

**Minutes of 1299th Meeting of the
Town Planning Board held on 21.7.2023**

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

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 Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Professor Roger C.K. Chan

Dr Venus Y.H. Lun

Mr Vincent K.Y. Ho

Ms Bernadette W.S. Tsui

Chief Traffic Engineer (Traffic Survey and Support)
Transport Department
Mr Patrick K.P. Cheng

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

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

Director of Lands
Mr Andrew C.W. Lai

Director of Planning (Atg)
Ms Ginger K.Y. Kiang

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

Secretary

Absent with Apologies

Mr Stephen L.H. Liu

Mr Stanley T.S. Choi

Dr Conrad T.C. Wong

Mrs Vivian K.F. Cheung

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Mr K.L. Wong

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Kitty S.T. Lam (a.m.)
Ms Josephine Y.M. Lo (p.m.)

Senior Town Planner/Town Planning Board
Ms Carmen S.Y. Chan (a.m.)
Mr Edward H.C. Leung (p.m.)

Opening Remarks

1. The Chairperson congratulated Mr Lincoln L.H. Huang, Vice-chairperson, for being awarded the Bronze Bauhinia Star in recognition of his long and dedicated service to the public and community, particularly in his significant contributions to the town planning and development of Hong Kong.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1298th Meeting held on 7.7.2023

[The item was conducted in Cantonese.]

2. The draft minutes of the 1298th meeting held on 7.7.2023 were confirmed without amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

[This item was conducted in Cantonese.]

(i) Amendments to the Confirmed Minutes of the 1297th Meetings held on 16.6.2023

3. The Secretary reported that editorial errors were spotted by a Member in paragraph 62 on page 36 of the confirmed minutes of the Town Planning Board (the Board) meeting held on 16.6.2023. The revised paragraph should read as follows:

‘62. A Member shared the urban renewal examples in two urban redevelopment projects in Mainland, i.e. Yuexiu district (越秀區) ~~in Guangzhou~~ and Yongqingfan (永慶坊) in **Guangzhou**. ~~Shenzhen. Those two projects~~ **The latter** had adopted an ‘embroidery approach’ for renewing the urban fabric (繡花式城市肌理更新). For buildings that were unable to be acquired or residents there were not willing to move out, those buildings were retained in-situ

through retrofitting works to co-exist with nearby new developments.’

4. The Board agreed to the amendment to the confirmed minutes. The Secretary said that the revised minutes would be uploaded to the Board’s website.

(ii) Additional Hearing for a Representation in respect of the Draft So Kwun Wat Outline Zoning Plan No. S/TM-SKW/14

5. The Secretary reported that on 30.9.2022, the draft So Kwun Wat Outline Zoning Plan (OZP), which incorporated an amendment to rezone a site at Hong Fai Road from “Government, Institution or Community” and “Green Belt” to “Government, Institution or Community (1)” for the redevelopment of the Correctional Services Department’s quarters, was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). 841 valid representations and three valid comments on the representations were received. Amongst the 841 representations, one was submitted by Mr Li Tsz Fung Albert (R831) on 30.11.2022, and no comment was made in respect of his representation. On 20.1.2023, the Secretariat of the Board (the Secretariat) issued acknowledgement letters/emails to all representers and commenters, including Mr Li (R831). On 24.3.2023, the Board agreed to consider all representations and comments collectively in one group (including Mr Li (R831)). On 21.4.2023, the Secretariat informed representers and commenters or their authorised agents that the meeting for the consideration of representations and comments in respect of the draft OZP was scheduled on 2.6.2023 (but it was later revealed that Mr Li (R831) was not informed). On 2.6.2023, the hearing of the representations and comments in respect of the draft OZP was conducted, and the Board at the meeting noted the views of R841 and decided not to uphold R1 to R840 (including Mr Li (R831)) and agreed that the draft OZP should not be amended to meet the representations. On 23.6.2023, the Secretariat issued the decision letters to the representers and commenters (but it was later revealed that Mr Li (R831) was not informed).

6. On 29.6.2023, the Secretariat received an email enquiry from Mr Li (R831), indicating that he had not received any notification regarding the hearing of the representations and comments in respect of the draft OZP since his receipt of the acknowledgement email of 20.1.2023. After investigation by the Secretariat, it was revealed that the email address of Mr Li (R831) was inadvertently removed from the database in lieu of the invalid email address of another representer (i.e. with unsuccessful delivery results) with similar name after 20.1.2023,

and hence no email had been sent to Mr Li (R831) since then. On 6.7.2023, the Secretariat called and explained the above situation to Mr Li (R831). On the same day, Mr Li (R831) wrote to the Secretariat stating that as he was the person who made the representation, the Board should give him reasonable notice about the particulars of the meeting and he should be entitled to attend the meeting and to be heard before the Board made the decision; and also requesting an opportunity to present his view in person, or by an authorised representative to the Board, and the Board should make its final decision after his views were fully presented.

7. As the matter might involve procedural errors in the decision-making process of the Board under the Ordinance, having taking into account legal views, the following points need to be considered:

- (a) failing to give Mr Li reasonable notice of the meeting under s.6B(2)(a) of the Ordinance had prejudiced Mr Li's right to be heard at the meeting, and the Board had not validly considered his representation and decided whether or not to propose amendments to the draft OZP to meet the representation under s.6B(8) of the Ordinance at the meeting held under s.6B(1) of the Ordinance. To lower the risk that the procedural error might taint the Chief Executive in Council (CE in C)'s subsequent decision on the draft OZP under s.9 of the Ordinance, it would be prudent for the Board to take steps to rectify such error in its decision-making process before submitting the draft OZP to the CE in C for approval under s.8 of the Ordinance;
- (b) it was unlikely to be the legislative intent to prohibit the Board from exercising its powers or perform its duties under s.6B of the Ordinance to correct the procedural error, i.e. failing to give reasonable notice of a meeting for considering representation to a representer concerned, in order to safeguard procedural fairness. On this basis, it seemed reasonably arguable that the Board might hold another meeting under s.6(1) of the Ordinance to consider the representation with reasonable notice of the particulars of such meeting given to Mr Li in compliance with s.6B(2)(a) of the Ordinance. It implied that Mr Li, or his authorised representative, might attend and be heard at such meeting if he wished;

- (c) after hearing Mr Li or his authorised representative, the Board might then properly reconsider the representation and decide whether or not to propose amendments to the draft OZP in the manner proposed in the representation or otherwise in the manner that, in the opinion of the Board, would meet the representation under s.6B(8) of the Ordinance before submitting the draft OZP to the CE in C for approval; and
- (d) in reconsidering the representation, the Board should have an open mind to Mr Li's or his authorised representative's submissions to be made at the meeting to be held and should give proper consideration thereto. The Board should be prepared to demonstrate that it had its mind open to persuasion and was not biased in making its decision under section 6B(8) of the Ordinance at the meeting to be held upon reconsideration of the representation.

8. Having taken into account the above considerations, it was recommended that an additional hearing should be held to consider Mr Li's representation (R831). Subject to the Board's agreement, an additional hearing would be arranged on 4.8.2023 (i.e. the next meeting) and the Secretariat would give reasonable notice of particulars of the meeting (including the date, time and place of the meeting) to Mr Li (R831) as soon as practical after today's meeting.

9. To prevent reoccurrence of the procedural error, the Secretariat would undertake the following remedial measures:

- (a) Briefing to the Secretariat Staff: The Secretariat staff would be briefed about the incident and reminded to meticulously check the data before and after making modification to the database of representers/commenters on the computer system;
- (b) Maintaining a Complete Database and Counter-checking by Supervisors: The Secretariat would cease to remove from the database those correspondence/email address of representers/commenters with unsuccessful delivery result and assign supervisors to conduct random check of audit logs with modification made to the database by clerical staff to ensure accuracy; and

- (c) Enhancement of Computer System: To avoid human error, the possibility of enhancing the computer system to facilitate the said two-tier workflow and direct import of data received in the e-platform to create the database for the use of the Secretariat during the plan-making process would be explored.

[Dr C.H. Hau joined the meeting at this point.]

10. The Chairperson, on behalf of the Secretariat, apologized for the procedural error that had been made. She remarked that the Secretariat had recommended handling the incident from two perspectives. On one hand, subject to the Board's agreement, an additional hearing would be arranged on 4.8.2023 to consider Mr Li's representation (R831). On the other hand, learning from the experience, the Secretariat had proposed a series of remedial measures to prevent reoccurrence of the procedural error and to enhance the operation of the Secretariat.

11. A Member showed understanding that human error in inputting data manually would easily occur and appreciated the Secretariat's efforts in recommending remedial measures to avoid reoccurrence of error. Whilst not relating to the current case, it was noted that there were some recent cases about claims against fraudulent representations/comments and one might have the intent to make use of those fraudulent representations/comments to affect the hearing/plan-making process. The same Member enquired whether the situation of receiving claims against fraudulent representations/comments was serious recently. In response, the Chairperson said that there were recently two claims against fraudulent representations/comments, with one in respect of the draft Fanling/Sheung Shui Extension Area OZP and one in respect of the draft Kwai Chung OZP. Although the two cases happened within a short timespan, they appeared to be isolated cases and the Secretariat had been handling them in a cautious manner. The last time of receiving claims against fraudulent representations/comments was back in 2014 in relation to the hearings of OZPs covering the North East New Territories New Development Areas.

12. The Vice-chairperson and a Member had the following questions/suggestions:

- (a) noting that an additional hearing would be held to hear R831, whether other representers/commenters should be invited to attend the additional hearing, and

that these representations/comments needed to be re-heard and re-considered in the additional hearing. If there was no such need, whether other representers/commenters should be informed of the arrangement of the additional hearing; and

- (b) it was suggested that a remark/disclaimer should be added in the letters/emails to the representers/commenters and/or the Board's website indicating that, for persons who had made representations/comments but had not received the letters/emails from the Secretariat on the meeting arrangement, they could contact the Secretariat direct.

13. In response, the Secretary made the following main points:

- (a) notification had been given to all representers/commenters (except Mr Li (R831)) inviting them to attend the hearing held on 2.6.2023. Other than those who were present or had indicated that they would attend the hearing held on 2.6.2023, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenters (except Mr Li (R831)), the hearing of the representations and comments proceeded on 2.6.2023. For those representers/commenters or their authorised representatives who attended the hearing held on 2.6.2023, their oral submissions had been heard by the Board at the meeting. In accordance with the Ordinance, the Board might direct all or some of the representations to be considered by the Board either individually or collectively as it might determine. While it was considered prudent for the Board to rectify the procedural error by holding an additional hearing to consider Mr Li (R831)'s representation, it was not necessary to invite other representers/commenters to attend the additional hearing nor to inform other representers/comments about the arrangement of the additional hearing. The above arrangement was considered legally proper after taking into account legal views; and
- (b) with the aid of a visualizer, it was clarified that there was already a remark on the Board's website for each hearing meeting that for persons who had made representations or comments in respect of the draft OZP but had not provided

any contact details or those who had not received the letters from the Secretariat informing them of the hearing arrangements, they could contact the Secretariat if they wished to attend the hearing meeting and make oral submissions. Arrangement would be made for their attendance as appropriate, subject to verification of their identity. Taking into account Members' suggestion, a remark, similar to the above, would be added in the first letters/emails to representers/commenters acknowledging the receipt of their submissions.

