

**Minutes of 1281st Meeting of the
Town Planning Board held on 16.9.2022**

Present

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

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr C.H. Hau

Ms Sandy H.Y. Wong

Miss Winnie W.M. Ng

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr K.W. Leung

Professor Jonathan W.C. Wong

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mrs Vivian K.F. Cheung

Professor Roger C.K. Chan

Ms Bernadette W.S. Tsui

Mr Vincent K.Y. Ho

Mr K.L. Wong

Chief Traffic Engineer/Kowloon
Transport Department
Mr Gary C.H. Wong

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

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

Director of Lands
Mr Andrew C.W. Lai

Director of Planning
Mr Ivan M.K. Chung

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

Secretary

Absent with Apologies

Mr L.T. Kwok

Professor John C.Y. Ng

Mr Ricky W.Y. Yu

Dr Venus Y.H. Lun

Dr Conrad T.C. Wong

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

In Attendance

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

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

Senior Town Planner/Town Planning Board
Ms Bonnie K.C. Lee (a.m.)
Ms Kitty S.T. Lam (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1277th Meeting held on 1.8.2022 and the 1280th Meeting held on 2.9.2022

[The item was conducted in Cantonese.]

1. The draft minutes of the 1277th meeting held on 1.8.2022 and the 1280th meeting held on 2.9.2022 would be sent to Members in due course. Subject to any proposed amendments by Members, the minutes would be confirmed.

[Post-meeting Note: The minutes of the 1277th and 1280th meetings were sent to Members on 26.9.2022, and the minutes were confirmed on 27.9.2022 without amendments.]

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

Amendment to the Confirmed Minutes of the 1276th Meeting held on 22.7.2022

2. The Secretary reported that an editorial error had been spotted in paragraph 35 on page 29 of the confirmed minutes of the 1276th Meeting held on 22.7.2022 regarding the government representatives who provided responses in the meeting. A copy of the proposed amendment to the confirmed minutes had been circulated to Members before the meeting. Members had no comment on the proposed amendment and the revised minutes would be uploaded to the Board's website.

Tsuen Wan and West Kowloon District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Urban Renewal Authority Cheung Wah Street/Cheung Sha Wan Road Development Scheme Plan No. S/K5/URA3/1

(TPB Paper No. 10865)

[The item was conducted in Cantonese and English.]

3. The Secretary reported that the draft Cheung Wah Street/Cheung Sha Wan Road Development Scheme Plan (the DSP) was submitted by the Urban Renewal Authority (URA). Comments had been submitted by URA (C1) and the Conservancy Association (CA) (C32). The following Members had declared interests on the item:

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| Mr Ivan M.K. Chung (as <i>Director of Planning</i>) | - being a non-executive director of the URA Board and a member of its Committee; |
| Mr Andrew C.W. Lai (as <i>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 a former Vice 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 the 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 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 director of the Board of the Urban Renewal Fund, 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;
- Mr L.T. Kwok - his former serving organisation had received sponsorship from URA; and
- Dr C.H. Hau - being a life member of CA and his spouse being the Vice Chairman of the Board of Directors of CA.

4. Members noted that Messrs L.T. Kwok, Ricky W.Y. Yu, Ben S.S. Lui and Timothy K.W. Ma and Dr Conrad T.C. Wong had tendered apologies for being not able to attend the meeting. Members agreed that as the interests of Messrs Lincoln L.H. Huang and Wilson Y.W. Fung were indirect, and Messrs Daniel K.S. Lau and K.L. Wong and Ms Lilian S.K. Law had no involvement in the DSP, and Dr C.H. Hau had no involvement in the submission of the relevant comment, they could stay or later join the meeting. As the interests of Messrs Ivan M.K. Chung and Andrew C.W. Lai were direct, they should leave the meeting temporarily for the item.

[Messrs Ivan M.K. Chung and Andrew C.W. Lai left the meeting temporarily and Miss Winnie W.M. Ng joined the meeting at this point.]

Presentation and Question Sessions

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

6. The following government representatives, representers, commenters and their representatives were invited to the meeting at this point:

Government Representatives

Planning Department (PlanD)

- | | |
|--------------------|--|
| Mr Derek P.K. Tse | - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK) |
| Ms Jessica Y.C. Ho | - Senior Town Planner/Sham Shui Po (STP/SSP) |

Mr C.K. Fung - Town Planner/Sham Shui Po 2

Representers, Commenters and their Representatives

R4 – Yung Ngar Nay Annie

Ms Yung Ngar Nay Annie - Representer

R13 – Kao Kwan Pik

Ms Kao Kwan Pik - Representer

R43 – Tsui Yip Kum Ha Winny

Mrs Tsui Yip Kum Ha Winny - Representer

R70 – 曾加

Ms Cheung Choi Sheung - Representer's representative

R98 – Ko Kwan Wai Elisa

Ms Ko Kwan Wai Elisa - Representer

R124 – 陳淑嫻

Ms Chan Suk Han - Representer

R165 – Mok Kim Leung

Mr Mok Kim Leung - Representer

R198 – Chu Chi Wah

Mr Chu Chi Wah - Representer

R217 – Leung Kai Kwong

Mr Leung Kai Kwong - Representer

R245 – Ko Kwan Keung Jason

Mr Chan Kim Fung - Representer's representative

R251 – 鄧志超

Mr Tang Chi Chiu - Representer

R269 / C30 – Iu Kuen Fung (姚權峰)

雍盛資產評估及房地產顧問有限公司

Mr Wong Yung Shing - Representer's and Commenter's
Ms Yam Cheuk Wing Charmaine representatives

C1 – URA

Mr Kwan Yee Fai Mike - Commenter's representatives
Ms Ho Nga Sum Clarice

C17 – Wong Fuk Wing

Mr Wong Fuk Wing - Commenter

C18 – 潘盛楷

Mr Tang Yiu Lun - Commenter's representative

C31 – Mary Mulvihill

Ms Mary Mulvihill - 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 representations and comments. The representers, commenters and their representatives would then be invited to make oral submissions. To ensure efficient operation of the hearing, each representer, commenter or his/her representative would be allotted 10 minutes for making presentation. There was a timer device to alert the representers, commenters or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after the representers, commenters and their representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representers, commenters and their representatives. After the Q&A session, the government representatives, the representers,

commenters and their representatives 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.

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

9. With the aid of a PowerPoint presentation, Mr Derek P.K. Tse, DPO/TWK, PlanD, briefed Members on the representations and comments, including the background of the DSP and the development scheme, the grounds/proposals of the representers and commenters, planning assessments and PlanD's views on the representations and comments as detailed in TPB Paper No. 10865 (the Paper).

[Messrs Lincoln L.H. Huang, Stanley T.S. Choi and Franklin Yu, and Ms Bernadette W.S. Tsui joined the meeting during PlanD's presentation.]

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

R43 – Tsui Yip Kum Ha Winny

11. Mrs Tsui Yip Kum Ha made the following main points:

- (a) she was the property owner of a ground floor shop at Kim Shin Lane (KSL);
- (b) the KSL buildings, eight storeys high but without lifts, were in poor condition with a large number of subdivided flats and problems of water leakage, wall cracks and loose concrete falling off. The property owners were reluctant to invest in the maintenance of such dilapidated buildings and the living condition was very poor;
- (c) the DSP would provide residential flats with good community facilities and could allow URA to undertake redevelopment at KSL (under development project SSP-017) (the KSL Site) which would improve their living

environment. The existing open space at Site B was inaccessible and underused. With the proposed footbridges connecting Sites A and B, the open space would become accessible, and more community facilities could also be provided at Site B for public use; and

- (d) most representers supported and only two opposed the DSP. The Cheung Sha Wan Catholic Secondary School (CSWCSS) which opposed the DSP should not merely concern their own needs or impacts during the redevelopment construction stage, and should withdraw their objection.

R70 – 曾加

12. Ms Cheung Choi Sheung made the following main points:

- (a) she was the daughter-in-law of a property owner at KSL. Her mother-in-law who was some 80 years old was unable to walk up the stairs and had to move out of KSL;
- (b) when knowing that CSWCSS had opposed the DSP, she thought that the school should have arranged their students to visit KSL to better understand how worse their living environment was. The hygiene condition was poor and much garbage was disposed of at staircases and corridors which led to fire safety hazard. Although the Owners' Incorporation had paid effort to improve the condition, only redevelopment could improve their living environment; and
- (c) CSWCSS opposed the DSP because the proposed development at Site A would affect daylight penetration to the school but modern technology/design could address such problem. CSWCSS and the other objector should withdraw their objection.

