

**Minutes of 1280th Meeting of the
Town Planning Board held on 2.9.2022**

Present

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

Chairperson

Mr Wilson Y.W. Fung

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Dr Venus Y.H. Lun

Dr Conrad T.C. Wong

Mrs Vivian K.F. Cheung

Mr Ben S.S. Lui

Ms Bernadette W.S. Tsui

Chief Traffic Engineer (Kowloon)
Transport Department
Mr Gary C.H. Wong (a.m.)

Chief Traffic Engineer (New Territories East)
Transport Department
Mr Ken K.K. Yip (p.m.)

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

Principal Environmental Protection Officer (Regional Assessment)
Environmental Protection Department
Mr Victor W.T. Yeung

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 Lincoln L.H. Huang

Mr Stephen L.H. Liu

Dr C.H. Hau

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr K.W. Leung

Professor John C.Y. Ng

Professor Roger C.K. Chan

Mr Vincent K.Y. Ho

Mr Timothy K.W. Ma

Mr K.L. Wong

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Josephine Y.M. Lo (a.m.)
Ms Johanna W.Y. Cheng (p.m.)

Senior Town Planner/Town Planning Board
Mr W.C. Lui (a.m.)
Ms Katherine H.Y. Wong (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1279th Meeting held on 19.8.2022

[The item was conducted in Cantonese.]

1. The draft minutes of the 1279th meeting held on 19.8.2022 were confirmed without amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

2. The Secretary reported that there were no matters arising.

Kowloon District

Agenda Item 3

[Open meeting (Presentation and Question Sessions only)]

Consideration of Further Representations on Proposed Amendments to the Draft Kai Tak Outline Zoning Plan No. S/K22/7 Arising from the Consideration of Representations and Comments on the Draft Outline Zoning Plan

(TPB Paper No. 10860)

[The item was conducted in English and Cantonese.]

3. The Secretary reported that the proposed amendments to the draft Kai Tak Outline Zoning Plan (OZP) No. S/K22/7 (the draft OZP) mainly involved reverting the zoning of the sites under Amendment Items G and H from “Residential (Group B)9” (“R(B)9”) and “R(B)10 to “Commercial (7)” (“C(7)”) and “C(5)” respectively to partially meet some of the representations. AECOM Asia Company Limited (AECOM) was one of the consultants of the Study on Further Review of Land Use in Kai Tak Development for the amendments to the approved Kai Tak OZP commissioned by the Civil Engineering and Development Department (CEDD). The following Members had declared interests on the item:

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|---------------------|---|--|
| Dr C.H. Hau | - | conducting contract research projects for CEDD and having past business dealings with AECOM; |
| Dr Conrad T.C. Wong | - | having current business dealings with AECOM; and |
| Mr Vincent K.Y. Ho | - | having current business dealings with AECOM. |

4. Members noted that Dr C.H. Hau had tendered an apology for being unable to attend the meeting and Dr Conrad T.C. Wong and Mr Vincent K.Y. Ho has no involvement in the amendments to the OZP, and agreed that they could stay in the meeting.

Presentation and Question Sessions

5. The Chairperson said that notification had been given to the further representers/related representers and commenters inviting them to attend the further hearing (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 further representers/related representers and commenters, Members agreed to proceed with the hearing of the further representations/related representations and comments in their absence.

6. The following government representatives and further representers/related representers and commenters or their representatives were invited to the meeting at this point:

Government Representatives

Planning Department (PlanD)

Ms Vivian M.F. Lai - District Planning Officer/Kowloon (DPO/K)

Ms Joyce L.M. Lee - Town Planner/Kowloon

CEDD

Mr George K.M. Mak - Chief Engineer/East Development Office 5 (CE/E5)

Mr Jason K.C. Wong - Senior Engineer

Ms Melissa Y.T. Waye - Engineer

Transport Department (TD)

Mr Rick K.W. Liu - Chief Transport Officer (CTO)

AECOM

Mr Igor W.L. Ho - Consultant

Further Representers/Representers/Commenters

F1 – Paul Zimmerman

R8 – Designing Hong Kong

Mr Paul Zimmerman] Further Representer and Representer's
Mr Wong Wan Kei Samuel] Representative

F2 – Worldwide Flight Services

C11 – Worldwide Cruise Terminals (Hong Kong)

Limited

Mr Jeffrey Cowne Bent - Further Representer's and
Commenter's Representative

R9/C22 – The Real Estate Developers

Association of Hong Kong (REDA)

Masterplan Ltd] Representer's and Commenter's
Mr Ian Brownlee] Representative

R10/C50 – Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

7. The Chairperson extended a welcome. He then briefly explained the procedures of the hearing. He said that PlanD's representatives would be invited to brief Members on the further representations. The further representers/related representers and commenters would then be invited to make oral submissions. To ensure efficient operation of the hearing, each further representer/related representer or commenter or their representative was allotted 10 minutes for making presentation. There was a timer device to alert the further representers/related representers and commenters and their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after the further representers/related representers and commenters and their representatives had completed their oral submissions. Members could direct their questions to the government representatives or the further representers/related representers and commenters or their representatives. After the Q&A session, the government representatives

and the further representers/related representers and commenters and their representatives would be invited to leave the meeting. The Town Planning Board (the Board) would then deliberate on the further representations in their absence and inform the further representers/related representers and commenters of the Board's decision in due course.

8. The Chairperson invited PlanD's representatives to brief Members on the further representations.

9. With the aid of a PowerPoint presentation, Ms Vivian M.F. Lai, DPO/K, briefed Members on the further representations, including the background of the amendments to the OZP, the grounds/views/proposals of the further representers, planning assessments and PlanD's views on the further representations as detailed in TPB Paper No. 10860 (the Paper).

[Ms Winnie W.M. Ng and Mr Franklin Yu joined the meeting during the presentation by PlanD's representative.]

10. The Chairperson then invited the further representers/related representers and commenters and their representatives to elaborate on their further representations/representations/comments.

F1 – Paul Zimmerman

R8 – Designing Hong Kong

11. With the aid of a PowerPoint presentation, Mr Paul Zimmerman made the following main points:

- (a) he was a member of the Harbourfront Commission and had been involving in the works of harbour protection as well as harbourfront enhancement and development for many years;
- (b) as the proposed monorail for Kai Tak Development (KTD) would no longer be pursued, there would likely be a shift of transport mode and the resulting additional vehicular traffic should be supported by a public car park in Sites 4C4 and 4C5, given their locations in proximity to the Kai Tak Cruise

Terminal (KTCT) and the planned Tourism Node (TN) where there would be cycle tracks and retail facilities along the waterfront. The Board should make effort to ensure the provision of public car parking facility at these two sites via stipulation of the statutory requirements instead of leaving the provision of which to future developers who would usually not be willing to provide additional facilities voluntarily;

- (c) adequate spaces should be reserved for public transport facilities, such as public transport interchange (PTI) or lay-bys, for the operation of buses and green minibuses (GMB);
- (d) considering that the planned TN and PTI thereat would unlikely be developed in the coming years, interim alternative traffic solution such as provision of additional public car parks should be considered;
- (e) Kai Tak was a good location for cycling, either for commuting or leisure, as the land was flat and the cycle track would be very long, like the case in the Netherlands. However, proper and adequate spaces should be reserved for the provision of bicycle parking spaces. While private developers would not have the incentive to provide such facilities, it was necessary to specify such requirements under the planning regime;
- (f) people should be allowed to enjoy the harbour and to access and use the water. The Board or PlanD should not be concerned with planning for the land only, but also the water body since there were more than 1,500 km² of water, 250 islands and 800 km of shoreline in Hong Kong. The Marine Department (MD) only looked after the safety of vessels and water traffic, and there was no authority to plan for public's enjoyment of the water and promote water recreational uses. While the western and central parts of the harbour were dominated by industrial uses and ferry traffic activities respectively, the eastern part fronting KTD was considered suitable for water recreation;

- (g) people would be excluded from water sports unless adequate facilities were provided. No space was reserved for storage of water sports equipment (e.g. surfboard or canoes, etc.) at the waterfront promenade or development sites at KTD. These facilities should also be provided at the residential sites along the waterfront; and
- (h) there were not enough landing steps at KTD and those existing ones were located far away from the users, i.e. more than 600m in distance, while along the waterfront areas of Shau Kei Wan and Aberdeen, there were eight landing steps in 700m and six landing steps in 500m respectively. More landing steps should be provided at KTD to facilitate people to access the water.

F2 – Worldwide Flight Services

C11 – Worldwide Cruise Terminals (Hong Kong) Limited

12. With the aid of a Powerpoint presentation, Mr Jeffrey Cowne Bent, made the following main points:

- (a) Worldwide Flight Services represented the majority owners of the operators of KTCT and welcomed reverting back the zoning of Sites 4C4 and 4C5 to “C”;
- (b) a new PTI was suggested to be provided near KTCT to serve the traffic demand since the one reserved at the planned TN might not be implemented in the near future and the proposed monorail would no longer be pursued. KTCT was not designed to accommodate a PTI and there was no sufficient space for queueing of both vehicles and passengers. As shown in some site photos presented in the hearing, some awaiting passengers queued up for transport services on the road space near the bus stop in KTD;
- (c) according to the polls of the cruise passengers, two-thirds of them took either a hired car or taxi to the cruise terminal. They did not intend to

take mass public transport, as modal changes were required which would be inconvenient to them. However, there were not enough taxis to address the demand for dispersal of a large number of cruise passengers disembarking simultaneously from the cruise ship during the morning peak, especially when there were two ships at berth on the same day;

- (d) according to the relevant standards and guidelines, there should be 845 parking spaces for KTCT, but only 120 spaces were provided at the moment. Comparing to overseas examples of cruise terminals in Hamburg and Manhattan, or the local example of Ocean Terminal in Tsim Sha Tsui (TST), parking facilities in KTCT were apparently inadequate to serve the demand, especially for “park and cruise” which should be promoted for KTCT, a homeport with two berths. If people were allowed to drive and park their cars at the cruise terminal and board the cruise ship, say for a week, and then drive out later after returning from the trip, it would help reduce the traffic demand due to disembarkment of cruise ships;
- (e) locations near the cruise terminal in Shenzhen were used for compatible uses such as large-scale retail development. It was unfortunate in Hong Kong that the site of the planned TN was now being used as temporary Community Isolation Facilities (CIF); and
- (f) to help further reduce road traffic, the provision of more landing steps should also be considered, having noted that ferry operators had asked for facilities to allow the running of ferry services to cater for the demand for ferry routes among North Point, Ngau Tau Kok and Hung Hom.

