

**Minutes of 1306<sup>th</sup> Meeting of the  
Town Planning Board held on 3.11.2023**

**Present**

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

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr C.H. Hau

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Professor Roger C.K. Chan

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

Mr K.L. Wong

Chief Traffic Engineer (Kowloon)

Transport Department

Mr Vico P. Cheung (a.m. session)

Chief Traffic Engineer (New Territories East)

Transport Department

Mr K.L. Wong (p.m. session)

Chief Engineer (Works)

Home Affairs Department

Ms Fancy L.M. Cheung

Assistant Director (Environmental Assessment)

Environmental Protection Department

Mr Terence S.W. Tsang (a.m. session)

Principal Environmental Protection Officer (Territory North)

Environmental Protection Department

Ms Clara K.W. U (p.m. session)

Director of Lands

Mr Andrew C.W. Lai

Director of Planning

Mr Ivan M.K. Chung

Deputy Director of Planning/District

Mr C.K. Yip

Secretary

**Absent with Apologies**

Miss Winnie W.M. Ng

Mr Daniel K.S. Lau

Mr Ricky W.Y. Yu

Dr Venus Y.H. Lun

Dr Conrad T.C. Wong

Mrs Vivian K.F. Cheung

**In Attendance**

Assistant Director of Planning/Board

Ms Caroline T.Y. Tang

Chief Town Planner/Town Planning Board

Ms Johanna W.Y. Cheng (a.m.)

Ms Fannie F.L. Hung (p.m.)

Senior Town Planner/Town Planning Board

Ms Kitty S.T. Lam (a.m.)

Mr L.K. Wong (p.m.)

**Agenda Item 1**

[Open Meeting]

Confirmation of Minutes of the 1303<sup>rd</sup> and 1305<sup>th</sup> Meetings held on 20.10.2023

[The item was conducted in Cantonese.]

1. The draft minutes of the 1303<sup>rd</sup> and 1305<sup>th</sup> meetings held on 20.10.2023 were confirmed without amendment.

**Agenda Item 2**

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) Reference Back of Approved Outline Zoning Plans

2. The Secretary reported that on 8.9.2023, the Secretary for Development referred (i) the approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/37; (ii) the approved Tseung Kwan O OZP No. S/TKO/28; and (iii) the approved Ma On Shan OZP No. S/MOS/26 to the Town Planning Board for amendment under section 12(1A)(a)(ii) of the Town Planning Ordinance. The reference back of the three OZPs was notified in the Gazette on 15.9.2023.

(ii) Hearing Arrangement for Consideration of Representations and Comments of Draft Outline Zoning Plans (OZPs)

3. The Secretary reported that the item was to seek Members' agreement on the hearing arrangement for consideration of representations and comments in respect of (i) the draft Yau Ma Tei OZP No. S/K2/25; (ii) the draft Fanling/Sheung Shui OZP No. S/FSS/27; and (iii) the draft Kwu Tung South OZP No. S/NE-KTS/19.

4. The Secretary reported that the amendments to the draft Yau Ma Tei OZP were to take forward some of the recommendations of the District Study for Yau Ma Tei and Mong

Kok conducted by the Urban Renewal Authority (URA) and agreed by the Town Planning Board (the Board), for which AECOM Asia Company Limited (AECOM) was the consultant. URA (C1) had also submitted a comment on the OZP amendments. The following Members had declared interests on the item:

- |                                                        |                                                                                                                                                                                                 |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mr Ivan M.K. Chung<br><i>(as Director of Planning)</i> | - being a non-executive director of the URA Board and a member of its Committee;                                                                                                                |
| Mr Andrew C.W. Lai<br><i>(as Director of Lands)</i>    | - being a non-executive director of the URA Board and a member of its Committee; and owning and co-owning with spouse properties in Yau Ma Tei;                                                 |
| Mr Timothy K.W. Ma                                     | - being a member of the Land, Rehousing & Compensation Committee and Development Project Objection Consideration Committee of URA; and being a director of the Board of the Urban Renewal Fund; |
| Dr Conrad T.C. Wong                                    | - having current business dealings with URA and AECOM; and being a director of a company which owned properties in Yau Ma Tei;                                                                  |
| Mr Lincoln L.H. Huang                                  | - being a former Vice-chairman of the Appeal Board Panel of URA;                                                                                                                                |
| Mr Wilson Y.W. Fung                                    | ] being a former director of the Board of the Urban Renewal Fund;                                                                                                                               |
| Mr Ricky W.Y. Yu                                       |                                                                                                                                                                                                 |
| Ms Lilian S.K. Law                                     |                                                                                                                                                                                                 |

- Mr Ben S.S. Lui - being a former Executive Director of URA;
- Mr Stanley T.S. Choi - his spouse being a director of a company which owned properties in Yau Ma Tei;
- Mr Vincent K.Y. Ho having current business dealings with AECOM; and
- Dr C.H. Hau - having past business dealings with AECOM.

