

**Minutes of 1291st Meeting of the
Town Planning Board held on 14.4.2023**

Present

Permanent Secretary for Development
(Planning and Lands)
Ms Doris P.L. Ho

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr C.H. Hau

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Roger C.K. Chan

Dr Venus Y.H. Lun

Mrs Vivian K.F. Cheung

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Ms Bernadette W.S. Tsui

Chief Traffic Engineer/Kowloon
Transport Department
Mr C.H. Chan

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

Principal Environmental Protection Officer (Territory North)
Environmental Protection Department
Mr Stanley C.F. Lau

Director of Planning
Mr Ivan M.K. Chung

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

Secretary

Absent with Apologies

Professor Jonathan W.C. Wong

Mr Stanley T.S. Choi

Mr Ricky W.Y. Yu

Dr Conrad T.C. Wong

Mr K.L. Wong

Director of Lands
Mr Andrew C.W. Lai

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 Karen F.Y. Lam (a.m.)
Ms Carmen S.Y. Chan (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1290th Meeting held on 24.3.2023

[The item was conducted in Cantonese.]

1. The draft minutes of the 1290th meeting held on 24.3.2023 were confirmed without amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

[This item was conducted in Cantonese.]

(i) Reference Back of Approved Outline Zoning Plans

2. The Secretary reported that on 28.3.2023, the Chief Executive in Council (CE in C) referred the approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8 and the approved Lam Tsuen OZP No. S/NE-LT/11 to the Town Planning Board (the Board) for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance (the Ordinance). The reference back of the said OZPs was notified in the Gazette on 6.4.2023.

(ii) Hearing Arrangement for Consideration of Representation and Comment on Draft Outline Zoning Plan

3. The Secretary reported that the item was to seek Members' agreement on the hearing arrangement for consideration of representation and comment in respect of the draft Ma On Shan Outline Zoning Plan No. S/MOS/25 (the draft OZP).

4. The Secretary reported that one of the amendments was to take forward the decision of the Rural and New Town Planning Committee (RNTPC) on an agreed s.12A application No. Y/MOS/6 submitted by Towerich Limited, which was a subsidiary of CK Hutchison Holdings Limited (CKHH). Dr Conrad T.C. Wong had declared an interest on the item for having

current business dealings with CKHH.

5. The item for agreement on hearing arrangement was procedural in nature, and Members noted that Dr Conrad T.C. Wong had tendered apologies for being unable to attend the meeting.

6. The Secretary reported that on 30.12.2022, the draft OZP, which involved mainly (i) rezoning a site on On Chun Street from “Other Specified Uses” (“OU”) annotated “Hotel” to “Residential (Group A)12” with stipulation of building height restriction (BHR) (Item A); (ii) rezoning two sites in the southwestern and southeastern parts of Whitehead headland from “Comprehensive Development Area (2)” (“CDA(2)”) and “CDA(3)” to “Residential (Group C)4” and “Residential (Group C)5” respectively with stipulation of BHR(s) (Items B and C); and (iii) rezoning an area on Ma On Shan Road from “OU” annotated “Pedestrian Link with Retail Facilities” to an area shown as ‘Road’, was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, one valid representation was received. The valid representation was subsequently published for three weeks and one valid comment was received.

7. The Secretary said that in view of the similar nature of the representation and comment, the hearing of the representation and comment was recommended to be considered by the full Board collectively in one group. To ensure efficiency of the hearing, a maximum of 10 minutes presentation time would be allotted to each representer/commenter in the hearing session. Consideration of the representation and comment by the full Board was tentatively scheduled for May 2023.

(iii) Withdrawal of Appeal (CACV 279 of 2021) against the Court of First Instance’s Order for Judicial Review Application (HCAL 1916 of 2018) against the Decision of Town Planning Board on section 12A Application No. Y/ST/38

8. The Secretary reported that Royal Billion Investment Ltd. (the Applicant) withdrew the Appeal against the Court of First Instance’s (CFI’s) order for judicial review (JR) application in relation to the decision of the RNTPC on 15.6.2018 not to agree to a section 12A application (No. Y/ST/38) to rezone the Site at Tung Lo Wan Hill Road, Sha Tin from “Green

Belt” (“GB”) and “Government, Institution or Community” (“G/IC”) to “Residential (Group B)4”. AECOM Asia Co. Ltd. (AECOM) was one of the consultants of the applicant. The following Members had declared interests on the item:

Dr Conrad T.C. Wong	having current business dealings with AECOM;
Mr Vincent K.Y. Ho	having current business dealings with AECOM and co-owning with spouse a flat in Sha Tin;
Dr C.H. Hau	having past business dealings with AECOM;
Professor John C.Y. Ng	owning a flat in Sha Tin; and
Mr Stanley T.S. Choi	owning a flat in Sha Tin.

9. Members noted that Dr Conrad T.C. Wong and Mr Stanley T.S. Choi had tendered apologies for being not able to attend the meeting. As the item was only to report the withdrawal of the Appeal, Members agreed that the other Members above should be allowed to stay in the meeting.

10. The Secretary reported that on 30.4.2021, the CFI handed down judgment for the JR (HCAL 1916 of 2018). The JR was dismissed with costs to the Board. Members were briefed on the judgment on 7.5.2021. On 26.5.2021, the Applicant lodged an appeal against CFI’s order for the JR, seeking the Court of Appeal to meet their requests. On 13.1.2023, the RNTPC agreed in-principle to a section 12A application (No. Y/ST/58) for residential development submitted by the Applicant involving a smaller site and excluding some hillside areas. In light of RNTPC’s decision, the Applicant and the Board (represented by the Department of Justice) filed a joint application to the Court of Appeal on 20.3.2023 for dismissal of Appeal by consent. The Court granted the order for dismissal of Appeal on 21.3.2023.

11. Members noted the dismissal of the Appeal and completion of the legal proceedings.

(iv) Town Planning Appeal Decisions Received

(1) Town Planning Appeal No. 8 of 2021

Temporary Open Storage of Metal Scaffold with Ancillary Rest Room and Tool Room for a Period of 3 Years in “Green Belt”, “Government, Institution or Community” Zones and area shown as ‘Road’, Lot 4 (Part) in D.D. 95, Kwu Tung North, Sheung Shui

(Application No. A/KTN/74)

12. The Secretary reported that Dr C.H. Hau had declared an interest on the item for owning a property in Kwu Tung North area. As the item was to report the Town Planning Appeal Board (TPAB)’s decision on the appeal case and no discussion was required, Members agreed that Dr Hau should be allowed to stay in the meeting.

13. The Secretary reported that the subject appeal was against the Board’s decision to reject on review an application (No. A/KTN/74) for temporary open storage of metal scaffold with ancillary rest room and tool room for a period of 3 years on a site at Lot 4 (Part) in D.D. 95, Kwu Tung North, Sheung Shui (the Site), which fell mainly within an area shown as ‘Road’ (97.4% of the site) with the remaining 2.6% falling within “Green Belt” (“GB”) and “Government, Institution or Community” (“G/IC”) zones on the Kwu Tung North Outline Zoning Plan.

14. The review application was rejected by the Board on 8.10.2021 for the following reasons:

- (a) the applied use was not in line with the planning intention of the area reserved for ‘Road’ which was primarily intended for road use. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applied open storage use did not comply with the Town Planning Board Guidelines No. 13F for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13F) in that there was no previous approval for open storage

granted for the site and new open storage use was not encouraged to infiltrate into the Kwu Tung North New Development Area; and

- (c) the applicant failed to demonstrate in the submission that the applied use would not result in adverse traffic impact.

15. The appeal was heard by the TPAB on 2.8.2022. On 22.3.2023, the appeal was dismissed by the TPAB for the reasons that (i) the applied use was not in line with the planning intention of the area reserved for 'Road' which was primarily intended for road use; (ii) the applied open storage use did not comply with TPB PG-No. 13F and TPAB could not see any 'very special circumstances' that warranted deviation from TPB PG-No. 13F; (iii) the applicant failed to demonstrate that the applied use would not result in adverse traffic impact particularly on how pedestrian facilities could be provided and managed in order to secure pedestrian safety; (iv) there was no previous approval for open storage use in the vicinity of the Site; and (v) the period under application for temporary use was not a relevant consideration as the grounds of appeal.

16. Members noted that the Board's reasons for rejecting the review application had been adopted by TPAB.

(2) Town Planning Appeal No. 7 of 2021

Proposed House in "Government, Institution or Community" Zone
and area shown as 'Road', Lot 1663 (Part) in S.D.2, Ngau Chi Wan Village, Kowloon
(Application No. A/K12/43)

17. The Secretary reported that the subject appeal was against the Board's decision to reject on review an application (No. A/K12/43) for a proposed house with 4 storeys at the application site (the Site) zoned "Government, Institution or Community" ("G/IC") and area shown as 'Road' on the previous approved Ngau Chi Wan Outline Zoning Plan (OZP) No. S/K12/16 at the time of submission.

18. The review application was rejected by the Board on 20.8.2021 for the following reasons:

- (a) the proposed house development was not in line with the planning intention of the “G/IC” zone which was intended primarily for the provision of Government, institution or community (GIC) facilities serving the needs of the residents in the area/district;
- (b) the proposed house development did not comply with the Town Planning Board Guidelines for ‘Application for Development/Redevelopment within “G/IC” Zone for Uses other than GIC Uses’ (TPB PG-No. 16) in that the proposed development would adversely affect the provision of the planned community hall and other government facilities in the district on a long-term basis; and
- (c) the building height of the proposed development was not in keeping with the surrounding low-rise structures in Ngau Chi Wan Village and would result in undesirable visual impact.

19. The Site was the subject of a previous application No. A/K12/39 submitted by a different applicant for developing a 3-storey house with total gross floor area (GFA) of 183.6m², which was allowed with conditions by the Town Planning Appeal Board (TPAB) on 26.11.2013 (the 2013 Decision). In 2021, the applicant submitted the subject application seeking planning permission for a 4-storey house on the Site to ‘compensate’ for the loss of GFA arising from the setback requirement. The Site also formed part of the Ngau Chi Wan Village (NCWV) which was rezoned to “Residential (Group A)1” on the draft Ngau Chi Wan OZP No. S/K12/17 exhibited on 24.6.2022 to facilitate a high-density public housing development.