R98 – Ko Kwan Wai Elisa

13. Ms Ko Kwan Wai Elisa made the following main points:

- (a) she supported the development scheme;
- (b) there were many dangerous buildings and subdivided flats at KSL with problems of building safety and environmental hygiene. Redevelopment was needed to improve the poor living condition of the residents there;
- (c) there was a lack of incentive for private developers to redevelop the KSL Site and only URA had the ability to do so. Redevelopment by URA was the most possible option. Taking the successful example of URA's redevelopment of Yue Man Square at Kwun Tong, the overall environment and traffic condition of the said area had been greatly improved;
- (d) it was unavoidable that redevelopment would bring about some impacts on noise, air quality, sunlight penetration, etc. However, most of the impacts were temporary in nature and appropriate design measures and building layout could be adopted to minimise the impacts;
- (e) by developing the two sites (i.e. Sites A and B) together, opportunity could be given to providing more up-to-standard community facilities and open space for the local community. The existing Cheung Sha Wan Sports Centre at Site A was only one-storey with limited facilities which could not meet the community's needs, and the new sports centre at the proposed multi-storey Government, institution or community (GIC) complex at Site B could provide a wide range of sports and recreational facilities to benefit more residents. Besides, the existing open space at Site B was obsolete in terms of its design and facilities, and the new open space could provide more modern facilities for the residents to enjoy; and
- (f) the development scheme could also bring other benefits to the community such as the proposed footbridge connection with pedestrian and vehicular separation and public parking spaces. The neighbourhood environment would be greatly enhanced.

R198 – Chu Chi Wah

14. Mr Chu Chi Wah made the following main points:

- (a) he owned a property at KSL and supported the development scheme;
- (b) the existing sports centre at Site A was inadequate to meet the community's needs. Coupled with the increasing population from the development projects nearby, a new and well-equipped sports centre was required;
- (c) URA indicated that the subject development scheme had to be carried out together with the development project at the KSL Site. If the subject development scheme did not proceed because of the two objections, the redevelopment at the KSL Site would be shelved. Due regard should be given to the relationship between the two projects as the living condition of residents at KSL was really bad; and
- (d) CSWCSS's concerns should have been/could be addressed through liaison with URA. CSWCSS should withdraw their objection.

R217 – Leung Kai Kwong

15. Mr Leung Kai Kwong made the following main points:

- (a) he had lived at KSL for more than 30 years and supported the DSP;
- (b) the condition of buildings at the KSL Site was terrible with problems of wall cracks, environmental hygiene and lack of lifts. The situation was deteriorating and the dilapidated buildings could hardly be maintained; and
- (c) CSWCSS should reconsider their objection. Development/Redevelopment in the society was an inevitable process. In the same token, KSL residents had not been consulted when the school was built 50 years ago, but KSL residents had never complained about the noise nuisance caused by the school

activities.

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

R251 – 鄧志超

16. Mr Tang Chi Chiu made the following main points:

- (a) he had been living in the subject district for more than 40 years;
- (b) only limited space and facilities were provided in the existing sports centre (at Site A) which could not meet the community's needs. The new sports centre would provide more facilities to serve the community;
- (c) the existing open space (at Site B) was inaccessible and underused. With the proposed footbridge connection, the open space would become easily accessible to residents in the area and should be better utilised;
- (d) the proposed underground public vehicle park (at Site A) could help address the current problem of traffic congestion caused by on-street parking. Besides, there were frequent fatal traffic accidents at the road junction near KSL and CSWCSS. In that regard, road junctions and pedestrian crossings would be improved under the development scheme;
- (e) there was security problem in KSL because of a large number of subdivided flats and residents with mixed background. There was also environmental hygiene problem with frequent sewage pipe bursting and loose concrete falling off;
- (f) as regards the noise issue raised by CSWCSS, their school bell had caused disturbance to the residents for many years but the residents had never complained. With regard to CSWCSS's concern over the construction noise, it could be minimised by adopting modern construction technology and equipment; and

- (g) if the redevelopment at the KSL Site and the subject development scheme were implemented in several phases (i.e. not in parallel as originally planned), the potential construction noise impact on CSWCSS would be prolonged. CSWCSS should be considerate of the KSL residents.

[Ms Sandy H.Y. Wong joined the meeting during R251's presentation.]

R269 / C30 – Iu Kuen Fung (姚權峰)

17. With the aid of some PowerPoint slides, Mr Wong Yung Shing made the following main points:

- (a) he acted on behalf of Mr Iu (R269/C30) who owned a number of properties at KSL. He was an estate surveyor;
- (b) it was improper for URA to announce the two projects (i.e. the KSL project (SSP-017) and the subject development scheme (SSP-018)) under two separate Gazette Notices (GN). While URA emphasized that the two projects were inter-related and would be carried out together under a district-based urban renewal approach, there was no information about the KSL project in the GN for the DSP and vice versa. The URA had also not provided assessments to demonstrate that the SSP-017 project at KSL was feasible. The failure to release comprehensive information to the public and the administrative arrangement concerning the two projects might be grounds for judicial review;
- (c) carrying out the development scheme was not in line with the purposes of the URA as laid down under Section 5(b) of the Urban Renewal Authority Ordinance (URAO), i.e. *“to improve the standard of housing and the built environment of Hong Kong and the layout of built-up areas by replacing old and dilapidated areas with new development which is properly planned and, where appropriate, provided with adequate transport and other infrastructure and community facilities”* and Section 5(d) of the URAO, i.e.

“to prevent the decay of the built environment of Hong Kong by promoting the maintenance and improvement of individual buildings as regards their structural stability, integrity of external finishes and fire safety as well as the improvement of the physical appearance and conditions of that built environment”. The main reasons were that there was no detailed plan/layout for the development scheme to fulfil the purpose that new developments should be ‘properly planned’, and the areas covered by the DSP were not decayed areas;

- (d) Building Authority had been issuing repair orders to KSL property owners to repair their properties and some had already completed their repair works. The current condition of KSL was better than before. Old and dilapidated buildings should not be redeveloped unless repair and maintenance were no longer feasible;
- (e) Hong Kong had been experiencing falling property prices in recent years, and the KSL property owners should consider whether it was a right time to allow URA to carry out property acquisition and redevelopment as it would lower the compensation offered to them;
- (f) redevelopment would create the problem of gentrification. The character of the neighbourhood would be changed by the influx of middle-class families and the displacement of grassroot families and the elderly. Some tenants of the subdivided flats had already been forced to move out;
- (g) no feasibility study had been conducted to demonstrate that the development scheme would have economic benefits. Besides, the Social Impact Assessments (SIAs) conducted by URA disregarded the social costs and could not account for the social benefits of the development scheme. Before proceeding with their projects, URA should demonstrate that the social benefits would outweigh the social costs;
- (h) there was rehousing problem for the existing 3,100 odd flats. Since the KSL Site had complicated property ownerships and lots of subdivided flats, a large number of rehousing units were required for the affected residents;

- (i) no detailed information on the open space at Site B was provided;
- (j) as regards air ventilation, the wind velocity ratio of the area to the southwest of Site A (shown as blue on the PowerPoint slide) was zero. It implied that the development scheme would create air ventilation impact on the surrounding areas; and
- (k) URA had not conducted daylight and sunlight assessments nor detailed Environmental Impact Assessment (EIA) to demonstrate that the proposed development would not affect the surrounding areas.

C1 – URA

18. With the aid of a PowerPoint presentation, Mr Kwan Yee Fai Mike made the following main points:

- (a) the KSL Site involved a lot of old and dilapidated buildings with age over 60 years and the living environment was very poor with the problems of environmental hygiene, mosquito breeding and rodents. There was a large number of subdivided flats;
- (b) given the residual plot ratio (PR) for redevelopment of the KSL Site was only 0.88 (i.e. the difference between the maximum PR of 9 allowed under the relevant zone on the OZP and the existing PR of 8.12 for the KSL Site), there was extremely low redevelopment potential though the buildings thereat were in imminent need for redevelopment. Hence, URA had explored land use restructuring for a district-wide area. It was noted that the existing Cheung Sha Wan Sports Centre (at Site A) had only four badminton courts and could not meet the community's needs. Besides, the Cheung Sha Wan Path Sitting-out Area (at Site B) was segregated from the residential neighbourhood by the Highways Department's storage depot, making it inaccessible to the public and underutilised. With the planning-led approach, Sites A and B were identified for land use restructuring to create planning gains at the district level;

- (c) SSP-017 referred to the development project at the KSL Site and SSP-018 referred to the development scheme at Sites A and B at Cheung Wah Street/Cheung Sha Wan Road. The KSL Site fell within an area zoned “Residential (Group A)8” and rezoning was not required. Sites A and B fell within areas zoned “Government, Institution or Community” (“G/IC”), “Open Space” (“O”) and areas shown as ‘Road’ and rezoning was required to implement the development scheme;
- (d) as SSP-017 was permitted under the OZP, the development project was being proceeded under Section 26 of the URAO. Comments/objections had been considered by the Development Project Objection Consideration Committee (DPOCC) under the URAO;
- (e) for SSP-018 which required rezoning, the development scheme was being proceeded under Section 25 of the URAO. The DSP was gazetted under the Town Planning Ordinance and representations were to be considered by the Board;
- (f) when URA submitted the DSP (i.e. SSP-018) for the Board’s consideration, the planning statement in the submission had clearly indicated the relationship between the SSP-017 and SSP-018 projects. Various technical assessments on traffic impact, traffic noise impact, air quality impact, waste management, drainage and sewerage impacts and water supply impact were included in the submissions that were made available for public inspection. Concerned government departments consulted had no adverse comment on the technical assessments;
- (g) he disagreed with R269/C30’s allegation that carrying out the DSP was not in line with Sections 5(b) and 5(d) of the URAO. Section 5(b) referred to ‘the layout of the concerned area should be properly planned’. A set of detailed building plans was not required at the planning stage and a schematic layout had been prepared and presented in the DSP submission. Section 5(d) referred to ‘the repair and maintenance of existing buildings’ which was not

applicable for the DSP;