5. The Secretary invited Members to note that the declaration of interests in paragraph 4 above had been modified as follows:

- (i) in the past, in addition to Hong Kong Housing Society (HKHS) projects, Members with interests relating to HKHS had declared interests for Hong Kong Housing Authority (HKHA) and Urban Renewal Authority (URA) projects for the reason that HKHS had discussion with URA and HKHA on housing matters; while Members with interests relating to HKHA and URA had only declared interests for HKHA and URA projects respectively, but not HKHS projects. As the interests previously declared by Members related to HKHS on HKHA/URA projects were indirect and to maintain consistency, Members relating to HKHA/HKHS/URA would only need to declare interest on HKHA/HKHS/URA projects respectively; and
- (ii) in the past, Members had declared interests on properties rented for use by their organisations. As rental properties for use by a Member's organisation did not constitute a material landed interest, such interests needed not be declared.

6. Members agreed to the above modifications and that such practice should be adopted with immediate effect.

7. The Secretary reported that the amendments to the draft Fanling/Sheung Shui

OZP were to take forward the decisions of the Rural and New Town Planning Committee (RNTPC) of the Board on two section 12A applications (No. Y/FSS/18 and Y/FSS/19). Application No. Y/FSS/18 was to rezone a site near Ling Shan Tsuen for a proposed private residential development. Llewelyn Davies Hong Kong Limited (LD) and LWK & Partners Hong Kong Limited (LWK) were two of the consultants of the applicant. Application No. Y/FSS/19 was to rezone a site near Tsung Pak Long to facilitate a proposed private residential development and in-situ preservation of Oi Yuen Villa. The rezoning application was submitted by Hui Chun Hang Julian. Ove Arup & Partners Hong Kong Limited (Arup) was one of the consultants of the applicant. A representation (R2) and a comment (C1) were submitted by Mr Hui Chun Hang Julian. The following Members had declared interests on the item:

- Mr Ricky W.Y. Yu - having past business dealings with LD and LWK;
- Mr Franklin Yu - having current business dealings with Arup; and
- Ms Winnie W.M. Ng - being a personal friend of Mr Hui Chun Hang Julian.

8. The Secretary reported that the amendments to the draft Kwu Tung South OZP were to take forward the decisions of the RNTPC of the Board on two section 12A applications (No. Y/NE-KTS/13 and Y/NE-KTS/15). Application No. Y/NE-KTS/13 was to rezone a site to the immediate west of the Hong Kong Jockey Club (HKJC) Beas River Country Club for proposed residential development. LWK was one of the consultants of the applicant. Application No. Y/NE-KTS/15 was to rezone a site near Hang Tau Road to facilitate a proposed residential development submitted by Hinying Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK). LD was one of the consultants of the applicant. A representation was submitted by Hinying Limited (R1). 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 Company Limited (Long Win) and SHK having shareholding interests in KMB and Long Win; and being an ordinary member of HKJC
- Ms Lilian S.K. Law - being an ex-Executive Director and committee member of The Boys' & Girls' Clubs Association of Hong Kong which had received sponsorship from SHK; and being an ordinary member of HKJC;
- Dr Conrad T.C. Wong - having current business dealings with SHK; and being an ordinary member of HKJC;
- Mr Ricky W.Y. Yu - having past business dealings with LD and LWK;
- Mr Vincent K.Y Ho - having current business dealings with SHK;
- Mr Franklin Yu - his spouse being an employee of SHK;
- Dr C.H. Hau - applied for funding from the HKJC Charities Trust for his project;
- Mr Stanley T.S. Choi - his organisation having obtained sponsorship from HKJC;
- Mr Stephen L.H. Liu ] being an ordinary member of HKJC; and  
Mr Wilson Y.W. Fung ]
- Professor Roger C.K. Chan - being a full member of HKJC.

9. As the item for seeking the Board's agreement on the hearing arrangement for the three OZPs was procedural in nature, all Members who had declared interests could stay in the meeting.