20. The appeal was heard by the TPAB on 12.12.2022 and 14.12.2022. On 28.2.2023, the appeal was allowed by the TPAB (subject to the same two conditions imposed in the 2013 Decision), i.e. provision of fire-fighting installations and water supplies and design and layout of the proposed house that would not jeopardise the future road works, on the following considerations:

Planning Intention of the “G/IC” Zone and TPB PG-No. 16

- (a) It was wrong in rejecting the application on grounds that the proposed house development was not in line with the planning intention of the “G/IC” zone or

the TPB PG-No. 16 for the following reasons:

- (i) although the Site fell within the “G/IC” zone, planning permission might still be granted for one of the Column 2 uses, with or without conditions, despite the fact that the use concerned was a non-GIC use (the use as a private house);
- (ii) in view of the 2013 Decision, the Appellant would in any event be entitled to build a house on the Site subject to two conditions, albeit with 3 storeys only. The subject application was ‘standing’ on the 2013 Decision;
- (iii) the reliance on the proposed high-density public housing development at NCWV (the Proposed NCWV Development) (including the Site) as a ‘material change of circumstances’ did not justify the rejection of the application as the Proposed NCWV Development never formed part of the Board’s rejection reasons for the subject application. The plan for resumption of the Site was not a reason to refuse planning permission; and
- (iv) the community hall being planned was to be built at a location far from the Site (in Tower 1 of the Proposed NCWV Development). The reason that granting planning permission would adversely affect the provision of the planned community hall and other government facilities in the district seemed to be entirely remote;

The Alleged Approved GFA

- (b) the TPAB pointed out that nothing in the 2013 Decision suggested that in granting planning permission, the TPAB gave approval for or guaranteed any GFA to be achieved. That said, the TPAB also opined that as a matter of planning judgement, unless some material difference between a 3-storey house and a 4-storey house could be raised, there was no reason why planning permission should be allowed for the previous but not the subject application; and

Visual Impact

- (c) the TPAB agreed with the visual appraisal undertaken by the Appellant that the proposed 4-storey house would not adversely affect any visual amenity, nor would it generate any undesirable visual impact on the surrounding area and the local landscape character, having regard to the multi-storey development in the vicinity of the Site. There was no good reason to refuse planning permission on the ground of alleged ‘undesirable’ visual impact.

21. The Secretary further reported that the Department of Justice was of the view that there were no particular public law grounds or error of law warranting the Board to challenge TPAB’s decision by way of judicial review. Members noted the TPAB’s decision.

(v) Appeal Statistics

22. The Secretary reported that as at 29.3.2023, a total of 7 cases were yet to be heard by the Appeal Board Panel (Town Planning) and 5 appeal decisions were outstanding. Details of the appeal statistics were as follows:

Allowed	:	41
Dismissed	:	170
Abandoned/Withdrawn/Invalid	:	213
Yet to be Heard	:	7
Decision Outstanding	:	5
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Total	:	436

[Ms Bernadette W.S. Tsui joined the meeting at this point.]

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 Nga Tsin Wai Road/Carpenter Road Development Scheme Plan No. S/K10/URA3/1 and the Draft Ma Tau Kok Outline Zoning Plan No. S/K10/29

(TPB Paper No. 10889)

[The item was conducted in Cantonese and English.]

23. The Secretary reported that the draft Nga Tsin Wai Road/Carpenter Road Development Scheme Plan (the DSP) was submitted by the Urban Renewal Authority (URA). Ove Arup & Partners Hong Kong Limited (ARUP) was one of the consultants of the DSP and URA had submitted a comment (C1) on the DSP.

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

Mr Ivan M.K. Chung - being a non-executive director of the URA Board
(as Director of Planning) and a member of its Committee;

Mr Andrew C.W. Lai - being a non-executive director of the URA
(as Director of Lands) Board and a member of its Committee;

Mr Timothy K.W. Ma - being a member of the Land, Rehousing &
Compensation Committee of URA, a director of
the Board of the Urban Renewal Fund, and a
member of the Supervisory Board of Hong
Kong Housing Society (HKHS) which currently
had discussion with URA on housing
development issues;

Dr Conrad T.C. Wong - having current business dealings with URA; his
companies owning four properties in Ma Tau

Kok and his close relative owning a property in Kowloon City;

- Mr Lincoln L.H. Huang
(*Vice-Chairperson*) - being former Deputy Chairman of the Appeal Board Panel of URA;
- Mr Ben S.S. Lui - being a former Executive Director of URA;
- Mr Ricky W.Y. Yu - being a director of the Board of Urban Renewal Fund, and a director and chief executive officer of Light Be (Social Realty) Co. Ltd. which was a licensed user of a few URA's residential units in Sheung Wan;
- Mr Wilson Y.W. Fung - being a former director of the Board of the Urban Renewal Fund;
- Ms Lilian S.K. Law - being a former director of the Board of the Urban Renewal Fund and a member of 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 Franklin Yu - having current business dealings with ARUP; and
- Ms Winnie W.M. Ng - her company owning two properties in Ma Tau Kok.

25. Members noted that Messrs Andrew C.W. Lai, Ricky W.Y. Yu and K.L. Wong and Dr Conrad T.C. Wong had tendered apologies for being not able to attend the meeting. The interests of Messrs Ivan M.K. Chung and Timothy K.W. Ma were direct and should be invited to leave the meeting temporarily for the item. Members agreed that the interests of Messrs Lincoln Huang and Wilson Y.W. Fung were indirect. If Messrs Ben S.S. Lui, Daniel K.S. Lau, Franklin Yu and Ms Lilian S.K. Law had no involvement in the DSP or submission of the comment (C1), and the concerned properties of Ms Winnie W.M. Ng's company had no direct view of the sites under amendment on the Ma Tau Kok OZP and the DSP, they should be allowed to stay in the meeting.

[Mr Ivan M.K. Chung left the meeting temporarily and Mr Timothy K.W. Ma left the meeting at this point.]

Presentation and Question Sessions

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

27. The following representatives of the Planning Department (PlanD), representers, commenters and their representatives were invited to the meeting at this point:

PlanD's Representatives

- Ms Vivian M.F. Lai - District Planning Officer/Kowloon (DPO/K)
- Mr Jon C.H. Mak - Senior Town Planner/Kowloon (STP/K)

Representers, Commenters and their Representatives

R32 of DSP – 周敏倫

- Ms Chou Man Lun - Representer

R34 and C24 of DSP – 馬敬宜 (Ma King Yi)

Ms Ma King Yi - Representer and Commenter

R39 of DSP – 何天杰

Mr Ho Tin Kit - Representer

R47 of DSP – Wang Qing

Ms Wang Qing - Representer

R59 of DSP – KC017 業主代表

Mr Ngai Yuk Kwong - Representer's Representative

R60 of DSP – 曾廣動

Mr Tsang Kwong Tung - Representer

C1 of DSP – 市區重建局 (Urban Renewal Authority)

Mr Mike Y.F. Kwan]

Ms Mable M.P. Kwan] Commenter's Representatives

Mr Frankie T.H. Choy]

C8 of DSP – KC017 業主代表

Mr Kwan Wai Keung - Commenter's Representative

C10 of DSP – Kwok Lai Ching Flora

Ms Kwok Lai Ching Flora - Commenter

C12 of DSP – Cheng Yuk Ping

Ms Cheng Yuk Ping - Commenter

C13 of DSP – Ngai Ching Man

Ms Ngai Ching Man - Commenter

C14 of DSP – 一眾九龍城租客居民

Ms Wong Mei Fan - Commenter's Representative

C15 of DSP – Lee Wai Hau

Mr Lee Wai Hau - Commenter

C17 of DSP – 黃詠麗

Ms Wong Wing Lai - Commenter

C19 of DSP – 李佩蘭

Ms Lee Pui Lan - Commenter

C20 of DSP – Cheng Yee Ling Elaine

Ms Cheng Yee Ling Elaine - Commenter

C21 of DSP – Lai Hoi Ki

Ms Lai Hoi Ki - Commenter

R36 of DSP – 「御門·前」業主立案法團

Mr Yeung Lap Sun - Representer's Representative

R57 and C23 of DSP and R1 and C1 of OZP – Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

Mr Ockenden, James Edward - Representer's and Commenter's Representative

28. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that PlanD's representative would be invited to brief Members on the representations and 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, 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.

29. The Chairperson invited PlanD's representatives to brief Members on the representations and comments. With the aid of a PowerPoint presentation, Mr Jon C.H. Mak, STP/K, briefed Members on the representations and comments, including the background of the draft DSP and the draft OZP, the grounds/views/proposals of the representers and commenters, planning assessment and PlanD's views on the representations and comments as detailed in TPB Paper No. 10889 (the Paper). The amendments were:

(a) the draft DSP:

- (i) Sites A and C2 in the centre for high-rise residential development with Government, institution and community (GIC) and public vehicle park uses;
- (ii) Site B in the north (in the southern portion of the Carpenter Road Park (CRP)) for a new GIC complex including reprovisioning of facilities currently on Site A (i.e. the Kowloon City Municipal Services Building (KCMSB), Kowloon City Lions Clubs Health Centre (KCLCHC) and Lee Kee Memorial Dispensary (LKMD));
- (iii) Site C1 in the south east for a low-rise commercial retail block and an at-grade gateway square and the diverted Kai Tak Road;
- (iv) Sites A, C1 and C2 were zoned "Residential (Group A)" with equivalent domestic and non-domestic plot ratios (PR) of 8 and 1 respectively and building height (BH) restrictions of 160mPD for Sites A and C2 and 40mPD for Site C1; and
- (v) Site B was zoned "Government, Institution or Community" ("G/IC") with BH restriction of 100mPD;

(b) the Ma Tau Kok OZP:

- (i) to revise the stipulated BH restriction of a “G/IC” site at 40 Lung Kong Road from 3 storeys to 45mPD to facilitate redevelopment of the existing Kowloon City Christian's Church Cornerstone Education Centre thereat (Amendment Item A); and
- (ii) the related area of the OZP was replaced by the DSP (not an amendment item).

30. The Chairperson then invited the presenters, commenters and their representatives to elaborate on their representations/comments:

R32 of DSP – 周敏倫

31. Ms Chou Man Lun made the following main points:

- (a) she was a resident affected by the KC-017 development scheme (the DS). She supported redevelopment in old urban areas but redevelopment would adversely affect the residents particularly the grass roots;
- (b) the affected residents were mostly elderly people who were physically weak. Moving home was physically strenuous and stressful, especially for the elderly. It was important to provide appropriate and timely assistance for elderly residents. She requested URA to simplify the procedures to allow immediate family members to handle the sale and purchase matters on behalf of the elderly;
- (c) the residents were very disturbed psychologically after the freezing survey, and some of them suffered from stress and anxiety. The URA should provide them with assistance and advice;
- (d) other options for buying say a Home Ownership Scheme flat should be offered since the ‘flat-for-flat’ option for buying a flat at De Novo (煥然壹居) was unaffordable to them; and

- (e) the current time allowed to deliver vacant possession of residential units was only three months and recently extended to four months, and that was insufficient to complete the relocation. The date of delivering vacant possession should be extended to say one year. Furthermore, as it would take time to identify and purchase a new flat after receipt of the cash compensation, short term temporary housing should be provided to affected residents.