R9/C22 – REDA

13. Mr Ian Brownlee made the following main points:

- (a) REDA supported reverting Sites 4C4 and 4C5 back for commercial uses;

- (b) there would be traffic issue after dropping the proposal for Environmental Friendly Linkage System (EFLS) (i.e. the monorail). Despite their previous submissions, the Board was acting *ultra virus* in removing the EFLS from the OZP without following the provisions of the Town Planning Ordinance. With reference to paragraphs 54 and 55 in the minutes of the 1273th meeting of the Board held on 17.6.2022 regarding the consideration of representations and comments in respect of the draft OZP, it was observed that some of the members considered the EFLS important to KTD;
- (c) access to KTD would become difficult as there was no off-road public transport system nor alternative on road transport. The Government's alternative such as the proposed footbridge across Kwun Tong Typhoon Shelter (KTTS) would probably not be implemented as it would unlikely be able to meet the requirements of The Protection of the Harbour Ordinance and might never be built;
- (d) there was no real access to or parking facilities for the public park at the end of the runway. For KTCT, the provision of only about 150 parking spaces was considered inadequate. Illegal parking on street was observed and there was no provision for public parking facilities for meeting the demand. For Sites 4C4 and 4C5, only ancillary parking facilities would be provided to meet the operational needs of the sites and the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG), which meant that there would not be additional provision of public parking spaces. Besides, there was unpredictable delay for the implementation of the planned TN and the provision of public parking facilities therein as the TN site would properly be used for temporary housing after the removal of the temporary CIF; and
- (e) given the above, to ensure that the requirement of providing more public parking facilities at Sites 4C4 and 4C5 be incorporated under lease condition, the Board should consider specifying the requirements of a total of 400 public parking spaces, on top of the standard parking

requirements, in the Notes of the “C(5)” and “C(7)” zones. It was noted that the Tourism Commission supported and Transport Department had no comment on the proposal of increasing public car parking spaces.

R10/C50 – Mary Mulvihill

14. With the aid of visualiser, Ms Mary Mulvihill made the following main points:
- (a) she supported reverting the zoning of Sites 4C4 and 4C5 back for commercial use;
 - (b) the planning in KTD was chaotic, nor in compliance with the Government’s promises to the community. None of the planning principles related to bringing the harbour to the people, providing quality living and working environment, revitalising the surrounding districts, creating a distinguished, vibrant, attractive and people-oriented Kai Tak by the Victoria Harbour, promoting sustainable environmentally friendly development to contribute to Hong Kong as a world class international city, developing Kai Tak as a hub for sports, recreation and tourism, designing it as a showcase for urban design and landscaping excellence, promoting pedestrian friendly environment, preserving the heritage assets, and promoting local and diverse economy, etc. had been realised;
 - (c) it was doubted if KTD could integrate with the surrounding areas. With only rows of gated communities and developments, there was no connection between the communities and the vibrant street life, nor provision for a prime harbourfront site. Kai Tak would become nothing more than an upmarket cluster of high-rise residential towers with podiums separated by wide roads with little or no street life, and few dining, shopping and recreational options;
 - (d) there were some poor examples of developments at prime waterfront sites in Hong Kong, such as the development at North Point and Star Avenue in TST, where the planning and design did not facilitate the creation of

vibrant street lives. KTD would be more of the same but with additional traffic issues. There would be significant traffic jams due to the dropping of the proposed mass transit links and the traffic demand would only be catered for by road transport, i.e. bus services which would not be an efficient transport system comparing to rail transit. She supported REDA's views that there might be solution to implement the previous EFLS and did not agree with the Board's decision on removing the alignment of which from the OZP; and

- (e) it was anticipated that the TN site would be used for transitional housing which might last for decades, due to which the development of the planned TN would be indefinitely postponed and the provision of planned facilities thereat, such as PTI, would also be delayed.

15. As the presentations of PlanD's representative, the further representers, the related representers and commenters and their 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 further representers, the related representers and commenters or their 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.

Parking Spaces, Transport Facilities and Services

16. Some Members raised the following questions:

- (a) the number of parking spaces planned at Sites 4C4 and 4C5, and the TN and existing ones at KTCT, and whether there were any comparable examples in respect of parking provision for similar uses;
- (b) the development programme of Sites 4C4 and 4C5 and the planned TN (and the PTI);

- (c) elaboration on the existing traffic conditions in the area and how the transport demand generated by the embarkment/disembarkment of cruise ships at KTCT could be addressed; and
- (d) for F2, elaboration on the existing traffic arrangements for cruise passengers and the estimated demand for car parking spaces for KTCT.

17. In response, Ms Vivian M.F. Lai, DPO/K, PlanD and Mr Rick K.W. Liu, CTO, TD made the following main points:

- (a) for KTCT, there were currently about 120 parking spaces for private cars and 40 parking spaces for coaches. As cruise terminal was a special use, the parking requirement for which was formulated based on consultation with TD. For the TN, 950 to 1,000 parking spaces for private cars (about 100 spaces could be further added if needed) and 53 parking spaces for coaches were planned. For development sites at KTD such as Sites 4C4 and 4C5, the parking provision would follow the requirements under HKPSG subject to detailed design of the future developments. Considering the planned development intensity, it was roughly estimated that about 200 parking spaces would be required for each of Sites 4C4 and 4C5. A relevant example was Harbour City and according to the information from the internet, there were some 2,000 parking spaces for the entire development comprising office, service apartment, hotel and cruise terminal;
- (b) the development programme for Sites 4C4 and 4C5 would depend on the land sales programme. For the TN site, the current tenancy for the temporary CIF would be up to 2025. It was estimated that the TN together with the PTI and parking facilities would be implemented four to five years after termination of the use and disposal of the site; and
- (c) the Government had all along been communicating with the cruise terminal operator on the arrival and departure schedule of the cruise ships, and would share the information to the public transport operators for their advanced

planning and arrangement of services to meet the transport demand. For embarkment of cruise ships, the transport demand would be diversified on different transport modes over segregated timeslots in general as the passengers came from different areas of Hong Kong at different time. For disembarkment, to facilitate dispersal of the large number of passengers leaving the cruise ships and KTCT at the same time, the Government would remind the franchised bus companies, GMB operators and taxi trades in advance to strengthen the public transport services prior to arrivals of the cruise ships. There were several franchised bus and GMB routes providing direct connections between the former runway area/KTCT and various MTR stations such as Kwun Tong, Ngau Tau Kok, Kowloon Bay, Kai Tak, To Kwa Wan and Kowloon Tong. The cruise terminal operators might also operate shuttle services to designated locations, such as the shopping malls in Diamond Hill and Kwun Tong, for the passengers. The Government would closely monitor the passenger's demand and liaise with the public transport operators or trades concerned to strengthen the public transport services in meeting the demand whenever necessary. According to the observations at KTCT during the ship-call days in end of 2021, the above-mentioned operational arrangement was able to cater for the transport demand of cruise passengers in general.

18. In response, Mr Jeffrey Cowne Bent, representative of F2/C11, made the following main points:

- (a) for modern international cruise terminals, the typical ratio was 2,000 parking spaces for private cars per berth. Thus, 4,000 parking spaces would be required for KTCT with two berths. Such estimation was made based on a poll/survey of the cruise passengers in 2021. It was noted that people who joined cruise trips had more disposable income and about 45% of them owned a car. Among them, 84% indicated that they would like to drive to KTCT under "park and cruise" approach. Based on the assumption of 5,000 passengers in one cruise, there would be about 1,900 passengers who would like to drive to KTCT. It was also necessary to

take into account other factors such as the number of berths, availability of cruises per week, and the scale of the cruise ships in future, etc.;

- (b) while 845 parking spaces should be provided at KTCT according to the standards and guidelines, there were currently only about 120 public parking spaces. Without the planned 1,000 parking spaces at the planned TN due to delay of the development programme, parking spaces for KTCT would be far from adequate especially that Hong Kong was a homeport for cruise ships;
- (c) he concurred that the traffic conditions would be smooth for embarkment, which usually took place at non-peak hours in the afternoon with passengers mostly taking taxis or hired car (about two-third of the passengers) to KTCT from different areas. However, for disembarkment during the morning peak hours, as reported in the news footage a few years ago, there were always enormous queues of passengers waiting for taxis, but the services could not meet the demand, as taxi drivers did not prefer to go to KTCT during morning peak hours, and unlike the case of Hong Kong International Airport where there was a large taxi parking area, there was not enough taxi queuing area in KTCT. The shuttle services were not being well used by the passengers as the services could not offer point to point transport to the passengers' home. Complaints had been made to TD asking for more transport services to address the demand; and
- (d) there were always road works and illegal car parking along the road leading to KTCT which had further limited the road capacity and resulted in adverse traffic impact in KTD.

19. In response, Ms Vivian M.F. Lai, DPO/K, PlanD supplemented that there was no information on hand to comment on the parking space demand estimated by Mr Bent.