10. The Secretary introduced the details as below:

- (a) on 30.6.2023, the draft Yau Ma Tei OZP No. S/K2/25, involving mainly (i) revision of building height restriction (BHR) for the "Commercial" ("C") zones on the two sides of Nathan Road from 110 metres above Principal Datum (mPD) to 140mPD; (ii) rezoning of various sites along Temple Street and Woosung Street from "Residential (Group A)" ("R(A)") to "Other Specified Uses" annotated "Mixed Use" ("OU(MU)") with the incorporation of a new set of Notes for the "OU(MU)" zone and revision of BHR from 100mPD to 115mPD; (iii) revision of BHR for the "R(A)" zone from 100mPD to 115mPD; (iv) removal of the plot ratio (PR) restriction on the "C" zone; and (v) revision of the domestic PR restriction of the "R(A)" zone from 7.5 to 8.5, was exhibited under section 5 of the pre-amended Town Planning Ordinance (pre-amended Ordinance). During the two-month exhibition period, one valid representation was received. The representation was subsequently published for three weeks and two valid comments were received;
- (b) on 12.5.2023, the draft Fanling/Sheung Shui OZP No. S/FSS/27, involving mainly (i) rezoning of a site at the junction of Ma Sik Road and Fan Leng Lau Road from "Village Type Development" to "R(A)12" with stipulation of BHR; and (ii) revisions to PR, building height and other restrictions for the "Comprehensive Development Area" ("CDA") zone for residential development, was exhibited under section 5 of the pre-amended Ordinance. During the two-month exhibition period, 72 valid representations were received. The representations were subsequently published for three weeks and six valid comments were received; and
- (c) on 12.5.2023, the draft Kwu Tung South OZP No. S/NE-KTS/19, involving mainly (i) stipulation of Areas (a) and (b) and BHR for a "CDA" site to the north of Hang Tau Village fronting Hang Tau Road for phased residential

developments; and (ii) rezoning of a site to the south of Kwu Tung Road and to the west of Hang Tau Road from “CDA”, “Agriculture” and an area shown as ‘Road’ to “CDA(3)” with stipulation of BHR, was exhibited under section 5 of the pre-amended Ordinance. During the two-month exhibition period, three valid representations were received. The representations were subsequently published for three weeks and two valid comments were received.

11. The Secretary reported that in view of the similar nature of the representations and comments, the hearings of all valid representations and comments were recommended to be considered by the full Board collectively in one group for the respective OZP. To ensure efficiency of the hearings, a maximum of 10 minutes presentation time would be allotted to each representer/commenter in the hearing sessions. Considerations of the representations and comments by the full Board of the three OZPs were tentatively scheduled for December 2023.

12. After deliberation, the Board agreed to the respective hearing arrangements in paragraph 10 above.

(iii) Town Planning Appeal Decision Received

Town Planning Appeal No. 5 of 2021  
Columbarium Use in “Government, Institution or Community” Zone,  
Lot 2011 (Part) in D.D. 132, Tuen On Lane, Tuen Fu Road, Fu Tei,  
Tuen Mun (Gig Lok Monastery)  
(Application No. A/TM /530)

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13. The Secretary reported that the subject appeal was against the Town Planning Board (the Board)’s decision to reject on review an application (No. A/TM/530) for columbarium use at a site (the Site) zoned “Government, Institution or Community” (“G/IC”) on the Tuen Mun Outline Zoning Plan (OZP).

14. The review application was rejected by the Board on 7.5.2021 for the following reasons:

- (a) the proposed development was not in line with Town Planning Board Guidelines No.16 in that the columbarium use was in close proximity to the residential developments and sharing the same access road with the adjoining residential development, and was considered not compatible with the surrounding areas in land use terms; and
- (b) approval of the application would set an undesirable precedent for other applications of similar circumstances. The cumulative effect of approving such applications would cause nuisance to the residential neighbourhood.

15. The appeal was heard by the Town Planning Appeal Board (TPAB) on 6.10.2022, 7.10.2022 and 12.10.2022. On 29.9.2023, the appeal was allowed by the TPAB for the following considerations:

- (a) The existing columbarium use complied with the planning intention of the “G/IC” zone – TPAB opined that the existing columbarium at the Site complied with the planning intention of the “G/IC” zone. TPAB also noted that there had been a religious institution on the Site since 1955, which started to have urns with ashes (i.e. a columbarium use) since 1966. That meant the columbarium use existed well before the neighbouring residential development (i.e. Parkland Villas) was developed around 2000. The fact that the columbarium use had developed from being an ancillary use to a use requiring planning permission did not constitute misconduct of the Appellant. There was also no evidence that the columbarium use at the Site was concealed, and given no enforcement action was taken by the Government against the columbarium use, TPAB was of the view that the use was in effect being tolerated.
- (b) The existing columbarium complied with the Town Planning Guidelines for ‘Application for Development/ Redevelopment within “G/IC” Zone for Uses other than Government, Institution and Community Uses’ (TPB PG-No. 16) – TPAB considered that the existing columbarium complied with the TPB PG-No. 16 as it was compatible in land use terms with the surrounding areas in the wider context, and the consideration should not merely be on a specific use or

development in the surrounding areas such as Parkland Villas. TPAB also did not consider the columbarium at the Site to be a sensitive community facility given that there was sufficient buffer by trees and was enclosed in a building.