14. A Member agreed with the arrangement of holding an additional hearing to consider Mr Li (R831)'s representation in order to rectify the procedural error that had been made. The same Member indicated that fortunately the procedural error was identified relatively in an early stage of the whole plan-making process and learning from the experience, the Secretariat could enhance its operation and avoid reoccurrence of such procedural error in future.

15. After discussion, the Board agreed that an additional hearing would be arranged on 4.8.2023 (i.e. the next meeting) and the Secretariat would give reasonable notice of particulars of the meeting (including the date, time and place of the meeting) to Mr Li (R831) as soon as practicable after today's meeting.

Tsuen Wan and West Kowloon District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Tsuen Wan West Outline Zoning Plan No. S/TWW/20
(TPB Paper No. 10912)

[The item was conducted in Cantonese and English.]

16. The Secretary reported that the draft Tsuen Wan West Outline Zoning Plan (OZP) was to take forward the decision of the Metro Planning Committee (MPC) of the Town Planning Board on two agreed section 12A applications (No. Y/TWW/5 and Y/TWW/7) for private housing developments in Tsuen Wan West. Leveson Limited, which was a subsidiary of Sun

Hung Kai Properties Limited (SHK), was the applicant of section 12A application No. Y/TWW/7 and AECOM Asia Company Limited (AECOM) was one of the consultants of the applicant. Levenson Limited also submitted a representation (R2). The following Members had declared interests on the item:

- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Company (1933) Limited (KMB) and Long Win Bus Company Limited (Long Win), and SHK was one of the shareholders of KMB and Long Win;
- Mr Franklin Yu - his spouse being an employee of SHK;
- Dr Conrad T.C. Wong - his firm having current business dealings with SHK and AECOM;
- Mr Vincent K.Y. Ho - his firm having current business dealings with SHK and AECOM; and
- Ms Lilian S.K. Law - being a former ex-Executive Director and committee member of The Boys' & Girls' Clubs Association of Hong Kong which had received sponsorship from SHK.

17. Mr Ricky W.Y. Yu also declared an interest in the item as one of his project sites was in Sham Tseng area. Members noted that Dr Conrad T.C. Wong had tendered apology for being not able to attend the meeting and Miss Winnie W.M. Ng, Messrs Franklin Yu and Vincent K. Y. Ho would join the meeting after Item 3. Members agreed that the interests of Ms Lilian S.K. Law and Mr Ricky W.Y. Yu were indirect and they should be allowed to stay in the meeting.

Presentation and Question Sessions

18. 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.

19. The following representatives of the Planning Department (PlanD), representer/commenter, and commenters' representatives were invited to the meeting at this point:

PlanD's Representatives

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

Mr Michael K.K. Cheung - Senior Town Planner/Tsuen Wan (STP/TW)

Representer, Commenters and their Representatives

R1 / C3 - Mary Mulvihill

Ms Mary Mulvihill Representer/commenter

C1 - Toco Planning Consultants Limited (達材都市規劃顧問有限公司)

C2 - Sham Tseng Chan Kee Roasted Goose Company Limited (深井陳記燒鵝有限公司)

Mr Chan Tat Choi]
Mr Daniel James C. H. Wei] Commenter C1's representatives
Ms Jacqueline Lily Ho]
Mr Chan Wai Ming - Commenter C2's representative

20. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that PlanD's representatives would be invited to brief Members on the representations and comments. The representer/commenter, and commenters' 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 presenter, 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 presenter/commenter, and commenters' representatives had completed their oral submissions. Members could direct their questions to the government representatives or the presenter, commenters and their representatives. After the Q&A session, the government representatives, the presenter/commenter, and commenters' representatives would be invited to leave the meeting. The Board would then deliberate on the representations and comments in their absence and inform the presenters and commenters of the Board's decision in due course.

21. The Chairperson invited PlanD's representatives to brief Members on the representations and comments. With the aid of a PowerPoint presentation, Mr Michael K.K. Cheung, STP/TW, briefed Members on the representations and comments, including the background of the amendments to the OZP, the grounds/views of the presenters and commenters, planning assessments and PlanD's views on the representations and comments as detailed in TPB Paper No. 10912 (the Paper). The main amendments were:

(a) Items A1 and A2

rezoning of a site to the west of Rhine Garden in Sham Tseng from "Government, Institution or Community" ("G/IC") to "Residential (Group A)5" ("R(A)5") with stipulation of building height restriction (BHR) of 80mPD (Item A1) and rezoning the residual strip of land abutting Castle Peak Road – Sham Tseng to 'Road' (Item A2), which were to take forward the decision of the MPC on partially agreeing to the section 12A application No. Y/TWW/5 on 12.3.2021; and

(b) Items B1 and B2

rezoning of a site abutting the roundabout of Castle Peak Road – New Ting Kau from "Comprehensive Development Area (1)" ("CDA(1)"), "Green Belt" ("GB") and area shown as 'Road' to "Residential (Group B)2" ("R(B)2") with stipulation of BHR of 77mPD (Item B1) and rezoning of an area abutting the roundabout of Castle Peak Road – New Ting Kau from "CDA(1)" to "GB" (Item B2), which were to take

forward the decision of the MPC on partially agreeing to the section 12A application No. Y/TWW/7 on 2.6.2022.

22. The Chairperson then invited the representer/commenter, and commenters' representatives to elaborate on their representation/comments:

C1 - Toco Planning Consultants Limited (達材都市規劃顧問有限公司)

C2 - Sham Tseng Chan Kee Roasted Goose Company Limited (深井陳記燒鵝有限公司)

23. Mr Chan Wai Ming made the following main points related to Items A1 and A2:

- (a) he was the representative of C2 and also the land owner of Lots 99, 100, 101 RP, 110 RP, 171C and 183 in D.D. 390 (i.e. Items A1 and A2);
- (b) Items A1 and A2 sites comprised private land of about 11,000 sq ft and Government Land (GL) of about 685 sq ft (i.e. 95% and 5% of the total site area respectively). The GL portion would be designated as non-building area for pedestrian use. The main development would be for residential use with about 918m² for social welfare facilities (SWFs) including a sub-base neighbourhood elderly centre (NEC), day care centre for the elderly (DE) and one team of home care services for frail elderly persons (HCS). The portion of the private land abutting Castle Peak Road would be surrendered for footpath widening which could provide a better and safer walking environment to the public;
- (c) the proposed development was supported by the locals for (i) providing SWFs for local needs; (ii) providing a choice for nearby residents in Sham Tseng to move to new residential flats; and (iii) the proposed zoning for residential use was in line with the Government's policy for increasing housing land supply;
- (d) the Site was no longer required for the originally planned ambulance depot because the Sham Tseng Fire Station cum Ambulance Depot was built at another site in 1997; and

(e) Item A1 site had been used for eating place, office, shop and services uses since 1989. Since 2005, planning permission had been obtained for temporary commercial development at the southern portion of the Site while renewals of the planning approval were obtained every 3 years. In considering the applications, MPC Members had raised questions regarding the long-term development of the site. An application for hotel development was previously submitted but withdrawn because the proposal could not satisfy the Government's requirements and meet local needs. In 2020, the application for rezoning the Site and the adjoining land from "G/IC" to "R(A)5" for a multi-storey residential development with retail facilities and SWFs was agreed by the MPC. The proposed development could bring about social benefits by providing SWFs and making efficient use of land resource.

24. Mr Chan Tat Choi, representative of C1, supplemented the following points:

- (f) he was the consultant of C2. There was a close liaison among the applicant, PlanD and Social Welfare Department (SWD) in the section 12A application stage when they formulated the proposed SWFs to cater for local needs; and
- (g) in response to a representer's suggestion that residential care home for the elderly (RCHE) should be provided at the site, it was more suitable to provide GIC facilities as agreed by SWD within the Site rather than a RCHE. Besides, RCHE could be provided within other land use zones in the area.

R1 / C3 - Mary Mulvihill

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

Items A1 and A2

- (a) referring to the provision of major community facilities and open space in the Tsuen Wan West planning area in Annex V of the Paper, there were shortfalls in various GIC facilities including child care, community care services facilities, RCHE, pre-school rehabilitation services, day rehabilitation services and

residential care services. Recent population statistics also showed that the number of young people was decreasing while the population for people aged 65+ was increasing. Sham Tseng was situated in a relatively isolated location without MTR services. In view of the above, there was an urgent need for provision of easily accessible GIC facilities to serve the local residents, in particular RCHE instead of private housing units. The need of land for private housing was a myth. Since public consultation of the OZP was launched in 2022, there were significant changes of the economy and property market including high interest rate, high vacancy rate, and both Hong Kong and the Mainland were facing a decline in the private housing market;

- (b) the remark made by the commenter that small site was not suitable for RCHE development was misleading. The site area of a recently approved planning application for RCHE development with provision of 110 beds in Tsam Chuk Wan, Sai Kung was about 750m²;
- (c) the proposal submitted in the said section 12A application was only a notional scheme. Whether the proposal would be realized was subject to the project proponent and there was no guarantee for provision of the proposed GIC facilities;
- (d) there was no hospital in the Sham Tseng area and the proposed development should provide medical facilities to serve the community, e.g. district health centre. Besides, it was observed that many carers for the elderly had reached retirement age and residential respite service was needed to provide temporary relief for family members or relatives who were the main caregivers of elders requiring a certain degree of personal care;
- (e) the remark made by the commenter that the proposed development supported by local residents was questionable as no representations were submitted by local residents in support of the amendment items;

Items B1 and B2

- (f) the provision of hotel rooms in various districts of Hong Kong was essential to

cater for the needs of a diverse community and visitors. The subject rezoning together with the two other approved applications which took away 1,100 and 700 hotel rooms in Tin Shui Wai and Ma On Shan respectively, would affect the overall supply of hotel rooms. Hotel rooms might be used to accommodate professionals and workers of the construction industry and/or their families from the Mainland and overseas later in 2023;

- (g) the Government should not have a single focus on housing issue only. An article published by the Government indicated that there might also be insufficient space to meet the needs of new facilities and services arising from the demands of the ageing population; and
- (h) in conclusion, she urged Members to review the previous decision on Items A1, A2, B1 and B2 in view of the current circumstances and priority needs of the society.

