type of housing would not normally be specified in the Notes for residential zones. The proposed revision of the planning intention of

“R(B)” zone to specify the provision of affordable housing or to rezone the representation site to “Residential (Group A) 3” for public housing is not justified (**R4 and R5**);

- (c) the proposed maximum gross floor area (GFA) of 44,615m<sup>2</sup> and building height (BH) restriction of 85mPD are considered compatible with the character of the surrounding medium-/low-rise residential developments. Relevant technical assessments have taken into account the proposed Residential Care Home for the Elderly at the representation site. The exemption of GFA calculation of social welfare facilities is appropriate (**R4**);
- (d) the proposed development at the representation site is visually compatible with the surrounding developments and the cumulative visual impact is considered acceptable. The future developer is advised to minimise the visual bulk of the proposed development through adoption of a podium-free design and a stepped BH, which has been reflected in the Explanatory Statement of the Outline Zoning Plan. Stipulation of the statutory requirement for podium-free design and stepped BH is not necessary (**R2 to R6**);
- (e) given that the proposed residential development and development intensity are technically feasible, there is no need to control the design and layout of the future development through imposition of statutory requirement for submission of layout plan or seek planning permission for ‘House’ and ‘Flat’ uses under the “R(B)” zone (**R4 and R5**); and
- (f) the overall provision of Government, Institution and Community facilities in Stanley is generally adequate based on the Hong Kong Planning Standards and Guidelines or departments’ assessments. There is no strong planning justification to rezone the representation site to “Government, Institution or Community” (**R5**).”

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

[Professor Roger C.K. Chan, Dr C.H. Hau, Dr Venus Y.H. Lun, Messrs Stephen L.H. Liu and Ricky W.Y. Yu left the meeting at this point.]

[The meeting was adjourned for a 5-minute break.]

### **Tuen Mun & Yuen Long West District**

#### **Agenda Item 4**

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-LFS/422

Temporary Warehouse for Storage of Electronic Goods for a Period of 3 Years and Filling of Land in “Green Belt” Zone, Lots 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281 and 1282 in D.D.129, Lau Fau Shan, Yuen Long  
(TPB Paper No. 10847)

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[The item was conducted in Cantonese.]

#### **Presentation and Question Sessions**

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

##### ***PlanD’s representatives***

- |                     |  |
|---------------------|--|
| Mr Kepler S.Y. Yuen | - District Planning Officer/Tuen Mun & Yuen Long West (DPO/TM&YWL) |
| Ms Keith P.S. Wong  | - Town Planner/Yuen Long West (TP/YLW)                             |



*Applicant's representative*

Ms Lau Chui Yu

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

53. With the aid of a PowerPoint presentation, Mr Kepler S.Y. Yuen, DPO/TM&YLW, PlanD, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10847 (the Paper).

[ Mr Wilson Y.W. Fung rejoined the meeting during DPO's presentation.]

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

55. With the aid of the visualizer, Ms Lau Chui Yu, the applicant's representative, made the following main points:

- (a) she had been an employee of the applicant, Ocean Union International Logistics Co. Limited, (the Company) since 2006. The company was established in 2005 and currently had 36 employees. Their main business was warehouse use with loading/unloading of goods. The Company ran smooth and had a stable business all along;
- (b) the warehouse located at the application site (the Site) was for storage of electronic goods, which would not generate noise, sewerage or air pollution to the surrounding areas. There were only five vehicles going in and out of the Site daily which would not affect the local traffic. Besides, there was no complaint from nearby villagers;
- (c) the goods they handled were heavy and it was not suitable to relocate the warehouse to industrial building due to difficulty in loading/unloading.

The rental cost of the warehouse at the Site was reasonable and help sustain their business. If the warehouse was relocated to the urban area, the rental cost would be 40 times higher than the current one. Under the pandemic when the business environment was shrinking, the Company could not afford high rental cost. Also, due to the development of Hung Shui Kiu, no other suitable site could be identified for relocation of the warehouse;

- (d) the goods they handled were produced in the Mainland and were exported to other countries via Hong Kong. The Company might lose their business if the overall cost was not competitive with that of other service providers in the Mainland. Most of their employees were old and they were the breadwinner of their families; and
- (e) the Site was located near Mong Tseng Village. There were two letters from the village representative of Mong Tseng Village and their employees indicating support of the review application and requesting that planning permission be granted for the warehouse use at the Site respectively.