- (c) The cumulative effect of approval would not cause nuisance to the residential neighbourhood – regarding the traffic impact, TPAB was of the view that given the relevant government departments, including Transport Department, considered that the revised traffic management plan was acceptable, the concern on traffic congestion as a result of the columbarium was unsupported. There was also no evidence indicating that there was congestion caused by pedestrian traffic. Regarding the issue of shared access, TPAB considered that evidence had suggested that the traffic congestion was caused by vehicles travelling to and from the residential development rather than that to the Site.

16. The Secretary reported that the Department of Justice (DoJ) was of the view that there was no error of law nor other particular grounds, from legal point of view, to pursue judicial review against the TPAB’s decision.

17. Members noted the decision of TPAB and agreed with the advice of DoJ.

(iv) Appeal Statistics

18. The Secretary reported that as at 3.11.2023, a total of six cases were yet to be heard by the Appeal Board Panel (Town Planning) and four decisions were outstanding.

19. Details of the appeal statistics were as follows :

Allowed	44
Dismissed	171
Abandoned/Withdrawn/invalid	213
Yet to be heard	6
Decision Outstanding	4
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Total	438

**Kowloon District**

**Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Urban Renewal Authority Kau Pui Lung Road/Chi Kiang Street Development Scheme Plan No. S/K10/URA2/1 (TPB Paper No. 10933)

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[The item was conducted in Cantonese and English.]

20. The Secretary reported that the Development Scheme Plan (DSP) submitted by the Urban Renewal Authority (URA) involved a site at Kau Pui Lung Road/Chi Kiang Street in Ma Tau Kok (the Site). A representation (R62) had been submitted by Mass Transit Railway Corporation Limited (MTRCL) and a comment (C1) had been submitted by URA. The following Members had declared interests on the item:

- |                                                 |                                                                                                                                                                                                 |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mr Ivan M.K. Chung<br>(as Director of Planning) | - being a non-executive director of the URA Board and a member of its Committee;                                                                                                                |
| Mr Andrew C.W. Lai<br>(as Director of Lands)    | - being a non-executive director of the URA Board and a member of its Committee;                                                                                                                |
| Mr Timothy K.W. Ma                              | - being a member of the Land, Rehousing & Compensation Committee and Development Project Objection Consideration Committee of URA; and being a director of the Board of the Urban Renewal Fund; |
| Dr Conrad T.C. Wong                             | - having current business dealings with URA and MTRCL; and his companies owning some properties in Ma Tau Kok;                                                                                  |
| Mr Lincoln L.H. Huang                           | - being a former Vice-chairman of the Appeal Board Panel of URA;                                                                                                                                |

- |                     |   |                                                                                              |
|---------------------|---|----------------------------------------------------------------------------------------------|
| Mr Ben S.S. Lui     | - | being a former Executive Director of URA and had involved in the subject Development Scheme; |
| Mr Ricky W.Y. Yu    | ] | being a former director of the Board of                                                      |
| Mr Wilson Y.W. Fung | ] | Urban Renewal Fund;                                                                          |
| Ms Lilian S.K. Law  | ] |                                                                                              |
| Miss Winnie W.M. Ng | - | her company owning properties in Ma Tau Kok; and                                             |
| Ms Sandy H.Y. Wong  | - | being an independent non-executive director of MTRCL.                                        |

21. Members noted that Mr Ricky W.Y. Yu, Dr Conrad T.C. Wong and Ms Winnie W.M. Ng had tendered apologies for being unable to attend the meeting; and Mr Ben S.S. Lui and Ms Sandy H.Y. Wong would not join the meeting on the item. The interests of Messrs Ivan M.K. Chung, Andrew C.W. Lai and Timothy K.W. Ma were direct and they were invited to leave the meeting temporarily for the item. As the interest of Mr Lincoln L.H. Huang was indirect and Mr Wilson Y.W. Fung and Ms Lilian S.K. Law had no involvement in the DSP or submission of the relevant comment, Members agreed that they could stay in the meeting.

[Messrs Ivan M.K. Chung, Andrew C.W. Lai and Timothy K.W. Ma left the meeting temporarily at this point.]

#### Presentation and Question Sessions

22. 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.