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

27. Some Members raised the following questions on Items A1 and A2:

- (a) the background to zoning a piece of private land for "G/IC" use;
- (b) R1 mentioned that there were shortfalls in GIC facilities in Tsuen Wan West, whether the situation was the same in Sham Tseng area; and
- (c) the location of the nearest hospital serving residents of Sham Tseng area and the travelling time to such facility.

28. In response, with the aid of some PowerPoint slides, Mr Derek P.K. Tse,

DPO/TWK, made the following main points:

- (a) the site, which involved private land, was originally zoned “G/IC” on the first Tsuen Wan West OZP in 1989 for the development of an ambulance depot subject to land resumption by the Government. However, as the Sham Tseng Fire Station cum Ambulance Depot was subsequently built at another “G/IC” site at the junction of Tuen Mun Road and Castle Peak Road – Sham Tseng in 1997, the Site was no longer required for the originally planned use. Since then, the Site had not been designated for any GIC use;
- (b) referring to the GIC table in Annex V of the Paper, which showed the provision of GIC facilities based on the planned population in accordance with the Hong Kong Planning Standards and Guidelines, there were shortfalls in classrooms for primary school and secondary school in the Tsuen Wan West planning area but such provision was planned on district basis and territory-wide basis respectively. For hospital beds, the provision was on a cluster basis. Yan Chai Hospital in Tsuen Wan was the closest public hospital for Sham Tseng residents. The shortfall of hospital beds would be catered for in the first and second Ten-Year Hospital Development Plans, among which the improvement works at Yan Chai Hospital would provide about 300 additional beds to serve the community including the Sham Tseng area. For SWFs, while there would be a shortfall of 124 subsidized places for child care centre (CCC), there was a child care centres in Sham Tseng, namely Parkview-Rhine Garden International Nursery, providing 84 non-subsidized places apart from Sham Tseng Nursery School in Bellagio providing 22 subsidized places to serve the local community. The demand on CCCs could further be met by other private CCCs in the district as a whole. Regarding facilities for the elderly, a NEC and community care services would be provided at the Item A1 site to supplement the existing NEC in the Sham Tseng area and SWD considered that the proposed provision and arrangement were acceptable. The remaining facilities in shortfall included pre-school rehabilitation services, day rehabilitation services and residential care services which were considered as special facilities and their provision should be assessed on a wider spatial context and as a long-term target by SWD. The SWFs to be provided by the project proponent on the site would be about 20% of the total

domestic gross floor area (GFA) which was comparatively much more than the 5% adopted for public housing development; and

- (c) the travelling time to the nearest public hospital (Yan Chai Hospital) by public transport was about 15 to 30 minutes depending on the traffic condition and transport mode.

29. In response to a Member's question regarding the long-term plan for the existing business at the Item A1 site, Mr Chan Wai Ming, representative of C2, said that although Sham Tseng was a tourist spot, since the occupation of Lido Garden in 1989 and completion of other residential developments such as the nearby Rhine Garden, Bellagio, there was housing demand in the area, especially for young people and those locals who were looking for new residential flats. As a council member/volunteer of an elderly centre, he noted that there was a need for NEC. Currently, there was an elderly centre with an area of about 1,300 sq ft. in Rhine Garden which was inadequate to serve local needs. Additional floor space of about 2,000 sq.ft was therefore proposed within the proposed development at the site. As the elderly population in Sham Tseng was increasing, there was a need to provide a DE as well as a HCS according to SWD's assessment. Besides, footpath widening works would be provided as part of the proposed development for a safer pedestrian environment and to enhance the image of Sham Tseng to visitors.

30. As Members had no further questions to raise, the Chairperson said that the hearing procedures for the presentation and Q&A sessions had been completed. The Board would further deliberate on the representations and comments in closed meeting and inform the representers/commenters of the Board's decision in due course. The Chairperson thanked the representer/commenter, commenters' representatives and PlanD's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

31. The Chairperson said that the amendment items were to take forward two agreed section 12A applications for (a) proposed residential cum SWF development; and (b) wholesale conversion of an existing hotel building for residential development with provision of SWF. She then invited views from Members.

Items A1 and A2

32. Members generally had no objection to amendment items for a proposed residential cum SWF development. Having noted that the subject private land had been zoned “G/IC” for more than 20 years without any designated GIC use (after the originally planned ambulance depot had been developed at another site), a Member strongly supported the rezoning amendment for residential development with SWFs which was a win-win solution for utilization of scarce land resources. Another Member remarked that given the character of the Sham Tseng area, the NEC and DE should be more suitable facilities to be provided than RCHE at the site to cater for the community needs. The Member further suggested that more information on population structure of the concerned area/district could be provided to facilitate Members’ consideration of zoning amendments on OZPs in future.

33. In response to a Member’s enquiry, the Secretary explained that while there was a policy requirement for provision of GFA equivalent to 5% of domestic GFA within public housing development for SWFs, there was no policy to request private developers to provide a fixed percentage of GFA for SWFs within their developments. If planning permission was required for a private development, PlanD would encourage the project proponent to provide suitable SWFs based on SWD’s recommendation to cater for the community needs.

Items B1 and B2

34. Members generally had no objection to the proposed wholesale conversion of an existing hotel to residential use by rezoning the site to “R(B)2”. A Member remarked that hotel use was a tourism infrastructure. Whilst noting that hotel development was to some extent a commercial decision, the Government should consider whether conversion of hotel to other uses would affect the recovery of tourism and the long-term need for such in the territory instead of focusing on the short-term market condition.

35. A Member enquired whether a flexible planning mechanism could be adopted for developing either hotel or residential use at the Item B1 site. The Secretary explained that according to the Notes of the OZP for the “R(B)” zone, ‘Hotel’ might be permitted upon planning application to the Board. Should the project proponent decide to retain the existing

hotel use on the site prior to redevelopment, no action was required to make the existing use conform to the “R(B)” zone. However, if residential development was realized and the project proponent subsequently decided to revert back to hotel use, planning permission from the Board should be obtained. Flexibility had also been allowed in the planning system for planning application for hotel use in certain zonings such as “Other Specified Uses” annotated ‘Business’ or “Industrial” through section 16 or rezoning applications through section 12A of the Town Planning Ordinance.

36. The Chairperson concluded that Members generally had no objection to Items A1, A2, B1 and B2. With regard to Member’s concern on designating “G/IC” zone on private land, the Development Bureau and PlanD would continue to review “G/IC” sites and consider rezoning privately owned “G/IC” site with no implementation programme for a long time for other use. To address Members’ concern on rezoning proposals relating to hotel use, PlanD might provide for Members’ consideration a more comprehensive analysis on the supply of hotel rooms in a larger area in future rezoning proposals involving changing hotel sites to other uses. As for the provision of SWFs for a district or a particular project, PlanD could work closely with SWD to obtain more meaningful data on the demand and supply of SWFs for relevant submissions in future.

37. After deliberation, the Town Planning Board (the Board) noted the supportive views of **R2** and decided not to uphold R1 and considered that the draft Tsuen Wan West Outline Zoning Plan (OZP) should not be amended to meet the representation for the following reasons:

“ Items A1 and A2”

- (a) the provision of major Government, institution and community (GIC) facilities are generally sufficient to meet the demand of the population in the Tsuen Wan West Planning Area except some social welfare facilities. The requirement for GIC facilities of not less than 918m² in gross floor area has been stipulated in the Notes of the “Residential (Group A)5” zone on the OZP to facilitate their early provision as part of the proposed residential development. The overall provision of GIC facilities will be closely monitored by relevant Government bureaux/departments;

- (b) the site is located in Sham Tseng which is a well-established residential area and is suitable for residential development with retail and GIC facilities;

Items B1 and B2

- (c) the operation of hotels is a commercial decision and the supply of the hotel room is largely market driven. Flexibility has been allowed under various zonings on the Tsuen Wan and Tsuen Wan West OZPs to cater for hotel development in the Tsuen Wan district; and
- (d) the site is located in an area of residential urban fringe character with clusters of low-density residential developments and is suitable for residential development with GIC facilities.”

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

[The meeting was adjourned for a 10-minute break. Miss Winnie W.M. Ng, Messrs Franklin Yu and Vincent K. Y. Ho joined and Ms Sandy Y.H. Wong left the meeting during the break.]

Hong Kong District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comment on the Draft Wan Chai North Outline Zoning Plan No. S/H25/5

(TPB Paper No. 10910)

[The item was conducted in Cantonese and English.]

39. The Secretary reported that the amendment to the draft Wan Chai North Outline Zoning Plan (OZP) involved the rezoning of a site for composite development comprising

convention and exhibition (C&E) facilities, hotel and office. Ove Arup & Partners Hong Kong Limited (ARUP), AECOM Asia Company Limited (AECOM) and Wong & Ouyang (Hong Kong) Limited (WOHK) were three of the consultants of the Hong Kong Trade Development Council (HKTDC) that prepared the technical assessments in support of the proposed development. Representation had been submitted by MTRCL(R9). The following Members had declared interests on the item:

- | | |
|------------------------|---|
| Mr Franklin Yu | - his firm having current business dealings with ARUP and WOHK; |
| Dr Conrad T.C. Wong | - his firm having current business dealings with AECOM and MTRCL; |
| Mr Vincent K.Y. Ho | - his firm having current business dealings with AECOM; |
| Ms Sandy H.Y. Wong | - being an independent non-executive director of MTRCL; and |
| Mrs Vivian K.F. Cheung | - being a member of Infrastructure Development Advisory Committee of HKTDC. |

40. Members noted that Dr Conrad T.C. Wong and Mrs Vivian K.F. Cheung had tendered apologies for being not able to attend the meeting. Members agreed that Ms Sandy H.Y. Wong's interest was direct, and noted that she had already left the meeting. As Messrs Franklin Yu and Vincent K.Y. Ho had no involvement in the amendment items, they should be allowed to stay in the meeting.

Presentation and Question Sessions

41. The Chairperson said that notifications had been given to the representers and commenter inviting them to attend the hearing, but other than that who was present at the meeting, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenter, Members agreed to proceed with the hearing of

the representations and comment in their absence.