- (h) under the planning-led urban renewal approach, about 1,830 new residential units, more GIC facilities and an integrated at-grade open space network would be provided through restructuring and replanning of land uses under both the SSP-017 and SSP-018 projects. The living condition of the existing residents would be improved by redeveloping the KSL Site. The walking environment of the area would also be improved through the proposed footbridge system;
- (i) regarding the provision of GIC facilities, the gross floor area (GFA) for the proposed GIC uses was about 33 times of that of the existing GIC uses. Cheung Sha Wan Sports Centre would be re-provisioned and upgraded to modern standards with a GFA of about 9,100 m². Social welfare facilities, district health facilities and other community facilities would be provided in the proposed GIC complex. URA had consulted Sham Shui Po District Council (SSPDC) on the proposed GIC complex on 6 September 2022 and SSPDC generally supported the proposed facilities to be accommodated therein;
- (j) he disagreed with R269/C30's view that the development project would lead to gentrification as more GIC facilities would be provided to serve the local community, in particular, the low income groups; and
- (k) with regard to the interface with CSWCSS, better streetscape and good quality street-level open space would be provided on the sides facing CSWCSS. Besides, as directed by the DPOCC, URA would maintain regular liaison and consultation with the school, and try to address the school's concern on the development/layout and mitigation measures during construction, especially the safety issues. URA committed to maintaining a long-term partnership with CSWCSS. Besides, at Site A, a 15m-separation would be provided between the two proposed residential buildings to enhance air ventilation and visual permeability to the surrounding areas, in particular to CSWCSS.

C18 – 潘盛楷

19. Mr Tang Yiu Lun made the following main points:

- (a) he represented CSWCSS and was an architect. The alumni association and the principal of CSWCSS had concerns/views on the development scheme;
- (b) CSWCSS was rooted in Cheung Sha Wan for about 50 years. CSWCSS had been a part of the local community and did not want to develop hostile relationship with the Cheung Sha Wan residents. For example, about 10 years ago, when there were a number of redevelopment projects nearby and the affected residents did not have a venue to discuss the rehousing and compensation issues, CSWCSS opened up the school campus for residents as a meeting venue;
- (c) CSWCSS did not object to the KSL development project but opposed the subject development scheme (SSP-018);
- (d) for Site A, despite the reservation of a 6m-setback between the proposed residential development and the school, CSWCSS would still be surrounded by two tall and mega residential towers;
- (e) there was concern on possible conflict between the future residents and the school, for example, complaint on the noise created by the students' activities, nuisance created by future residents on students, etc.;
- (f) there was also concern on the environmental nuisance caused to the school during construction which would span over a few years and whether adequate mitigation measures would be adopted to minimise the impacts;
- (g) the URA should have consulted CSWCSS to come up with a better plan for the whole district. One possible alternative was to swap the CSWCSS site with Site A. Currently, CSWCSS, Cheung Sha Wan Sports Centre at Site A, Sham Shui Po Sports Ground and its adjoining sitting-out area, together

formed a low-rise GIC cum open space belt which provided a major view corridor and functioned as the 'urban lung' in the area. If CSWCSS was relocated to Site A, the function of the low-rise GIC cum open space belt could still be maintained. If the CSWCSS site was used for residential development, it could be linked up with the KSL Site for combined development, thereby creating synergy effect; and

- (h) another alternative could be relocating CSWCSS to Site B. Under this proposal, the CSWCSS site, the KSL Site and Site A could be combined for an even more comprehensive development, and with much higher development potential.

C31 – Mary Mulvihill

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

- (a) the hearing was to consider the Cheung Wah Street/Cheung Sha Wan Road DSP (SSP-018) and not the SSP-017 project (the KSL Site). The DSP should be considered on its own merit and not whether it was needed to support SSP-017. The Government should separately resolve the financial conundrum with regard to SSP-017;
- (b) no information was given in the Paper about the previous zonings of Sites A and B;
- (c) URA claimed that the SSP-018 project was needed for the SSP-017 project to proceed, and the core problem was with URA's profit-driven formula. According to URA, the residual PR for the SSP-017 project was only 0.88 and the redevelopment potential was low, making it financially not viable to redevelop the KSL Site alone. Hence, to ensure getting profit from the redevelopment, URA had cast its net wider with the SSP-018 project;
- (d) URA should undertake, encourage, promote and facilitate the regeneration of the older urban areas of Hong Kong and improve the living condition of

residents in dilapidated urban areas. However, urban renewal undertaken by URA had resulted in the displacement of low-income city inhabitants from their houses. Thousands of residents were to be evicted and would be forced to look for homes in the dwindling number of tenement buildings left in the district. Not a single development of URA to date could retain the original inhabitants and their social network. There was no indication in the SSP-017 nor the SSP-018 project that any of the original inhabitants would be rehoused in the district. Site A should be used to house those displaced by the KSL development;

- (e) the URA would probably hold the retail podiums of both the SSP-017 and SSP-018 projects and turned them into Link REIT-type malls;
- (f) information on the site coverage (SC) and height of the podium was not provided by URA. From Drawings H-1a and H-1b of the Paper, the proposed SC appeared to be very large which might exceed the SC permissible under the First Schedule of the Building (Planning) Regulations (B(P)R) while the proposed 5-storey podium would be very high and might exceed the normal height of 15m. The open space at the southwest of Site A would be in the shadow of a high wall and the school would also be impacted by the wall effect;
- (g) it was questioned why the URA sites were not used to address the real need in society, i.e. affordable housing. The real need for more private housing and the failure to implement tax on empty units were doubted. The number of empty units would increase with the rising interest rates and emigration. The Government failed to recognize the reality of the housing market prospect and in its duty to intervene to ensure that the most pressing needs were given priority; and
- (h) the public open space in Site A would be managed by the developer and public access and usage might be restricted. A GIC complex was proposed at Site B and it would reduce the area of open space at Site B. Furthermore, even with the proposed footbridges, residents were still required to go up and down to access the open space at Site B, which was at a very inconvenient location.

There was very limited open space in Cheung Sha Wan. Besides, the deficit/surplus of open space should be assessed based on the Cheung Sha Wan area, not the whole Sham Shui Po district.

21. As the presentations of PlanD's representative, representers, 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 government representatives, representers, commenters and/or their representatives to answer. The Chairperson then invited questions from Members. 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.

Interface with CSWCSS

22. A Member asked whether CSWCSS would be completely surrounded by proposed buildings under the SSP-018 project as claimed by C18's representative and the mitigation measures proposed to minimise the impacts on CSWCSS.

23. In response, with the aid of some PowerPoint slides, Mr Derek P.K. Tse, DPO/TWK, PlanD, said that CSWCSS was located to the immediate northeast of Site A. CSWCSS faced the Hing Wah Street Playground and the low-rise Un Chau Shopping Centre Carpark across the 36m-wide Hing Wah Street on the east while to the west was the 20m-wide Cheung Wah Street. As such, CSWCSS was not completely surrounded by the proposed/existing developments. It was also not uncommon that tall buildings adjoined schools in the urban area. With regard to the mitigation measures, a 15m-wide building separation between the two proposed residential towers within Site A and a building setback of not less than 6m would be provided at the northeastern boundary of Site A facing the school to minimise the air ventilation/visual impacts on CSWCSS. As demonstrated on the photomontages prepared by URA, for example, taking the view from the Hing Wah Street Playground, the proposed development at Site A, with the proposed mitigation measures, was not visually incompatible with the surrounding built environment and would not create significant visual impacts.

24. With the aid of some PowerPoint slides, Mr Kwan Yee Fai Mike, C1's representative, supplemented that the southeastern, northeastern and northwestern sides of the CSWCSS site were

bounded by Hing Wah Street, Fuk Wing Street and Cheung Wah Street respectively. While the southwestern side of the CSWCSS site adjoined Site A, mitigation measures had been proposed for the residential development at Site A to minimise the potential impacts on CSWCSS. Thus, he was of the view that CSWCSS would not be completely surrounded.

25. Mr Tang Yiu Lun, C18's representative, supplemented that the school would be surrounded by developments as Site A was close to CSWCSS in the southwest and Heya Aqua adjoined closely in the northeast. The main façade/windows and playground of the school faced Site A. On the other hand, the KSL development project would have less impact on the school.