R34 and C24 of DSP – 馬敬宜 (Ma King Yi)

32. Ms Ma King Yi made the following main points:

- (a) she had been living in Kowloon City for decades, and she supported the DS. Urban renewal was necessary but it had major impacts on the affected residents;
- (b) Hong Kong was experiencing a huge deficit in public finance. The DS should be further evaluated and should not be implemented in a rush. It was also important to consult the public about the DS;
- (c) the building that she was residing in was only some 30 years old and there was no justification to demolish it. She suggested raising the acquisition price offered to owners of her relatively young building for the sake of fairness;
- (d) the KCMSB should be redeveloped in-situ and not within the CRP;
- (e) the affected owners were mostly grass roots and elderly. In view of the weak physical and mental conditions of the elderly therein, URA should simplify the procedures to allow immediate family members to handle the sale and purchase matters on behalf of the elderly;
- (f) the current time allowed to deliver vacant possession of residential units was only three months and recently extended to four months, and that was insufficient to complete the relocation. The date of delivering vacant possession should be extended to say one year; and

- (g) the calculation of the acquisition price on the floor area of a property should be based on the floor area stated in the lease documents, instead of the area to be measured by appointed surveyors of URA.

R39 of DSP – 何天杰

33. Mr Ho Tin Kit made the following main points:

- (a) he lived in Kowloon City, near to but not within the DS area. He supported redevelopment of old urban areas but was strongly against the planning and design of the DS;
- (b) urban renewal schemes should take into consideration the aspirations, needs and preferences of the affected people. For such large scale redevelopment, there was no consultation with the residents in Kowloon City, nor the public at large in Hong Kong. For example, he could not understand the concept of having a gateway square (in Site C1). The approach of planning and design of the DS by professionals, without consultation with stakeholders, was outdated;
- (c) CRP was heavily used by residents in Kowloon City, including himself. There were many densely grown mature trees. The mature banyan tree (T107) at the LKMD was proposed to be transplanted and URA claimed that there were successful experiences in transplanting trees of similar kind and scale in its previous redevelopment projects. However, successful transplant of such mature tree was rare. The mature banyan tree (T107) could be preserved in-situ with some modification to the DS, e.g. shifting the location of the proposed footbridge and residential towers;
- (d) the Air Ventilation Assessment, Visual Impact Assessment (VIA) and Daylight Analysis submitted were incomprehensive and unreliable as the assessments were based on comparison of scenarios drawn up by URA but had not assessed the impact compared to the OZP-compliant scheme, i.e. existing permitted PRs and maximum BH of 100mPD. There was also no assessment of the impacts on residents in the surroundings area, e.g. Hau Wong Road;

- (e) construction sites would generate a lot of dust, noise, pollutants and nuisance throughout the day that would be harmful to residents and there was no assessment nor mitigation measures proposed for the impacts during the long construction stage. The dedicated urban renewal social service team of URA could not help with cleaning up the environment nor reducing the noise impact;
- (f) the seven residential towers at 160mPD would not be compatible with the surrounding buildings with BH mainly of 20 odd metres tall. The selection of view points in the VIA was arbitrary and not relevant in assessing the major impacts; and
- (g) the Board should ensure that urban renewal was for a better living environment, instead of for maximizing financial gains in the project and displacing existing residents from their homes.

R47 of DSP – Wang Qing

34. Ms Wang Qing made the following main points:

- (a) she lived in Kowloon City but not within the DS area;
- (b) urban renewal would bring positive impacts to renew old district, however, it was mentally and physically challenging for those who could not afford to relocate and had to bear with living near a large-scale redevelopment site for a long period of time. The noise, dust, nuisance, security concerns of living near a construction site would be stressful particularly for families with pregnant women and young children who were more vulnerable; and
- (c) the objective of urban renewal should be for improving the living quality of the community, yet the current process of urban renewal led to displacement of existing residents and communities.

R59 of DSP – KC017 業主代表

35. Mr Ngai Yuk Kwong made the following main points:

- (a) he had been living in Kowloon City since his childhood and had been living in Union Building (合眾樓) (included in Site C1) for some 40 years. He and some 'kaifong' were supportive of the DS but had some grave concerns. The urban renewal process should better respect and care for the people who were affected;
- (b) URA should simplify the procedures to allow immediate family members to handle the sale and purchase matters on behalf of the elderly;
- (c) the DS was of large scale and would affect a significant number of people residing therein. The current time allowed to deliver vacant possession of residential units was only three months and recently extended to four months, that was insufficient to complete the relocation. The date of delivering vacant possession should be extended to say one year or nine months;
- (d) the period to apply for the reimbursable allowance related to the purchase of the replacement flat should be extended from one year to two years. That would allow more time for the affected owners to search for a suitable replacement flat before applying for the allowance;
- (e) the option of 'flat-for-flat' at De Novo would not be able to meet the demand of all affected residents. Relocating to other districts would not be desirable. The rehousing policy of 'flat-for-flat' should be enhanced with options to buy different types of housing e.g. home ownership scheme;
- (f) the calculation of the acquisition price should be based on the floor area stated in the lease documents, instead of the area to be measured by appointed surveyors of URA;
- (g) there should be more channels for affected residents to be consulted and voice their concerns;

- (h) the maintenance orders issued to buildings within the DS should be cancelled as demolition would take place soon after; and
- (i) urban renewal projects should be carried out in a way that was inclusive and equitable, and taking into account the needs of all community members instead of inflicting grievances and hardship on those affected.

R60 of DSP – Tsang Kwong Tung (曾廣勳)

36. With the aid of a Powerpoint, presentation, Mr Tsang Kwong Tung made the following main points:

- (a) he was the owner of a domestic property affected by the DS. Though he supported the DS, he was dissatisfied and confused about the different criteria adopted for calculation of compensation for owner-occupied and tenanted properties;
- (b) in addition to the market value of a property, the owner of an owner-occupied domestic property would be offered a Home Purchase Allowance (HPA) while an owner who did not occupy the domestic property would only be offered a Supplementary Allowance (SA) that was only about 50% of the HPA. The differential treatment was unacceptable and unfair;
- (c) regardless of whether owners were occupying the domestic property, all owners were under the same pressure for repaying mortgages for their properties. Rates and rents paid were the same and building maintenance cost was shared by all owners;
- (d) URA might consider that owner-occupier had to search for a replacement flat and so more allowance in HPA was offered. However, those owners might also own other domestic properties and need not purchase a new flat. The basis of the huge difference in compensation between HPA and SA was unfounded;

- (e) the SA for tenanted property was discounted due to the income-generating nature of the property. However, the rationale for discounting the SA for owners of vacant property with no rental income was not justified;
- (f) URA claimed that the assessment of HPA was based on the value of a seven-year-old flat in a comparable quality building in a similar location, so that the affected owners would be able to purchase a replacement flat. However, it was unfair that this option was not open to owners not occupying their domestic properties;
- (g) the acquisition policy of URA discriminated and punished owners not occupying the domestic properties. He had to live elsewhere as he could not walk up and down the staircases in the affected building;
- (h) the lower compensation received as a owner not occupying the domestic properties would affect his financial stability, as he had been relying on rental income from the property to supplement his retirement income and support the daily expenses and medical expenditures of his family;
- (i) the owners had no choice as URA would force them out by acquiring the property using the Lands Resumption Ordinance;
- (j) with the differential treatment in compensation and grievances of affected owners, the delivery of housing supply would be delayed and would frustrate the current policy directives to expedite housing supply;
- (k) URA should make reference to the protection of the rights of private assets and compensation provisions in the Mainland, so as to deliver a more fair and equitable treatment to the people who were affected by the DS; and
- (l) the implementation of the DS should echo with President Xi Jinping's speech delivered at the meeting celebrating the 25th anniversary of the Hong Kong Special Administrative Region, including addressing people's concerns and difficulties in daily life, improving care for the elderly, and allowing the people of Hong Kong to have a fair share of returns from economic development.

C1 of DSP – 市區重建局 (Urban Renewal Authority)

37. With the aid of a PowerPoint presentation, Ms Mable M.P. Kwan made the following main points:

The Rationale of DS

- (a) the DS with a gross site area of about 37,000m² comprised three sites, namely (i) the Main Site which was broadly bounded by Carpenter Road and Nga Tsin Wai Road (excluding Billionnaire Avant (BA) (御門) · 「前」 (Sites A and C2)), (ii) the Northern Site which was within CRP (Site B) and (iii) the Eastern Site which was adjoining Prince Edward Road East (Site C1);
- (b) according to the 'Urban Renewal Strategy', the main objectives of urban renewal were restructuring and replanning of old urban areas, designing more effective and environmental-friendly local transport and road networks, rationalising land uses within the old urban areas, redeveloping dilapidated buildings, preserving local characteristics, providing more open space and community/welfare facilities, and enhancing the townscape with landscape and urban design;
- (c) a district-based and planning-led approach was adopted by URA for the urban renewal projects. A district-based study for the Kowloon City area was undertaken to set out the broad planning framework for a holistic replanning and restructuring of a part of the Lung Tong sub-district (i.e. Lung Shing area), with a view to achieving district-wide planning objectives and wider planning gains. Three positioning and urban renewal visions for the area were also recommended, namely (i) gateway to the Kai Tak Development Area (KTDA); (ii) vibrant street life and historic characters; and (iii) a dining and cultural district;

Planning Gains

- (d) Upgrade and Increase GIC Facilities: the proposed non in-situ reprovisioning of the three existing GIC facilities at Hau Wong Road, including the KCMSB, KCLCHC and LKMD, at the Northern Site could minimise operational disruption

to the public and market operators as it allowed seamless reprovisioning of market activities and GIC services under the ‘single site, multiple use’ initiative, and the new GIC complex would better benefit the community by upgrading the existing community facilities and increasing the GFA for GIC uses by 2.5 to 3 times of the existing provision;

- (e) Two Landscaped Pedestrian Avenues: through a comprehensive replanning and restructuring of the pedestrian and traffic network, portions of Nam Kok Road and Nga Tsin Long Road would be pedestrianized and landscaped each with a minimum width of 18m each. A link bridge was proposed between the Northern and Main Sites and a potential subway was proposed below Nga Tsin Wai Road connecting to the MTR Sung Wong Toi Station. These measures would promote pedestrian connectivity and visual interest, thereby improving the local pedestrian environment and enhancing the north-south connectivity and walkability;

- (f) Gateway Square: the proposed gateway square at the Eastern Site would provide a new landscaped space at the east of Lung Shing area. It would achieve the district-wide planning vision of creating a scalable and strategic gateway to KTDA together with the sunken plaza in the adjacent Kai Tak Road/Sai Po Road DS (KC-015) project and Tak Ku Ling Road Rest Garden to be revitalised under the URA’s separate initiative. The visual permeability to the core Lung Shing area could generally be achieved by having a low-rise retail/commercial block instead of a tall building in the Eastern Site under an OZP-compliant scheme;

- (g) More Greenery: the DS would create landscaped diversified spaces in various forms, such as two 18m-wide landscaped pedestrian avenues, communal sky gardens, landscaped terraces and green roofs, for public enjoyment. The DS would provide about 10,400m² of at-grade landscaped diversified space, which was 1.5 times of the area of CRP taken up by the Northern Site. The DS would link up the open space at the north and introduce greenery to the core Lung Shing area through various forms of landscaped space including the market square and the two 18m-wide landscaped pedestrian avenues in the Main Site;

- (h) Enhance Street Vibrancy and Preserving Local Character: the two landscaped pedestrian avenues in the portions of Nam Kok Road and Nga Tsin Long Road would help retain and preserve the unique existing grid street pattern that was established in the area since the 1920s. Full/portions of the character defining elements of three pre-war non-graded buildings at 36-38 Nga Tsin Long Road, 44-46 Nga Tsin Long Road and 68 Nga Tsin Wai Road would be preserved as far as practicable. Furthermore, to further manifest the street ambience and vibrancy, the ‘small street small shop’ approach (vis-a-vis a “shopping mall” approach) would be adopted to integrate the future development with the district characters. The landscaped spaces including market square and the two landscaped pedestrian avenues would bring vibrant streetscape and provide the public with spacious areas for diversified activities. The at-grade landscaped diversified spaces, e.g. gateway square at the Eastern Site to be integrated with the adjoining sunken plaza at KC-015, would also provide venues for cultural activities and local festival events curated by the Chiu/Thai communities; and
- (i) Integration of ‘4R’ Initiatives: in addition to the DS, URA proposed a number of rehabilitation and revitalisation works in the adjoining areas, including improving the adjoining built and pedestrian environment, redesigning the layout of CRP to enhance visual and physical connectivity to the Kowloon Walled City Park, and revitalization of the Tak Ku Ling Road Rest Garden. An underground public vehicle park with 360 private car parking spaces would be provided to alleviate the parking demand in the area.