42. The following government representatives, HKTDC and their consultants, representer/commenter and representer's representative were invited to the meeting at this point:

Government's Representatives

Planning Department (PlanD)

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

Ms Floria Y.T. Tsang - Senior Town Planner/Hong Kong (STP/HK)

Mr David S.T. Leung - Town Planner/Hong Kong

Commerce and Economic Development Bureau (CEDB)

Mr Harry T.Y. Lin - Principal Assistant Secretary for Commerce & Economic Development (PAS for Commerce & Econ Dev)

Mr Alec Y.P. Luk - Engineer

HKTDC

Ms Jocelyn Chung - Head of Hong Kong Convention and Exhibition Centre (HKCEC) Affairs

Mr Max Ngai - Principal Project Manager, HKCEC Affairs

Consultants of HKTDC

Mr Albert Chan - WOHK

Mr Vincet Lau - Townland Consultants Limited

Mr Edmond Chu] MVA Hong Kong Limited

Ms Windy Zhang]

Mr Ringo Lee - Earthasia Design Group

Representers, Commenter and their Representative

R7 - Roger Emmerton

R8 / C1 - Mary Mulvihill

Ms Mary Mulvihill

Representer/commenter and representer's
representative

43. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that PlanD's representatives would be invited to brief Members on the representations and comments. The representer/commenter and representer's representative would then be invited to make oral submissions. There was only one representer/commenter and representer's representative making the oral presentation and a total of 30 minutes would be allotted for making the presentation. There was a timer device to alert the representer/commenter and representer's representative two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after the representer/commenter and representer's representative had completed the oral submissions. Members could direct their questions to the government representatives or the representer/commenter and representer's representative. After the Q&A session, the government representatives, the representer/commenter and representer's representative 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 commenter of the Board's decision in due course.

44. The Chairperson invited PlanD's representatives to brief Members on the representations and comment. With the aid of a PowerPoint presentation, Ms Floria Y.T. Tsang, STP/HK, briefed Members on the representations and comments, including the background of the amendment to the OZP, the grounds/views of the representers and commenter, planning assessments and PlanD's views on the representations and comment as detailed in TPB Paper No. 10910 (the Paper). The main amendment involved rezoning a site covering the existing three Wanchai Government Towers (WCGTs) including Wanchai Tower, Revenue Tower and Immigration Tower, Kong Wan Fire Station and Gloucester Road Garden together with part of the Harbour Road from "Government, Institution or Community" ("G/IC") and an area shown as 'Road' to "Other Specified Use (6)" ("OU(6)") annotated "Exhibition Centre with Commercial Development" to facilitate a composite development comprising C&E

facilities, hotel and office.

45. The Chairperson then invited the representer/commenter and representer's representative to elaborate on the representations/comment:

R7 - Roger Emmerton

R8 / C1 - Mary Mulvihill

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

- (a) whilst the Hong Kong Planning Standards and Guidelines (HKPSG) recommended that a 20% building free zone below the ridgelines would need to be maintained from key and popular vantage points in order to preserve views to ridgelines and mountain backdrop, flexibility could be allowed for relaxation on individual merits and for special landmark buildings to give punctuation effect at suitable location. It was questionable that the proposed tower with reflective glass wall together with the Central Plaza was considered iconic and could create a twinning effect;
- (b) the redevelopment of the site could be an opportunity to rectify the breach of 20% building free zone currently induced by the existing WCGTs. However, with the proposed excessively high tower with inappropriate massing, the panoramic view to the mountain backdrop would be diminished. The ridgeline when viewing from the Kowloon side should be protected;
- (c) there was no shortfall of office space as there was a significant surplus of office space in the Central/Wan Chai district, there would be several commercial developments to be completed in coming years, and the work-from-home trend would reduce the demand for office space. There was no justification for provision of Grade-A office space to alleviate the market shortfall;
- (d) noting that there was a number of planning applications to rezone existing hotels for other uses which implied there was no need for hotel use and the provision of about 2,000 hotel rooms would be provided near the Hopewell Centre in Wan

Chai, the need for additional hotel facilities was questionable;

- (e) the proposed convention centre extension should be located in the Northern Metropolis with much better links to the Greater Bay Area and the airport;

Open Space

- (f) there were serious deficits of local and district open space in Wan Chai district for the planned population of about 60,000. The proposed development would result in the loss of an existing public open space, i.e. the Gloucester Road Garden. The proposed landscaped deck of around 3,000m² was not convenient or accessible for Wan Chai residents;
- (g) a wider pedestrian path with tree-lined boulevard would be provided along existing bus stops at Gloucester Road and an outdoor seating area would be provided near the eastern boundary of the site. However, the provision of those greening and open area was sandwiched between an extensive drop-off area and a tall podium of Central Plaza with little natural sunlight and poor ventilation;

Government, Institution and Community (GIC) Services

- (h) there would be loss of existing GIC services, such as immigration services in Wan Chai district. It was suggested to retain part of the site to accommodate some existing GIC services or provide a sub-office on Hong Kong Island to serve those resided there;

Traffic and Pedestrian Connection

- (i) the problem of illegal parking along Harbour Road should be addressed;
- (j) the current traffic free at-grade passageway between Gloucester Road and Harbour Road would be replaced by road for vehicular traffic, which might induce higher levels of air pollution;

- (k) there was no direct pedestrian linkage between the Wan Chai Ferry Pier to HKCEC which should be improved;
- (l) the proposed development was to give priority to vehicles and pedestrian accessibility to the waterfront was not convenient. Lesson should be learned from examples in Tokyo where vehicle traffic is reduced to make the city into an anti-car paradise; and
- (m) she raised the following queries: (i) the reasons for having two vehicular entrances to HKCEC at Harbour Road; (ii) the rationale for designating half of the at-grade area for vehicle use; (iii) whether the drop-off area for the proposed development could be located underground; (iv) whether the existing drop-off area in front of the HKCEC would be retained; and (v) whether the future ownership and management model for the proposed development would be the same as the current HKCEC which was built and managed by the same private developer.

47. Taking the opportunity of attending the hearing meeting, Ms Mary Mulvihill said that her two previous requests for circulating her emails to Members on other subjects were declined by the Secretariat of the Board and requested the reasons behind. As confirmed with her, the Chairperson said that the Board would treat the matter as a complaint. Pending further investigation, the case would be reported to Members at a later meeting.

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

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

Building Height

- (a) the reason for allowing the proposed building height at sub-area (a) of the "OU(6)"

zone to breach the 20% building free zone of the ridgelines, and whether similar building height intrusion was allowed in other developments;

- (b) in what way the proposed development and Central Plaza could create a ‘twinning effect’;
- (c) apart from the controls on building height and gross floor area, whether there were other planning tools to ensure the provision of an iconic building at the site;
- (d) whether the roof-top features count towards the maximum building height of 278mPD for the proposed development and whether there was any control on the provision of roof-top features;

Building Design and Layout

- (e) the design concept and features for the proposed development at the site;
- (f) whether sufficient buffer distance to the Central Plaza was provided along the eastern boundary of the site; and whether at-grade connection from the proposed development to the entrance of HKCEC Phase 1 would be provided;

Pedestrian Connectivity

- (g) how the pedestrian walking experience from different areas in Wan Chai to the proposed development and HKCEC be improved;
- (h) the connection between Wan Chai Ferry Pier to HKCEC and whether there would be direct access from MTR Exhibition Centre Station to HKCEC;
- (i) whether it was feasible to deck over the existing footbridge along O’Brien Road;
- (j) whether the planned pedestrian network outside the site connecting the site and MTR Wan Chai Station formed part of the proposed development;

Vehicular Access

- (k) the vehicular access arrangement to the proposed development; and
- (l) whether there was a need to provide a lay-by/slip road along Harbour Road to facilitate the traffic entering the proposed development.

50. In response, with the aid of PowerPoint slides, Mr Mann M.H. Chow, DPO/HK, Mr Harry T.Y. Lin, PAS for Commerce & Econ Dev, Mr Albert Chan, WOHK and Mr Edmond Chu, MVA Hong Kong Limited, made the following main points:

Building Height

- (a) the proposed maximum building height of 278mPD at sub-area (a) of the “OU(6)” zoned would breach the 20% building free zone when viewing from some strategic viewing points. Whilst the HKPSG recommended that a building free zone below the ridgelines would need to be maintained from key and popular vantage points in order to protect views to ridgelines and mountain backdrop, flexibility could be allowed for relaxation on individual merit and for special landmark buildings to give punctuation effects at suitable location. Besides, skyscraper with high quality architectural design and at suitable locations could help define images of the city. It was considered that the proposed BH for the skyscraper at the site was appropriate. Referring to Plan H-11c of the Paper, some of the buildings, such as the Central Plaza and International Financial Centre had already intruded the 20% building free zone;
- (b) the ‘twinning effect’ of the proposed development with the adjacent Central Plaza referred to their similarities in building height and massing but not their exact physical appearance. Some high-rise developments in the same locality in other countries with building heights above 250mPD could be regarded as ‘twin-towers’. The design concept was to encourage future developer/architect to develop a building with a height that could echo with the adjacent Central Plaza for a new panoramic view along the waterfront;

- (c) the site was intended that the site be disposed of by land sale. Upon the redevelopment, the Government would retain the ownership of C&E facilities. The requirements for the provision of various uses and the special requirements related to matters such as design, including for an iconic building, could be stipulated in the conditions of the land sale, and would be complied with to the satisfaction of the relevant government departments. Besides, since the site could only be made available in 2027 upon the relocation of WCGTs, design flexibility should be allowed for the future developer/architect to use the most updated technology and tools at that time to design the proposed development;
- (d) the building height of 278mPD was measured up to the main roof of the proposed development. The building height of the roof-top structures should comply with the relevant Joint Practice Note (i.e. Joint Practice Note No. 5 on Development Control Parameters Building Height Restriction amongst the Buildings Department (BD), Planning and Lands Department) and Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers by BD;

Building Design and Layout

- (e) as there was a functional requirement for C&E use, the proposed building footprint would take up about 70% of the site area to cater for such provision and consideration was also given to providing setback areas as much as possible to facilitate pedestrian flow. Under the current scheme, there was a setback of about 8% of the site area along Gloucester Road (i.e. about 10m wide from Gloucester Road) so as to enhance the environment of the existing bus waiting area with tree planting and to connect the area to the public open space of Central Plaza. Elevated pedestrian network would be enhanced for entry into the upper ground floor of the proposed development while the at-grade area abutting Harbour Road would be mainly for the vehicular access. To maintain the existing visual corridor of the HKCEC, the tallest part of the building would be located at the western portion of the site so that there would be a wider viewing corridor between the proposed development and Central Plaza;

- (f) a 7m-wide pedestrian access with landscaping feature at ground level would be provided along the eastern boundary of the site adjacent to Central Plaza. The drop-off area with vehicular ingress/egress points at Harbour Road would be opened on two sides at ground level and would not obstruct the view between Harbour Road and Gloucester Road. Visitors from Gloucester Road could view the HKCEC Phase 1 via the drop-off area;

Pedestrian Connectivity

- (g) new pedestrian facilities and enhancements of the existing pedestrian facilities were proposed as follows (Plan H-7 of the Paper):
 - (i) construction of an elevated connection above Harbour Road to connect the proposed development with HKCEC Phase 1;
 - (ii) construction of a branching off extension to the existing O'Brien Road footbridge;
 - (iii) construction of a new footbridge across Gloucester Road to the proposed development to replace the existing temporary footbridge near Gloucester Luk Kwok Hong Kong;
 - (iv) modifying and extending the existing footbridge adjacent to Telecom House for direct connection to the proposed development;
 - (v) construction of an elevated walkway connecting Convention Avenue to the waterfront by the Civil Engineering and Development Department (CEDD) currently under construction;
 - (vi) construction of a footbridge across Harbour Road connecting the proposed development with the elevated open space to the immediate west of Convention Plaza, such that pedestrians would have direct access to the harbourfront via an elevated walkway mentioned in (v) above; and

(vii) construction of a footbridge across Fleming Road from HKCEC Atrium Link Extension to MTR Exhibition Centre Station, which would alleviate the load on the existing at-grade pedestrian facilities at Fleming Road and Lung Wo Road during large-scale C&E events.