26. Two Members asked whether there were alternative measures to reduce the impacts on the school, such as adopting a much wider separation between the two proposed residential towers or shifting the proposed residential towers southwards to allow more set-back from the school. In response, Mr Kwan Yee Fai Mike, C1's representative, said that the URA had been discussing with CSWCSS on alternative measures. For example, URA had suggested to bear the cost to replace the concrete school boundary wall by permeable fencing to improve air ventilation. Yet, CSWCSS did not prefer that option because it was worried that students' activities at the playground would be seen by passers-by. URA would hold regular working group with CSWCSS to work out any other possible mitigation measures. Besides, since there was traffic noise problem from the heavily trafficked Cheung Sha Wan Road and certain buffer distance had to be allowed at the southwestern boundary of Site A, shifting the residential towers further southwards might not be feasible. Nevertheless, design flexibility was allowed to further enhance the layout at the detailed design stage.

Technical Assessments

27. Some Members raised the following questions:

- (a) whether an Environmental Impact Assessment (EIA) was required for the DSP and whether there was any requirement for sunlight and daylight assessments in EIA;
- (b) whether the impact of sunlight and daylight penetration on CSWCSS had been

considered by URA;

- (c) whether CSWCSS should have taken into account the sunlight and daylight penetration requirements in their school layout within their own site; and
- (d) whether there was any requirement to take into account private views in the Visual Impact Assessment (VIA).

28. In response, Mr Terence S.W. Tsang, Assistant Director (Environmental Assessment), Environmental Protection Department, said that the proposed residential development was not a 'Designated Project' that required an EIA report under the Environmental Impact Assessment Ordinance (EIAO). Also, the scope of a statutory EIA report did not include sunlight and daylight assessments. Having said that, URA had conducted relevant technical assessments to evaluate the environmental impacts of the development scheme.

29. Mr Kwan Yee Fai Mike, C1's representative, said that although URA had not conducted sunlight and daylight assessments, they had submitted an Environmental Assessment (EA) report (including assessments on air quality impact, noise impact, waste management, etc.), together with other technical assessment reports (including that on traffic impact, drainage and sewerage impacts, etc.) and the SIAs which were considered by the Board at its meeting held on 17 December 2021. Mr Derek P.K. Tse, DPO/TWK, PlanD, supplemented that based on the preliminary observation that east of the CSWCSS site was comparatively open and the east-west direction of sunrise and sunset, it was anticipated that sunlight and daylight penetration to the school would not be significantly affected by the proposed residential development at its southwest on Site A.

30. With regard to the school layout, Mr Derek P.K. Tse, DPO/TWK, PlanD, said that when the school was built in the 1960s, it should have complied with building regulations and legislations at that time including those relating to daylight penetration. With the aid of a PowerPoint slide, Mr Kwan Yee Fai Mike, C1's representative, supplemented that the school block was originally in a 'F-shape' in a northeast orientation and an annex block was later built in the northwestern portion of the school site, forming an 'E-shape'. Some sunlight and daylight penetration on the annex block at the northwest might be blocked by the main school

blocks at the northeast.

31. In response to the enquiry about the VIA, Mr Derek P.K. Tse, DPO/TWK, PlanD, said that according to the Town Planning Board Planning Guidelines No. 41 “Guidelines on Submissions of Visual Impact Assessment for Planning Applications to the Town Planning Board”, VIA should primarily assess the visual impact on public viewers from key strategic and popular viewing points. Private views should not be considered in VIA.

Proposals of C18’s Representative on Swapping the CSWCSS Site with Site A or Relocating CSWCSS to Site B

32. Some Members raised the following questions to the representatives of PlanD and C1:

- (a) whether the proposals on swapping the CSWCSS site with Site A or relocating CSWCSS to Site B had been considered;
- (b) the existing size of the CSWCSS site and the area requirement for a standard secondary school;
- (c) the possibility of accommodating the school in a smaller site with a higher building height;
- (d) the feasibility of swapping the CSWCSS site with Site A; and
- (e) the feasibility of relocating CSWCSS to Site B and adjusting the proposed GIC complex at Site B to accommodate the school.

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

- (a) the said proposals of CSWCSS were first raised at the hearing and hence, had not been previously considered by relevant government departments;
- (b) the CSWCSS site had an area of about 4,800 m² while Site A had an area of

about 5,200 m². The size of the CSWCSS site was substandard according to the Hong Kong Planning Standards and Guidelines (HKPSG), i.e. 6,950 m² with a minimum site width of 65m for a standard 30-classroom secondary school;

- (c) there was a maximum building height requirement of not exceeding 24m (about 8 storeys) for schools. Higher building height for school use was subject to the Education Bureau (EDB)'s approval;
- (d) if school reprovisioning was required, it was believed that a standard school site of about 6,950 m² (which was about an increase of about 30% of the existing CSWCSS site) would be required. Site A itself was not large enough to accommodate a standard secondary school. A larger site (say Site A and a portion of the CSWCSS site) would be needed to reprovision CSWCSS as a standard secondary school and if so, a smaller site would be left for URA's residential development. It would greatly affect the integrity of the whole development scheme. Besides, since Site A was subject to noise and air pollution problems from the heavily trafficked Cheung Sha Wan Road, the proposed 5-storey podium and setback of the buildings were proposed to mitigate such impacts. Should CSWCSS be relocated to Site A, it would be subject to the same noise and air pollution problems for which there might be limited scope for the school to mitigate through layout design;
- (e) MTR Tsuen Wan Line rail tunnel traversed the majority part of the proposed public open space at Site B, making it technically difficult for deep excavation and piling works for extensive buildings on top. Besides, the configuration of the remaining land portion at Site B (i.e. the area covered by the proposed GIC complex and the remaining public open space area outside the MTR rail tunnel) was triangular in shape and could not accommodate both the proposed GIC complex and a standard secondary school. In addition, concerned departments had been actively considering the design of the proposed GIC complex which was already at an advanced stage;
- (f) as regards the implementation programme, URA would first develop the

proposed GIC complex at Site B to re-provision the affected Cheung Sha Wan Sports Centre before redeveloping Site A for residential development with some GIC facilities. It was anticipated that the whole development project would be completed in early 2030s. Should re-planning involving the CSWCSS site be required, there would be considerable delay in the implementation programme;

- (g) as for the land status issue, Sites A and B were all government land except the portion currently occupied by a small electricity substation while the CSWCSS site was under private ownership; and
- (h) should CSWCSS consider that a new school site be required, with the policy support from EDB, CSWCSS could submit a site search request to PlanD under the prevailing mechanism.

34. In response, with the aid of some PowerPoint slides, Mr Kwan Yee Fai Mike, C1's representative, made the following main points:

- (a) it was the first time URA heard about CSWCSS's swapping/relocating proposals at the hearing, and the same had not been raised in previous meetings held with the school in 2021. The swapping/relocating proposals had not been included in the CSWCSS's objection submission to the DPOCC for the SSP-017 project nor in the comment (C18) to the Board for the SSP-018 project;
- (b) having said that, when URA conducted the district-wide planning study for the area, some background information of the CSWCSS site and possibility of utilizing the CSWCSS site had initially been taken into consideration. However, EDB had advised that schools in the area should not be affected and it had been set as the premise of the planning study;
- (c) there was land administration issue as CSWCSS owned the site under a special land lease and there would be complex land matters to resolve regarding the existing site and any new site allocation. The Incorporated Management

Committee (校董會) of CSWCSS would unlikely forfeit the current land ownership in exchange for a licence to use a new government land;

- (d) should Site A be swapped with the CSWCSS site, Site A itself was not large enough to accommodate a standard secondary school. A much 'larger Site A' would be required for the school development and only a portion of the CSWCSS site would be left for URA's residential development. With a smaller developable site, the attainable domestic gross floor area would be reduced and the development potential would be greatly affected. Should the school be relocated to Site B, the proposed open space would be substantially reduced;
- (e) should re-planning works be required and the new school was to be completed before demolition of the existing one, it was estimated that the whole development scheme would be delayed for at least 10 years (i.e. from completion in 2031 to 2041) and it would also involve further statutory planning procedures to amend the OZP; and
- (f) URA was of the view that CSWCSS's swapping/relocating proposals should not be further considered.

35. Some Members raised questions to C18's representative about his level of representativeness of CSWCSS, whether he had known the land ownership issue of CSWCSS and whether he had obtained the support from parents and students to demolish the school and to relocate it to another location. Mr Tang Yiu Lun, C18's representative, said that the principal of CSWCSS had signed an authorisation letter for him to attend the hearing. He represented the principal of CSWCSS, school's sponsoring body (辦學團體) and education foundation body (教育基金會) to present their views on the DSP. He confirmed that the principal of CSWCSS was fully aware of the land ownership issue of CSWCSS. He said that he could not represent all the alumni, parents and students about the swapping/relocating proposals. He supplemented that the SSP-017 project should be proceeded first while the SSP-018 project should be postponed until a better option with CSWCSS could be worked out.

36. With regard to CSWCSS's swapping/relocating proposals, Mr Wong Yung Shing, R269/C30's representative, provided background information about the redevelopment of two secondary schools in other areas and the related interim decanting school arrangement.