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

57. In response to Member's question on the operation details of the warehouse, Ms Lau Chui Yu, the applicant's representative, said that the goods they handled were imported from the Mainland, stored in their warehouse, and then transported from their warehouse to the airport or container terminal for exporting to overseas.

58. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant and its representative and inform the applicant of the Board's decision in due course. The Chairperson thanked PlanD's representatives and the applicant's representative for attending the meeting. They left the meeting at this point.

### Deliberation Session

59. The Chairperson remarked that the applicant had not provided any new justifications to support the review application and the grounds made by the applicant's representative at the meeting were not planning related, Members agreed that there were no strong justifications to warrant a departure from the RNTPC's decision.

60. After deliberation, the Board decided to reject the application for the following reasons:

- “(a) the applied development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the applied development is not in line with the Town Planning Board Guidelines for “Application for Development within the Green Belt Zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10) in that the applied development is considered not compatible with the surrounding areas, and the applicant fails to demonstrate that the applied development would not have significant adverse landscape impacts on the surrounding areas;
- (c) the applicant fails to demonstrate that the applied development would not generate adverse traffic impact on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for similar applications for warehouse use within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

**Sha Tin, Tai Po & North District**

**Agenda Item 5**

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TK/711

Proposed Temporary Car Park (Private Cars Only) for a Period of 3 Years in “Agriculture” Zone, Lot 725 RP (Part) in D.D. 29 and Adjoining Government Land, Ting Kok, Tai Po (TPB Paper No. 10848)

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[The item was conducted in Cantonese.]

**Presentation and Question Sessions**

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

***PlanD’s representatives***

Ms Margaret H. Y. Chan - District Planning Officer/Shan Tin, Tai Po and North (DPO/STN)

Mr Harris K.C. Liu - Senior Town Planner/Tai Po

***Applicant and his representatives***

Mr Leung Pak Keung - Applicant

Mr Lau Chee Sing ]

Mr Li Yun Hei ] Applicant’s representatives

Ms Tang Sau Fong ]

Mr Law Tin Sung ]

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

63. With the aid of a PowerPoint presentation, Ms Margaret H.Y. Chan, DPO/STN,

PlanD, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10848 (the Paper).

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

65. Mr Li Yun Hei, the applicant's representative, made the following main points:

- (a) the purpose of the application was to serve the need of the local villagers as there were no proper car park in the area. Roadside illegal parking was found along Shan Liu Road and Shan Nam Road which blocked the access to Shan Liu Village. Residents of Shan Liu Village could not reach home safely especially for the elderly;
- (b) the application site (the Site) was no longer used for farming as there was no water source to support such use;
- (c) he queried why barbeque spots with ancillary car parking spaces were allowed in the "AGR" zone located south of Ting Kok Road near the waterfront, even though trees thereat were destroyed by the said uses;

66. To supplement, Mr Leung Pak Keung, the applicant, made the following main points:

- (d) he had been the village representative of Ting Kok Village for about 10 years. He had received complaints and/or requests from villagers on and on about the need for provision of local car parking spaces and it was his responsibility, as a village representative, to bring up the issue to the Board;
- (e) a cycle track was located at the entrance of Ting Kok Village. However, vehicles were parked along the cycle track which blocked the access and

sometimes almost led to traffic accident. While illegal parking in the area was reported to the police, no action was taken by the authority;

- (f) vehicles were illegally parked everywhere in the area and blocked access to villages in the area. Even when there were accidents occurred in the area, emergency vehicles could not reach the scene of accident via the access road;
- (g) since the construction of the Plover Cove Reservoir, water source to the Site had been diverted to the reservoir. As water source to the Site was no longer available, the Site could not be used for farming purpose;
- (h) he urged the Board to take into account the current traffic problem in the area, instead of following the established practice, in considering the application;