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

C8 of DSP – KC017 業主代表

38. Mr Kwan Wai Keung made the following main points:

- (a) he shared the views expressed by other representers as residents and owners being affected by the DS;
- (b) the current time allowed to deliver vacant possession of residential units was only

three months and recently extended to four months, and that was insufficient to complete the relocation. The date of delivering vacant possession should be extended to say one year. The large scale of the DS would affect a significant number of people residing therein;

- (c) the option of 'flat-for-flat' at De Novo would not provide sufficient affordable flats to meet the demand of all affected residents in the DS, especially when the same was offered to affected residents in other URA projects in Sham Shui Po. Other flats or public housing units should be offered as 'flat-for-flat' to the affected residents; and
- (d) elderly residents would lose the strong social connections within the community when they were forced to relocate to a flat that might be more affordable but in an unfamiliar district, e.g. Tin Shiu Wai. The stress of relocation and uncertainties about the compensation took a toll on elderly residents' physical and mental health.

C10 of DSP – Kwok Lai Ching Flora

39. Ms Kwok Lai Ching Flora made the following main points:

- (a) she was the owner of a domestic property affected by the DS, and was dissatisfied about the criteria for calculation of compensation;
- (b) in addition to the market value of a property, the owner of an owner-occupied domestic property would be offered a HPA while an owner who did not occupy the domestic property would only be offered a SA that was only about 50% of the HPA. The differential treatment was unacceptable and unfair;
- (c) she bought her property for the purpose for self-use in future when she got older but now she would not receive sufficient compensation to purchase a replacement flat of comparable quality in a similar location;
- (d) the calculation of the acquisition price should be based on the floor area stated in the lease documents, instead of the area to be measured by appointed surveyors of

URA. The lease governing her property was a new grant lease and should be given a higher compensation; and

- (e) regardless of whether the owners were occupying the domestic property, all the owners were under the same pressure for repaying mortgages for their properties. Rates and rents paid were the same and building maintenance cost was shared by all owners.

C12 of DSP – Cheng Yuk Ping

40. Ms Cheng Yuk Ping made the following main points:

- (a) she was an elderly person living alone in her own flat within the DS. She had been living in Kowloon City since the 1970s;
- (b) there was no public consultation for affected stakeholders to provide views nor public briefing to provide sufficient information on the DS. The building she resided in had no building safety problem and she felt very helpless that the building was included in the DS; and
- (c) she had been living in the affected property for decades and was emotionally attached to it. It was very disruptive and traumatic since the announcement of the DS as she was being forced to move. The stress of relocation had led to mental health issues like anxiety and depression, and she had to seek medical treatment.

C13 of DSP – Ngai Ching Man

41. Ms Ngai Ching Man made the following main points:

- (a) her brother was an affected owner of a tenanted property. He did not oppose the DS but did not agree with the compensation;
- (b) other than the market value of the domestic property, the compensation allowance

(i.e. SA) for an owner of tenanted property would only be around 70% of the allowance for owner-occupiers (i.e. HPA). There was no basis for the huge difference in compensation;

- (c) the compensation received as an owner of a tenanted property would be insufficient to purchase a replacement flat of comparable quality and in a similar location to sustain a rental income; and
- (d) his brother rented out the property at a low price. The lower compensation received as an owner not occupying the domestic property would induce hardship on his brother who had been relying on rental income from the property to supplement his retirement income, the daily expenses and medical expenditures.

C14 of DSP – 一眾九龍城租客居民

42. With the aid of visualizer showing some photos, Ms Wong Mei Fan made the following main points:

- (a) she was an affected domestic tenant within the DS and had been residing in Kowloon City for over 40 years. She also represented some ‘kaifong’ and residents therein;
- (b) she was concerned about the building safety of her residing unit in view of the incidents of concrete spalling, falling of lighting fixtures and broken window locks. Her landlord had refused to follow the maintenance orders claiming that the building would soon be demolished for the DS. She suspected the building conditions might not comply with the prevailing fire safety and building safety regulations;
- (c) she was in distress about the hygiene and inadequate lighting problems near the construction sites of other URA projects. She doubted whether urban renewal had improved the quality of lives of the residents;
- (d) over the years, she had built strong social connections within the community

including with Thai people and had recently participated in the celebration of Songkran Festival (潑水節). She also enjoyed the convenience of having different types of cuisines within the area. Yet she supported the DS and would adapt to the new environment in other areas;

- (e) the relevant parties failed to provide details on the compensation and rehousing/relocation arrangements. She would be eligible for rehousing in a public housing unit and around HK\$9K cash compensation. More time (say 4 months) should be allowed for her to move out upon allocation of a public housing unit. During that interim period, URA should also consider charging a lower rent or allowing rent exemption, as similar arrangement was offered for affected tenants of the KC-015 DS; and
- (f) she hoped to be rehoused in a location near Kowloon City. To provide better rehousing option, HKHS should also provide rehousing units for eligible affectees of URA projects on a non-means tested basis.

C15 of DSP – Lee Wai Hau

43. Mr Lee Wai Hau made the following main points:

- (a) he had been residing in Kowloon City since childhood and was residing in Union Building within the DS. He supported the DS and hoped it would not be another ‘shopping mall’ approach like the redevelopment of Kwun Tong Town Centre;
- (b) in 2020, URA commenced the KC-015 DS that was adjacent to Union Building. At that time, he was given the understanding that Union Building would not be acquired for redevelopment in the near future. His family spent over HK\$0.4 million to renovate their flat in 2021. They were shocked that their home was now included under the current DS. Information about the planned redevelopment schemes in Kowloon City should be made public earlier and in a more comprehensive manner so that residents could have better planning for their units;

- (c) the maintenance orders issued to Union Building should be cancelled as the building would soon be demolished;
- (d) the calculation of the acquisition price should be based on the floor area stated in the lease documents, instead of the area to be measured by appointed surveyors of URA;
- (e) the current time allowed to deliver vacant possession of residential units was only three months and recently extended to four months, and that was insufficient to complete the relocation. The date of delivering vacant possession should be extended to say one year. Finding a new place to live and moving in required careful consideration of property value and the balancing of a host of factors. The affected property owners in the DS were mostly elderly who would find relocation more difficult; and
- (f) the period to apply for the reimbursable allowance related to the purchase of the replacement flat should be extended from one year to two years to allow more time for the affected owners to search for suitable replacement flat.

C17 of DSP – 黃詠麗

44. Ms Wong Wing Lai made the following main points:

- (a) she was the owner of a tenanted property within the DS;
- (b) she could not accept that lower compensation was offered for the owner of a tenanted property. She was currently residing with his son and daughter-in-law, and her property in the DS was bought in early days for the purpose for self-use in future when she got older. The acquisition policy was unfair to her as she had relied on the rental income to pay for the mortgage of the tenanted property; and
- (c) she had been in emotional distress since the announcement of the DS. It was also financially stressful as she was forced to sell her property and would not

receive sufficient compensation for her to purchase a replacement flat of comparable quality in a similar location. The option of 'flat-for-flat' for buying a flat at De Novo was unaffordable to her.

C19 of DSP – 李佩蘭

45. Ms Lee Pui Lan made the following main points:

- (a) she was over 80 years old and was a affected resident within the DS;
- (b) the calculation of the acquisition price should be based on the floor area stated in the lease documents, instead of the area to be measured by appointed surveyors of URA; and
- (c) the date of delivering vacant possession should be extended to say one year.

C20 of DSP – Cheng Yee Ling Elaine

46. Ms Cheng Yee Ling Elaine made the following main points:

- (a) she was the daughter of C19. She had been living in Kowloon City since she was born and had built up strong attachment to the area. She supported the DS;
- (b) the proposal of carving out about one-third of the CRP, which was mainly the existing cycle park for the new GIC complex, was questioned. The KCMSB should be redeveloped in-situ;
- (c) the DS claimed to increase greenery area but the cycle tracks would be removed and there were no similar cycling tracks nearby. The DS would lead to tall residential buildings, e.g. the Lee Tung Street project, which would be wall buildings with sporadic planting of trees along the pedestrian avenue in Nga Tsin Wai Road/Nam Kok Road and that was not comparable to an urban park like CRP;

- (d) the current time allowed to deliver vacant possession of residential units was only three months and recently extended to four months, and that was insufficient to complete the relocation. The date of delivering vacant possession should be extended to say one year. She had a full time job which would not allow her to have flat inspection during weekdays and her aged mother would not be able to inspect potential replacement flat without her. Besides, packing and moving would be physically demanding and time-consuming;
- (e) the calculation of the acquisition price should be based on the floor area stated in lease documents, instead of the area to be measured by appointed surveyors of URA; and
- (f) it was important for URA to engage with local residents to better understand their feelings and concerns during the urban renewal process.

C21 of DSP – Lai Hoi Ki (賴海琪)

47. Ms Lai Hoi Ki made the following main points:

- (a) urban renewal should bring improvement to the living environment, however, the needs of the existing residents were not being considered and the project would worsen their living condition;
- (b) no face-to-face public consultation was held before the announcement of the DS, and URA failed to provide details on the compensation and rehousing/relocation arrangements;
- (c) the DS would not preserve the local character but would turn Kowloon City into another typical redevelopment such as that in Lee Tung Street;
- (d) the DS would bring impacts to the environment, but there was no assessment nor mitigation measures proposed;
- (e) it was of paramount importance to facilitate relocation of the affected people;

- (f) a property with tenant recorded at the freezing survey would not be considered as owner-occupied. However, the affected property owned by her mother-in-law was intended for her family to live in. The tenancy agreement should have ended in April before the freezing survey was conducted in May, but the tenant was allowed to stay a little longer as the tenant's allocated public housing unit was under preparation for move-in. Hence, the property should not be considered as a tenanted property. She had complained to relevant authorities but in vain; and
- (g) their property was within a building only of 30 years, and there was no need to redevelop it.