Heavy pedestrian volume at the O'Brien Road footbridge was generated mainly by users of the existing government facilities at WCGTs. It was envisaged that upon the relocation of the government services after 2026-27, the pedestrian flow would be reduced and the pedestrian experience would be enhanced. Besides, the first floor of the proposed development would provide a spacious area for pedestrians walking from MTR Wan Chai Station to HKCEC Phase 1 via the proposed elevated connection over Harbour Road;

- (h) according to the 'Urban Design Study for the Wan Chai North and North Point Harbourfront Areas Feasibility Study' completed in 2019, a more direct pedestrian connection between the Wan Chai Ferry Pier and HKCEC would be provided upon completion of enhancement works at the Wan Chai North harbourfront area. In addition, a feasibility study commissioned by CEDD would commence in August 2023 to further investigate the possibility of topside development at MTR Exhibition Centre Station together with its connectivity to the harbourfront area. Regarding the construction of underground passageway connecting the MTR Exhibition Centre Station to HKCEC Phase 1, there was practical difficulty to connect MTR Exhibition Centre Station to the privately owned underground carpark at HKCEC Phase 1. As an alternative, a new footbridge was proposed to connect the exit of MTR Exhibition Centre Station at upper ground level with HKCEC Phase 2;
- (i) the option of decking over the O'Brien footbridge had been explored. However, the option was not feasible due to the limited spaces for placing structural columns and the existing busy traffic along O'Brien Road and across Gloucester Road. Other alternatives such as a new footbridge across Gloucester Road to the propose development to replace the existing temporary footbridge near Gloucester Luk Kwok Hong Kong to divert pedestrian flow from MTR Wan Chai Station to HKCEC had been proposed;

- (j) the proposed pedestrian network was planned to be implemented with the proposed development as one single project;

Vehicular Access

- (k) there would be a separate access for private car/taxi to the proposed C&E drop-off area via the eastern entrance at Harbour Road while access for the office/hotel area would be at Gloucester Road or the western entrance at Harbour Road. An underground vehicle tunnel along Harbour Road would be connected directly to the loading/unloading area for coaches and goods vehicles, with entrance in the vicinity of Fenwick Pier Street. These proposed traffic and internal transport arrangements could alleviate traffic congestion to the local roads arising from the proposed development. In addition, there would be a marshalling area for good vehicles in Tsing Yi to cater for busy events of HKCEC under the current operation arrangement. Such administrative arrangement could help prevent large number of vehicles from getting into the HKCEC at the same time; and
- (l) in case there would be heavy traffic along Harbour Road, vehicles could make use of the underground vehicular tunnel with entrance near Fenwick Pier Street as an alternative access to the proposed development.

51. A Member expressed that setting the functional requirement to guide the proposed development at the prime location was appreciated. To further enhance the design of the proposed development, some Members had the following views and comments:

- (a) instead of labelling the proposed development as an ‘iconic’ building with ‘twinning effect’ with the adjacent Central Plaza, the design of the proposed development could have its own design features in line with the C&E theme so that it would become a landmark within the business district of Wan Chai along the harbourfront;
- (b) the proposed development should be a place to draw the public attention especially for event celebrations, e.g. new year countdown;

- (c) a double-deck design for the footbridge along O'Brien Road could be considered to provide a pleasant walking environment from the MTR Wan Chai Station to HKCEC;
- (d) further enhancement of the pedestrian connection from Gloucester Luk Kwok Hong Kong to the proposed development could be considered to divert the pedestrian flow from the inland area of Wan Chai to HKCEC;
- (e) the provision of an axis leading from the MTR Exhibition Centre Station to HKCEC for image building and greening at street level for a quality walking environment; and
- (f) provision of additional setbacks and widths of the pedestrian walkways along the eastern and western boundaries of the site to avoid shadowing effect between the building edges and the adjacent existing buildings.

52. Noting Members' views that the proposed development should become an iconic spot in the Wan Chai harbourfront area, the Chairperson said that maximizing the building height was one of the planning tools to ensure better utilization of land resources and development of a distinctive building. Another planning tool was to ensure that the site could be easily accessible through a comprehensive pedestrian networks. For the proposals on enhancing the pedestrian facilities and improving pedestrian walking experience, the measures would be considered at the detailed design stage. In response to the Vice-chairperson's suggestion of adopting a two-envelop approach for site disposal similar to that for Site 3 of the New Central Harbourfront, the Chairperson remarked that given that the subject site was sizable and located at a prime location, future developer would have economic incentives to pay full effort to develop the site into a landmark of the area. For example, the former Murray Road multi-storey car park site, which was disposed of by land sale, would be developed into a Grade-A office and commercial building with unique architectural design.

53. As Members had no further questions to raise, the Chairperson said that the hearing procedures for the presentation and Q&A sessions had been completed. The Board would further deliberate on the representations and comments in closed meeting and inform the

representers/commenters of the Board's decision in due course. The Chairperson thanked the representer/commenter/representer's representative and government's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

54. Members generally supported and had no objection to "OU(6)" zone for the proposed development for C&E facilities, office and hotel use and considered that it was an opportunity to creating a distinctive landmark to boost up the image of Hong Kong.

55. Some Members were of the view that the maximum building height could be further relaxed if the proposed development could provide distinctive architectural features, large public open space and enhance air ventilation in the wider area. Some Members opined that the future developer should create a world-class C&E facilities in Hong Kong and enhance the overall urban experience for pedestrians approaching the site, especially from (i) the MTR Exhibition Centre Station; (ii) Harbour Road to HKCEC Phase 1; and (iii) the MTR Wan Chai Station to HKCEC and the harbourfront. To achieve such intention, a Member suggested that a control plan indicating some design requirements such as the width of pedestrian walkways or setback areas could be prepared for including in the land lease. Another Member opined that a build-operate-transfer contract approach could be considered for private developer to develop and operate the C&E facilities and then return to the Government in long run. Noting that some trees would be felled within the site, a Member said that the future developer should incorporate innovative landscaping design with tree plantings to complement the landmark development.

56. Some Members had reservation on the wordings of 'iconic' and 'twinning effect' used by the Government representatives since they could have different interpretations. Two members considered that with the distinctive building height and massing, the proposed development could be classified as 'iconic'. The Secretary clarified that the descriptive wordings ('iconic' and 'twinning effect') mentioned in the Paper and presentation of Government representatives were departmental responses to representations/commenters only. According to Chapter 11 of the HKPSG on urban design aspect, the ridgelines should be protected and the building free zone below the ridgelines would need to be maintained while flexibility could be allowed for relaxation on individual merit and for special landmark

buildings to give punctuation effects at suitable location. To echo with the wordings mentioned in the HKPSG and to avoid misinterpretation, same wordings had been adopted in paragraph 8.5.3 of the Explanatory Statement of the OZP for the “OU(6)” zone which stated that ‘...creating a distinctive landmark in the Area,...’.

57. The Chairperson concluded that Members generally supported Amendment Item A with maximum building height of 278mPD for the proposed development. It was noted that the proposed development with a comprehensive pedestrian network linking to the surroundings could enhance pedestrian connectivity. Members’ suggestions and comments as recorded in paragraphs 51 and 55 above regarding the possibility to incorporate some design elements into the land sale conditions and the mechanism of land disposal would be conveyed to the project team for consideration.

58. After deliberation, the Town Planning Board (the Board) noted the supportive views of **R1** and the views provided in **R9** and decided not to uphold R2 to R8 and considered that the draft Wan Chai North Outline Zoning Plan (OZP) should not be amended to meet the representations for the following reasons:

“(a) the Government had announced the plan to redevelop the Wan Chai Government Towers at the site into convention and exhibition (C&E) facilities, hotel and Grade-A office and reaffirmed its implementation in various Policy Addresses since 2017. Besides, the site is situated at the Central Business District (CBD) area on Hong Kong Island. New C&E facilities at the site could be integrated with the existing Hong Kong Convention and Exhibition Centre whereas new offices and hotels could enhance the synergy with C&E facilities in the Wan Chai North area. The proposed uses are also in line with the policy initiatives and not incompatible with the surrounding environment. The rezoning at the site is hence appropriate to facilitate the implementation of the Wan Chai North redevelopment project (**R3, R5 to R8**);

(b) redevelopment of the site will release the valuable land in Wan Chai North for C&E and commercial uses to add new impetus to the economic development of Hong Kong. The relocation of government offices to non-CBD areas could

promote office decentralisation to facilitate a more balanced spatial distribution of employment opportunities (**R3 to R6, R8**);

- (c) technical assessments on the potential impacts of various aspects have been carried out and demonstrated that there are no insurmountable technical issues. Appropriate mitigation measures have been proposed to minimise the potential impacts of the proposed redevelopment (**R2 to R8**);
- (d) in terms of visual aspect, the proposed redevelopment of a landmark building with high quality architectural design is considered compatible with its surrounding context. Relevant visual mitigation measures have been recommended in the Visual Impact Assessment and would be incorporated in the proposed development to alleviate any potential adverse visual impacts (**R3 to R8**);
- (e) taking into account the future loss of Gloucester Road Garden upon redevelopment of the site, there is still a surplus in the planned local and district open space provision in the Wan Chai North area, as well as significant surplus in the planned district open space in the Wan Chai district, to meet the requirements under the Hong Kong Planning Standards and Guidelines (**R3 to R6, R8**); and
- (f) various traffic and internal transport arrangements, together with the provision of new footbridges connecting the site with existing footbridges have been proposed. No adverse impact on the traffic conditions and pedestrian connection would be caused by the rezoning while connectivity within the Wan Chai North area could be enhanced (**R2 to R6, R8**).”

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

[The meeting was adjourned for lunch break at 1:50pm.]

60. The meeting was resumed at 3:00 p.m.

61. 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

Dr C.H. Hau

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Professor Roger C.K. Chan

Dr Venus Lun

Mr Vincent K.Y. Ho

Chief Traffic Engineer/Traffic Survey and Support
Transport Department
Mr Patrick K.P. Cheng

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

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

Director of Lands
Mr Andrew C.W. Lai

Director of Planning (Atg)
Ms Ginger K.Y. Kiang

[Dr Venus Y.H. Lun joined the meeting at this point.]