Pedestrian Connectivity

20. Some Members raised the following questions:
- (a) elaboration on the pedestrian connectivity between Sites 4C4 and 4C5, the future PTI at the planned TN and KTCT, and whether there would be a direct route from Sites 4C4 and 4C5 to the PTI or KTCT at the same pedestrian level without the need for going upstairs/downstairs; and
 - (b) whether there would be direct connection between the future car park at Sites 4C4 and 4C5 and the planned TN and KTCT at the same pedestrian level.
21. In response, Ms Vivian M.F. Lai, DPO/K, PlanD, with the aid of some PowerPoint slides, made the following main points:
- (a) although there was no direct pedestrian link connecting Sites 4C4 and 4C5 with KTCT or TN, these sites were connected to the Kai Tak Sky Garden (KTSG), a central elevated deck atop of Shing Fung Road. Through KTSG, Sites 4C4 and 4C5 were connected with the KTCT and TN on elevated level, and through vertical linkages within TN connected with the planned PTI thereof at the ground level. Alternatively, there were at-grade pedestrian connections from Site 4C5 to KTCT and future TN via Shing King Street and the at-grade open space to the southeast of Site 4C5; and
 - (b) the future car parks of Sites 4C4 and 4C5 were assumed to be located in the basement of the developments for which relevant GFA could be exempted from calculation. There was no direct connection between basement levels of Sites 4C4 and 4C5 and the planned TN or KTCT.
22. Noting that KTSG would be a major connection between Sites 4C4 and 4C5, KTCT and the planned TN, a Member asked whether it was possible to incorporate weather-protection facilities at KTSG to enhance the pedestrian environment. In response, Ms Vivian M.F. Lai, DPO/K, PlanD, said that KTSG was an open-air landscaped deck without covers for pedestrians.

Addition of covers/shelters could be explored to enhance the pedestrian environment at the KTSG, if required.

Recreation and Waterfront Facilities

23. Some Members raised the following questions:
- (a) for F1 and R9/C22, clarification on the concerns on parking of bicycle, storage of water sports equipment as well as provision of water sports facilities at sites adjoining the waterfront;
 - (b) which party would be responsible for the design and management of the waterfront promenade outside Site 4C4;
 - (c) whether there would be guidelines or plans to provide recreation facilities to facilitate, for examples, cycling or water sports at KTD; and
 - (d) whether more landing steps could be provided especially for water transport use (e.g. ferry/kaito).
24. In response, Mr Paul Zimmerman (F1) made the following main points:
- (a) generally, there was insufficient provision of bicycle parking spaces, especially for Hong Kong which was a compact city and residents could not park their bicycles at home. The design and provision of the bicycle parking facilities should take into account the residents' needs/behaviors as well as to match with the water recreation locations in KTD. The parking spaces should be provided with cover in order to protect the bicycles;
 - (b) people who participated in water recreation activities would usually go with their own gears and equipment (e.g. surfboard or canoe). Since the gears/equipment were heavy and bulky, it would not be desirable or convenient for the water recreation participants to carry them on foot for

600m, which was a very long distance, from their residences to the landing steps in order to access the water. It would be desirable to have a public storage facility for the participants to store their equipment on site, rather than carrying them to and from home;

- (c) having raised concerns on the lack of facilities for cycling and water sports for more than 20 years, there was still no planning for water users, despite that Victoria Harbour was a good recreational harbour with massive shoreline. Only a few water sports centres were committed at the ex-fire station building in KTD, but there was no proper ramp to the water at the site. PlanD should be urged to consult water sports users such as yacht clubs and sports federations in Hong Kong regarding suitable locations and requirements for landing steps to facilitate the water sports development. The piers/landing steps could also be used to support water transport services; and
- (d) it was expensive for developers to build landing steps/piers due to the construction cost of seawall. Unless the Board stipulated on the OZP the requirement for provision of landing steps/piers on the development sites, there would be no measures to request the developers to build such. On the other hand, the Leisure and Cultural Services Department had no interest in providing landing steps, just like the case of Kwun Tong promenade where no landing steps were provided, and passengers of kaitos had to climb over the fence.

25. In response, Mr Ian Brownlee, representative of R9/C22, said that he had been the honorary adviser to the Hong Kong Water Sports Council for six years and it took six years to get a short term tenancy for the water sport centre site next to the pier at the Kai Tak Approach Channel (KTAC). Besides, the Council spent about some 10 years to get the Government to design and plan for KTAC. This reflected that no party was responsible for the planning of water sports recreation in KTD. Also, to meet the public needs, additional 200 public parking spaces for each of Sites 4C4 and 4C5 were required to be stipulated under the lease.

26. In response, Ms Vivian M.F. Lai, DPO/K, PlanD and Mr George K.M. Mak, CE/E5,

CEDD, with the aid of some PowerPoint slides and location plans, made the following main points:

- (a) there was existing mechanism requesting the future developer(s) of waterfront sites (e.g. Site 4C4) to design, construct, maintain and manage the adjoining waterfront promenade. By making reference to the masterplan for waterfront promenade of the runway and subject to the views of the Harbourfront Commission, the future developer(s) of the sites could consider operating uses for water sports/recreation facilities within their sites to leverage its waterfront location, and facilities in this connection such as equipment storage could be considered as ancillary uses to the development;
- (b) an extensive GreenWay network with a total length of 13 km that would run through promenades and open spaces for shared use of cyclists and pedestrians had been planned in KTD. CEDD commissioned a study in 2021 to examine the design, management and implementation issues, including provision of bicycle parking spaces, for the GreenWay. The GreenWay would be implemented by phases and the first phase was targeted for completion in 2023/2024 while the second phase would be beyond 2025;
- (c) facilitating water sports and recreation activities was one of the important considerations in the planning of KTD, especially that the water quality around KTD would be improved in future. Under the adaptive reuse approach, some landing steps and existing structures, which were previously used as fire boat piers or facilities supporting the then Kai Tak Airport, as well as the embankment facing KTAC or KTTS were considered suitable for relevant facilities. Further provision and design of the landing steps were currently being examined by CEDD. Also, there were planned water sports centres at ex-Kai Tak Fire Station and embankment might provide some storage facilities for water sports equipment. Subject to further study and developments in KTD over time, there would be a wide range of water activities to suit different needs of

participants (i.e. from sport training to leisure enjoyment) at the waterfront in KTD; and

- (d) landing step subsumed under ‘Marine Related Facilities’ which was always permitted in the area covered by the Kai Tak OZP. It was possible to provide landing steps at suitable locations within KTD subject to technical feasibility and considerations of relevant government departments. A preliminary engineering review was being undertaken to scope the technical issues regarding the provision of additional marine access (including landing steps) in KTD and the preliminary results were targeted to be available by end 2022 or early 2023.

27. As Members had no further questions to raise, the Chairperson said that the Q&A session was completed. He thanked the government representatives, the further representers, the related representers and commenters and their representatives for attending the meeting. The Board would deliberate the further representations in closed meeting and would inform the further representers of the Board’s decision in due course. The government representatives, the further representers, the related representers and commenters, and their representatives left the meeting at this point.

[The meeting was adjourned for a 10-minute break.]

Deliberation Session

28. To facilitate Members’ consideration of the further representations, the Chairperson made the following remarks:

- (a) reverting back the zoning of Sites 4C4 and 4C5 for commercial uses under Amendment Items A and B was to take forward the Board’s previous decision in considering the representations and comments in respect of the OZP. Some of the issues raised by the further representers and/or the related representers and commenters (e.g. traffic and parking issues at KTCT and TN and provision of landing steps) were not related to the land use of Sites 4C4 and 4C5;

- (b) the issue of car parking space provision was mainly related to KTCT and the planned TN. The overall parking provision at KTD had been formulated in consultation with relevant government departments including TD. While the planned parking provision in the area should be adequate and in compliance with HKPSG requirements, there seemed to be concerns over the timing of provision. Implementation of the planned TN and development of Sites 4C4 and 4C5 would depend on the pandemic situation and land sale programme respectively, and it would be difficult to foresee exactly which project(s) would first be carried out. It appeared to be unjustified to further amend the OZP by stipulating additional parking provision for Sites 4C4 and 4C5 to meet the further representations mainly due to the uncertainty of timing of development of the planned TN. That said, the parking provision could be further reviewed by relevant government departments if necessary and the requirement could be dealt with in the processing of the land lease of Sites 4C4 and 4C5; and
- (c) it was observed that except some general comments such as the need to enhance the vibrancy of KTD, there were no adverse views on the zoning of Sites 4C4 and 4C5 for commercial use and the associated development parameters.

29. Members generally supported the proposed amendments under Items A and B to the OZP, and expressed comments/concerns on various aspects as indicated below.

Car Parking Facilities

30. A few Members considered that there were no strong justifications for providing “park and cruise” as proposed by a further representer (F2). However, to develop KTD into an international tourism node, a review on the need to provide additional car parking spaces on top of the planned provision might be required. Some Members considered that additional parking spaces, if required, should be provided at the planned TN instead of at Sites 4C4 and 4C5 the connection of which might not be that convenient. A few Members, on the other hand, were of

the view that additional parking spaces could be provided at Sites 4C4 and 4C5 to serve as buffering capacity if the parking provision at the planned TN was overloaded in future.

Pedestrian Environment

31. A Member expressed concern on the overall walkability and connectivity of KTCT, the planned TN and Sites 4C4 and 4C5. A few Members suggested that covered walkways could be provided at KTSG in order to provide all-weather pedestrian environment.

Provision of Landing Steps and Water Recreation Facilities

32. Some Members considered that more landing steps and water sports related uses should be provided at the waterfront promenade which could enhance KTD's roles as a tourist destination. A Member further said that the future land owners of Sites 4C4 and 4C5 could be asked to provide landing steps at the sections of promenade adjoining their sites and could make use of the landing steps to organise boat tours on Victoria Harbour.

Vision of KTD

33. While Members generally agreed that Sites 4C4 and 4C5 should be reverted back to commercial uses to facilitate the planned TN in future, some Members expressed concerns on whether the vision of developing KTD into an international tourism node could be implemented as planned, if the Government did not proactively provide a strong directive or guidance and the implementation would be left to the hands of future developers. In particular for KTCT, adequate facilities should be provided in order to meet the standard of a cruise terminal hub and maintain the competitive edge vis-a-vis the cruise terminals in other countries. Some Members also suggested that the long-term vision of KTD and promotion of water sports should also be reflected in the Explanatory Statement (ES) of the OZP.