R36 of DSP – 「御門・前」業主立案法團

48. Mr Yeung Lap Sun made the following main points:

- (a) he represented the owners of BA (「御門」・「前」) who were very shocked and angry about the DS. BA was excluded from the DS and they were not informed about the DS until the day of its commencement;
- (b) the BA would be fully surrounded by the tall buildings in the DS. Residents in BA would be severely impacted by the demolition and construction works for the DS that would span over 10 years of time. Construction sites would generate a lot of dust, noise, pollutants and nuisance throughout the day that would be harmful to residents and there was no assessment nor mitigation measures proposed for the impacts during the construction stage. Due to inadequate lighting at night time, there were also crime and security concerns;
- (c) the buildings in the DS at 160mPD were significantly taller than the BA and would not be visually compatible; and
- (d) the URA claimed that the redevelopment of KCMSB in the CRP could accommodate more GIC facilities and provide seamless reprovisioning for the market stalls. However, there were no strong justifications to use the existing

government site of KCMSB for private development and to use the green park for a GIC development.

R57 and C23 of DSP and R1 and C1 of OZP – Mary Mulvihill

49. With the aid of visualizer, Ms Mary Mulvihill made the following main points:
- (a) the non-in-situ redevelopment of KCMSB at part of CRP was an abuse of the ‘single site, multiple use’ initiative. URA claimed that inconvenience caused to the market stall operators and the general public could be minimized by one-off and seamless relocation upon completion of the new GIC complex, which had increased GFA for GIC uses. Those merits could also be achieved by phased development without using the CRP site, e.g. providing the GIC facilities and wet market at Site A first, or providing GIC uses in phases within Site C2 which was larger than Site B;
 - (b) the support from Kowloon City District Council and stall operators for the non-in-situ proposal as claimed by URA was doubted. There was no district councilor attending the meeting nor assisting the affected residents;
 - (c) there would not be sufficient demand for the retail facilities in the retail block at Site C1, sunken plaza at KC-015 DS and the underground shopping street in KTDA, especially in the era of on-line shopping. Pedestrianizing public roads would control its usage and the ‘small street small shop’ approach would not preserve the affected Chiu/Thai business operators, and it would only be a replica of Lee Tung Street project with chain stores and not the original wedding card shops. The proposed preservation of the character-defining elements of pre-war buildings would become appalling makeover of historic buildings such as those in the Shanghai Street project. The review by the Antiquities Mounment Office was pointless as they would readily accept mediocre proposals say merely for preserving the building facades;

- (d) CRP consisted of various recreation facilities and the biggest feature was the cycle park with cycle tracks for different skill levels, including flat and inclined paths linked by bridges, wok-shaped track, and a circular cycling practice field. Site B was within the cycle park, which had an area of 6,000 m² and was about 27.5% of the CRP. The encroachment into existing parks/open spaces causing radical degrade of the size and facilities therein for the new GIC complex was unacceptable;
- (e) the huge GIC complex (at 100mPD) would split up the remaining CRP and reduce connectivity of different parts of the park. The wet market and cooked food centre would have hygiene problems and should not be located in the CRP;
- (f) as shown in various site photos, notices of carving out Site B from the CRP for the DS were not posted. The park users that she had spoken to were shocked to learn that the cycle park would be affected. There was no information about the views of the park users, no data on the usage of the cycle track and no consultation was carried out;
- (g) the functionality and accessibility of the proposed green spaces to be provided in various forms at different levels of the new GIC complex was highly doubted. Those greenery could only be regarded as landscaped area and not counted as open space provision, noting that there was a deficit of 8.05ha of local open space. The principle to increase open space provision as recommended in the study of “Hong Kong 2030+ : Towards a Planning Vision and Strategy Transcending 2030” would be failed and could not meet the needs of people in Hong Kong; and
- (h) regarding the proposed transplant of the mature tree at Site A, there were rare successful cases for transplanting trees of similar kind.

50. With the aid of visualizer, Mr Ockenden, James Edward made the following main points:

- (a) he was a father with three children and they were frequent users of CRP;

- (b) URA did not deliver what they had promised the community in their past projects. The community would suffer when the promised measures to mitigate the nuisance and inconvenience cause during the construction stage were not implemented. For instance, those mitigation measures for noise and dust as promised in the Staunton Street project were not materialised. That experience would be repeated in the DS as no authority would monitor how URA implemented the projects;
- (c) the development of a new GIC complex was supported but it should not be developed at the cycle park of CRP. Cycling was not normally allowed in the urban parks in Hong Kong and cycling tracks were not conveniently available in urban areas. It was important to provide young children with adequate and easily accessible cycle tracks to learn cycling;
- (d) cycling was an environmentally friendly form of transport and a common mode of transport in his home country in the United Kingdom. The URA should reserve space for providing bicycle parking spaces or even spaces for goods delivery bicycles e.g. at the new GIC complex, and should integrate cycle tracks in their district-based redevelopment projects; and
- (e) the feedbacks he received from an article he put on social media were that people were shocked when they learnt about the future development in the CRP. There should be greater participation by people who were being affected during the planning and design stage of the DS.

[Mrs Vivian K.F. Cheung left the meeting during the presentation of Mr Ockenden.]

51. As the presentations of PlanD's representative, the representers, commenters and their representative had been completed, the Chairperson said that the meeting would be adjourned for lunch break and the meeting would proceed to the Q&A session in the afternoon session.

[The meeting was adjourned for lunch break at 12:35 p.m.]

52. The meeting was resumed at 2:10 p.m.

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

Permanent Secretary for Development
(Planning and Lands)
Ms Doris P.L. Ho

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

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Roger C.K. Chan

Dr Venus Y.H. Lun

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Ms Bernadette W.S. Tsui

Chief Engineer/Kowloon
Transport Department
Mr C.H. Chan

Chief Engineer (Works),
Home Affairs Department

Mr Paul Y.K. Au

Principal Environmental Protection Officer (Territory North),
Environmental Protection Department
Mr Stanley C.F. Lau

Director of Planning
Mr Ivan M.K. Chung

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

Secretary

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 Nga Tsin Wai Road/Carpenter Road Development Scheme Plan No. S/K10/URA3/1 and the Draft Ma Tau Kok Outline Zoning Plan No. S/K10/29

(TPB Paper No. 10889)

[The item was conducted in English and Cantonese.]

Question and Answer Session

54. The government representatives, representers, commenters and their representatives were invited to the meeting. The Chairperson said that the presentation of the government representatives, representers, commenters and/or their representatives had been completed in the morning. She then invited questions from Members. Members could direct their questions to the government representatives, representers, commenters or their representatives.

Impacts on Billionnaire Avant (BA)

55. Some Members raised the following questions:

- (a) the reasons for not including BA in the Nga Tsin Wai Road/Carpenter Road Development Scheme Plan (DSP);
- (b) how the Urban Renewal Authority (URA) would offer assistance to and tackle the concerns of the residents/owners of BA; and
- (c) how the nuisance to nearby residents including those resided in BA during the implementation stage of the DSP would be alleviated.

56. In response, Mr Mike Y.F. Kwan, representative of URA (C1), with the aid of some PowerPoint slides, made the following main points:

- (a) the DSP covered old and dilapidated buildings with average age of 58 years while BA was only a building of 8 years which was not eligible for redevelopment at the moment. Notwithstanding this, the owners of BA had been advised that if they would prefer BA to be included in the DSP, they could submit a written request with consent obtained from majority of owners (i.e. at least 80%) in the form of representation to the Town Planning Board (the Board) for consideration. However, it was understood that the Board had not received any such request;
- (b) after the DSP was first announced in May 2022, two meetings with the owners/residents of BA and Kowloon City District Council (KCDC) had been conducted on 22.6.2022 and 24.7.2022 for soliciting their views on the notional design. URA had revised the notional scheme with a view to addressing the residents/owners' concerns. On 26.8.2022, URA issued a written reply to the letter from the Incorporated Owners of BA together with the revised notional scheme with their concerns addressed. Comparing the original notional scheme, a larger "tower-free" area was incorporated in the revised notional scheme with a view to minimising blockage of views from BA and sufficient pedestrian and vehicular accesses to BA would be provided. Phased development would be adopted so that BA would not be surrounded by construction sites at all time throughout the construction period. In addition, URA would offer extra interest for the rehabilitation sinking fund under the building rehabilitation scheme for BA so as to encourage the owners to plan for rehabilitation works for BA in an earlier stage. For better communication, URA had set up a dedicated team which would closely liaise with the residents/owners of BA and offer timely response to their concerns in the implementation stage; and
- (c) throughout the construction period, there would be on-site staff stationed 24 hours daily to monitor the implementation of various mitigation and safety measures, including the provision of safe vehicular and pedestrian accesses

for residents/visitors of BA. Accesses to the construction site would be diverted away from the main access of BA. The URA/future developer would also ensure the contractors would strictly control the noise and air quality impacts, and non-percussive piling would be adopted so to minimise potential nuisances to the residents of BA and nearby areas.

57. A Member asked whether the owners of BA preferred BA to be included in the DSP. In response, Mr Yeung Lap Sun, representative of Incorporated Owners of BA (R36), said that as the majority of BA owners did not reside in Hong Kong, it would be difficult to gather views and consent from all owners regarding the matter. He personally welcomed the suggestion of including BA in the DSP so that he and his family did not have to face the construction nuisance in the coming 10 years or more.

58. The Vice-chairperson and some Members raised the following questions:

Technical Assessments

- (a) noting the concern raised by R39 about air ventilation assessment (AVA) and daylight analysis, whether these two assessments covered a larger area of Kowloon City or focused merely on the potential impacts on BA;
- (b) how the viewpoints in the Visual Impact Assessment (VIA) were identified for assessing the visual impact arising from the revised notional scheme;
- (c) whether the results of daylight assessment were included in the VIA;

Impact on Carpenter Road Park (CRP) and Open Space Provision

- (d) the rationale of taking up part of CRP for the development of a new Government, institution and community (GIC) Complex for relocating the three existing GIC facilities (including the Kowloon City Municipal Services Building (KCMSB) where the Kowloon City Market and Cooked Food Centre were located, Kowloon City Lions Clubs Health Centre and Lee Kee Memorial Dispensary (LKMD));

- (e) whether taking up part of CRP for development of the new GIC complex would have any impact on open space provision in the area;
- (f) whether the current cycling track at CRP, which would be affected by the proposed GIC complex, would be reprovisioned within the CRP;

Pedestrian Connectivity

- (g) the reason for providing a landscaped deck from Mei Tung Estate via the new GIC complex to Site C2, instead of connecting it to Nam Kok Road at Site A which could allow a more direct link to the MTR Sung Wong Toi Station;
- (h) referring to Drawing H-1 of the Paper, what the elements to enhance the east-west pedestrian connections were;
- (i) whether the existing capacity of Exits B2 and B3 of the MTR Sung Wong Toi Station could cater for the increase in pedestrian flow upon completion of the DSP and whether the MTR Exits could be further enlarged;

Tree Preservation at LKMD Site

- (j) noting that there were two tree groups at the northwestern corner of LKMD site, the reason for not keeping those trees intact, especially T107;

Provision of Shops/Eating Places

- (k) noting that there were already plenty of shops/eating places in the Lung Shing area, whether the proposed non-domestic PR/GFA for such uses was considered excessive;

Preservation of Selected Buildings

- (l) noting that the pre-war buildings at three sites within the DSP would be

preserved and in view of the historic background of LKMD, whether the LKMD building could also be preserved to acknowledge its contribution to the development of welfare services in the area;

Compensation and Assistance for the Affectees

- (m) whether URA would provide assistance to owners affected by the DSP, especially for elderly owners who had raised concerns in relation to compensation and the arrangement of authorising their 'immediate family members' to handle the acquisition matters;
- (n) whether URA would offer assistance to the residents affected by the DSP who suffered from mental distress during the redevelopment process; and

Notification of the commencement of DSP

- (o) noting the concern of R57/C23, whether any notice in relation to converting part of the CRP to a GIC complex under the DSP had been posted.