67. With the aid of the visualizer, Mr Lau Chee Sing, applicant's representative, also made the following main points:

- (i) his written submission in support of the review application was detailed in Annex D2 of the Paper;
- (j) in the past few years, the village representative (i.e. the applicant) had submitted two applications for car parking use at the same application site. The number of car parking spaces proposed had been reduced from some 70 to 28 in the current application;
- (k) over the past 10 years, while no application solely for car parking use within the "Agriculture" ("AGR") zone in the area had been approved by the Board, there were planning permissions granted for applications for barbeque spot with ancillary car parks;
- (l) it was estimated that there were about 500 houses, which consisted of about 1,500 households, within the "Village Type Development" ("V")

zone of Ting Kok. It was also roughly estimated that there were about 200 car parking spaces within the said “V” zone, and 150 car parking spaces within the “AGR” zones located to the south of Ting Kok Road, as well as over 100 and 50 vehicles parked along Shan Liu Road and Shan Nam Road respectively;

- (m) the area zoned “V” had already been used for Small House (SH) development. Although ‘public vehicle park’ was a Column 2 use under the “V” zone, it was rare for the land owners to apply for such use as the villagers could park their cars in the garden area of the SH or simply outside; and
- (n) he hoped the Board would re-consider why applications solely for car parking use were not approved, while car parking spaces ancillary to barbeque spot were allowed within the “AGR” zone.

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

69. Some Members raised the following questions to PlanD’s representatives:

- (a) the rationale for allowing car parking spaces ancillary to barbeque spots but not allowing pure car park use within the “AGR” zone in the area; and
- (b) the figures on traffic complaints received and the enforcement action taken by the Police in the area.

70. In response, with the aid of some PowerPoint slides, Ms Margaret H.Y. Chan, DPO/STN, PlanD, made the following main points:

- (a) there was no approved planning application for car parking use within the “AGR” zones on the Ting Kok OZP. Some applications for barbeque spots with ancillary car parking spaces were approved within the “AGR”

zoned south of Ting Kok Road. These ancillary car parking spaces, with a total of about 102, were to serve visitors to the barbecue spots. There were also applications for private/public car park within different zonings (except for “AGR” zone) on the OZP approved by the Board. Together with some public car parking spaces provided by the Government, the total number of existing and approved car parking spaces was about 258. Besides, some areas within Ting Kok Village were used for car parking purpose; and

- (b) according to the Police, from July 2021 to June 2022, there were 139 complaints made by the public on illegal parking along Shan Liu Road and 712 fixed penalty tickets were issued.

71. Some Members raised the following questions to the applicant:

- (a) how the 28 car parking spaces proposed in the application could tackle the shortage of parking spaces as claimed by the applicant, noting that there were over 100 cars illegally parking in the area; and
- (b) whether those illegally parked vehicles along Shan Liu Road belonged to the villagers or outsiders.

72. In response, Mr Lau Chee Sing, the applicant’s representative, made the following main points:

- (a) the application for car park with 28 spaces was intended to help alleviate the situation of illegal parking along Shan Liu Road and Shan Nam Road; and
- (b) the vehicles parked along Shan Liu Road mainly belonged to the local villagers as there was inadequate provision of car parking spaces in the area.



73. A Member asked whether area within the “V” zone in Ting Kok currently used for car parking could be further utilized to provide more car parking spaces, such as provision of multi-storey car park. In response, Mr Lau Chee Sing, the applicant’s representative, said that the provision of multi-storey car park involved submission of building plans for approval of the Building Authority, and compliance with other regulations or applications for permit from government departments such as Electrical and Mechanical Services Department and Fire Services Department, which was a complicated process that had not been considered by the villagers. Besides, the Site was in irregular shape and it was uncertain if stacking up of steel structures for car parking uses would violate certain regulations. Mr Li Yun Hei, the applicant’s representative, supplemented that there was no land available within the “V” zone for provision of car parking space. Ms Margaret H.Y. Chan, DPO/STN, PlanD, supplemented that ‘public vehicle park’ was a Column 2 use under the “V” zone and planning application for such use, whether multi-storey or not, could be submitted for the Board’s consideration.

74. The same Member asked whether there were agricultural activities in the northern part of the Site. Mr Lau Chee Sing, the applicant’s representative, said that farming activities were found in the west of the said barbeque spot as water source was available in that area. Ms Margaret H.Y. Chan, DPO/STN, PlanD, with reference to Plan R-2 of the Paper, said that active agricultural activities were found to the north of the Site. The Agriculture, Fisheries and Conservation Department also affirmed that water source was available in the vicinity of the Site, which possessed potential for agricultural rehabilitation.

75. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant and his representatives and inform the applicant of the Board’s decision in due course. The Chairperson thanked PlanD’s representatives, the applicant and the applicant’s representatives for attending the meeting. They left the meeting at this point.

#### Deliberation Session

76. A Member, while noting the need for car parking facilities in the area, considered that approval of the application would set an undesirable precedent for similar applications

within the “AGR” zone on the OZP.

77. A Member noted that the Transport Department (TD) had no in-principle objection to the application. Mr Horace W. Hong, Chief Traffic Engineer/Hong Kong, TD, said that illegal parking was observed along Shan Liu Road which occupied part of the road and affected the traffic flow. It was desirable from traffic engineering point of view if off-road parking spaces could be provided to alleviate the problem of illegal parking along Shan Liu Road and release the occupied road space. TD’s no in-principle objection to the application was purely given from a traffic engineering perspective.

78. The Chairperson concluded that Members generally agreed with the decision of RNTPC as there had been no material change in the planning circumstances since rejection of the s.16 application. Hence, the review application should be rejected.

79. After deliberation, the Board decided to reject the application for the following reasons:

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate in the submission that the proposed development would not result in adverse landscape impact to the area.”

## **Procedural Matters**

### **Agenda Item 6**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan No. S/K13/31 (TPB Paper No. 10850)

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[The item will be conducted in Cantonese.]

80. The Secretary reported that the amendments on the draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan No. S/K13/31 (the OZP) involved the rezoning of a cluster of government land in Kowloon Bay for commercial and open space uses which were supported by the Planning and Engineering Study for the Development at Kowloon Bay Action Area – Feasibility Study commissioned by the Energizing Kowloon East Office of the Development Bureau with Ove Arup & Partners Hong Kong Limited (ARUP) as the consultant. It also involved a proposed public housing site to be developed by the Hong Kong Housing Authority (HKHA) and the Housing Department (HD) was the executive arm of HKHA, and AECOM Asia Company Limited (AECOM) was one of the consultants for conducting technical assessments in support of the development proposal. The following Members had declared interests on the item:

- |   |   |
|---|---|
| Mr Andrew C.W. Lai<br>(as <i>Director of Lands</i> )                                | - being a member of HKHA, and owning a property in Kwun Tong District;  |
| Mr Paul Y.K. Au<br>(as <i>Chief Engineer (Works),<br/>Home Affairs Department</i> ) | - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidized Housing Committee of HKHA; |

- |                     |   |
|---------------------|---|
| Dr Conrad T.C. Wong | - having current business dealings with HKHA, and his companies owning properties in Kowloon Bay;   |
| Mr Franklin Yu      | - being a member of the Building Committee and Tender Committee of HKHA and having current business dealings with ARUP;   |
| 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  | ] being a member of the Hong Kong Housing Society (HKHS) which currently having discussion with HD on housing development issues;   |
| Ms Lilian S.K. Law  |   |
| Mr K.L. Wong        | - being a member and an ex-employee of HKHS which currently having discussion with HD on housing development issues;  |
| Mr Timothy K.W. Ma  | - being a member of the Supervisory Board of HKHS which currently having discussion with HD on housing development issues;  |
| Mr Vincent K.Y. Ho  | - co-owning with spouse a property in Kowloon Bay and his company owning a property in Kowloon Bay; and   |
| Dr C.H. Hau         | - having past business dealings with AECOM.   |

81. Members noted that Dr Conrad T.C. Wong had tendered an apology for not being able to attend the meeting, and Dr C.H. Hau 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.

82. The Secretary briefly introduced TPB Paper No. 10850. On 31.12.2021, the draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/31 (the Plan) was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). The amendments were made to facilitate the development of Kowloon Bay Action Area and the proposed public housing development at Yip On Factory Estate site. During the exhibition periods, a total of seven valid representations and two valid comments were received.

83. Since the representations/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 comments by the full Board was tentatively scheduled for August 2022.

84. After deliberation, the Board 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 7**

[Open Meeting]

Any Other Business

85.           There being no other business, the meeting was closed at 1:25 p.m.