34. In response to the aforementioned concerns and comments made by Members, the Chairperson made the following main points:

- (a) on carparking provision, the relevant government departments could further review whether the parking provisions for the planned TN and Sites

4C4 and 4C5 were adequate and the requirements could be dealt with in the processing of the relevant land lease. The OZP had already catered for the provision of ‘public vehicle park’ which was always permitted within Sites 4C4 and 4C5;

- (b) on the provision of landing steps, CEDD was conducting a study to review the marine access facilities including landing steps and relevant government departments including MD would be consulted on various aspects such as marine safety before recommending any proposal on provision of landing steps; and
- (c) on promoting the area as a tourism node and enhancing the attractiveness of KTCT, the Tourism Commission could be requested to take note of Members’ views and concerns.

35. On the aspect of water sports/recreation, the Secretary supplemented that in the course of planning for KTD, the provision for water sports had all along been a major element in the overall development of KTD. Paragraph 9.6.9 of the ES stated clearly that “to facilitate the development of water sports and recreational activities so as to further strengthen the role of Kai Tak as a hub for sports and recreational activities, ‘Water Sports/water Recreation’ was always permitted within the areas zoned “Open Space”. The exact location that could be earmarked for water sports/recreational use would be subject to further discussion between the relevant bureau and the stakeholders and the continued improvement of water quality in the KTAC and KTTS”. With reference to the statement in the ES, the Secretary explained that as the feasibility of undertaking water sports/recreational activities in the open water had not been ascertained (including safety aspect), it might be more suitable to locate water sports facilities at sites facing the water body of KTAC and KTTS.

36. The Chairperson concluded that Members generally supported the OZP amendments, and agreed that there was no need to further amend the draft OZP to meet the further representations and that all grounds and proposals of the further representations and comments had been addressed by the departmental responses as detailed in TPB Paper No. 10860 and the presentation and responses made by the government representatives at the meeting.

37. After deliberation, the Board noted the supportive views of F1 and F2. The Board decided not to uphold F3 and F4, and considered that the draft Kai Tak Outline Zoning Plan (OZP) should be amended by the proposed amendments for the following reasons:

- “(a) given their unique harbourfront location in the Kai Tai Runway Tip (KTRT), the sites under proposed amendments are suitable for commercial use which would help sustain the vibrancy of the Tourism Node, viability of the Kai Tak Cruise Terminal and the planning intention of creating a tourism hub and leisure destination at the KTRT (**F3**); and
- (b) there is an ample provision of open space in Kai Tak Development with a total of about 100 ha including harbourfront promenade along the former runway area and Kai Tak Runway Park at the southern end of the KTRT. There is no strong ground to further use the two sites under the proposed amendments for open space use (**F4**).”

38. The Board also agreed that the draft Kai Tak OZP (amended by the proposed amendments), 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.

Sai Kung and Islands District

Agenda Item 4

[Open meeting (Presentation and Question Sessions only)]

Consideration of Representation and Comments in respect of the Draft Chek Lap Kok Outline Zoning Plan No. S/I-CLK/15
(TPB Paper No. 10862)

[The item was conducted in English and Cantonese.]

39. The Secretary reported that the amendments on the draft Chek Lap Kok Outline Zoning Plan (OZP) No. S/I-CLK/15 (the draft OZP) involved various sites at Chek Lap Kok Airport Island (the Airport Island) and Hong Kong Port (HKP) (previously known as Hong Kong Boundary Crossing Facilities (HKBCF) Island) which were supported by a technical study conducted by the Airport Authority Hong Kong (AAHK) and Ove Arup & Partners Hong Kong Limited (ARUP) was one of the consultants of the study. A comment was also submitted by AAHK (C2). The following Members had declared interests on the item:

Mrs Vivian K.F. Cheung - being an Executive Director of the AAHK;
and

Mr Franklin Yu - having current business dealings with
ARUP

40. As the interest of Mrs Vivian K.F. Cheung was considered direct, she was invited to leave the meeting temporarily for the item. Members noted that Mr Franklin Yu had no involvement in the OZP amendments, and he could stay in the meeting.

[Mrs Vivian K.F. Cheung left the meeting temporarily at this point.]

Presentation and Question Sessions

41. The Chairperson said that notification had been given to the representer and commenters inviting them to attend the hearing. The following government representatives,

representer/commenter and the representatives of the commenter were invited to the meeting at this point:

Government Representatives

Planning Department (PlanD)

- | | |
|-----------------------|---|
| Ms Caroline T.Y. Tang | - District Planning Officer/Sai Kung and Islands (DPO/SKIs) |
| Mr Sunny K.Y. Tang | - Senior Town Planner/Islands (STP/Is) |
| Ms Kennie M.F. Liu | - Town Planner/Islands |

Representer/Commenter and Commenter's Representatives

R1/C1 – Mary Mulvihill

- | | |
|-------------------|-----------------------------|
| Ms Mary Mulvihill | - Representer and Commenter |
|-------------------|-----------------------------|

C2 – AAHK

- | | |
|-------------------------|-------------------------------|
| Mr Leung Wing Kee |] |
| Ms Chan Ching Sze Cissy |] Commenter's Representatives |
| Mr Chan Hoo Wing |] |
| Mr Chan Kwok Fai |] |

42. The Chairperson extended a welcome. He then briefly explained the procedures of the hearing. He said that PlanD's representatives would be invited to brief Members on the representation and comments. The representer/commenter and the commenter's representatives would then be invited to make oral submissions. To ensure efficient operation of the hearing, each representer/commenter or the commenter's representatives was/were allotted 10 minutes for making presentation. There was a timer device to alert the representer/commenter and the commenter'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 the representer/commenter and the commenter's representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representer/commenter or the commenter's representatives. After the

Q&A session, the government representatives and the representer/commenter and the commenter's representatives would be invited to leave the meeting. The Board would then deliberate on the representation in their absence and inform the representer and commenters of the Board's decision in due course.

43. The Chairperson invited PlanD's representative to brief Members on the representation and comments.

44. With the aid of a PowerPoint presentation, Mr Sunny K.Y. Tang, STP/Is, PlanD briefed Members on the representation and comments, including the background of the amendments, the grounds/views/proposals of the representer/commenters, planning assessments and PlanD's views on the representation/comments as detailed in TPB Paper No. 10862 (the Paper).

45. The Chairperson then invited the representer/commenter and the commenter's representatives to elaborate on their representation/comments.

R1/C1 – Mary Mulvihill

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

- (a) there was too little input from the community on the OZP amendments under the current plan-making process. People who had expertise in different sectors should take part in commenting on the issues raised by the draft OZP and inform the Board;
- (b) the removal of the building height (BH) restrictions from the OZP would deprive the community of the right to express their views on the future development of the Airport Island and HKP as the general public would not be involved in determining the airport height restriction (AHR). In particular, the future residents in Tung Chung should play a part in the decision-making process. Stipulation of BH restrictions on the OZP would provide the community with a clear understanding of the development parameters and the impact on them in future;

- (c) she objected to Items B1 and B2 as further development at the East Coast Support Area (ECSA) should be compatible with the existing buildings. The deletion of BH restrictions would result in redevelopment of the entire strip of land, and hence cause adverse visual impact. Also, locating numerous high-rise buildings so close to the airport might bring about safety concerns in view of unpredicted weather patterns;
- (d) the demand for hotel development was doubtful. She was of the view that visitors did not prefer to stay at the airport. The SKYCITY would not generate demand for overnight accommodations from visitors, nor the airline crews and staff as, from her own observations, the latter did not prefer to be accommodated close to the airport;
- (e) the land area reserved for roads was excessive. The roads should be covered with car parks built on top;
- (f) she objected the proposed campus and dormitory of the Hong Kong International Aviation Academy (HKIAA) given the lack of supporting data (e.g. enrollment figures);
- (g) the location of HKIAA was surrounded by roads, parking facilities and logistics uses, and the developments thereat would be isolated and subject to high level of pollution. Hence, the location was not suitable for habitation nor education facilities and the future students would suffer from poor environment and social distancing. Sites in ECSA would offer better locations for HKIAA; and
- (h) the concept of Aerotropolis should be more than clusters and corridors of airport-related commercial, industrial and logistics facilities. It also comprised living urban places that should be planned and designed as appealing environment and social realm which were now missing in the plan. The students in the future HKIAA would be left abandoned on an island surrounded by roads with poor ventilation and air quality. The Board should ensure that AAHK's proposal was defensible, realistic and implementable.

C2 – AAHK

47. With the aid of a Powerpoint presentation (including a video clip), Mr Leung Wing Kee, made the following main points:

- (a) the Hong Kong International Airport (HKIA) was one of the busiest international cargo airports and the international passenger volume ranked the third in the world. In 2018/2019, the passenger volume was about 75 million and the air cargo throughput was over 5 million tonnes. Hong Kong was situated at a location that could reach half of the world's population within 5 hours of flying time, and attracted more than 120 airlines connecting to about 200 destinations. Under AAHK's estimation, there would be about 120 million passengers and the air cargo throughput would be about 10 million tonnes by 2035. As such, the positioning of HKIA development had been revised from City Airport to Airport City in which the visions were to lift HKIA's position to the pre-eminent international aviation hub in Asia Pacific, transform HKIA into a new landmark for Hong Kong and Greater Bay Area (GBA), and make it one of the key growth engines for Hong Kong economy;

- (b) there were several aspects of the Airport City in enhancing HKIA's capability, including runway and capacity enhancement under the Three-runway System (3RS), technology and innovation for service transformation at passenger terminals, collaboration with the boundary crossing facility (BCF) development at HKP to provide integrated services to support GBA, and enhancement on the synergy effect through the development of SKYCITY (comprising retail, dining and entertainment destination), AsiaWorld-Expo, ECSA as well as other supporting facilities in HKP (e.g. automated car parks to facilitate "Park & Fly"/"Park & Visit" travels, transportation system between HKP, SKYCITY and Tung Chung under the Airportcity Link project, HKIAA, and air cargo logistics and related supporting facilities for the airport community); and

- (c) AAHK's responses to the representation were as follows:
- (i) the automated car parks would be in a form of compact multi-storey automated carparks which would efficiently utilise the land resources while responding to the market demand;
 - (ii) since the establishment of HKIAA, there were already about 189,000 students admitted. The proposal of HKIAA campus and dormitory was to address the increasing demand for aviation-related training brought about by HKIA's expansion, by which the workforce was estimated to increase from about 78,000 to 123,000 by 2025. The campus and dormitory facilities were close to the airport and BCF which would receive students from Hong Kong, the mainland and overseas. Various technical assessments including environmental aspect had been conducted;
 - (iii) ECSA, adjoining the headquarters of Cathay Pacific, Hong Kong Airlines and Civil Aviation Department (CAD), would be a comprehensive development comprising hotels, offices and other airport-supporting facilities on the remaining undeveloped area on the airport island. The development was intended to tie in with the operational needs of the airport community and business partners generated from the mid- to long-term growth of visitors and cargos. The hotel facilities could also serve airline crews and airport staff. Various technical assessments including visual impact had been conducted; and
 - (iv) developments on the Airport Island had been and would be in compliance with the AHR. In addition, future developments at HKP and ECSA would also be subject to relevant land grant conditions.

commenter'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 representer/commenter and the commenter'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.