59. In response, Mr Mike Y.F. Kwan, representative of C1, with the aid of some PowerPoint slides, made the following main points:

Technical assessments to the DSP

- (a) the AVA covering the whole DSP and its surrounding areas was conducted by individual air ventilation consultant in consultation with the air ventilation expert in PlanD. It aimed to examine and ensure the notional scheme with the proposed development parameters would not cause substantial air ventilation impacts, in particular that wind penetration from the two roads running east/west (i.e. Carpenter Road and Nga Tsin Wai Road) and the eleven roads running north/south (from Junction Road to Sa Po Road) in Lung Shing area in Kowloon City would not be blocked. Comparing the revised notional scheme and the OZP-compliant scheme, for the annual northeastern prevailing wind, while the ventilation performance at the Main Site and the

Northern Site was comparable, as both schemes had no structure blocking the penetration along Nga Tsin Long Road and Nam Kok Road, the ventilation performance at the Eastern Site was better under the revised notional scheme as the Gateway Square and low-rise commercial development to the east of the DSP allowed more wind penetration and enhanced the wind ventilation at the core of Lung Shing Area. For the performance of the annual easterly wind, the revised notional design performed better at the Main Site and the Northern Site as air paths from the Market Square to the gap between residential towers T1 and T2 in the west, from residential towers T7 and T8 in the east to residential towers T5 and T6 in the west, and from the gateway square to the building mass in the west were allowed and downwash effects would be generated with the proposed buildings blocks. Under the summer prevailing southwesterly winds, since wind flow would be enhanced along the building gap from the south-western quarter to the pedestrianised Nga Tsin Long Road and BA, and along the low-rise building and open space at Prince Edward Road East at the Eastern Site, the wind performance under the revised notional scheme was comparatively better than the OZP compliance scheme;

- (b) the viewpoints identified in the VIA were major public places which were easily accessible, such as CRP, the junction of Nga Tsin Wai Road and Nam Kok Road which was close to the exit of MTR Sung Wong Toi Station, as well as a Strategic Viewing Point 4 at the Quarry Bay Park. Besides, the photomontage showing the view from Strategic Viewing Point 4 demonstrated that the revised notional scheme would not breach the 20% building free zone of the ridgeline;
- (c) although there was no requirement from government department regarding the submission of daylight analysis for the DSP, URA took the initiative to conduct the analysis for BA by comparing the OZP compliance scheme and the revised notional scheme based on the criteria set out in the Buildings Department's Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-130 on Lighting and Ventilation Requirement – Performance-based Approach and

SS4 Neighbourhood Daylight Access and Health Requirement of BEAM Plus Version 2.0. The result showed that both the OZP compliance scheme and the revised notional scheme could reach the 100% compliance rate for habitable rooms and kitchen under all criteria. The daylight analysis was not a mandatory requirement, and the result of which did not form part of the VIA;

Impact on CRP and Open Space Provision

- (d) URA had explored different options for reprovisioning the concerned affected facilities. One of the options considered was to demolish part of the KCMSB at Site C2 for reprovisioning of the Kowloon City Market. However, due to the relatively small size of Site C2, only a smaller building footprint could be accommodated thereat for reprovisioning of the market, which would unlikely be welcomed by market operators and concerned government department. Besides, such in-situ reprovisioning would require temporary relocation of the facilities for continuing the services, in particular for the healthcare facilities, so as to make way for construction of the new complex. Hence, this option was not preferred as the facilities would need to be disturbed more than once before settling in the new complex. It would also be difficult to identify temporary relocation site which should not be too far away from the original location. Another option was to reprovision the GIC complex at the Nam Kok Road street block but it was also considered not viable as it would take time to demolish the buildings along Nam Kok Road and the building footprint of the new GIC complex would have to encroach into the existing Nam Kok Road to fulfil operational requirements. This arrangement would destroy the urban street pattern, affect the provision of air path for ventilation and jeopardise the green pedestrian street design concept under the DSP. In view of the above, reprovisioning the three existing facilities in a new GIC complex at CRP was considered suitable as this would cause minimum disturbance to the service provision and the CRP site was in close proximity to the existing locations of the facilities, allowing smooth and convenient transition for the market operators, service providers and users. The relocation proposal was supported by the KCDC members. The Food and Environmental Hygiene Department had consulted the relevant

stakeholders of Kowloon City Market and the proposal was welcomed by the stakeholders;

- (e) despite that about 6,600m² of CRP would be taken up for development of the new GIC complex, about 10,400m² at-grade landscaped diversified space, including two new at-grade landscaped diversified spaces at Nga Tsin Long Road and Nam Kok Road with minimum width of 18m each in the southern side of Carpenter Road, would be provided for public enjoyment under the DSP. Such provision could bring along green elements to the residential area of Kowloon City. The landscaped deck within CRP connecting to the new GIC complex would be opened 24 hours daily. Taking the advantage of the sloping topography of the CRP, green spaces could be provided at different levels of the new GIC complex;
- (f) a survey on park usage with sampling size of about 900 park visitors had been conducted and the result indicated that half of the respondents enjoyed walking across the park and half of them liked using the facilities of children's playground. Notwithstanding this, the affected cycling track would be reprovisioned in the northern part of the CRP with special designs for users of all ages. Relevant government departments and the public would be consulted on the detailed design of the cycling track at a later stage;

Pedestrian Connectivity

- (g) Mei Tung Estate was located to the north of the DSP beyond the CRP. Given the topography, the future pedestrian access under planning was intended to provide a landscaped deck to connect Mei Tung Estate with 2/F of the new GIC complex, and then reaching the commercial podium at Site C2 via a proposed footbridge over Carpenter Road. If the landing of the footbridge was shifted eastward to Nam Kok Road at Site A, the landing facilities including staircase/elevator would encroach onto the Market Square and Nam Kok Road, taking up the space of the open space and reducing visual openness;

- (h) a 10m setback would be provided in the southern part of the site along Nga Tsin Wai Road to enhance the east-west pedestrian connection. To create a safe pedestrian environment and to enhance the pedestrian connection for the district as a whole, new pedestrian connections such as the landscaped deck and footbridge between Mei Tung Estate and the Main Site, and a possible underground connection from the Main Site to MTR Sung Wong Toi Station as shown in Drawing H-1 of the Paper were proposed, and future revitalisation initiatives to beautify the back lanes would be adopted for area to the southeast of the Main Site;
- (i) the possibility to enlarge Exits B2 and B3 of MTR Sung Wong Toi Station was slim due to limited space for expansion. Hence, URA proposed to widen the east-west pedestrian connection along Nga Tsin Wai Road and revitalize the walking environment in the area to facilitate pedestrian movement to MTR Sung Wong Toi Station and further to the Kai Tak Development Area;

Tree Preservation

- (j) transplanting the tree T017 was to facilitate the landing of the footbridge between the GIC complex and the Main Site over Carpenter Road. URA had good track record in transplanting large trees. A large tree of the same species was successfully transplanted from the Park Metropolitan site to a nearby park in Kwun Tong. That tree was in healthy condition with its crown extended from 15m to 18m after being transplanted for years. Two *Ficus microcarpa* were also successfully transplanted from the Park Metropolitan site to an area near MTR Kwun Tong Station;

Provision of Shops/Eating Places

- (k) comparing with the non-domestic PR of 1.5 generally adopted in the OZPs of Kowloon, a lower non-domestic PR of 1 for Sites A, C1 and C2 was adopted. According to the Urban Renewal Plan for Kowloon City prepared under the Kowloon City District Urban Renewal Forum, the Kowloon City area should

maintain its position as a dining and cultural district, especially with Chiu Chow and Thai cuisine. A non-domestic PR of 1 could allow adequate commercial elements for shopping and dining within the Development Scheme (DS) area so to realize the “small street small shop” design concept which could preserve the local character and enhance street vibrancy. In particular, a non-domestic GFA of 2,000m² would be provided in Site C1 to allow for small shops serving the visitors of the gateway square thereat;

Preservation of Selected Buildings

- (l) while there was no declared or graded historical building/structure within the DS area, URA took the initiative to preserve three pre-war buildings. The extent of preservation of the buildings, i.e. in whole, in part or just the character-defining elements, would be subject to further study and appraisal of the interior of the buildings during the implementation stage, yet the intention was to preserve the buildings in whole as far as possible in order to honour the original urban grid pattern of Kowloon City. Regarding LKMD, while the building itself did not have any architectural significance, two items of historic significance (i.e. foundation stone and stela) would be preserved. If the whole LKMD building was preserved in-situ as suggested by one Member, there would be a loss of residential tower as it would be difficult to accommodate the residential tower in other areas within the DSP without compromising other good design features or sensible layout of the revised notional scheme;

Compensation and Assistance for the Affectees

- (m) a dedicated urban renewal social service team made up of professional social workers and staff under the “Project Engagement” programme would provide relevant assistance and guidance to the affected owners and residents in need. As the acquisition process would involve legal documents, legal professionals should be engaged to deal with the matters including the authorization of representatives to carry out legal procedures for the property owners. In this regard, URA would offer assistance to

owners to deal with the legal authorization matters once the acquisition process commenced in early 2024. URA would offer compensation to the affected owners under the property acquisition policy of the URA established in 2001, and as well as other offers, such as the Elderly Domestic Owner-Landlords Compassionate Allowance to the eligible and qualified elderly owner-landlords aged 60 or above. Normally, it would take about 1 to 3 months for URA to offer the acquisition price to the affected owners after the draft DSP was approved by the Chief Executive in Council. The affected owner would then have 60 days to consider the offer. After execution of license agreement and paying license deposit, the owner would be allowed to stay in the premises for another 4 months without the need to pay a rental fee (except payments of government rent, rates and relevant utility services fee). If the owner encountered difficulties and requested special arrangement on the date of delivering vacant possession, such request could be made separately and rental fee might be applied. URA would make necessary arrangement for special cases at its discretion. The abovementioned information had been conveyed to the affected owners/residents in the previous meetings in 2022;

- (n) if the affected residents had any need for counselling services, the Urban Renewal Social Service Team could provide assistance by referring specialists upon request; and
- (o) according to URA's record, including photos taken in May 2022, it was shown that a notice had been posted at the entrance of the CRP/Kowloon Walled City Park to notify the public regarding the commencement of the DSP. Normally, the notice would not be removed until the end of the public consultation period (i.e. 2 months from the date of first publication of the notice). In addition, notifications had also be sent to the affected parties within 100ft of the boundary of the DSP, and the commencement of the DSP was also announced in the URA website, TV news, government gazettal as well as newspapers in both English and Chinese.