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

***Government Representatives***

Planning Department (PlanD)

- Ms Vivian M.F. Lai - District Planning Officer/Kowloon (DPO/K)
- Ms Vicki Y.Y. Au - Senior Town Planner/Kowloon (STP/K)
- Ms Jenny M.C. Ngan - Town Planner/Kowloon

***Representers, Commenters and their Representatives***

R5/C3 – Lam Wun Lai

- Mr Lam Wun Lai - Representer and Commenter

R16 – Lam Yi Man Meir

- Ms Lam Yi Man Meir - Representer

R33 – 林愛玲

- Ms Lam Oi Ling - Representer

R47 – 許康輝

- Mr Hui Hong Fai - Representer

R49 – Wong Mun Wa Irene

- Ms Wong Mun Wa Irene - Representer

R50 – Lam Bik Chun

- Mr Chong Kai Yat - Representer's Representative

R51 – So Yuet Wah

- Ms So Yuet Wah - Representer

R55 – Gordon Peter Henry

Mr Gordon Peter Henry - Representor

R56 – Chan Yiu Shu Stephen

Mr Chan Yiu Shu Stephen - Representor

R58 – Tang Chor Fan Julia

Ms Tang Chor Fan Julia - Representor

R60 – Tang Kin Fan Eric

Mr Tang Kin Fan Eric - Representor

R61/C9 – Mary Mulvihill

Ms Mary Mulvihill - Representor and Commenter

C1 – 市區重建局 (Urban Renewal Authority)

Mr Mike Y.F. Kwan ]

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

Ms Leung Wing Yan ]

24. 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 representors, commenters and their representatives would then be invited to make oral submissions. To ensure efficient operation of the hearing, each representor, commenter and their representative would be allotted 10 minutes for making presentation. There was a timer device to alert the representors, commenters and their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after the representors, commenters and their representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representors, commenters and their representatives. After the Q&A session, the government representatives, the representors, commenters and their representatives would be invited to leave the meeting. The Town Planning Board (the Board) would then deliberate on the representations and comments in their absence and inform the representors and commenters of the Board's decision in due course.

25. The Chairperson invited PlanD's representatives to brief Members on the representations and comments. With the aid of a PowerPoint presentation, Ms Vicki Y.Y. Au, STP/K, briefed Members on the representations and comments, including the background of the draft DSP, the grounds/views of the representers and commenters and PlanD's views on the representations and comments as detailed in TPB Paper No. 10933 (the Paper). The Development Scheme (DS) was a pilot project for redevelopment of Civil Servants' Co-operative Building Society (CBS) Scheme sites by URA in response to the policy directives under the Policy Addresses 2018 and 2019. The DS covered an area (about 16,473m<sup>2</sup>) mainly zoned "Residential (Group A)" ("R(A)") with minor portions shown as 'Road'. The "R(A)" zone was subject to maximum domestic and total plot ratios (PR) of 8 and 9 respectively, building height restriction (BHR) of 140mPD, and provision of not less than 400m<sup>2</sup> of public open space (POS) for public use. In addition, URA undertook to increase the gross floor area (GFA) for government, institution or community (GIC) facilities to not less than 4,500m<sup>2</sup> and provide not less than 2,400m<sup>2</sup> of at-grade pedestrianised avenue/event plaza within the DS area.

[Mr Stanley T.S. Choi joined the meeting during PlanD's presentation.]

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

R5/C3 – Lam Wun Lai

27. Mr Lam Wun Lai made the following main points:

- (a) he had been living within the DS area for a long time;
- (b) many property owners within the DS area were elderly people with deteriorating health conditions. The buildings without lift provision had hindered mobility of residents, in particular the elderly. Some elderly people had moved to elderly homes or buildings with lifts in the same district in recent years because they could no longer cope with walking up the stairs; and

- (c) he and other households in his building supported the redevelopment, and he urged URA to expedite implementation of the DS.

[Mr Vincent K.Y. Ho joined the meeting at this point.]

R16 – Lam Yi Man Meir

28. Ms Lam Yi Man Meir made the following main points:

- (a) she had been living within the DS area for about 10 years;
- (b) she enjoyed living in the area due to its convenient location and proximity to the MTR To Kwa Wan Station. However, she welcomed the redevelopment that would provide about 2,324 flats, including some ‘Starter Home’ (SH) units to address the housing problem and facilitate home ownership of the younger generation; and
- (c) she supported the redevelopment as it would better utilise land resources and increase housing supply.

R33 – 林愛玲

29. Ms Lam Oi Ling made the following main points:

- (a) she had been living within the DS area for some time;
- (b) she lived on the top floor and her flat was in dilapidated conditions with various problems including defective concrete and water seepage; and
- (c) she supported expediting the redevelopment which could improve the living environment in the area.

R47 – 許康輝

30. Mr Hui Hong Fai made the following main points:

- (a) he was an elderly person living within the DS area;
- (b) many residents within the DS area were elderly people who had concerns about the redevelopment, including difficulties in relocation and adaption to a new community;
- (c) the affected elderly residents were worried that the compensation might not be adequate for buying a replacement flat in the same district. URA did not provide adequate information on the compensation package and rehousing arrangement, and the affected residents, particularly the elderly people, felt very anxious; and
- (d) the requirement for dissolution of the CBS before acquisition of properties by URA might also affect the rights of some elderly owners who had difficulties in comprehending the complicated procedural matters.