BH Control and Other OZP Provisions

49. Some Members raised the following questions:
- (a) when the first Chek Lap Kok OZP was gazetted and clarification on the purpose to impose BH restrictions on the OZP;
 - (b) the authority and timing for endorsing the AHR and whether the latest version had taken into account the 3RS;
 - (c) whether the development parameters stipulated for ECSA would allow flexibility to meet the long-term development of HKIA; and
 - (d) elaboration on the Amendment Items C and E.
50. In response, Ms Caroline T.Y. Tang, DPO/SKIs, PlanD, with the aid of some PowerPoint slides and the visualiser, made the following main points:
- (a) the OZP was first gazetted in 1996 to facilitate the relocation of HKIA to Chek Lap Kok. To facilitate the development of Hong Kong-Zhuhai-Macao Bridge, the area of HKP had been incorporated into the OZP with stipulation of BH restrictions ranging from 15mPD to 45mPD at a later stage. The area previously zoned "Other Specified Uses" ("OU") annotated "Highways Maintenance Area" was also incorporated into the OZP at that time and subject to BH restriction of 2 storeys. Both the Airport Island and HKP in fact were subject to AHR;

- (b) the AHR was formulated by CAD and was specified on the plans prescribed under the Hong Kong Airport (Control of Obstructions) Ordinance (Chapter 301), and the latest version was authorised on 13.8.2021 (with gazettal on 20.8.2021), taking into account the development of HKIA into a 3RS. HKP and ECSA were generally subject to AHRs of about 40mPD to 50mPD, which was similar to the BH restrictions previously imposed on the OZP, except a small part in the southern tip of ECSA with an AHR of 110mPD. As AHR was a more stringent statutory BH control (i.e. height of roof top structures would be included in the BH calculation), it was considered not necessary to stipulate BH restrictions on the OZP;
- (c) ECSA was zoned “Commercial” (“C”) under which a range of uses such as hotel, office, eating place, shops and services as well as exhibition centre and educational institution were always permitted and AAHK could flexibly change amongst these uses to meet their needs and circumstances. Since there was no plot ratio restriction for the “C” zone, AAHK could develop the ECSA mainly in compliance with the AHR; and
- (d) Amendment Item C was to rezone a site on the Airport Island from “OU” annotated “Airport” to “OU” annotated “Airport Service Area” to reflect the latest design of the southern boundary of Eastern Support Area which was the key component of the 3RS to facilitate the airport operation. Amendment Item E was to exclude a site zoned “OU” annotated “Sea Rescue Station” at the eastern coastal area of the Airport Island from the planning scheme area of the OZP as the proposed reprovisioning of sea rescue station was no longer required.

51. In relation to AHR, Mr Leung Wing Kee, representative of C2, supplemented that the latest AHR was formulated by CAD based on the 3RS prepared by AAHK. In general, AHR was formulated based on the runway’s direction, locations of aviation facilities (e.g. radars), and the guidelines of international aviation organizations, etc. As such, if there was no change to the runway layout and locations of aviation facilities, changes to AHR were not anticipated;

Development Plan for HKIA

52. Some Members raised the following questions:
- (a) elaboration on the HKIAA in terms of the scope of development, targeted students, nature of training/courses, etc.;
 - (b) whether available spaces in HKP had already been utilised by AAHK; and
 - (c) whether the capacity of the automated carpark facility would adequately cater to the demand based on 3RS.
53. In response, Mr Leung Wing Kee, representative of C2, with the aid of some PowerPoint slides, made the following main points:
- (a) in view of the future manpower required for 3RS (i.e. estimated to be about 123,000 by 2025), there was scope to increase the capacity of HKIAA and more spaces available to facilitate any extension in future would be welcome. HKIAA mainly provided on-the-job training courses for employees who were working or would work in aviation industry but without or with less experiences in the industry. There were different levels of courses ranging from foundation/operational ones in support of airport grounds and terminals to academic programmes of master degree. Dormitory accommodation would be provided to students (normally for the first year students who lived far away from the airport) to facilitate their work, study and life at/near airport and alleviate the long commuting distance issue for employees who were newly participating in the aviation industry;
 - (b) in the planning of Airport City, AAHK already noted that HKP was occupied by several uses and facilities in support of immigration, custom, boundary security, etc. As such, it was their plan to consolidate various uses and utilise the remaining available land to support the development of HKIA; and

- (c) regarding the capacity of automated carpark facility, although at the moment there was no concrete reference on the number of boundary crossing vehicles from Zhuhai and Macau, the assumption of 3,000 parking spaces for each “Park & Fly” and “Park & Visit” approach was adopted. The provision in the first phase of the carpark facility would be about 1,600 and 1,000 for “Park & Fly” and “Park & Visit” respectively to meet the demand in the short to medium term. Based on the actual demand in the first phase, there would be further review on the provision of parking facility in the remaining phase(s).

[Dr Venus Y.H. Lun and Miss Winnie W.M. Ng left the meeting during the Q&A session.]

54. As Members had no further questions to raise, the Chairperson said that the Q&A session was completed. He thanked the government representatives, the representer/commenter and the representatives of commenter for attending the meeting. The Board would deliberate the representation/comments in closed meeting and would inform the representer/commenter of the Board’s decision in due course. The government representatives, the representer/commenter and the representatives of commenter left the meeting at this point.

Deliberation Session

55. Members generally supported the amendments on the draft OZP as the developments of HKIA had significant effect on the overall economic development in Hong Kong and HKIAA would play a very important role in enhancing the manpower in relation to the aviation industry. Some Members further remarked that the lack of labour had been an issue for HKIA development for a long time, and the proposal of HKIAA to provide more adequate manpower training was supported. With reference to the airport development in Singapore, a Member said that airport was no longer a place only for transportation, but also an Aerotropolis where people would work, stay, visit and reside. More support to the development of HKIA should be provided in particular the optimization of land resource for more relevant facilities on the Airport Island as well as HKP in future.

56. The Chairperson concluded that Members generally supported the OZP

amendments, and agreed that there was no need to further amend the draft OZP to meet the representation and that all grounds of the representation and comments had been addressed by the departmental responses as detailed in TPB Paper No. 10862 and the presentation and responses made by the government representatives at the meeting.

57. After deliberation, the Board decided not to uphold R1, and considered that the draft Chek Lap Kok Outline Zoning Plan (OZP) should not be amended to meet the representation for the following reasons:

Building Height Restrictions

- “(a) the planning scheme area, including Hong Kong Port and East Coast Support Area (ECSA), is subject to statutory Airport Height Restriction control under the Three-runway System. Given a statutory building height control is already in place, imposition of building height restrictions on the OZP is considered not necessary;

Proposed Developments/Uses

- (b) the development proposal, as submitted by the Airport Authority Hong Kong, is aimed to support the operation of the Hong Kong International Airport and strengthen Hong Kong’s leading position as a regional and international aviation hub while developing an Aerotropolis at Lantau to promote economic development. To this end, various airport-related supporting and commercial uses, including automated carparks, aviation academy campus and dormitory, offices, hotels, etc., are proposed. Relevant technical assessments have been conducted, which confirm that the proposed developments are technically feasible and will not generate or be subject to significant adverse impacts on visual, air quality, noise, aviation safety and other technical aspects; and
- (c) the “Commercial” zone in ECSA, with some hotel developments proposed, has allowed flexibility to accommodate different types of

commercial uses to meet the changing market needs.”

58. The Board also agreed that the draft Chek Lap Kok 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.

[The meeting was adjourned for lunch break at 1:35pm.]

59. The meeting was resumed at 2:30 p.m.

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

Permanent Secretary for Development
(Planning and Lands) (Acting)

Chairperson

Mr Vic C.H. Yau

Mr Wilson Y.W. Fung

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor Jonathan W.C. Wong

Dr Conrad T.C. Wong

Mrs Vivian K.F. Cheung

Mr Ben S.S. Lui

Ms Bernadette W.S. Tsui

Chief Traffic Engineer (New Territories West)

Transport Department

Mr Ken K.K. Yip

Principal Environmental Protection Officer (Regional Assessment)

Environmental Protection Department

Mr Victor W.T. Yeung

Chief Engineer (Works), Home Affairs Department

Mr Paul Y.K. Au

Director of Lands
Mr Andrew C.W. Lai

Director of Planning
Mr Ivan M.K. Chung

[Mr Ben S.S. Lui joined the meeting at this point.]

Sai Kung & Islands District

Agenda Item 5

[Open Meeting (Presentation and Questions only)]

Consideration of Representations and Comments in respect of the Draft Tseng Lan Shue Outline Zoning Plan No. S/SK-TLS/9

(TPB Paper No. 10861)

[The item was conducted in Cantonese and English.]

61. The Secretary reported that the amendment item on the draft Tseng Lan Shue Outline Zoning Plan No. S/SK-TLS/9 (the OZP) involved a potential housing site in Sai Kung Ta Ku Ling for private residential development. AECOM Asia Company Limited (AECOM) was the consultant of the engineering feasibility study (EFS) undertaken by the Highways Department (HyD), and LWK Landscape Limited was the consultant of the Tree Survey undertaken by the Lands Department. Also, representations were submitted by the Conservancy Association (CA) (R1) and the Hong Kong and China Gas Co. Ltd. (Towngas) (R4) (a subsidiary of Henderson Land Development Co. Limited (HLD)).