Provision of Car Parking Spaces

37. Some Members raised the following questions:

- (a) whether there were proposed public car parking spaces at Site B;
- (b) whether the provision of 50 public car parking spaces at Site A would be sufficient to meet the parking need;
- (c) the possibility of providing basement car park at the proposed open space at Site B; and
- (d) who the users of the parking spaces at the 2-level basement carpark at the proposed GIC complex at Site B would be.

38. In response, with the aid of some PowerPoint slides, Mr Derek P.K. Tse, DPO/TWK, PlanD, said that no public car park would be provided at Site B which was situated at a convenient location well-served by various modes of public transport. It was not expected that too many people would use private cars to get to Site B. Some 140 ancillary private car parking spaces (provided at upper end requirement of the HKPSG) and 50 public car parking spaces would be provided at Site A, and there were also some on-street metered parking spaces in the vicinity of Site A. Transport Department (TD) would be further consulted at the detailed design stage on the car parking provision.

39. Mr Kwan Yee Fai Mike, C1's representative, supplemented that there were some public car parking spaces provided in Sham Shui Po Sports Ground which adjoined Site B, and further integration of Site B with Sham Shui Po Sports Ground would be explored. Besides, since there was a MTR rail tunnel under the proposed open space at Site B, deep excavation for developing basement carpark might not be technically feasible nor financially viable. In addition, it was not possible to provide an ingress/egress point from Cheung Sha Wan Road for

any car park at the public open space at Site B, owing to the busy traffic and existing bus stops along Cheung Sha Wan Road. The 2-level basement carpark at the proposed GIC complex at Site B would provide ancillary parking spaces for the future users of the proposed GIC complex.

Provision of Footbridges

40. A Member asked about the construction, management and maintenance issues of the proposed footbridges between Sites A and B as well as between Site A and the KSL Site. Mr Kwan Yee Fai Mike, C1's representative, responded that the proposed footbridges were not covered by the DSP. Nevertheless, URA would be responsible for the construction of the proposed footbridges that would be opened 24 hours daily for public use. URA would liaise with the Government on the future management and maintenance issues.

Landscape and Tree Planting

41. A Member asked about details of the landscaping and tree planting proposal. With the aid of some PowerPoint slides, Mr Derek P.K. Tse, DPO/TWK, PlanD responded that there was a total of 294 existing trees and mostly within Site B, of which 146 would be retained in-situ, 31 would be transplanted and 117 would be transplanted/felled (subject to further design). Amongst them, three existing large trees (T14, T54 and T143) were proposed by URA to be transplanted to the proposed open space at Site B. The newly planted trees would be heavy standard trees and a compensatory ratio of 1:1 would be adopted. Mr Kwan Yee Fai Mike, C1's representative, supplemented that all the existing trees were under the purview of the Leisure and Cultural Services Department (LCSD) and URA would adhere to the relevant guidelines and requirements promulgated on tree preservation and tree management.

Provision of Social Welfare Facilities

42. A Member asked about the types of social welfare facilities to be accommodated in the proposed developments at Sites A and B. In response, with the aid of some PowerPoint slides, Mr Kwan Yee Fai Mike, C1's representative, said that URA had consulted SSPDC on the proposed GIC and social welfare facilities to be provided in the development scheme on 6 September 2022 and SSPDC generally supported the proposal. The Department of Health's Student Health Centre had been confirmed to be accommodated in the proposed development

at Site A as at to date. URA would continue to liaise with concerned departments on the types of social welfare facilities to be accommodated.

Site Coverage Issue

43. Two Members enquired whether the proposed residential development at Site A, in particular, the residential portion as shown in orange in Drawing H-1a of the Paper would exceed the maximum SC under the B(P)R as presented by C31. Mr Kwan Yee Fai Mike, C1's representative, responded that detailed general building plans had not been prepared at the planning stage. Although he did not have the exact SC figure in hand, it should be noted that there was setback from the school, a 750m² public open space provided at-grade and setback along Cheung Wah Street. The proposed SC for the residential portion would comply with the B(P)R at the general building plan submission stage. Regarding the podium, there would be two storeys of retail and three storeys of GIC uses, with the uses permitted under the "R(A)" zone of the OZP.

Others

44. A Member enquired whether financial benefit would outweigh social benefit (such as the provision of affordable housing) in carrying out urban renewal projects. Mr Kwan Yee Fai Mike, C1's representative, responded that URA as a self-financing body had to exercise proper financial management and maintain financial sustainability. Any money earned in URA projects would be ploughed back into other projects. In view of the low redevelopment potential of the KSL Site with only 0.88 residual PR for redevelopment, the proposed residential development at Site A would be able to support the KSL project. Social, environmental and financial sustainability should all be considered. There was also a division of works in the Government, with the Hong Kong Housing Authority and Hong Kong Housing Society responsible for providing public housing and affordable housing and URA responsible for urban renewal projects providing private housing.

45. As Members had no further questions to raise, the Chairperson said that the Q&A session was completed. He thanked the government representatives, representers, commenters and their representatives for attending the meeting. The Board would deliberate on 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,

representers, commenters and their representatives left the meeting at this point.

[The meeting was adjourned for a 5-minute break. Messrs Stanley T.S. Choi, Stephen L.H. Liu, Franklin Yu and Wilson Y.W. Fung left during the break.]

46. The deliberation session was recorded under confidential cover.

[The meeting was adjourned for lunch break at 12:50 p.m.]

47. The meeting was resumed at 2:00 p.m.

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

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

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|-----------------------|------------------|
| Mr Lincoln L.H. Huang | Vice-chairperson |
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Dr C.H. Hau

Ms Sandy H.Y. Wong

Professor Jonathan W.C. Wong

Ms Lilian S.K. Law

Mr K.W. Leung

Professor Roger C.K. Chan

Mr Vincent K.Y. Ho

Mr K.L. Wong

Ms Bernadette W.S. Tsui

Chief Traffic Engineer/Kowloon
Transport Department
Mr Gary C.H. Wong

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

Director of Lands
Mr Andrew C.W. Lai

Director of Planning
Mr Ivan M.K. Chung

Tsuen Wan and West Kowloon District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Cheung Sha Wan Outline Zoning Plan No. S/ K5/38

(TPB Paper No. 10866)

[The item was conducted in Cantonese and English.]

49. The Secretary reported that one of the amendment items on the draft Cheung Sha Wan Outline Zoning Plan No. S/K5/38 (the OZP) involved a public housing development to be developed by the Hong Kong Housing Authority (HKHA) and the Housing Department (HD) was the executive arm of HKHA. AECOM Asia Company Limited (AECOM) was one of the consultants for conducting technical assessments in support of the development proposal. The following Members had declared interests on the item:

- | | | |
|--|---|---|
| Mr Andrew C.W. Lai (as Director of Lands) | - | being a member of HKHA; |
| Mr Paul Y.K. Au (as Chief Engineer (Works), Home Affairs Department) | - | being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidized Housing Committee of HKHA; |
| Dr Conrad T.C. Wong | - | having current business dealings with HKHA and AECOM; |
| Mr Vincent K.Y. Ho | - | having current business dealings with AECOM |

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

50. Members noted that Messrs Timothy K.W. Ma, L.T. Kwok and Dr Conrad T.C. Wong had tendered apologies for not being able to attend the meeting, Mr Andrew C.W. Lai had left the meeting temporarily and Messrs Daniel K.S. Lau and Franklin Yu had already left the meeting. Members agreed that as the interests of Mr K.L. Wong and Ms Lilian S.K. Law were indirect, and Mr Vincent K.Y. Ho and Dr C.H. Hau had no involvement in the proposed public housing development, they could stay in the meeting. As the interest of Mr Paul Y.K. Au was direct, he should be invited to leave the meeting temporarily for the item.

[Mr Paul Y.K. Au left the meeting at this point.]

Presentation and Question Sessions

51. The Chairperson said that reasonable notice had been given to the representers and commenters inviting them to attend the hearing, but other than the representer/commenter who was present, 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.

52. The following government representatives and representer/commenter were invited to the meeting at this point:

Government Representatives

Planning Department (PlanD)

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|---------------------|--|
| Mr Derek P.K. Tse | - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK) |
| Ms Jessica Y.C. Ho | - Senior Town Planner/Sham Shui Po |
| Ms Winsome W.S. Lee | - Town Planner/Sham Shui Po |

Housing Department (HD)

- | | |
|----------------------|---------------------------------|
| Ms Belinda L.K. Lau | - Senior Planning Officer (SPO) |
| Mr William S.K. Chan | - Senior Architect |

Mr David M.K. Lee - Senior Civil Engineer

Mr Alex Y.K. Tse - Planning Officer

Representer/Commenter

R9/C27 – Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

53. 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 representations and comments. The representer/commenter would then be invited to make oral submission. To ensure efficient operation of the hearing, the representer/commenter would be given a total of 20 minutes for making presentation. There was a timer device to alert the representer/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 representer/commenter had completed her oral submission. Members could direct their questions to the government representatives or the representer/commenter. After the Q&A session, the government representatives and representer/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.