Sha Tin, Tai Po & North District

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-FTA/222

Proposed Three Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 208 S.A, 208 S.B and 208 S.C in D.D. 52, Sheung Shui Wa Shan, Sheung Shui (TPB Paper No. 10911)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

62. The following representative of the Planning Department (PlanD), the applicant and the applicants’ representative were invited to the meeting at this point:

PlanD

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

Applicant and his representative

Mr Liu Kam Hoi - Applicant

Mr Liu Chun Kui - Applicants’ representative

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

64. With the aid of a Powerpoint presentation, Ms Margaret H.Y. Chan, DPO/STN, PlanD, briefed Members on the background of the review application including the application site (the Site), the proposed development, the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and the planning considerations and assessments as detailed in the TPB Paper No. 10911 (the Paper). PlanD maintained its previous view of not

supporting the application.

65. The Chairperson then invited the applicant and his representative to elaborate on the review application.

66. With the aid of a visualiser, Mr Liu Chun Kui, the applicants' representative, made the following main points:

- (a) the applicants' family members would move back from overseas to Hong Kong, hence there was a genuine housing need for them;
- (b) the land in the village proper of Wa Shan Village (the Village) was largely private land or owned by Tso Tong, hence it was difficult for them to find a suitable site within the Village for Small House development. The Site, being located in close proximity to the "Village Type Development" ("V") zone of the Village, was the only piece of land owned by the applicants;
- (c) the chance of agricultural rehabilitation for the Site was slim as the applicants had never been engaged in or had any intention to pursue farming;
- (d) the Site was served with water supply and electricity and accessible via a footpath. A public latrine was located adjacent to the Site;
- (e) there were similar applications approved for Small House developments in the vicinity of the Site; and
- (f) it was hoped that sympathetic consideration could be given by the Board in respect of the application.

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

68. Noting that after the Board's formal adoption of a more cautious approach since August 2015, two applications (No. A/NE-FTA/164 and 219) were approved by the RNTPC

mainly on sympathetic consideration as the two sites were the subject of two previously approved applications No. A/NE-FTA/90 and 132, a Member raised the following questions to PlanD's representative:

- (a) elaboration on the more cautious approach in considering applications for New Territories Exempted House (NTEH)/Small House in the New Territories; and
- (b) the dates of and reasons for approving applications No. A/NE-FTA/90 and 132.

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

- (a) the Board had formally adopted a more cautious approach in considering applications for Small House in the New Territories since August 2015. In considering whether there was a general shortage of land in meeting Small House demand under the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), the Board had put more weighting on the number of outstanding Small House applications provided by the Lands Department (LandsD). As advised by LandsD, the number of outstanding Small House applications for the Village was 42 while the 10-year Small House demand forecast was 430. About 2.47 ha of land (equivalent to about 98 Small House sites) was available within the concerned "V" zone. By adopting the more cautious approach, the land available was still sufficient to meet the outstanding Small House applications for the Village; and
- (b) three applications (No. A/NE-FTA/90, 95 and 132) were approved between 2009 and 2014 before the formal adoption of a more cautious approach by the Board, as these applications generally complied with the Interim Criteria in that, amongst others, more than 50% of the proposed Small House footprint fell within the village 'environs' and there was a general shortage of land in meeting the demand for Small House development in the "V" zone at the time

of consideration of these applications.

70. A Member raised the following questions to PlanD's representative:

- (a) whether the two existing houses to the west of the Site, as shown on Plan R-4a of the Paper, were the subject of applications No. A/NE-FTA/90 and 95; and if not, the status and background of the two existing houses to the west of the Site; and
- (b) the land use to the immediate north of the Site.

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

- (a) the two sites under applications No. A/NE-FTA/90 and 95 were situated to the north-west and north-east of the Site, not where the two existing houses were situated. The two houses to the west of the Site were erected with Certificate of Compliance issued by LandsD in 1980 and 1981, and existed before the promulgation of the first statutory plan for the area, i.e. Fu Tei Au and Sha Ling Interim Development Permission Area Plan in 1990. Hence, the two houses were regarded as existing uses from statutory planning perspective; and
- (b) it was observed that open storage use was found on the land to the immediate north of the Site falling within the "AGR" zone. Should there be sufficient evidence to prove that the use constituted an unauthorized development, enforcement action would be taken.

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

Deliberation Session

73. The Chairperson said and Members generally agreed that the applicant had not provided additional justifications or information in support of the review application. There was no reason for a deviation from RNTPC's decision and the review application should be rejected.

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

- “(a) the proposed developments are not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” zone of Wa Shan Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services.”

Tsuen Wan and West Kowloon District

Agenda Item 6

[Closed Meeting]

Consideration of Representations and Comments in respect of the Draft Kwai Chung Outline Zoning Plan No. S/KC/31
(TPB Paper No. 10909)

[The item was conducted in Cantonese.]

Deliberation Session

75. The Chairperson said the hearing session for the consideration of representations and comments on representations (comments) in respect of the draft Kwai Chung Outline Zoning Plan No. S/KC/31 (the draft OZP) was held at the last meeting on 7.7.2023 and today's meeting was to proceed with the deliberation of representations and comments.

76. The Secretary reported that Members' declaration of interests had been reported at the hearing session and recorded in the minutes of the meeting held on 7.7.2023. No further declaration of interests had been received from Members since then.

77. Members noted that Messrs Timothy K.W. Ma, Stanley T.S. Choi and K.L. Wong, Ms Sandy H.Y. Wong and Dr Conrad T.C. Wong had tender apologies for being unable to attend the meeting/afternoon session of the meeting, and Messrs Andrew C.W. Lai, Paul Y.K. Au and Franklin Yu, who had direct interests on the item, should be invited to leave the meeting temporarily for the item. Members also agreed that Dr C.H. Hau, Messrs Daniel K.S. Lau and K.L. Wong and Ms Lilian S.K. Law, who had no involvement in the amendment items of the OZP and/or submission of the relevant representation/comment, could stay in the meeting.

78. The Secretary also reminded that those Members who had not attended the whole or major part of the hearing session on 7.7.2023 should refrain from participating in the deliberation of the item.

[Messrs Andrew C.W. Lai, Paul Y.K. Au, Franklin Yu, K.W. Leung and Daniel K.S. Lau left the

meeting at this point.]

79. The Chairperson invited Members to make reference to the TPB Paper No. 10909 and the confirmed minutes of the meeting held on 7.7.2023 in deliberating the representations and comments. She then recapitulated the following major points covered in the hearing session:

- (a) the amendments to the draft OZP mainly involved the rezoning of (i) a “Green Belt” (“GB”) site (about 5.4 ha) to the east of Shek Pai Street, which was a piece of Government land located in proximity to Kam Shan Country Park with the shortest distance being about 100m, for a proposed public housing development (PHD) with about 5,400 flats (Item A1) for completion by Year 2034 and subject to a maximum building height (BH) of 260 metres above Principal Datum, and two pieces of land to the south and north of the Item A1 site from “GB” to “Government, Institution or Community” (“G/IC”) respectively for a proposed primary school (Item A2) and a relocated fresh water pump house (Item A3) currently located within the Item A1 site; (ii) an “Industrial” site currently occupied by a government factory estate for a proposed PHD (Item B); (iii) a “G/IC” site to facilitate a proposed public columbarium development (Item C); and (iv) an “Open Space” site for the proposed development of a residential care home for the elderly with in-situ preservation of the graded buildings, which was to take forward the decision of the Metro Planning Committee of the Town Planning Board (the Board) on agreeing to a s.12A application (Item D);

- (b) the discussion at the hearing session focused mainly on Items A1 to A3. Regarding the design of the proposed PHD, Members’ major concerns and views included (i) the proposed BH and the layout design to take into account the prevailing wind direction; (ii) the need of wider building separations to improve air ventilation; (iii) the locations of retail, social welfare and car parking facilities to take into account the residents’ need; (iv) the possibility of minimising tree felling (about 2,100) and more adequate compensation proposal (about 1,600); and (v) balancing the need to preserve the existing streams as far as practicable and the potential flat loss;

- (c) concerning Shek Lei Hang Village located with the Item A1 site, currently there were structures covered by two Government Land Licences which would be handled separately by the Government in accordance with the prevailing policy and established mechanism. It was also noted that the villagers of Shek Lei Hang Village had some unpleasant experience during the pre-clearance survey conducted by the Lands Department (LandsD) in end 2022. LandsD had explained that the affected villagers might be caught by surprise as they only noted the land clearance and rezoning for PHD when LandsD conducted the freezing survey. In this regard, LandsD had been advised to pay attention to the affected villagers' feelings when briefing them on the compensation and rehousing arrangements later on;
- (d) on traffic matter, the relevant departments advised that even with the proposed PHD, the traffic condition of the area would be at an acceptable level with the implementation of road improvement measures at four major road junctions, and the planned Kwai Chung Circumferential Road was considered not necessary before Year 2037; and
- (e) the frequent burst of underground water mains was another major concern of the representers/commenters. As acknowledged by the Water Supplies Department, such problem was particularly serious in Kwai Tsing District and priority had been given to the replacement and rehabilitation of old water mains in the district.

80. The Secretary reported that a Member, who was unable to attend this meeting, had provided his written comments which were tabled at the meeting and summarised as follows:

- (a) supported in principle Items A1 to A3 but raised concerns on the impacts of the proposed PHD with such BH on air ventilation. There were suggestions on revisiting the layout design, provision of a rehousing plan for the affected residents and requesting the Transport Department to conduct an overall traffic impact assessment to work out the best solution to deal with the traffic issues;

- (b) supported Items B and D; and
- (c) no objection to Item C but given that there was only one road leading to the proposed public columbarium, it was suggested to assess whether the additional traffic loading could be accommodated, especially during the two festival days (i.e. Ching Ming Festival and Chung Yeung Festival) and to explore a back-up or an alternative road upon the opening of the columbarium.

81. The Chairperson then invited views from Members.

Items A1 to A3

“GB” Review

82. A Member opined that instead of adopting a piecemeal approach on rezoning “GB” sites, a systematic review with an established set of principles and criteria should be conducted to provide a comprehensive picture of “GB” sites which were suitable for development to facilitate consideration of future similar cases by the Board.

83. In response, the Chairperson said that rezoning “GB” sites for housing development was not an easy task. The Government had been systematically reviewing the “GB” sites. There were about 16,000 ha of land zoned “GB” in Hong Kong, of which half of them (i.e. about 8,000 ha) was considered not suitable for development in view of the gradient issue and/or largely covered by dense vegetation. About 1,200 ha had been included in development projects which were currently under different implementation stages, and feasibility studies would be carried out for another 255 ha which had been identified and announced in the Chief Executive (CE)’s 2022 Policy Address. The remaining of about 6,000 ha of land was being reviewed by the Planning Department (PlanD). It was quite obvious that it would be increasingly difficult to identify more “GB” sites suitable for housing development as those “GB” sites with minimal impacts on ecology and easier to build should have already been incorporated into different development projects. Hence it was not expected that much of the remaining 6,000 ha of land could be shortlisted for housing development. Given that land on the periphery of country parks should not be used for housing development as raised by some members of the public, and more land had to be identified for development purpose, the Item A1 site with an area of more than 5 ha was a

precious site in the urban area for PHD with 5,400 domestic units for completion by 2034. For Members' reference, there were about 1,600 ha of brownfield sites in the New Territories, of which a higher portion (about 1,000 ha) had been included in different development projects as compared with "GB" sites (1,200 ha out of 16,000 ha).