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

Dr C.H. Hau - having past business dealings with AECOM and HLD, and being an employee of the University of Hong Kong which had received donation from a family member of the Chairman of HLD, a life member of CA and his spouse being the Vice Chairman of the Board of Directors of CA;

Dr Conrad T.C. Wong - having current business dealings with HyD and AECOM;

- Mr Vincent K.Y. Ho - having current business dealings with AECOM;
- Mr Ricky W.Y. Yu - having past business dealings with LWK;
- Mr Stephen L.H. Liu - being a former member of the Council of Hong Kong Polytechnic University which had obtained sponsorship from HLD before; and
- Ms Bernadette W.S. Tsui - being an employee of the University of Hong Kong which had received a donation from HLD before.

63. Members noted that Dr C.H. Hau, Messrs Vincent K.Y. Ho and Stephen L.H. Liu had tendered apologies for being unable to attend the meeting, and Mr Ricky W.Y. Yu had already left the meeting. Members agreed that as Dr Conrad T.C. Wong had no involvement in the amendment to the OZP, and the interest of Ms Bernadette W.S. Tsui was considered indirect, they could stay in the meeting.

Presentation and Question Sessions

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

65. The following government representatives, representers and commenter were invited to the meeting at this point:

Government Representatives

Planning Department (PlanD)

- Ms Caroline T.Y. Tang - District Planning Officer/Sai Kung and

Islands (DPO/SKIs)

- Ms W.H. Ho - Senior Town Planner/Tseung Kwan O (STP/TKO)
- Ms Melissa C.H. Kwan - Town Planner/Sai Kung

Highways Department (HyD)

- Mr Windsor W.C. Cheng - Senior District Engineer
- Mr Brandon C.M. Chung - District Engineer

AECOM

- Mr Andy Chan - Consultant

Representers and Commenter

R2/C2 – Mary Mulvihill

- Ms Mary Mulvihill - Representer and Commenter

R3 – Fung Kam Lam

- Mr Fung Kam Lam - Representer

66. The Chairperson extended a welcome. He then briefly explained the procedures of the hearing. He said that PlanD's representative would be invited to brief Members on the representations and comments. The representers and commenter would then be invited to make oral submissions. To ensure efficient operation of the hearing, each representer and commenter would be allotted 10 minutes for making presentation. There was a timer device to alert the representers or commenter 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 the representers and commenter had completed their oral submissions. Members could direct their questions to the government representatives or the representers and commenter. After the Q&A session, the government representatives, the representers and commenter would be invited to leave the meeting. The Board would then deliberate on the representations and comments in their absence and inform the representers and commenters of the Board's decision in due course.

67. The Chairperson invited PlanD's representatives to brief Members on the

representations and comments. With the aid of a PowerPoint presentation, Ms W.H. Ho, STP/TKO, briefed Members on the representations and comments, including the background of the draft OZP, the grounds/views of the representers and commenters and PlanD's views on the representations and comments as detailed in TPB Paper No. 10861 (the Paper).

68. The Chairperson then invited the representers and commenter to elaborate on their representations/comment.

R2/C2 – Ms Mary Mulvihill

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

- (a) she objected to the amendment on the draft OZP. The amendment site (the Site) was for private housing which could not address the acute housing need. Generation of land sale revenue was not a valid reason for rezoning the Site previously zoned “Green Belt” (“GB”);
- (b) the Site did not meet the criteria for “GB” review as it served a buffer function, and was very close to the country park, a number of important flora and fauna species would be affected, and the proposed development would severely impact the local ecology;
- (c) there was no shortage in private housing and developers were currently providing special offers and discounts to sell their flats. The projected decline in population and surge in emigration would further increase the stock of unsold private units. Sai Kung area had a particularly high number of unsold units, and there were also a number of large-scale residential developments under construction in the area;
- (d) there was no data to support the need for private housing sites. Hong Kong was currently facing high record of emigration and rising interest rate which made the acquisition of properties for investment not attractive. The Mainland was also facing demographic and economic challenges and less people from Mainland would move to and invest in properties in Hong Kong. The imperative need for rezoning the Site was doubtful;

- (e) media reports had shown that Hong Kong flat prices had fallen more than 6% since the peak in August 2021 and the rising interest rate and slow economy would further aggravate the fall in flat prices. Members should inquire about the number of vacant private units and whether there was a genuine need for private housing units to support rezoning of the Site;
- (f) the inclusion of a residential care home for the elderly (RCHE) in the proposed development was only for gaining support from the community and the Board, but it might not be implemented by the developer;
- (g) according to the tree surveys, there were approximately 1,356 trees of common species identified within and near the Site, with no rare or endangered species and Old Valuable Trees (OVTs), majority of the existing trees were semi-mature trees with diameter at breast height below 300mm, and all existing trees were in poor to fair health conditions. There were no OVTs recorded because the OVT designation mainly covered trees in the urban area or at locations of significant public interest. From observation, the trees on the Site were in good conditions. Despite experiencing severe drought and flooding in other areas, the Government continued to ignore the need for conservation of the local environment;
- (h) there was no indication on the number of trees to be felled. Given the extensive site formation works required for the proposed development, it was expected that more than 1,000 trees would be felled. However, there was no mention on the transplanting and compensatory planting arrangement of the Site;
- (i) it was not justified to develop the Site for a few hundred private units as extensive works and tree felling were required to provide an access road within Area (b); and
- (j) the main concerns raised in the representation/comment of the Conservancy Association (R1) and Designing Hong Kong (C1) included, inter alia, the rezoning of the Site would result in the loss of buffer function of the “GB”, the rezoning was not in line with the criteria of “GB” review, adverse

impact on the woodland, concern on the effectiveness of the existing mechanism for tree compensation and transplantation, the proposed development could not alleviate the pressing need for affordable housing supply, impact generated by the access road, and the setting of undesirable precedent.

R3 – Mr Fung Kam Lam

70. With the aid of a PowerPoint presentation, Mr Fung Kam Lam made the following main points:

- (a) he objected to the incorporation of the ‘Exemption Clause’ in the Remarks of the Notes of the “Conservation Area” (“CA”) zone for exemption of public works co-ordinated or implemented by Government, which involved filling and excavation of land, from the requirement of planning permission. He raised similar objections to the ‘Exemption Clause’ in respect of the four new OZPs in Lantau and the Lam Tei and Yick Yuen OZP;
- (b) the construction of the hiking trail at Tai Sheung Tok by the Government, which might involve excavation of land, had not obtained planning permission from the Board. The Government only reported the recommendations of the relevant feasibility study to the Board in 2013. He invited Members to inquire PlanD on the zoning of the hiking trail at Tai Sheung Tok and whether excavation of land for its construction works should have required planning permission; and
- (c) he asked Members to consider whether incorporation of the ‘Exemption Clause’ should apply to all conservation zones on other new OZPs just for the sake of following the Master Schedule of Notes to Statutory Plans. For example, the ‘Exemption Clause’ was not added to the “Site of Special Scientific Interest” zone on the Tsing Yi OZP. When considering the incorporation of the ‘Exemption Clause’, Members should consider the sensitivity of the conservation zones from the ecological and public interest perspectives, and whether the concerned area was subject to development

pressure.

71. As the presentations of PlanD's representative, the representers and commenter had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions to the representers and commenter and/or the government representatives. The Q&A session should not be taken as an occasion for the attendees to direct question to the Board or for cross-examination between parties.

72. A Member raised the following questions:

- (a) the assumption in formulating the building height restriction (BHR) of 24m for the proposed development; and
- (b) noting that a flora species of conservation importance, 'Aquilaria Sinensis' (土沉香) was recorded in Area (b), whether the feasibility of the construction of access road was assessed, and whether the proposed access road alignment could avoid affecting that flora species.

73. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, made the following main points:

- (a) according to the indicative scheme of the proposed development adopted for the assessments and formulation of BHR, the floor-to-floor height of typical floors of the residential blocks was 3.15m while that of ground floor including carport and clubhouse was 5m; and
- (b) according to the tree survey under the EFS conducted by HyD, three 'Aquilaria Sinensis' were recorded in Area (b). The HyD considered the road scheme identified under the EFS feasible, but the actual alignment of the access road would be subject to detailed design by the future developer. The species of conservation importance would be required to be transplanted if they were affected by the proposed development or the access road in accordance with the established mechanism.

74. As Members had no further questions to raise, the Chairperson said that the Q&A session was completed. He thanked government representatives and the representers and commenter for attending the meeting. The Board would deliberate the representations and comments in closed meeting and would inform the representers and commenters of the Board's decision in due course. The government representatives and the representers and commenter left the meeting at this point.

Deliberation Session

75. The Chairperson remarked that the Government had been adopting a multi-pronged approach to increase land supply to meet housing and other development needs. The Site was identified for development of private housing under the second stage of "GB" review. The provision of about 330 flats at the Site would help meet the private housing supply target. The requirement for the provision of a150-place RCHE cum 30-place Day Care Unit would be included in the sale conditions of the Site, helping provide social welfare facilities to serve the local needs.

76. A Member supported the OZP amendment and said that there was a trade-off between retaining "GB" area and provision of more residential units and social welfare facilities. The provision of social welfare facilities at the Site could address the shortfall and serve local needs. A Member opined that the Site had complied with the assessment criteria for "GB" review as Area (a) consisted mainly of low-rise developments and temporary structures, and the ecological impact was relatively low. Taking into account the major level difference within the Site, which would necessitate felling of a large number of trees, the future developer should be required to maximize the compensatory planting. Another Member said that the 'Aquilaria Sinensis' at the Site should be preserved as for as possible

77. The Chairperson concluded that Members generally had no objection to the OZP amendment. The Chairperson supplemented that the Government was exploring the concept of establishing tree banks at suitable locations to compensate tree loss in development sites in a more comprehensive and systematic manner.