R49 – Wong Mun Wa Irene

31. Ms Wong Mun Wa Irene made the following main points:

- (a) she objected to the redevelopment because the compensation was unfair, as it ignored that owners of larger units had contributed more money to the CBS;
- (b) in determining the compensation for the public area and parking spaces, it would be unfair to follow the guidelines for dissolution of CBS because decisions were to be made based on a majority vote. Property owners of larger units were the minority and owners of smaller units were the majority who would make decisions to their own benefits which disregarded the original greater capital contribution of owners of the larger

units. The rights of owners of larger units were being disregarded during the dissolution of CSB;

- (c) the owners of larger units had made complaints about the unfair situation to the Civil Service Bureau, Development Bureau (DEVB), URA and Legislative Council. However, URA and the government bureaux had refused to offer any assistance on the ground that the matter was outside their areas of responsibilities; and
- (d) the properties could be acquired from CBS owners but there must be fair compensation. Some affected residents might have financial difficulties in buying affordable replacement units if they were not compensated fairly and proportionally.

R50 – Lam Bik Chun

32. Mr Chong Kai Yat made the following main points:

- (a) he was living within the DS area; and
- (b) he was concerned about the rehousing arrangement, particularly whether the rehousing units at Site 1E1 in Kai Tak would be available in time for their relocation and the chances of buying a large unit thereat for his family.

R51 – So Yuet Wah

33. Ms So Yuet Wah made the following main points:

- (a) she objected to the redevelopment;
- (b) she was living within the DS area, and her father-in-law paid for the land and construction costs back in the 1950's for their unit which was of large size with a parking space;

- (c) in determining the compensation for the car parking spaces for shared use, it would be unfair to follow the guidelines for dissolution of CBS because decisions were to be based on a majority vote. Owners of the smaller units would be the majority and they would make decisions to their own benefits, which disregarded the original greater capital contribution of owners of the larger units. However, DEVB refused to handle their complaint regarding the compensation arrangement for the 27 existing parking spaces for shared use; and
- (d) the requirement for payment of land premium by the CBS owners was unjustified and unfair as the redevelopment was not initiated by them. Besides, the Government could not provide the documentary proof regarding their claim that concession amounting to two-thirds market value was granted under the CBS land grant decades ago.

R55 – Gordon Peter Henry

34. Mr Gordon Peter Henry made the following main points:

- (a) he objected to the redevelopment as dissolution of the CBS involved unfair procedures;
- (b) he had been living within the DS area since childhood. His father contributed more and they lived in a larger unit in the CBS building with some car parking spaces for shared use; and
- (c) the compensation package was unfair. In determining the compensation for the parking spaces, it would be unfair to follow the guidelines for dissolution of CBS because decisions were to be made based on a majority vote. Property owners of larger units would be the minority and owners of smaller units who were the majority would make decisions to their own benefits which disregarded the original greater capital contribution of owners of the larger units and the parking spaces were to be shared equally. The Government should assist owners of the larger units so that they could

receive fair compensation.

R56 – Chan Yiu Shu Stephen

35. Mr Chan Yiu Shu Stephen made the following main points:

- (a) he had been living within the DS area for decades;
- (b) although the redevelopment would proceed regardless of their concerns, the details of implementation should be worked out properly to address residents' concerns;
- (c) URA's acquisition offer based on same value price per square foot was unfair and it failed to take into account the differences in orientation and floor level of each unit;
- (d) he was also concerned about the timing for availability of rehousing units at Site 1E1 in Kai Tak and noted that there was a discrepancy in the Paper on the completion date of the Dedicated Rehousing Estate (DRE). Such discrepancy implied that there would surely be delay in availability of rehousing units thereat. In the absence of seamless rehousing arrangement, there would be grave financial implications and it was difficult to decide whether the discount offered at the DRE could outweigh the rental payment during the transitional period. There were uncertainties on whether they could buy a large enough unit for their relocation; and
- (e) the Government should consider additional rehousing options to the affected residents by allowing them to purchase existing Home Ownership Scheme (HOS) flats in the secondary market.