54. The Chairperson invited PlanD's representatives to brief Members on the representations and comments.

55. With the aid of a PowerPoint presentation, Mr Derek P.K. Tse, DPO/TWK, briefed Members on the representations and comments, including the background of the draft OZP, the grounds/views/proposals of the representers and commenters, planning assessments and PlanD's views on the representations and comments as detailed in TPB Paper No. 10866 (the Paper).

56. The Chairperson then invited the representer/commenter to elaborate on her representation/comment.

R9/C27– Mary Mulvihill

57. Ms Mary Mulvihill made the following main points:

Item A

- (a) she objected to public housing development at the Wang Cheong Factory Estate (WCFE) site (Item A site). The existing tenants would be evicted from affordable factory units, which would aggravate the unemployment problem. The unemployment rate in Hong Kong was 5.4% in May 2022 and many small enterprises were forced into bankruptcy. The Government should not focus solely on resolving the housing issue but ignore the hardship of small enterprises and blue-collar workers. The proposed development would bring about short-term gain but create long-term negative impacts;
- (b) the occupancy rate for WCFE was about 80% indicating that there was a strong demand for affordable factory units. HD did not provide information on the number of workers at WCFE and where they lived. Those workers would likely travel further for their journeys to work in future when the workshops at WCFE ceased operation;
- (c) the Item A site was previously zoned “Residential (Group A)” (“R(A)”). When a site previously zoned “Open Space” (“O”) at the junction of Lai Chi Kok Road and Tonkin Street was identified for public housing development in 2013, a large part of the area occupied by WCFE and part of the Cheung Sha Wan Temporary Wholesale Poultry Market were rezoned from “R(A)” to “O” to make up the loss of open space and the remaining part was rezoned to “Government, Institution or Community” for a primary school. There was serious shortfall in public open space in Cheung Sha Wan. The Paper indicated surpluses of district and local open spaces in Sham Shui Po without addressing the deficit in Cheung Sha Wan. Existing district open space in Cheung Sha Wan was less than 10 ha for a planned population of about 250,000. Most of the open spaces

in Cheung Sha Wan were located at the peripheries and far from residential developments;

- (d) there would be provision of about 3,600m² and 1 ha of public open space (POS) within a proposed comprehensive residential development (Grand Victoria) and the promenade along the Cheung Sha Wan waterfront respectively. Open space should be located within walking distance of residents but there were highways and flyovers between the Item A site and those new open spaces along the waterfront. A local open space (about 3,240m²) on podium and a POS (about 800m²) at grade would be provided as part of the proposed public housing development, but the podium open space was not genuine as it comprised mainly landscaped area. There were gradual reductions in provision of open space in Cheung Sha Wan area and the cumulative effects of various OZP amendments would transform green spaces into landscaped podia and eliminate some of the green recreation nodes. In addition, there was no programme for provision of the 9.6 ha planned district open space;
- (e) the proposed public housing development would result in the loss of visual openness, open sky views, reduction in the width of existing view corridors and visual permeability. According to the Visual Appraisal in the Metro Planning Committee Paper No. 1/22, the overall visual impact would be 'negligible' to 'moderately to significantly adverse'. Besides, the Air Ventilation Assessment – Expert Evaluation concluded that the proposed high-rise development would likely bring about impacts on pedestrian wind environment. In view of global warming and poor wind environment in Hong Kong, it was necessary to provide more green space to serve as ventilation corridors in densely populated areas. The need for public housing development at the Item A site was doubted since the Urban Renewal Authority would provide housing units in the vicinity;

Items B1 to B4

- (f) the amendments which involved rezoning of various sites would reduce

open space provision and diminish the quality of the open spaces; and

Items E1 and E2

- (g) the amendments which involved rezoning of a site at Tai Po Road would reduce area of the “Green Belt” zone in the planning scheme area.

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

Item A

59. A few Members raised the following questions to the government representatives:

- (a) according to the Government’s practice, whether relocation of existing tenants at WCFE should be completed prior to OZP amendments;
- (b) whether the planning process had focused solely on technical aspects, and whether considerations had been given to employment opportunities provided by the small businesses at WCFE and the need to notify and assist existing tenants; and
- (c) the number of HKHA’s factory estates earmarked for redevelopment for public housing development.

60. In response, with the aid of some PowerPoint slides, Mr Derek P.K. Tse, DPO/TWK, PlanD, and Ms Belinda L.K. Lau, SPO, HD, made the following main points:

- (a) the planning procedures and arrangement for relocation of tenants were carried out in parallel to expedite housing land supply. The site was rezoned

from “O” to “R(A)” on 28.1.2022 under section 5 of the Town Planning Ordinance;

- (b) during the planning process, considerations were given to various aspects including land use compatibility and technical feasibility of the proposed public housing development. The feasibility study conducted by HKHA concluded that the Item A site was technically feasible for housing development. Regarding land use compatibility, the surrounding area of the Item A site was predominantly residential in nature. The proposed public housing development would be more compatible with the existing private and public housing developments in the area, e.g. The Sparkle, Lai Tsui Court, etc. In a wider context, employment opportunities were available in the existing industrial or industrial-office developments along Castle Peak Road to the northwest of the Item A site in the Cheung Sha Wan area;
- (c) the factory estates of HKHA were operated on commercial principles and the factory units were let to tenants on fixed term tenancies. Pursuant to the tenancy agreement, the HKHA had the right to terminate the tenancies by giving three months’ notice. For redevelopment of WCFE, a 18-months’ notice was given to the tenants. HKHA also provided various assistance to affected tenants on relocation, including early bird allowance, ex-gratia allowance and restricted tender opportunities to bid for vacant factory units in HKHA’s factory estates; and
- (d) in response to Policy Address 2019, HKHA had examined the feasibility of redeveloping its six factory estates for public housing use. The findings of the study indicated that four sites including WCFE in Cheung Sha Wan, Sui Fai Factory Estate in Fo Tan, Yip On Factory Estate in Kowloon Bay and Kwai On Factory Estate in Kwai Chung were technically feasible for housing development. Out of the four sites, apart from WCFE, two in Kowloon Bay and Fo Tan had already been rezoned for public housing development while the remaining one in Kwai Chung was in the pipeline for zoning amendment.

61. Noting that only four factory estates were considered suitable for public housing development, a Member said that the associated flat production would be limited and enquired whether other government departments had conducted similar studies to identify housing sites. Ms Belinda L.K. Lau, SPO, HD, responded that running factory estates was not the core business of the HKHA and there were only six factory estates under HKHA. Mr Derek P.K. Tse, DPO/TWK, PlanD, supplemented that the Government had been adopting a multi-pronged approach to increase land supply and to meet the acute housing demand. The four factory sites, according to HKHA, could provide about 4,800 units in 2031 and beyond upon redevelopment.

62. In response to the Chairperson's question, Ms Belinda L.K. Lau, SPO, HD, said that as at 7 September 2022, about 95% of the tenants of WCFE had either moved out or submitted applications for termination of tenancies. The remaining tenants were expected to terminate their tenancies and move out by November 2022.

63. As Members had no further questions to raise, the Chairperson said that the Q&A session was completed. He thanked the government representatives and the presenter/commenter for attending the meeting. The Board would deliberate on 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 presenter/commenter left the meeting at this point.

Deliberation Session

64. The Chairperson said that the Item A site would provide about 1,200 flats to meet housing demand. For Items B to E, the amendments were mainly to reflect the existing uses. The Chairperson then invited views from Members.

65. Members considered that the OZP amendments were appropriate. Members agreed that there was no need to amend the draft OZP to meet the adverse representations and that all grounds and proposals of the representations and comments had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by the government representatives at the meeting.

66. After deliberation, the Board noted the supportive views of **R1** to **R6** and decided not to uphold R7 to R9 and considered that the draft Cheung Sha Wan Outline Zoning Plan (OZP) should not be amended to meet the representations for the following reasons:

“Item A

- (a) the Government has been adopting a multi-pronged approach to increase housing land supply and to meet the acute housing demand. The Site of Wang Cheong Factory Estate (WCFE) is considered suitable for the public housing development to enhance the housing supply. The development is not incompatible with the surrounding context. The technical feasibility and land use compatibility of redeveloping WCFE have been ascertained by relevant technical studies (**R8**);
- (b) relevant technical assessments confirmed that there are no insurmountable technical impacts arising from the public housing development and the potential visual impact is considered not unacceptable with the implementation of suitable mitigation/improvement measures at the detailed design stage (**R9**);
- (c) the existing and planned provision of government, institution and community facilities are generally adequate to meet the demand of the planned population in both Cheung Sha Wan Planning Area and Sham Shui Po district in accordance with the Hong Kong Planning Standards and Guidelines and assessments of relevant Government bureaux/departments. As for the elderly and child care facilities, the Social Welfare Department will consider the provision in the planning and development process as appropriate, with a view to meeting the demand and long-term goal (**R8** and **R9**);
- (d) while the proposed development will lead to a loss of planned open space, the development will provide the much needed public housing units to address housing shortage and will also allow early implementation of a public open space of not less than 800m². The Site is also surrounded by a number of major existing open space and sports facilities. There are surpluses of both

planned district and local open spaces within the Sham Shui Po district. The overall provision of open space is considered not unacceptable (**R8** and **R9**);

- (e) the redevelopment of WCFE for residential use will not affect the supply of industrial floor spaces in the Cheung Sha Wan Industrial/Business Area. There are also additional floor spaces in Cheung Sha Wan Industrial/Business Area provided through the “Revitalisation Scheme 2.0” in the short-to-medium term, which would bring employment opportunities to the local community (**R7** and **R9**); and
- (f) clearance, compensation and relocation arrangements are outside the scope of the Outline Zoning Plan and the ambit of the Town Planning Board (**R7** and **R9**).”