78. After deliberation, the Board noted the views of **R4** and decided not to uphold R1 to R3 and considered that the draft Tseng Lan Shue 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 strategy to increase housing land supply for both public and private housing including review of “Green Belt” 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, ecology, environmental and drainage aspects, it is considered suitable for rezoning the representation site (the Site) to “Residential (Group C)7” for increasing the housing land supply (**R1 and R2**);
- (b) the Site is intended for private housing development to maintain a healthy and stable development of private residential property market. The development intensity of the proposed development is considered appropriate taking into consideration the planning context and the findings of relevant technical assessments (**R1 and R2**);
- (c) there is an existing mechanism for the Government to require the provision of social welfare facilities at suitable land sale sites. The requirement for provision of social welfare facilities in the development would be specified in the land sale conditions as appropriate (**R2**); and
- (d) the incorporation of the exemption clause for filling or excavation of land pertaining to public works co-ordinated or implemented by Government is to streamline the planning process. Incorporation of this exemption clause for the “Conservation Area” zone is in line with the latest revision of the Master Schedule of Notes to Statutory Plans (**R3**).”

79. The Board also agreed that the Tseng Lan Shue draft OZP, together with its 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.

80. As the attendees of the next item had not yet arrived at the meeting, the Chairperson proposed and Members agreed to advance consideration of Agenda Item 8.

Procedural Matters

Agenda Item 8

[Open Meeting]

Any Other Business

Streamlined Arrangement for Processing Development Scheme Plans Prepared by the Urban Renewal Authority

81. The Secretary reported that the following Members had declared interests on the item:

- | | | |
|--|---|--|
| Mr Ivan M.K. Chung (<i>as Director of Planning</i>) | - | being a non-executive director of the Urban Renewal Authority (URA) Board and a member of its Committee; |
| Mr Andrew C.W. Lai (<i>as Director of Lands</i>) | - | being a non-executive director of the URA Board and a member of its Committee; |
| Mr Lincoln L.H. Huang | - | being the Deputy Chairman of Appeal Board Panel of URA; |
| Dr Conrad T.C. Wong | - | having current business dealings with URA; |
| Mr Ben S.S. Lui | - | being a former Executive Director of URA; |
| Mr Ricky W.Y. Yu | - | being a director of the Board of Urban Renewal Fund, and a director and chief executive officer of Light Be (Social Realty) Co. Ltd. which was a licensed user of a few URA's residential units in Sheung Wan; |

- Mr Wilson Y.W. Fung - being a former director of the Board of the Urban Renewal Fund;
- Ms Lilian S.K. Law - being a former director of the Board of the Urban Renewal Fund and being a member of the Hong Kong Housing Society (HKHS) which currently had discussion with URA on housing development issues;
- Mr Daniel K.S. Lau - being a member of HKHS which currently had discussion with URA on housing development issues;
- Mr K.L. Wong - being a member and an ex-employee of HKHS which currently had discussion with URA on housing development issues;
- Mr Timothy K.W. Ma - being a member of Land, Rehousing & Compensation Committee of URA and a member of the Supervisory Board of HKHS which currently had discussion with URA on housing development issues; and
- Mr L.T. Kwok - his former serving organisation had received sponsorship from URA.

82. Members noted that Messrs Lincoln L.H. Huang, K.L. Wong, Timothy K.W. Ma and L.T. Kwok had tendered apologies for not being able to attend the meeting and Mr Ricky W.Y. Yu had already left the meeting. Members noted that the item was to inform Members on the streamlined arrangement for processing Development Scheme Plans (DSPs) prepared by the URA and no discussion was required, and all the other Members who had declared interests could stay in the meeting.

83. The Secretary briefed Members that in accordance with the URA Ordinance, the URA might implement a project by way of a development scheme by submission of a draft DSP to the Town Planning Board (the Board) for consideration. Under the current practice, an administrative arrangement had been adopted to invite the public to submit their comments twice before the Board considered the DSP i.e. (1) during the first three weeks when URA submitted the draft DSP and the Stage I Social Impact Assessment (SIA) to the Board and (2) during the first two weeks when URA submitted the Stage II SIA to the Board. The comments received and URA's responses would be submitted together with the draft DSP for the Board's consideration. Should the Board deem the draft DSP suitable, the draft DSP would be published under the Town Planning Ordinance for public inspection and representations. There were criticisms that the administrative arrangement caused confusion as the public was invited to provide comments to the Board on the same draft DSP for three times. Members of the public also found it confusing to submit their comments on a draft DSP repeatedly to the same body within a short period. On many occasions, identical or similar comments were submitted by the same parties and received by the Board in each round of consultation that was resource-draining to all concerned parties.

84. In the spirit of the Government's policy direction of streamlining the development process, the procedure for processing DSP would be streamlined by eliminating the two rounds of administrative public consultation. URA would consult the relevant District Council (DC) at an appropriate time before the draft DSP was published under the Town Planning Ordinance, and the views of the DC would be reflected to the Board for consideration. Other procedures including circulation of the draft DSP for departmental comments, arranging the draft DSP for the Board's consideration within three months from the date of URA's submission, and inviting URA to attend the Board's meeting to present the draft DSP, would remain unchanged. The streamlined arrangement for processing DSP would take effect from October 2022.

85. Members noted the streamlined arrangement for processing DSP and its taking of effect from October 2022.

[Messrs Franklin Yu and Wilson Y.W. Fung and Mrs Vivian K.F. Cheung left the meeting at this point.]

[The meeting was adjourned for a 50-minute break.]

Tuen Mun & Yuen Long West District

Agenda Item 6

[Open Meeting (Presentation and Questions only)]

Review of Application No. A/YL-LFS/411

Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years and Filling of Land in “Green Belt” Zone, Lots 579 RP, 580, 581, 582, 583, 584 (Part) and 590 in D.D.129 and Adjoining Government Land, Lau Fau Shan, Yuen Long

(TPB Paper No. 10863)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

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

PlanD

Mr Kepler S.Y. Yuen - District Planning Officer/Tuen Mun and
Yuen Long West (DPO/TMYLW)

Applicant’s Representative

Mr Lit Ying Cheung Edward

87. 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.

88. With the aid of a PowerPoint presentation, Mr Kepler S.Y. Yuen, DPO/TMYLW, briefed Members on the background of the review application including the application site (the Site) and the surrounding areas, the applicant’s proposal, departmental comments, the decision of the Rural and New Town Planning Committee (RNTPC/the Committee) of the Town Planning Board (TPB/the Board) and planning considerations and assessments as detailed in TPB Paper No. 10863 (the Paper). PlanD maintained its previous view of not supporting the review

application.

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

90. With the aid of aerial and site photos, Mr Lit Ying Cheung Edward, the applicant's representative, made the following main points:

- (a) the Site had been used as a pig farm with related storage since the 1960s, however, the Government had stopped granting licence for such use. The aerial photo of 1991 showed that the structures at the Site, previously for pigsty use, had been in existence since the 1990s or even earlier, and the number of structures existing at that time were more than those currently on Site. Some of the old wooden and tin structures had been re-built;
- (b) the Board should consider the storage use within the previous pig farm structures as an existing use, because the structures were in existence immediately before the first publication in the Gazette of the notice of the Interim Development Permission Area (IDPA) plan;
- (c) in response to rejection reasons (a) and (b), there were a large number of warehouses and open storage yards along Deep Bay Road which did not reflect the planning intention of "Green Belt" ("GB") zone. The applied use would not affect the existing natural landscape, nor would it cause any additional adverse visual impact. The applied use was considered not incompatible with the surroundings and would not set an undesirable precedent. Each application should be considered on its own merits, which included the site history, scale and compatibility with the surrounding environment;
- (d) in response to rejection reason (b), the TPB Guidelines PG-No. 10 was for application for new development within "GB" zone, and it was not applicable to the subject application which involved existing uses;
- (e) the 2021 Policy Address announced that Tsim Bei Tsui, Lau Fau Shan and

Pak Nai areas were identified as part of the Northern Metropolis for development. The applied warehouse use which was temporary in nature should be tolerated;

- (f) the applied use would not cause any traffic impact, as there was a wide ingress/egress to the Site. Both the Transport Department and Highways Department had no adverse comment on the application. Other relevant departments, including Drainage Services Department, Agriculture, Fisheries and Conservation Department, Fire Services Department, and Civil Engineering and Development Department also had no objection to the application;
- (g) the Environmental Protection Department (EPD) commented that there was a residential dwelling located to the immediate southeast of the Site. That building belonged to the owner of the previous pig farm at the Site and had been vacated and no one lived there anymore. With regard to EPD's concern on the use of heavy vehicles, there would only be two trips of vehicles below 5.5 tonnes entering/leaving the Site each day. The EPD had also confirmed that there was no substantiated environmental complaint in the past 3 years; and
- (h) the Board was requested to approve the review application, with imposition of approval conditions, so the applied use could be regularized and monitored by government departments.

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

92. Some Members raised the following questions to PlanD's representative:

- (a) conditions of the Site in 1990;
- (b) noting that the Site was previously used as pig farm, whether such use was permitted under the "GB" zone; and

- (c) whether the fact that the applied use was within structures, which were claimed to have existed on the Site for some time, was a relevant planning consideration for the application.

93. In response, Mr Kepler S.Y. Yuen, DPO/TMYLW, made the following main points:

- (a) the general condition of the Site in 1990 was shown on Plan R-3d of the Paper;
- (b) the Site was first covered by the statutory plan of the Lau Fau Shan and Tsim Bei Tsui IDPA Plan No. IDPA/YL-LFS/1 in 1990 and there was no specific land use zoning for the Site at the time. Subsequently, the Site was zoned “Conservation Area” (“CA”) on the draft Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/1 in 1994, and was further rezoned to “GB” on the draft Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/3 in 2000. According to the Notes of the OZP for “GB” zone, ‘Agriculture’ use, covering pig farm, was a Column 1 use and always permitted; and
- (c) the relevant planning consideration of the application was whether the applied use i.e. temporary warehouse use, was acceptable notwithstanding the status of the structures. Furthermore, the structures erected on the Site would be regulated by other relevant government departments.