60. Noting from the table on provision of major community facilities and open space in Ma Tau Kok (K10) at Appendix VIII of the Paper that there would be a surplus of 2.43 ha for District Open Space (DOS) and a deficit of 8.05 ha for Local Open Space (LOS), and the existing and planned provisions of LOS were 5.37 ha and 6.47 ha respectively, a Member asked whether CRP was classified as LOS or DOS and whether taking up part of CRP for development of the new GIC complex would have any implication on open space provision. In response, Ms Vivian M.F. Lai, DPO/K, PlanD, said that while CRP was classified as a DOS from planning perspective given its size and facilities provided, park users might perceive it as a LOS. Moreover, irrespective of the classification of CRP, the DSP, would take up 6,600m² of CRP for development of the new GIC complex, but it also offered an opportunity to restructure the open space provision in the area. Two vehicular roads (i.e. Nga Tsin Long Road and Nam Kok Road) at the Main Site were proposed to be transformed into at-grade landscaped diversified spaces solely for pedestrian use. Communal garden and viewing deck/green roof would also be provided at different levels of the new GIC complex at Site B. A Gateway Square with at-grade landscaped diversified space would be provided in Site C1 connecting to the Kai Tak Development Area. While there would be a loss of some 6,600 m² of DOS, the aforementioned provisions of new open space could help meeting the current deficit of LOS in the area. Besides, it was also an opportunity to revitalize the CRP and upgrade its facilities for public benefit. As a general information, the size of the current CRP (i.e. without the GIC proposal) was about 5.4 ha and Kowloon Walled City Park was about 3.3ha.

61. Some Members had the following comments/suggestions on the revised notional scheme and asked whether URA would consider them in the detailed design of the scheme:

- (a) to enhance the north-south pedestrian connection and to avoid discontinuation of pedestrian connection along Hau Wong Road/Nga Tsin Long Road (which would be interrupted by the proposed access road to BA);
- (b) to elevate the new GIC complex on a podium and retain the at-grade area for the cycling track underneath;
- (c) to provide at-grade connection in the form of a pedestrianised street, instead of footbridge as currently proposed, between the new GIC complex and Market Square by submerging that part of Carpenter Road;
- (d) to consider shifting the pedestrian connection between the new GIC complex and the Main Site from the LKDM site to an area near the proposed Market

Square at Nam Kok Road for a more direct linkage to the MTR Sung Wong Toi Station;

- (e) given the two tree groups at the LKDM site (including T107 (*Ficus microcarpa*), a *Delonix regia* and three mature trees), URA should explore to shift the location of the Market Square to the LKMD site to reduce the risk to the wellbeing of the trees due to transplantation; and
- (f) to preserve the LKMD building and its surrounding ambience to synchronise with the “small street small shop” design approach so as to create a lively public place in the area.

62. In response, Mr Mike Y.F. Kwan, representative of C1, said that URA would consider Members’ comments/suggestions in the detailed design of the DSP, where appropriate.

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

[Ms Sandy H.Y. Wong, Ms Bernadette Tsui and Mr Wilson Y.W. Fung left the meeting during the Q&A session.]

Deliberation Session

64. The deliberation session was recorded under confidential cover.

[Mr Ben S.S. Lui left and Mr Ivan M.K. Chung rejoined the meeting after the deliberation session.]

Agenda Item 4

[Open Meeting]

Proposed Revisions to the Town Planning Board Guidelines No. 13F for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance
(TPB Paper No. 10890)

[The item was conducted in Cantonese.]

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

Ms Donna Y.P. Tam	-	Assistant Director/New Territories (AD/NT)
Ms Kathy C.L. Chan	-	Senior Town Planner/ New Territories District Planning Division Headquarters
Ms Kay K.Y. Cheung	-	Planning Assistant/New Territories District Planning Division Headquarters

66. The Chairperson extended a welcome to the representatives of PlanD to the meeting.

67. The Secretary reported that two letters from Hong Kong Bird Watching Society and World Wildlife Fund Hong Kong and an email from the Kadoorie Farm & Botanic Garden Corporation addressed to the Town Planning Board (the Board) expressing comments and views on the proposed revisions to the Town Planning Board Guidelines No. 13F for Application for Open Storage (OS) and Port Back-up (PBU) Uses under Section 16 of the Town Planning Ordinance (the Ordinance) (the Guidelines/TPB PG-No. 13F) were received on 14.4.2023. The letters and email were tabled at the meeting for Members' information.

68. The Chairperson then invited the representatives of PlanD to brief Members on the proposed revisions to TPB PG-No. 13F.

69. With the aid of a PowerPoint Presentation, Ms Donna Y.P. Tam, AD/NT, PlanD, briefed Members on the background of the review and proposed revisions to TPB PG-No. 13F

as detailed in TPB Paper No. 10890 (the Paper). In response to the concerns raised by the three abovementioned green groups regarding the reclassification of sites from Category 3/4 to Category 2, including those within “Green Belt” (“GB”) zone, those within “Agriculture” (“AGR”) zone with active farmland, and those near ecologically sensitive area, she made the following main points with examples quoted to demonstrate how the selection criteria as stated in paragraph 4.2 of the Paper were applied:

- (a) YL-NTM-1 site in “GB” zone, as shown on the aerial photo, was largely occupied with structures. Prior to the gazettal of the first outline zoning plan for the area, structures for chicken farms and pigsties were found and some of these structures were now occupied by brownfield operations. Besides, the long-term use of YL-NTM-1 site would be further studied;
- (b) for NE-PK-1 site in “AGR” zone, green groups claimed that active farmland was found thereat. In fact, while there were some active farming activities, its major part was occupied with fallow farmland without any agricultural activity for a long time and some brownfield operations already existed within the site;
- (c) for sites near Deep Bay Road in Lau Fau Shan, although the sites were in close proximity to ecologically sensitive area, there were a number of planning permissions for temporary OS/PBU uses granted by the Board and some nearby areas were all along Category 2 area; and
- (d) having considered the above, it was justifiable to reclassify the concerned sites as Category 2 where planning permission for temporary OS/PBU uses might be considered and granted by the Board.

70. As the presentation of PlanD’s representative had been completed, the Chairperson made the following main points before inviting questions from Members:

- (a) with the implementation of the New Development Areas (NDAs) and other government projects in full swing, brownfield sites within these project areas to be resumed or cleared by Government would increase from 30 hectares (ha)

in the past few years to 200 ha between now and 2026;

- (b) while there had been views that the Government should first develop the brownfield sites for other beneficial uses, the need of some brownfield operators displaced by Government projects to continue their business for the benefits of local economy and job market should not be overlooked. The Government had adopted multi-pronged measures to assist the displaced brownfield operators to continue their business, and the long-term objective was to accommodate most of the brownfield operations in multi-storey buildings (MSBs) for modern industries to achieve a more orderly and land-efficient operation mode. The Development Bureau (DEVB) planned to put up three MSB sites in Yuen Long for open tender in 2023, followed by two other MSB sites in Hung Shui Kiu in 2024. It was anticipated that the MSBs could only be available for brownfield operations in 2027/28 the earliest. Coupled with the fact that some brownfield operations could not be relocated to MSBs, but could only be operated on open air sites due to operational requirements, there was still a need to identify suitable sites for brownfield operations; and
- (c) there were about 281 ha of land falling within Category 2 under TPB PG-No. 13F, of which only about less than 8 ha were still available for temporary OS/PBU uses subject to granting of planning permission by the Board. In view of the current situation, reviewing the criteria with a view to including more land under Category 2, subject to resolution of relevant departments' concerns on technical aspects, and to allow more flexibility in putting land pending development within NDAs for temporary OS/PBU uses would help meet the demand for relocation sites arising from the displaced brownfield operations. Although some Category 3/4 sites identified suitable to be reclassified to Category 2 fell within "AGR" or "GB" zones, these sites were predominantly/partly occupied by existing OS/PBU uses or other brownfield operations, as well as ecologically non-sensitive and vacant formed land or fallow farmland. With the proposed reclassification, about 135 ha of land under Category 2 which were yet to be occupied would be made available for consideration by the displaced brownfield operators for relocation of their

business, subject to resolution of departments' concerns on technical requirements including but not limited to traffic and ecological aspects and submission of planning application for consideration by the Board.

[Mr Stephen Y.H. Liu left the meeting during the presentation session.]

71. The Chairperson then invited questions from Members.

Site Reclassification

72. Some Members, while having no in-principle objection to the revision exercise, raised the following questions in relation to specific sites proposed for reclassification from Category 3/4 to Category 2 (the reclassified sites) and general issues related to all reclassified sites as listed in Appendix I of the Paper:

YL-NTM-1 site in Ngau Tam Mei

(a) referring to Plan 8 of the Paper, what the area demarcated with red bold line in the middle of the site was;

YL-HTF-2 site in Ha Tsuen

(b) noting that Shenzhen Bay Bridge Egretty and Ngau Hom Shek Egretty were located at the southwestern and the northern parts of the site respectively, whether ecological impact assessment and/or mitigation measures would be required for planning applications for brownfield uses at nearby sites, and whether brownfield uses would not be allowed for sites located in close proximity to wetland or fish pond;

NE-PK-1 site in Ping Kong

(c) whether it was suitable to reclassify the site to Category 2 given that the site was located adjacent to the Agriculture, Fisheries and Conservation Department (AFCD)'s Tai Lung Experimental Farm, active farming activities were found within the site and there was only a sub-standard Fan Kam Road serving the area;

All reclassified sites

- (d) noting AFCD's comment that for sites next to active farmlands, a buffer distance of at least 100m for dusty use, such as OS areas, from other uses was required according to the Hong Kong Planning Standards and Guidelines, whether such requirement of buffer distance would be imposed on planning permissions for OS/PBU uses in all the reclassified sites and whether considerations of applications for OS/PBU uses in the reclassified sites would be more stringent if tree felling would be involved; and
- (e) whether the nearby residents of those reclassified sites had been consulted.