67. The Board also agreed that the draft Cheung Sha Wan 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.

General

Agenda Item 5

[Open Meeting]

Proposed Revisions to the Town Planning Board Guidelines No. 35C
on Extension of Time for Commencement of Development
(TPB Paper No. 10867)

[The item was conducted in Cantonese.]

68. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

Ms Josephine Y.M. Lo - Chief Town Planner/Town Planning Board(2)
(CTP/TPB(2))

Ms Annie H.Y. Wong - Senior Town Planner/Town Planning Board(8)

69. The Chairperson extended a welcome and invited PlanD's representatives to brief Members on the proposed revisions to Town Planning Board Guidelines No. 35C (TPB Guidelines).

70. With the aid of a PowerPoint presentation, Ms Josephine Y.M. Lo, CTP/TPB(2), briefed Members on the background and the proposed revisions as detailed in the TPB Paper No. 10867 (the Paper). She said that for approved developments involving land transactions with the Government, the Lands Department (LandsD) advised that, for avoidance of doubt, Footnote No. 1 of the revised TPB Guidelines should be further amended by adding 'excluding provisional basic terms' to specify that acceptance of provisional basic terms would not constitute a commencement of development. Subject to the Board's agreement, such revision would be incorporated into the TPB Guidelines before promulgation.

71. As the presentation of PlanD's representative was completed, the Chairperson invited questions and comments from Members.

Approved Developments Not Involving Building Plan Submission or Land Transaction with Government

72. A Member opined that in respect of approved developments not involving building plan submissions or land transactions, consideration could be given to broaden the scope of developments and the associated relevant documents which could serve as an indication of commencement. For instance, minor building works without involving submissions of general building plans to the Buildings Department could also be included in the revised TPB Guidelines. Ms Josephine Y.M. Lo, CTP/TPB(2), responded that the types of approved developments/uses and the relevant documents issued by concerned authorities in paragraph 2.1 of the revised TPB Guidelines were quoted to serve as examples and not meant to be exhaustive. A general research was conducted on different types of approved developments/uses/works and the development processes involved after planning permissions were granted. Examples included columbarium and eating place involving different kinds of licences issued by the Food and Environmental Hygiene Department (FEHD), uses at premises

under the management of the Government Property Agency calling for tenancy agreements, and uses requiring short-term waivers/tenancies issued by LandsD, etc. Taking the example of a food court (subsumed under 'eating place'), issuance of food licence by FEHD could constitute a commencement of development. The essence was issuance of relevant documents by concerned authorities.

73. By making reference to paragraph 2.1 of the revised TPB Guidelines, the same Member enquired whether it was possible to set out clearly the type of 'relevant documents' that could constitute a commencement. In this regard, the Chairperson remarked that there was a variety of development types with associated licences/permits which rendered it not possible to enumerate them all in the TPB Guidelines. Ms Josephine Y.M. Lo, CTP/TPB(2), supplemented that the documents issued by the concerned authorities must be related to the approved developments/uses and without which the approved developments/uses/works could not be undertaken. The Member, taking the example of eating place, further enquired whether compliance with the licensing requirements could constitute a commencement of development prior to the issuance of the formal licence. In response, Ms Josephine Y.M. Lo, CTP/TPB(2), stated that similar to those developments involving land transactions with Government where acceptance of formal basic terms would constitute a commencement of development, compliance with the licensing requirements stipulated and accepted by relevant authority could also constitute a commencement. Commencement of development of such kind could be considered on a case by case basis.

74. In response to the Chairperson's enquiry on how the applicants would be aware of the types of documents which would be acceptable as an indication of commencement of the approved developments, Ms Josephine Y.M. Lo, CTP/TPB(2), said that during the processing of planning applications, relevant government departments would be consulted and usually the departments would specify the relevant licence/permit/waiver or other relevant document(s) required for undertaking the developments/uses/works under applications. Relevant details would be incorporated as departmental comments and advisory clauses, as appropriate, in the relevant paper(s) submitted to the Town Planning Board (the Board) and in the approval letters issued to the applicants by the Board. The Chairperson said that consideration could be given to stating explicitly in the approval letter that obtaining the relevant documents from concerned authority could constitute a commencement of development.

Phased Commencement for Comprehensive Development

75. The Vice-chairperson referred to paragraph 2.2 of the revised TPB Guidelines and enquired whether all the approved schemes for comprehensive developments would be submitted to the Board for decisions on commencement. In response, Ms Josephine Y.M. Lo, CTP/TPB(2), said that commencement of comprehensive development would be considered by the District Planning Officers of PlanD while application for extension of time for commencement of development would be considered by the Director of Planning under the delegated authority of the Board. Under normal circumstance, commencement of comprehensive development would not be submitted to the Board for consideration. She further said that the current set of TPB Guidelines No. 35C was quite restrictive and that commencement was confined to the whole site of comprehensive development under the approved scheme. For example, approval of building plans which covered the whole comprehensive development site would be considered as commencement of development. However, due to ownership issue, it was sometimes not possible for the applicant to obtain building plan approval covering the whole site. The proposed revisions to the Guidelines were intended to allow flexibility for phased commencement for approved comprehensive development involving multiple land ownership and phased development.

76. The Vice-chairperson opined that the current drafting of the revised TPB Guidelines stating that “phased development may be considered by the Board” might give an impression that phased commencement of comprehensive development would need to be submitted to the Board for consideration. In this regard, the Secretary supplemented that comprehensive developments, such as those within “Comprehensive Development Area” (“CDA”) zone, were often developed in phases based on the approved scheme. Phased commencement might be considered acceptable if phased development had been demonstrated to be acceptable in the approved scheme, i.e. the remaining portion of the site could be self-contained and developed independently, and the development potential of the remaining portion would not be absorbed in the early phases of the development. For clarity sake, it was suggested to amend the line of “phased commencement may be considered by the Board” to “phased commencement could be allowed” in paragraph 2.2 of the TPB Guidelines.

77. Mr Ivan M.K. Chung, Director of Planning, said that any comprehensive

development scheme, including the development phasing, would be deliberated by the Board during consideration of the relevant planning application, and the applicant would be required to implement the development proposal according to the approved scheme. To address the concern on phased commencement, he suggested that the second sentence in paragraph 2.2 of the revised TPB Guidelines be amended as “For comprehensive development which is not under single ownership or involves different implementation phases **as specified in the approved application**, phased commencement ...”. The Chairperson said that Members generally agreed that phased commencement was acceptable for comprehensive development provided that the proposed phasing was in line with the approved scheme. He added that paragraph 2.2 of the TPB Guidelines could be suitably revised by the Secretariat to reflect Members’ comments.

Approved Development Involving Land Transaction with the Government

78. In response to the Chairperson’s question about the government land transaction process for approved developments, Ms Josephine Y.M. Lo, CTP/TPB(2), with the aid of a PowerPoint slide, explained that the general process started from LandsD’s receipt of the application from the applicant. Upon checking of land status and inspection, LandsD would consult relevant departments on the application which would then be considered by the District Lands Conference (DLC). With DLC’s agreement, LandsD would offer to the applicant the provisional basic terms, which usually included conditions in relation to the proposed development while premium, rent and/or fee, as appropriate, was not involved. Upon acceptance of the provisional basic terms, LandsD would further liaise with the applicant about the premium, rent and/or fee, as appropriate, and issue the formal basic terms to the applicant. The applicant would need to indicate acceptance of the formal basic terms offer and settle a deposit equivalent to 10% of the premium or fee associated with the land transaction within one month. After the applicant had accepted the formal basic terms, LandsD would prepare the legally-binding land document and execute the transaction, and such process would take about 3 to 5 months depending on the type of land transaction. Under the revised TPB Guidelines, acceptance of formal basic terms by the applicant would constitute a commencement of approved development. This meant that commencement of development could be advanced for 3 to 5 months and such time frame was considered favourable for a planning permission with validity period of 4 years.

79. After deliberation, the Board agreed that the proposed revisions to the TPB Guidelines No. 35C in Annex I of the Paper, subject to amendments to reflect Members' comments, could be endorsed. The Board also agreed that the revised set of TPB Guidelines, subject to incorporation of the amendments, was suitable for promulgation and should take effect upon promulgation.

[Post-meeting Note: Paragraph 2.2 and Footnote No. 1 of the TPB Guidelines were revised with the latest amendments highlighted as below.