84. The Secretary supplemented that the "GB" review was conducted by the Government in a systematic manner and consistent principles and criteria had been adopted in reviewing the "GB" sites. As announced in the CE's Policy Addresses, there were different stages of "GB" review. The first stage review covered those devegetated or destroyed sites. The second stage review focused on sites located in the periphery of developed areas with some vegetation cover which were of relatively low ecological value, and with supporting infrastructure to facilitate housing development. Upon identifying a potential "GB" site for housing development, the Civil Engineering and Development Department (CEDD) would be invited to conduct an engineering feasibility study (EFS) to investigate whether the proposed housing development at the site would cause significant adverse impacts on the environment, ecology, air ventilation, landscape and other aspects. Both the Item A sites and the housing site at Tsing Yi Road West in Tsing Yi considered by the Board earlier were identified in the second stage of "GB" review. According to the findings of the EFS, the ecological value of the Item A sites was relatively not high and compensatory measures could be adopted for addressing the ecological impacts. The 255 ha as mentioned by the Chairperson was being investigated in the third stage "GB" review.

Rezoning of "GB" Sites and Function of "GB" Zone

85. The Vice-chairperson and the majority of Members support/raised no objection to the rezoning of the "GB" site for public housing development (Item A1), which was a logical and progressive extension of urban development in the Kwai Chung area and would not affect the integrity of the "GB" zone. However, given that the Item A1 site was still performing the "GB" function with the presence of streams traversing the site, and serving as a buffer between the urban area and the country park, it was considered that the Government should devote the best effort in minimizing the impacts on "GB", conserving the ecology and preserving the existing streams, in particular the perennial stream in the northern part of the Item A1 site and the adjacent trees. The project proponent should explore different methods with a view to preserving the perennial stream and if not possible, diverting the stream. In future, the project proponents of similar housing proposals should make effort to resolve all the problems and issues before submission to the Board

and it was not acceptable for the issues to be addressed at the detailed design stage. Higher quality design layout for “GB” sites was expected in future submissions. A Member, having noted similar housing proposals always aroused controversy and public confrontation with regard to issues on environmental protection, cultural heritage preservation and ecological conservation, added that the Government should grasp the development opportunities of providing PHD for improving the urban environment (such as on aspects of urban ventilation and ecological conservation) to avoid such controversy and confrontation and to achieve a win-win outcome.

86. Members had the following major comments/suggestions on the notional scheme for the PHD:

- (a) the notional scheme recently prepared for PHD were found not acceptable in quality. It seemed that there was a lack of close liaison among relevant Government departments;
- (b) to relocate the proposed Government, Institution and Community (GIC) block accommodating social welfare facilities and car park for the sake of preserving the existing perennial stream in the northern part of the Item A1 site;
- (c) to review the proposed non-domestic uses or the provision of these uses and to provide related facilities in a more compact manner to allow for ecological conservation;
- (d) to build a flyover/bridge over the existing perennial stream;
- (e) to reduce the bulk of podium structure by relocating car parking facilities and the length of the proposed new public road serving the Items A1 and A2 sites;
- (f) to amalgamate the Items A1 and A2 sites to form a larger site to allow for design flexibility for better site planning and air ventilation. The proposed primary school could be incorporated as part of the PHD or an alternative site should be explored;
- (g) given that the Item A1 site was elongated in shape and the prevailing wind was

in East-West direction, to provide building separations above the minimum requirement stipulated under the Sustainable Building Design Guidelines to enhance permeability and improve air ventilation of the downstream developed area;

- (h) to form a larger site so as to preserve the existing streams and trees without compromising the flat production;
- (i) to divide the formed site and the building structures into different parcels interconnected with one another so as to minimise necessary site formation and preserve the original character of the site in order to create a comfortable ambience;
- (j) to intermix building blocks with trees and streams, which would also allow better access via the Item A1 site to Kam Shan Country Park; and
- (k) relevant development requirements (such as stream preservation and air ventilation) should be incorporated in the planning brief (PB) and/or Explanatory Statement (ES) of the OZP for follow up by CEDD and Hong Kong Housing Authority (HKHA).

87. The Chairperson said that upon approval of the draft OZP, a PB for the proposed PHD would be prepared. Relevant development parameters and requirements would be stipulated in the PB. The requirements as raised by Members including appropriate building separations, reasonable building layout, preservation of the perennial stream, etc., could be incorporated in the PB. Given the size of the Item A1 site (more than 5 ha), it was expected that a better design layout could be devised.

88. The Secretary supplemented that according to the current design layout of the PHD, the proposed new road abutting the eastern boundary of the development was included in the “Residential (Group A)” (“R(A)”) zone of the Item A1 site. Adjustments on road alignment and building blocks were possible. As for the Item A2 site zoned as “G/IC” for the proposed primary school, amendment to the draft OZP would be required if the site was to be used for residential use. As the Housing Department (HD) and Education Bureau (EDB) might have their own

requirements in respect of the location of the primary school site, there was no technical basis for the Board to determine a more suitable location for the proposed school at the current juncture. In that regard, the Vice-chairperson requested PlanD and HD to further liaise with EDB on the possibility of releasing the Item A2 site for PHD.

Provision of Primary School (Item A2)

89. A Member said that with the decreasing school-aged population and the current provision of six secondary schools and eight primary schools within a distance of 2km from the sites, it was doubtful whether a new primary school should be provided solely based on the Hong Kong Planning Standards and Guidelines (HKPSG). The relatively hilly terrain with the cul-de-sac of the proposed new road which might generate additional traffic flow in the area, might not be a suitable location for primary school development. Two Members concurred and said that it was desirable that primary school be located within walking distance of the students.

Ecological Consideration and Stream Preservation

90. A Member raised objection to Items A1 to A3 and made the following major points:

- (a) the ecological survey for the winter season was missed out in the Ecological Impact Assessment (EcoIA) under the EFS for the proposed PHD. Such omission was a major flaw. According to aerial photos, the study area of the EcoIA was actually a forest habitat with a continuous tree canopy. With winter migratory birds there, the ecological survey should cover the winter season;
- (b) the evaluation in the EcoIA was based on the assessments of small individual habitats in accordance with the requirements for conducting an environmental impact assessment (EIA), which would underestimate the ecological value of the area concerned. That was the reason why the Hong Kong Bird Watching Society, in its bird survey for the Item A sites, could identify the bird species which were not recorded in the ecological survey conducted by the CEDD's consultants. A rare faunal species, *Megophrys brachykolos* (短腳角蟾), could also be found in the streams in the area;

- (c) no stream diversion was proposed. The clearance of the refuse dumped in the upper stream course, as proposed by the CEDD's consultants, was totally not acceptable as a stream compensatory measure;
- (d) woodland creation and plantation enrichment areas were proposed in the EcoIA to compensate for the loss of woodland. However, the number of compensatory trees was not sufficient to compensate for the loss. Since the woodland creation areas were already well-wooded and had a very high percentage of tree crown cover, the proposed tree planting in those areas could not be regarded as a compensation measure. According to aerial photos, no space was available for tree planting, in particular woodland creation area WA1. It was worried that compensatory planting would be carried out after clearance of vegetation there. The proposed woodland compensation plan in the EcoIA was considered unreasonable and not feasible;
- (e) on-site tree compensation was impossible in Hong Kong as the development sites were usually small in size. The Government had previously agreed to explore off-site tree compensation method. In view of more "GB" rezoning proposals in future, off-site tree compensation should be taken forward as soon as possible; and
- (f) the proposed 3-year establishment period after compensatory trees were planted, which had been adopted in government projects, was not acceptable. According to past experience, an establishment period of at least 10 years should be adopted for tree compensatory planting.

91. With regard to the Members' queries on ecological aspect, the Secretary reiterated the Government's responses made by the Agriculture, Fisheries and Conservation Department (AFCD) and CEDD's Consultants as summarized in the minutes of the hearing meeting on 7.7.2023 with main points highlighted as follows:

- (a) the baseline ecological profile of the study area had been collated from literature review and findings of the ecological survey. Since there was no

existing records documenting that the concerned study area was an important breeding or roosting site of particular faunal species of conservation interest during the dry season, a 6-month ecological survey during the wet season was considered appropriate;

- (b) stream enhancement measures were proposed for one section of the perennial stream and two sections of two ephemeral streams, including clearance of refuse dumped within or alongside the streams, removal of any undesired fabricated structures/concrete slab and vegetation obstructing the water flow of the streams; modifying the streams to increase the diversity of micro-habitats and hence the ecological niche available to aquatic fauna; and restoring the habitat of the riparian zones. Although there was no universally-agreed methodology on calculation of habitat/stream capacity, a Stream Habitat Enhancement Plan would be prepared and submitted to AFCDD at the detailed design stage; and
- (c) as for the proposed woodland compensation sites, three potential sites for afforestation and three potential sites for plantation enrichment planting were recommended in the EcoIA. The proposed afforestation and plantation enhancement would increase floral diversity and the ecological value of the woodland in the area. A Woodland Compensatory Planting and Enrichment Planting Plan would be prepared and submitted to AFCDD at the detailed design stage.

92. The same Member reiterated that the judgment of AFCDD and the consultants was not agreed.

Availability of Alternative Sites

93. Given that government sites for temporary car park under short term tenancies (STTs) were available nearby, a Member considered that those government sites could be developed for PHD as an alternative option to meet the acute housing demand, which might not cause significant adverse impacts on natural habitat and traffic condition in the area, and it was difficult to give support to the rezoning proposal of the Item A1 site on such basis.

94. The Secretary supplemented for Members' information that as recorded in the minutes of the hearing meeting held on 7.7.2023, some representers suggested using government sites under STTs in the district for PHD. In response, PlanD explained that the Government had adopted a multi-pronged approach of increasing land supply to meet the acute housing demand. For the relatively large site at Container Port Road near MTR Kwai Fong Station, a study was being carried out to assess its feasibility for alternative uses. For those sites along Tsuen Wan Road, they might not be suitable for residential use because they were small in size and susceptible to traffic noise. A Member opined that suggestions on alternative sites were meaningless if no supporting studies and technical assessments had been carried out for the sites.