73. In response, with the aid of some PowerPoint slides, Ms Donna Y.P. Tam, AD/NT, made the following main points:

YL-NTM-1 site in Ngau Tam Mei

- (a) as the concerned area demarcated by red bold line in the middle of the site was a green knoll, it was proposed to be retained as Category 4 area;

YL-HTF-2 site in Ha Tsuen

- (b) the site covered about 13 ha of land and AFCD had advised that there were two egrettries within the site. Notwithstanding this, some previous planning applications for various kind of temporary uses within this site had been granted. Depending on the nature of the proposed OS/PBU uses and whether the application sites were close to the egrettries, AFCD would review if the sites were suitable for the proposed uses and if submission of ecological impact assessment would be required on a case-by-case basis. Just like for some previous planning applications with sites being close to the egrettry areas, AFCD had provided relevant comments on this aspect for consideration by the Board. There were some existing temporary brownfield operations in the northern part of the site which were close to the egrettries. Should planning applications for these brownfield operations be submitted in future, the applicants should provide relevant information to support their applications, e.g. ecology of the surrounding areas and assessment on the potential ecological impacts. All relevant information

together with PlanD's planning assessment of the applications would be submitted for Members' consideration;

NE-PK-1 site in Ping Kong

- (c) NE-PK-1 site covered about 42.7 ha of land, comprising active farmlands of about 6.24 ha and fallow farmlands of about 17.49 ha, and was located next to AFCD's Tai Lung Experimental Farm. Comparing with other reclassified sites, NE-PK-1 site was characterised with relatively more farmlands, both active and fallow, and less brownfield areas. Notwithstanding this, the fallow farmlands/vacant lands within NE-PK-1 site could be utilised to facilitate relocation of the affected brownfield operations. During the selection of sites for reclassification, AFCD was consulted and did not object to reclassifying a number of sites including NE-PK-1 site to Category 2. Besides, the Government had commissioned a consultancy study on Agricultural Priority Areas (APAs) with a view to identifying areas with good quality arable lands of considerable size and exploring the feasibility of designating these areas as APAs so to encourage land owners to put fallow farmland for long-term agricultural use to support the development of local agriculture. On traffic aspect, the Transport Department (TD) was consulted and advised that the local access connecting to the site was narrow which would limit the type of uses and associated types of vehicles that could be accommodated. Nevertheless, as OS and PBU uses covered a wide range of uses with different nature and scale, some of these uses might be in smaller scale without involving the use of heavy vehicles, such as recycling centre which mainly used light goods vehicles for transporting goods, which could be accommodated in NE-PK-1 site. In future, should the operators intend to seek planning permissions for their OS/PBU uses, they would need to submit their proposals and technical assessments to address relevant departments' concerns, including those of TD, and surmountable technical concerns, if any, could be addressed through relevant approval conditions. Having considered the above, NE-PK-1 site was considered suitable to be reclassified to Category 2;

All reclassified sites

- (d) for all planning applications, including those related to OS/PBU uses within the reclassified sites, the applicants should demonstrate that the proposed/applied uses would not have adverse impacts, such as traffic, environmental, landscape, on the surrounding areas. If the application site was located in close proximity to residential uses, the Environmental Protection Department would require the applicant to provide mitigation measures to address the environmental concerns and advise if approval condition(s) would be required. As for impacts on trees, as trees were found within some of the reclassified sites, it was unavoidable that some planning applications for proposed/applied OS/PBU uses would involve tree felling. For such cases, the applicant should submit tree felling proposal, which would be circulated to relevant government departments for review to see if the proposal was acceptable. PlanD would take into account all departmental comments and concerns as well as relevant planning considerations in assessing the planning application and make recommendation for the Board's consideration; and

- (e) the proposed revisions to TPB PG-No.13F had been circulated to relevant government departments for comments including relevant District Offices (DOs) of the Home Affairs Department (HAD). DOs had conveyed their comments to PlanD taking into account the concerns of local residents and stakeholders. The OS/PBU uses in the reclassified sites were all subject to planning permissions, and the relevant planning applications would be published for public inspection and comment in accordance with the Ordinance. Public comments received during the statutory consultation period as well as the local views conveyed by relevant DOs of HAD would be taken into account in the planning assessment of the applications and be incorporated into relevant papers for Members' consideration.

'Destroy First, Develop Later' Issue

74. While it was understood that the reclassification of sites from Category 3/4 to Category 2 did not imply OS/PBU uses on sites within Category 2 areas were automatically

allowed and planning permissions from the Board were still required, a Member raised concern on whether the proposed reclassification would turn out to be a sign of condoning the occurrence of “destroy first, develop later” in the Category 2 areas. In response, Ms Donna Y.P. Tam, AD/NT, PlanD, said that if the proposed revisions were agreed by the Board, a press release would be issued for public information in which the rationale of the review, the revisions and promulgation of the Guidelines could be clearly stated. On the other hand, if any site involving unauthorised development as defined under the Ordinance, the Planning Authority (PA) would instigate appropriate enforcement action pursuant to the provisions of the Ordinance.

75. A Member suggested that planning application involving “destroy first, develop later” should be rejected, and another Member suggested to include in future papers for planning applications an aerial photo showing the condition of the application site prior to the promulgation of the revised Guidelines (i.e. an aerial photo of 2023) as a reference for comparing the site conditions in 2023 and at the time when planning applications were submitted.

76. The Chairperson remarked that there were a number of factors in considering whether a site was suitable for brownfield use and “destroy first, develop later” was only one of them. To make clear the Board’s stance, more details, including the background, reasons and considerations for the revisions of the Guidelines and the Board’s stance stressing that the reclassification of sites did not imply condoning “destroy first, develop later”, could be included in the press release. The Secretary supplemented that the “destroy first, develop later” issue had been previously discussed in the Rural and New Town Planning Committee meetings and it had been agreed that the ‘changed’ site conditions should not be used to justify the planning applications. Besides, it was already the prevailing practice that aerial photos showing the site conditions throughout the years were included in the relevant papers for Members’ reference and consideration. Mr Ivan M.K. Chung, Director of Planning, supplemented that should there be any unauthorised development as defined under the Ordinance, the PA would instigate appropriate enforcement action pursuant to the provisions of the Ordinance disregarding whether planning permission was/would be granted by the Board. If an application site with uses involved in any enforcement action, such background information would be included in the relevant paper for Members’ considerations. In any case, whether an application site was considered suitable for OS/PBU, workshop or other uses should be assessed based on its

individual merits having regard to factors such as site conditions, land use compatibility, technical feasibility and whether technical concerns such as those of traffic, environment and ecological aspects could be addressed. Whether unauthorized development had been involved and the history of “destroy first, develop later” in relation to an application site might not be the prime concerns.

Long Term Policy on Industrial Development and Assistance to Brownfield Operators

77. A Member asked about the Government’s policy and the current progress in facilitating the affected brownfield operators to relocate their businesses. In response, Ms Donna Y.P. Tam, AD/NT, PlanD, said that the Government’s long-term objective was to suitably accommodate the brownfield operations in MSBs for modern industries, though some brownfield operations could not be accommodated in MSB. The Government had reserved 72 ha of land with gross floor area (GFA) of 3.9million m² in Hung Shui Kiu/Ha Tsuen NDA and Yuen Long South Development Area for MSB development which could be used to accommodate the affected brownfield operations suitable for relocation to MSBs. Five sites for MSB development with a total GFA of 720,000m² were anticipated to be in place from 2027/28 onward and at least 30% of the floor area would be taken up by the Government for leasing to displaced brownfield operators for a specific period at a rental comparable to the prevailing market rentals of brownfield sites, serving as an option to assist displaced brownfield operators to continue their businesses.

78. A Member said that the Government should offer assistance to the affected brownfield operators, especially those small-scale business operators, in identifying suitable relocation site to continue their business. Another Member also pointed out that traffic impact would be one of the most critical issues for the brownfield operators to tackle during the planning application stage and suggested the concerned government departments to provide relevant data, such as traffic capacity/traffic flow at major road junctions, for applicants’ reference in order to facilitate them to prepare the relevant submissions for planning applications. The Chairperson said that DEVB and relevant government departments could offer assistance to the affected brownfield operators in identifying suitable sites for relocation and tackling technical issues during the preparation of submissions for planning applications.

General Planning Criteria in the Guidelines

79. The Vice-chairperson asked about the rationale of adding the word ‘major’ in the sentences of ‘*subject to no **major** adverse departmental comments and local objections,*’ in Paragraphs 2.1 (b), (c), (d), 2.6(b)(ii), 3.3 and 5 of the revised Guidelines at Appendix IV of the Paper. In response, Ms Donna Y.P. Tam, AD/NT, PlanD, said that the suggested amendment was to reflect the current practice in assessing planning applications, i.e. on certain occasions, while there were adverse departmental comments, the planning application was recommended to be approved with conditions as the concerned issues either were not crucial or could be addressed by relevant approval conditions. The Vice-chairperson further pointed out that the word ‘major’ might convey an unclear message implying a relaxation of the planning criteria. In order to avoid any misinterpretation of the planning criteria, the Chairperson suggested that the word ‘major’ be deleted from the relevant sentences. Members agreed.

80. The Vice-chairperson further enquired the reason for the revisions to the following paragraphs of the Guidelines:

- (a) Paragraph 2.3(a): deletion of sentences ‘*In order to provide a satisfactory screening effect, adequate setback of boundary fence should be allowed for continuous landscaping along site boundary facing public frontage. All the planting should be provided at grade or in fixed planters. Plants in movable containers/pots are not acceptable.*’; and
- (b) Paragraphs 2.6(a) and 4.1: deletion of a clause in relation to ‘*impose a shorter compliance period for the approval conditions*’.

81. In response, Ms Donna Y.P. Tam, AD/NT, PlanD, made the following main points:

- (a) the proposed deletion of the descriptions on screening design was intended to allow flexibility for the applicants to determine the appropriate design measures to mitigate the visual impact arising from their proposals. The screening design proposed by the applicants would be assessed by relevant government departments on a case-by-case basis with a view to ensuring the mitigation effects were acceptable; and

- (b) deleting the clause ‘impose a shorter compliance period for the approval conditions’ was to reflect the Board’s prevailing practice as the applicants might not be able to comply with all approval conditions within a shorter compliance period.

82. In view of the Vice-chairperson’s comments, the Chairperson invited PlanD to further examine whether the deletion of the concerned clause from paragraph 2.6(a) of the Guidelines was necessary.

[Post meeting note: PlanD reviewed and confirmed that the deletion of the concerned clause from paragraphs 2.6 and 4.1 of the Guidelines was appropriate.]

83. Members generally agreed to the proposed revisions to TPB PG-No. 13F, except one Member who did not agree to reclassifying NE-PK-1 site from Category 3/4 to Category 2.

84. After deliberation, the Board agreed that the proposed revision to TPB PG-No. 13F (which would be renumbered to TPB PG-No. 13G) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance at Appendix IV of the Paper, subject to amendments to reflect Members’ comments as detailed in paragraph 79 above, could be endorsed. The Board also agreed that the TPB PG-No. 13G, subject to incorporation of the aforesaid amendments, was suitable for promulgation and should take immediate effect upon promulgation.

85. The Chairperson thanked PlanD’s representatives for attending the meeting. They left the meeting at this point.

Agenda Item 5

[Open Meeting]

Any Other Business

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

86. There being no other business, the meeting was closed at 6:10 p.m.