Paragraph 2.2

Where the permitted development comprises more than one structure/premises, involving more than one approval of building plans or land transactions or GLAs covering different parts of a site, the facts and circumstances in each case will be taken into consideration to decide whether the permitted development has "commenced". For comprehensive development² which is not under single ownership and involves different implementation phases *as specified in the approved scheme*, phased commencement ~~may could be allowed considered by the Board,~~ provided that it has been demonstrated in the approved scheme that phased development will not undermine the planning intention of the comprehensive development³. The circumstances on what constitute a commencement of development set out in paragraph 2.1 above are applicable. For the avoidance of doubt, the project proponents of comprehensive developments with phased commencement shall make due effort to implement the remaining phases within the validity period as far as possible, or otherwise the remaining phases of the approved schemes yet to be commenced shall cease to have effect.

Footnote No.1

This refers to the basic terms (*excluding provisional basic terms*), with or without premium, fee or rent, offered by the Lands Department to the applicant of the concerned transaction.]

Agenda Item 6

[Open Meeting]

Proposed Revisions to the Assessment Criteria for Considering Applications for Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance (TPB Paper No. 10868)

[The meeting was conducted in Cantonese.]

80. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

- | | | |
|---------------------|---|---|
| Ms Fannie F.L. Hung | - | Chief Town Planner/Town Planning Board(3) (CTP/TPB(3)) |
| Ms Polly O.F Yip | - | Senior Town Planner/Ordinance Review |

81. The Chairperson extended a welcome and invited PlanD's representatives to brief Members on the proposed revisions to the assessment criteria for considering applications for solar photovoltaic (SPV) system made under section 16 of the Town Planning Ordinance.

82. With the aid of a PowerPoint presentation, Ms Fannie F.L. Hung, CTP/TPB(3), briefed Members on the background and the proposed revisions as detailed in the TPB Paper No. 10868 (the Paper).

83. As the presentation of PlanD's representative was completed, the Chairperson invited questions and comments from Members.

Requirement for Planning Permission

84. In response to a Member's enquiry, Ms Fannie F.L. Hung, CTP/TPB (3), said that planning permission from the Town Planning Board (the Board) was not required for SPV system ancillary to permitted use provided that the scale of which was commensurate with the permitted use. Stand-alone SPV system was regarded as 'Public Utility Installation' and

planning permission was required if it was a Column 2 use under the Notes of the respective land use zone. Another Member quoted an example of SPV system on a farm and said that the use was regarded as ancillary if the electricity generated was solely for operation of the farm.

[Mr Andrew C.W. Lai, Director of Lands, rejoined the meeting at this point.]

Criterion (j)

85. A Member appreciated the proposed revisions to the assessment criteria since development of renewable energy (RE) was an important green initiative promoted by the Government. Another Member referred to some photographs shown on the PowerPoint and said that SPV system could co-locate with agricultural use to optimise utilization of land resources. The Member also enquired whether participation in the Feed-in Tariff Scheme was a pre-requisite for installation of SPV system. Ms Fannie F.L. Hung, CTP/TPB(3), responded that most applicants would sell the electricity generated by their own installations to the power companies at a rate higher than the normal electricity tariff rate. Notwithstanding that, it was not a pre-requisite for an applicant to join the Feed-in Tariff Scheme.

86. While there was no in-principle objection to the intention of the proposed revisions, some Members expressed concern on giving sympathetic consideration to applications involving sites which had been devegetated. A Member said that the criterion might induce abuses and some applicants might carry out land excavation and/or vegetation clearance/tree felling prior to submitting planning applications. To plug the loophole, the Board should convey a very clear message that applications with sites involving vegetation clearance/tree felling would not be supported. Ms Fannie F.L. Hung, CTP/TPB(3), responded that if it was found that there had been recent clearance of vegetation or trees on the application site prior to submission of planning application, such information would be included in the relevant paper submitted to the Board for Members' consideration. In fact, in the course of considering applications for proposed SPV systems in "Green Belt" ("GB") zone in the past, the Board noted that some application sites were vacant and no longer covered by natural vegetation. While the Board needed to be prudent to avoid proliferation of SPV systems in areas with landscape characters/resources, some proposals without compromising the quality of the environment might be permitted to encourage development of RE. Accordingly, criterion (j) was refined to allow flexibility for installation of SPV systems in "GB" zone.

87. In response to a Member's enquiry on whether the sites in "GB" zone should be devegetated before application for SPV system could be approved, the Chairperson said that devegetation was not a requirement for gaining the Board's support in considering such applications. Rather, the applicant should demonstrate that the proposed SPV system would not adversely affect the landscape character of the "GB" zone. By making reference to an aerial photograph, Ms Fannie F.L. Hung, CTP/TPB(3), supplemented that land without vegetation/trees and/or occupied with temporary structures were commonly found in "GB" zone in the New Territories given the large area involved. Granting permission for SPV system could be considered by the Board if the proposal would not jeopardise the integrity of the "GB" zone as a buffer.

88. The Secretary supplemented that it was not uncommon, particularly in the rural areas, that some applicants had carried out vegetation clearance/tree felling before submitting planning applications in order to give false impressions that the proposed developments would not have adverse landscape impact. Under the established practice in processing planning applications, PlanD would make reference to aerial photographs taken in different years to assess whether there were any recent changes in trees/vegetation cover within the application sites and incorporate the findings in the papers for the Board's consideration. Application site involving recent vegetation clearance/tree felling would normally not be favourably considered on the ground of setting undesirable precedent adversely affecting the landscape character of the "GB" zone. The same approach could be adopted for considering applications for proposed SPV system to plug the loophole. Criterion (j) could be further refined to convey a clear message to applicants that the Board would not support applications involving deliberate vegetation clearance/tree felling.

89. A Member suggested that the last sentence of criterion (j) regarding giving sympathetic consideration to applications involving sites which had been devegetated, deserted or formed could be deleted to avoid any misunderstanding on the Board's intention in respect of development in "GB" zone. Sympathetic consideration should only be given to applications involving sites without vegetation/trees for a long time prior to submission of applications, and applications which involved recent vegetation clearance/tree felling should be rejected. Another Member said that the last sentence could either be deleted or rephrased with positive wording, e.g. favourable consideration would be given to development proposals with

landscape treatment to provide a green environment. Another Member opined that it would be prudent to delete the last sentence to avoid giving a wrong impression that sympathetic consideration would be given to devegetated sites. The Member added that installation of SPV system causing adverse impacts to wetland should not be supported and such consideration should also be included in the assessment criteria.

[Mr Vincent K.Y. Ho and Professor Jonathan W.C. Wong left the meeting at this point.]

90. The Chairperson concluded that Members had expressed different views on the wording of criterion (j) including that the assessment criteria should not induce abuse and the last sentence could be deleted or rephrased to avoid misunderstanding that sympathetic consideration would be given to devegetated application sites. Members also generally considered that the proposed SPV system should not involve extensive vegetation clearance/tree felling, and applications involving recent vegetation clearance/tree felling would not be supported by the Board in light of undesirable precedent effect.

91. Mr Ivan M.K. Chung, Director of Planning, remarked that criterion (e) had already indicated that proposals involving extensive vegetation clearance/tree felling, excavation or filling of land/pond were generally not supported by the Board. That criterion, which was applicable to all land use zones, could be refined to address the concern on wetland. Regarding criterion (j), he concurred with Members' views that the last sentence might induce abuses and could be deleted. A new sentence could be added to indicate that the Board would take into consideration the conditions of the application sites in order to discourage vegetation clearance/tree felling prior to application. He advised that criteria (e) and (j) in paragraph 6 of the assessment criteria could be suitably revised by the Secretariat to reflect the comments of Members.

92. After deliberation, the Board agreed that the proposed revisions to the assessment criteria in Appendix III of the Paper, subject to amendments to reflect Members' comments, could be endorsed. The Board also agreed that the revised assessment criteria, subject to incorporation of the amendments, was suitable for promulgation and should take effect upon promulgation.

[Post-meeting Note: Criteria (e) and (j) in paragraph 6 of the assessment criteria were revised with the latest amendments highlighted as below.

- (e) unless with strong justifications⁴, proposals involving extensive site formation, vegetation clearance/tree felling, excavation or filling of land/pond ***or causing adverse impacts to wetland*** are generally not supported;

- (j) ~~as ***there is notwithstanding*** a general presumption against development in the “Green Belt” (“GB”) zone. ***However***, planning application permission for SPV system within the “GB” zone is normally not supported unless with strong justifications. It has to be demonstrated to the satisfaction of the relevant government departments that may be granted if ***after taking into consideration the conditions of the application site, among others***, the SPV system would not adversely affect the landscape character/resources of the “GB” zone and jeopardise the integrity of the zone as a buffer ***and is in compliance with other assessment criteria particularly criterion (e)***; ~~***For instance, applications with sites that are located at the periphery of “GB” zone, have been devegetated, deserted or formed, or with proposals not requiring extensive vegetation clearance, tree felling or slope cutting may be given sympathetic consideration;***~~]~~

Agenda Item 7

Any Other Business

[Open Meeting]

93. There being no other business, the meeting was closed at 4:15 p.m.