94. Mr Andrew C.W. Lai, Director of Lands, remarked that the private lots within the Site were held under the Block Government Lease mainly for agricultural purpose and no structure was allowed to be erected except with the prior approval of the Government or being surveyed squatter structures. The Lands Department had previously granted permits for erection of some structures related to agricultural uses at the Site, but the permits were cancelled in 2021. He enquired whether the applicant’s representative was aware that the structures on the Site had breached the lease. In response, Mr Lit Ying Cheung Edward, the applicant’s representative, said that he understood that warehouse use was in breach of the lease and supplemented that the structures on the Site were tolerated by the Government for a long time until the cancellation of permits in 2021. Mr Andrew C.W. Lai, Director of Lands, supplemented that according to records of the District Lands Office/Yuen Long, several warning

letters had been issued since 2016 to request the land owner to take necessary actions on the structures which breached the lease. However, there was no response from the land owner and the permits were cancelled in 2021.

95. As Members had no further question to raise, the Chairperson thanked PlanD's representative and the applicant's representative for attending the meeting. They left the meeting at this point.

Deliberation Session

96. The Chairperson invited views from Members on the review application. Members noted that the Site had been used as warehouse without planning permission and the applicant had not provided valid grounds for supporting the review application. A Member said that as there were various kinds of unauthorized uses found within the disused pig farms in the vicinity of the Site, there was a need to terminate such uses.

97. A Member while not supporting the review application, raised concern on how the Site could be better used if the application was rejected by the Board. The Chairperson remarked that the Site involved suspected unauthorized uses under the planning regime while the structures erected on the Site had breached the lease. With regard to the future planning, the Chairperson said that the long term land use of Tsim Bei Tsui, Lau Fau Shan and Pak Nai areas would be separately studied by the Government.

98. After deliberation, the Board decided to reject the application on review 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 applicant fails to demonstrate that the applied development would not have significant adverse environmental and landscape impacts on the surrounding areas; and
- (c) 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 similar applications would result in a general degradation of the environment of the area.”

Sha Tin, Tai Po & North District

Agenda Item 7

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TK/745

Temporary Warehouse (Storage of Grain, Cooking Oil and Grocery) for a Period of 3 Years in “Agriculture” Zone, Lots 626 (Part), 627 (Part), 629 (Part), 630 (Part), 631 (Part), 632, 634 (Part) in D.D. 23 and Adjoining Government Land, Ting Kok, Tai Po
(TPB Paper No. 10849)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

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

PlanD

Ms Margaret H.Y. Chan

- District Planning Officer/Shan Tin, Tai Po
and North (DPO/STN)

Ms Aileen K.Y. Cheng - Assistant Town Planner

Applicant

Mr Chim Kwan Wo

Applicant's Representatives

Ms Huang On Nar

Ms Ho Siu Fong Betty] PlanArch Consultants Ltd.

Ms Chiong Hoi Yan Sara]

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

101. With the aid of a PowerPoint presentation, Ms Margaret H.Y. Chan, DPO/STN, briefed Members on the background of the review application including the application site (the Site) and surrounding areas, the applicant's proposal, departmental comments, the decision of the Rural and New Town Planning Committee (RNTPC/the Committee) and planning considerations and assessments as detailed in TPB Paper No. 10849 (the Paper). PlanD maintained its previous view of not supporting the application.

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

103. With the aid of Powerpoint Presentation and the visualiser, Ms Ho Siu Fong Betty, the applicant's representative made the following main points:

- (a) the father of the applicant started a business for selling condiments and preserved food in the 1960s, and he acquired the Site for warehouse/open storage use for storing grain, cooking oil and grocery from 1986 to 1989. The grains, cooking oil and grocery sold were to serve the needs of the community;
- (b) paragraph 7.4 of the Paper stated that there were some temporary structures for warehouse use erected along the northern boundary of the Site while the remaining part was not covered by any structure when the Ting Kok Interim

Development Permission Area Plan No. IDPA/NE-TK/1 (the IDPA Plan) was gazetted in 1990. The aerial photo of the Site in 1990 showed that the Site was formed and largely occupied by a few warehouse structures in the northern portion and the uncovered area was used for open storage at that time;

- (c) the applied use on the Site had existed before the publication of the IDPA Plan and had continued over the years. The main structure within the Site had undergone minor alteration works, which was allowed under TPB Guidelines PG-No. 24C for 'Interpretation of Existing Use in the Urban and New Town Areas'. Additional structures were later built on the Site to cater for the growing demand of grains, cooking oil and grocery in the community;
- (d) if the application was rejected, s. 23(4) of the Town Planning Ordinance (the Ordinance) only required reinstatement of the Site to the condition immediately before the publication of the IDPA Plan. In that regard, the warehouse use within structures that existed before the IDPA Plan would be tolerated as an existing use ('EU');
- (e) the current application would allow regularization of the applied use including those within structures built after publication of the IDPA Plan and allow proper monitoring by relevant government departments;
- (f) there was no adverse comment and objection from majority of the government departments. To address the comments from the Director of Environmental Protection regarding the impact generated by heavy vehicles, the applicant had further clarified that goods vehicles with weight not heavier than 9 tonnes would be used for delivery of goods;
- (g) in response to rejection reason (a), while agricultural land was found in the vicinity of the Site, the planning intention of "Agriculture" ("AGR") zone did not reflect the nature of the existing use of the Site. With reference to paragraph 9.8 of the Explanatory Statement for "AGR" zone and the criteria for identifying sites with potential for agricultural development under the

New Agriculture Policy, the Site was small in size and did not involve any quality agricultural land intended to be retained or safeguarded. There was also no natural source of water supply at the Site for agricultural use;

- (h) in response to rejection reason (b) and the comments from the Chief Town Planner/Urban Design and Landscape, PlanD, the Site was screened by existing trees and there were no important landscape resources within the Site. Furthermore, the applicant had proposed to enhance the landscape amenity of the Site and the surrounding environment by planting additional trees at the northern boundary;
- (i) Mr Law On, village representative of Lai Pek Shan San Tsuen, provided a letter to support the application as the applied use had been serving the local community and the applicant was in good terms with the villagers since the 1980s. Besides, the vehicles running to/from the Site had not created any nuisance; and
- (j) the Board was requested to approve the review application taking into account the history and background of the Site. Approving the application with the unique circumstances would not set an undesirable precedent for similar applications in the area.

104. Mr Chim Kwan Wo, the applicant, made the following main points:

- (a) in the recent years of pandemic, the applied use had played an important role in supplying grains, cooking oil and grocery for the local community in a timely manner; and
- (b) the applied use also provided job opportunities to the locals and supported their families.

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

- (a) when the Site was zoned "AGR" and the reason the Site was zoned "AGR" instead of "Village Type Development" ("V");

- (b) whether the Site was paved at the time when it was zoned “AGR”;
- (c) the location of government land within the Site; and
- (d) if the Site was used as warehouse and open storage purpose in the 1990s as claimed by the applicant, should such use be considered as an ‘EU’ that would be tolerated under the Ordinance.

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

- (a) the Site was first subject to statutory planning control under the Ting Kok IDPA Plan No. IDPA/NE-TK/1 gazetted on 7.9.1990 and the Site was then not under a specific zoning. Taking into account that the structures erected on the Site were temporary in nature and the area was generally used for agricultural purpose, the Site was zoned “AGR” on the first version of the Outline Zoning Plan in 1994;
- (b) the Site was partly covered with soil and not paved in 1994;
- (c) the government land was located at the northwestern and southwestern corners of the Site as shown on Plan R-2 of the Paper; and
- (d) a use that was in existence before the publication of the first statutory plan (i.e. the IDPA) and provided that such use had continued without material change since it came into existence could be considered as an ‘EU’ under the Ordinance. However, the aerial photos of the Site taken between 1993 and 2021 showed that the scale of the applied use had increased over the years and the structures on the Site had also been altered.

107. A Member requested the applicant’s representative to further elaborate on the use of the Site in 1990 and provide clarifications on why the warehouse use at the Site should be regarded as an ‘EU’. In response, Ms Ho Siu Fong Betty, the applicant’s representative, with

reference to an aerial photo of the Site in 1990, said that the Site was then largely covered with structures in the northern portion for warehouse use and there was open storage use in the uncovered area. There was no specified zoning for the Site on the IDPA Plan and the Site was first zoned “AGR” in 1994 on the draft Ting Kok OZP No. S/NE-TK/1. The applicant was not aware of those statutory plans and did not raise objection to them. Hence, the warehouse use within those structures that existed before the IDPA plan should be regarded as an ‘EU’.

108. As Members had no further question to raise, 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

109. The Chairperson remarked that if the applied use could be regarded as an ‘EU’, no planning permission would be required. Based on the applicant’s proposal, PlanD did not support the review application.

110. A Member enquired whether the current warehouse and open storage use on the Site, if rejected by the Board, could be reverted back to the same scale as that when the IDPA plan was gazetted, and could be tolerated as an ‘EU’. Mr Ivan M.K. Chung, Director of Planning, explained that if the applicant could demonstrate that the current use was in existence immediately before the first publication in the Gazette of the notice of the IDPA plan in 1990 and that it had continued with no material change, there might be room to consider it as ‘EU’, based on the relevant survey records and information of the Site. Nevertheless, the applicant acknowledged that there was intensification of the applied use on the Site over the years, and had submitted the planning application.

111. Two Members observed that the Site involved unauthorized occupation of government land. Mr Andrew C.W. Lai, Director of Lands, supplemented that unauthorised structures were found on the Site and warning letters had been issued to require the land owner to clear the unauthorized structures. Meanwhile, Short Term Waiver applications for temporary warehouse purpose on the private lots within the Site were being processed by the District Lands Office/Tai Po. A Member said that while there might be sympathy to the applicant, as the applied use involved unauthorized occupation of government land, the application should not be approved.

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

- “(a) the 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 development would not result in adverse landscape and environmental impacts to the area.”

113. There being no other business, the meeting was closed at 5:35 p.m.