R58 – Tang Chor Fan Julia

36. Ms Tang Chor Fan Julia made the following main points:

- (a) she objected to the redevelopment;
- (b) the redevelopment was not in line with the statutory purposes of URA and the principles of the Urban Renewal Strategy. According to the building condition survey conducted by URA, the physical conditions of the concerned buildings were acceptable;
- (c) it was unfair that HOS Phases 1, 2 and 3A buyers might sell their units at their discretion without the requirement to pay land premium while owners of CBS units had to pay land premium when being forced to sell their units;
- (d) the redevelopment was in violation of Basic Law (including its Article 100) that benefits of civil servants should remain unchanged. Most of the affected CBS members were civil servants before the establishment of the Hong Kong Special Administrative Region;
- (e) regarding the calculation of land premium, the Government did not provide documentary proof regarding their claim that concession amounting to two-thirds market value was granted under the CBS land grant decades ago. A document issued by the Colonial Secretariat dated 10.12.1952 indicated that the loan to the CBS included half of the land. It was unlikely that the Government's loan was more than the amount the CBS had to pay;
- (f) it was unreasonable that CBS members who owned other properties were not eligible to purchase rehousing units at Site 1E1 in Kai Tak;
- (g) the responses in paragraph 5.3.6(a) of the Paper that compensation and rehousing arrangements were outside the scope of the DSP were unacceptable. Those matters were the primary concerns of affected residents;
- (h) the redevelopment should had been carried out in one go when the Shatin to Central Link was constructed so as to minimise the disturbance and

pollution to nearby residents;

- (i) URA's acquisition offer based on the same value per square foot was unfair and it failed to take into account the differences in location, orientation, floor level and internal condition of each unit;
- (j) if URA was concerned about the lack of lift provision at the CBS buildings, they should provide subsidies for installation of lifts to improve mobility of elderly residents; and
- (k) affected residents would be more willing to move out if the compensation was adequate for purchasing a replacement flat with similar size in the same district or in an area with good accessibility, and covering the costs associated with relocation, e.g. legal and management fees.

R60 – Tang Kin Fan Eric

37. Mr Tang Kin Fan Eric made the following main points:

- (a) he objected to the redevelopment;
- (b) the redevelopment was not in line with the statutory mandate of URA. According to the Social Impact Assessment published by URA in 2020, there was no obvious environmental hygiene problem in the DS area. The building condition survey conducted by URA in 2020 also indicated that the conditions of most of the buildings in the DS area were acceptable;
- (c) according to some media reports, many buildings in other areas of Hong Kong, including To Kwa Wan, Jordan and Tsuen Wan, were in dilapidated conditions with numerous problems such as rodent and defective concrete. They should be accorded priority for redevelopment over the CBS buildings;
- (d) according to the results of an opinion survey submitted by URA to the

Housing and Development Planning Committee Working Group of the Kowloon City District Council for its meeting on 2.3.2021, 102 affected households supported, 253 households objected and 83 households had no comment on the redevelopment. The findings were misleading since some objecting views were being classified as supporting or having no comment;

- (e) information on the acquisition and compensation package was inadequate and unclear, including the rationale for different treatments between CBS Scheme and non-CBS Scheme sites;
- (f) there would not be seamless rehousing arrangement since Site 1E1 in Kai Tak would not be available in a timely manner; and
- (g) the requirement for payment of land premium by the CBS owners was unjustified and unfair.

R61/C9 – Mary Mulvihill

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

- (a) she objected to the redevelopment;
- (b) there was a lack of details related to the redevelopment proposal on the URA's and the Board's websites for public information;
- (c) noting that a large number of affected residents would be displaced during the redevelopment of various projects in To Kwa Wan, URA should ensure that adequate accommodation for rehousing could be made available in a timely manner to minimise the disturbance to affected residents and obviate the need for them to rent accommodation during the transitional period;
- (d) given the proximity of the DS to Lok Man Sun Chuen, it was an ideal

location for public housing development;

- (e) there were serious deficits in GIC facilities in the area such as child care centre, residential care home for the elderly and community care services facilities but only 3.2% of the total GFA of the DS was reserved for GIC facilities. The representative of URA mentioned at a recent TPB meeting that although public housing developments would reserve floor space equivalent to 5% of the total domestic GFA for GIC uses, such practice was not a mandatory requirement for URA's projects. However, private developers which acquired lots under land sale were subject to lease condition requiring 5% of GIC provision;
- (f) there was no mention of elderly-friendly units in the redevelopment. One of the residential blocks should be designed to ensure a safe environment for the increasing number of elderly and allow them to age in place;
- (g) regarding air ventilation impact, the building gap between Blocks T2 and T3 was only 13m while the one between Block T7 and the existing building to the east was only 11m, which were less than the 15m building separation normally required for public housing developments. In addition, the three proposed footbridges were unnecessary and they would block natural light and views towards the sky;
- (h) similar to other URA projects, the proposed at-grade POS and pedestrianised avenue would be 'fake' open space. The location and boundary of the 400m<sup>2</sup> POS were not clearly delineated on the DSP and it would likely be converted to commercial uses with no seating, like those in the Sai Yee Street and Lee Tung Street redevelopment projects. According to the GIC table in Annex V of the Paper, there was serious deficit in local open space (about 8.46 ha or about 60% of requirement) in the Ma Tau Kok planning area. URA should provide quality open space within the DS;
- (i) URA was creating housing problems as it continued to redevelop

affordable units and replaced them with homes that were out of the financial reach of the majority of the displaced residents. URA was established in 2001 under the URA Ordinance with the mandate to address the problem of urban decay and it should focus on redeveloping buildings in dilapidated conditions instead of the concerned CBS buildings in acceptable conditions;