Rehousing

95. Two Members considered that the affected residents should be rehoused in the same district as far as practicable, similar to the rehousing arrangement adopted for Fanling North (FLN) and Kwu Tung North (KTN) New Development Areas (NDAs). In response, the Chairperson said that the Development Bureau (DEVB) announced measures to improve rehousing arrangements for domestic occupants in squatter structures in 2018. For those squatter domestic occupants in 1980s-surveyed squatter structures who had a proof of at least seven-year residence but did not wish to go through the income and asset tests, they could choose to buy or rent a housing unit in the Dedicated Rehousing Estate (DRE) of the Hong Kong Housing Society. For FLN and KTN NDAs, as the residents there were affected in 2019 when DRE was yet to be completed, the eligible residents were rehoused in a new public housing development of the HKHA at Po Shek Wu Estate as a special rehousing arrangement. There were several planned DREs in the urban areas such as in Kai Tak, Wong Tai Sin and Cha Kwo Ling but not in Shek Lei area. That said, those affected could be rehoused in the DREs in above-mentioned areas. If those affected residents could pass through the income and asset tests, they would be allotted with a HKHA's public rental housing (PRH) unit. Whether they could be rehoused in the same district would depend on the availability of PRH units at that juncture. The preference of the affected eligible residents to be rehoused in the same district would be conveyed to the Housing Bureau for consideration.

Urban Problems

96. A Member opined that the current problems in the area such as traffic, frequent burst of underground water mains and lack of facilities as raised by some of the representers and commenters during the hearing session were considered not in context as those problems might be resolved in future and it was impossible to rely on a single project to resolve the problems.

97. As Members had no further views, the Chairperson summarised that while a few Members had different views on rezoning the “GB” sites under Items A1 to A3, more Members were in support of the zoning amendments with their comments/suggestions to be followed up as below:

- (a) relevant requirements would be incorporated in the ES of the draft OZP and/or the PB for the proposed PHD at the Item A1 site, including (i) preservation of the existing perennial stream in the northern part of the site and if not possible after liaising with HD, other options such as stream diversion would be explored; (ii) reviewing the building design layout; and (iii) provision of wider building separations with a view to enhancing air ventilation in the area;
- (b) to liaise with EDB on the need of the Item A2 site for primary school development and whether alternative sites could be identified for the school use. If the site could be released by EDB, more design flexibility would be allowed for enhancing the layout of the proposed PHD; and
- (c) for future proposals for rezoning “GB” sites for PHD, consideration should be given to enhance the notional schemes with due consideration of all possible compensatory and mitigation measures before submission to the Board, even though the notional schemes could be amended at the subsequent detailed design stage.

98. A Member suggested making the preservation of the perennial stream a mandatory requirement instead of an option. In response, the Chairperson said that the goal was to preserve the stream and if not possible after exhausting all the available means, other measures such as stream diversion would be considered in the design. Another Member suggested to set priority,

on a scientific basis, on the existing streams to be preserved according to the findings of relevant study. The Chairperson agreed to liaise with CEDD and their consultants in that regard.

99. On compensatory planting, a Member urged the Government to set some objective indicators, say forest compensation of achieving 70% canopy cover be regarded as successful tree compensation, and provide audit reports to the Board to illustrate the successful rate of compensation implemented under previously approved projects. There were many unsuccessful cases for compensatory planting as gathered from other professionals involving in EIA or non-EIA related projects. Also, the former chairperson of the Board had agreed to explore if tree bank could be identified in various districts. There was an imminent need to identify tree bank for compensatory planting as more “GB” sites would be released for development. Another Member suggested that for future rezoning of “GB” sites, EcoIA should be conducted in a prudent manner by the Government to avoid diverse views and findings from different professional parties and environmental groups. In response, the Chairperson agreed to follow up with colleagues of DEVB to expedite the search of suitable sites for tree bank and with CEDD on the audit of compensatory planting.

Items B, C and D

100. Members had no objection to Items B, C and D. For the Item C site, a Member opined that more niches should be provided in view of its convenient location in the urban area and there was not much objection from the public on the columbarium use. While it was understood that existing traffic capacity might be an issue, especially during the Ching Ming Festival and Chung Yeung Festival, special traffic diversion arrangement could be implemented and the general public should be encouraged to use public transport for their journeys to the new columbarium.

101. After deliberation, the Town Planning Board (the Board) noted the supportive grounds of **R2** and **R3** and the view of **R860** and decided not to uphold R1, R4 to R859 and considered that the draft Kwai Chung Outline Zoning Plan (OZP) should not be amended to meet the representations for the following reasons:

“Items A1 to A3

- (a) the Government has been adopting a multi-pronged approach to increase housing land supply, including carrying out review of Green Belt (GB) sites on an on-going basis. The GB site proposed for public housing development (PHD) is located at the fringe of the existing built-up areas in North Kwai Chung and is in close proximity to existing infrastructure. Taking into account the land use compatibility and that there is no insurmountable technical problem identified for the proposed PHD at Shek Pai Street, Item A1 site is considered suitable for rezoning to “Residential (Group A)3” zone on the Outline Zoning Plan (OZP) with a view to increasing housing land supply (**R6 to R8, R11 to R703, R706 to R709, R711, R714, R716, R717, R720, R723 to R725, R728, R731, R733 to R737, R740 to R742, R744, R746 to R748, R751 to R755, R757, R762, R764, R765, R789, R792, R796, R797, R801, R802, R804, R806 to R812, R814, R816 to R819, R821, R823 to R829, R831, R839 and R857**);
- (b) an engineering feasibility study comprising technical assessments on the traffic and transport, environmental, ecology, landscape, visual, air ventilation, geotechnical, drainage, sewerage, water supply, utility and cultural heritage aspects, etc., have been conducted and confirmed that there is no insurmountable technical problem and no unacceptable adverse impacts with the implementation of mitigation measures in developing Items A1 to A3 sites for PHD and supporting Government, institution and community (GIC) facilities (**R1, R4 to R11, R13 to R711, R713 to R740, R742, R743, R745 to R756, R758 to R791, R793 to R795, R797 to R801, R803, R805, R807, R809 to R815, R820, R822, R824, R826, R829 to R838, R840 to R844, R847 to R859**);
- (c) the development intensity and building height of the proposed PHD at Item A1 site is considered appropriate taking into consideration the planning context of the area and the findings of the relevant technical assessments. Relevant improvement works and mitigation measures have been proposed to minimise the possible impacts of the proposed developments (**R1, R4,**

R5, R9 to R11, R13, R15 to R711, R713 to R740, R742, R743, R745, R747 to R751, R753 to R756, R758, R760 to R791, R794, R795, R797, R799 to R801, R803, R805, R807, R809 to R815, R820, R822, R824, R826, R829 to R838 and R849 to R859);

- (d) the overall provision of GIC facilities is generally sufficient to serve the population in Kwai Chung, except the elderly, child care, rehabilitation services/facilities and sports centre. The Social Welfare Department will consider their provision in the planning and development process as appropriate, with a view to meeting the demand as long-term goal. A floor area equivalent to not less than 5% of the domestic gross floor area will be reserved in the proposed PHD at Item A1 site for the provision of social welfare facilities, possibly including elderly, child care and rehabilitation facilities. Besides, the deficit of one sports centre can be met by the surplus in the provision in Kwai Tsing District as a whole **(R1, R13, R16 to R707, R709 to R733, R736, R749, R756, R758, R760, R788, R790, R799, R805, R809 to R812, R814, R820, R822, R830 and R831 to R838);**
- (e) to meet the overall education needs arising from the additional population in the proposed PHD under Item A1 and the surrounding developments, Item A2 site is considered necessary and suitable for development of a proposed primary school. As school design is 8 storeys in general, it is considered not necessary to impose a building height restriction with a view to allowing design flexibility **(R16 to R703, R716 and R857);**
- (f) the statutory and administrative procedures in consulting the public on the zoning amendment have been duly followed. The exhibition of the OZP for public inspection and the provisions for submission of representations and comments form part of the statutory consultation process under the Town Planning Ordinance **(R16 to R703, R719, R728, R771 and R829);**
- (g) the Government will follow the established procedures for processing ex-gratia allowance and/or rehousing arrangements to the eligible residents and tenants affected by clearance in accordance with the prevailing policies

(R746, R765, R790, R795, R799, R809, R811, R812, R822, R828, R829, R833, R837, R840, R841 and R844 to R847);

Item B

- (h) the industrial developments surrounding Item B site have been gradually phased out through redevelopment, wholesale conversion or land disposal for commercial and office/business uses. The proposed PHD at Item B site is considered not incompatible with the surroundings and is technically feasible as ascertained by relevant technical studies with no insurmountable technical problem identified **(R829 and R860)**;
- (i) the statutory and administrative procedures in consulting the public on the zoning amendment have been duly followed. The exhibition of the OZP for public inspection and the provisions for submission of representations and comments form part of the statutory consultation process under the Town Planning Ordinance **(R857)**;

Item C

- (j) the proposed number of niches to be provided at the columbarium development is considered optimised taking into consideration the results of the relevant technical assessments **(R857)**;

Item D

- (k) although there is a deficit of about 2.37 ha of planned district open space within the Kwai Chung Planning Area, there is a surplus of about 37.8 ha existing and planned local open space within the planning area. Besides, it is stipulated on the Notes of the OZP for the “Other Specified Uses” annotated “Buildings with Historical and Architectural Interests Preserved for Social Welfare Facility Use” (“OU(BHAI)”) zone that a public open space (POS) of not less than 1,270m² shall be provided within the zone **(R857)**; and

- (1) the planning intention of the “OU(BHAI)” zone is primarily for the preservation and adaptive re-use of the existing historical buildings for social welfare facility uses with the provision of POS. Planning permission is required from the Board for any new development, or demolition of, addition, alteration and/or modification to or redevelopment of any of the existing historic buildings and a Conservation Management Plan should be submitted at the application stage for the scrutiny and examination of concerned authority/department and the Board **(R857).**”

102. The Board also agreed to amend the Explanatory Statement (ES) of the draft Kwai Chung OZP to reflect Members’ views as follows:

Paragraph 8.3.11 of the ES for “Residential (Group A)” Zone

In support of the proposed public housing development in the “R(A)3” zone, an Air Ventilation Assessment-Initial Study (AVA-IS) has been carried out. It is found that design measures, including key design measures identified in the AVA, would alleviate the potential air ventilation impacts on the surrounding wind environment. ***To improve the air ventilation performance of the downstream area, wider building separations of more than 15m should be explored.*** A further quantitative AVA shall be carried out at the detailed design stage. ***As for ecological conservation, the existing perennial stream in the northern part of the housing site should be preserved as far as practicable and if not possible, other options such as stream diversion should be explored. The building design layout should also be reviewed and improved to minimize the adverse impacts on the surrounding areas.*** Such requirements shall be incorporated in the planning brief for implementation as appropriate.

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

Agenda Item 7

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

Any Other Business

104. There being no other business, the meeting was closed at 5:30 p.m.