- (j) regarding the comments received during public consultation of the DSP in 2020, about 1,260 comments were received and 73% objected to the redevelopment; and
- (k) there was no demand for additional private units in Hong Kong. According to media reports, about 83,000 units in recently completed projects remained unsold and there was a further supply of about 25,000 units by end 2023. There would be a large number of vacant units, even higher than that in 2021.

#### C1 – 市區重建局(Urban Renewal Authority)

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

- (a) in response to the Policy Addresses 2018 and 2019, URA was invited to identify one or two clusters of CBS Scheme sites suitable for high-density development as pilot projects;
- (b) on 22.5.2020, URA published the notification of commencement in the Gazette for the subject pilot CBS redevelopment project at Kau Pui Lung Road/Chi Kiang Street (CBS-2) under the URA Ordinance. During the public consultation period, about 1,200 public comments mainly concerning the dissolution of CBS were received. An information summary on the dissolution, acquisition and resumption arrangements had been issued to the affected CBS members to clarify the CBS related issues in October 2022;

- (c) URA had taken the opportunity to review the original draft DSP in response to the policy directives under the Policy Addresses 2020 and 2021 that URA should actively provide more SH units or other types of subsidised sale flats in redevelopment projects. URA took initiatives to refine the original draft DSP which involved a change in housing type in the southern portion of the Site from public housing to SH units. When compared with the original scheme which involved handing over of the southern portion of the Site to the Government for public housing development, URA now proposed to redevelop the site as a whole under the refined scheme, with not less than 950 SH units and the location of which would be subject to review at the detailed design stage;
- (d) other than responding to the directives of the Policy Addresses to meet housing needs, the DS sought to achieve wider planning gains, including (i) maximising development potential of the Site; (ii) enhancing connectivity and walkability of the district; (iii) improving local environment and urban design; and (iv) providing more GIC facilities to meet the community needs;
- (e) according to the preliminary design, URA's proposal would provide about 1,374 private units and 950 SH units with an average flat size of 53m<sup>2</sup>. Under the proposed domestic PR of 8, the housing supply would be increased by about five times as compared to the existing 460 units;
- (f) on the aspect of enhancing connectivity and walkability, through restructuring and re-planning of the road networks and land parcels, not less than 2,400m<sup>2</sup> of at-grade pedestrianised avenue/event plaza would be provided. In addition, an underground shopping street was proposed to connect the two entrances/exits of the MTR To Kwa Wan Station on the two ends of the DS at the basement level;
- (g) as for improving local environment and urban design, two major wind enhancement features would be provided, i.e. a minimum 15m-wide

breezeway along the existing Maidstone Road (i.e. the proposed pedestrianised avenue) for north-south wind flow; and a minimum 20m-wide podium separation along the existing Kiang Su Street for east-west wind flow. The relevant requirements had been specified in the Explanatory Statement (ES) of the draft DSP; and

- (h) according to the original proposal presented to the Board on 24.3.2023 for consideration of the DSP, not less than 2,500m<sup>2</sup> of non-domestic GFA would be reserved for GIC uses. In response to Members' comments, URA proposed to increase the GIC provision to 4,500m<sup>2</sup> for social welfare facilities. In addition, a public vehicle park with 164 parking spaces, in addition to about 600 ancillary parking spaces, would be provided in the redevelopment.

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

[Professor Roger C.K. Chan left the meeting at this point.]

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

#### *Pedestrian Connection and Layout Design*

41. A Member raised the following questions:

- (a) whether there were design measures to enhance pedestrian connections and integration with the surrounding areas; and whether there were linkages to the entrances/exits of MTR To Kwa Wan Station; and
- (b) whether the proposed footbridges would create shadow effect as raised by

R61/C9.

42. In response, Ms Vivian M.F. Lai, DPO/K, PlanD, with the aid of some PowerPoint slides, said that according to URA's notional scheme, there would be north-south and east-west pedestrian connections within the DS through the proposed at-grade pedestrianised avenue and POS with convenient access to entrances/exits of the MTR To Kwa Wan Station at street level. In addition, an underground shopping street was proposed by URA with possible connection to the MTR To Kwa Wan Station at basement level, which could further enhance accessibility to existing GIC facilities and POS to the east across Ma Tau Wai Road.

43. Mr Mike Y.F. Kwan, representative of C1, with the aid of some PowerPoint slides, supplemented the following main points:

- (a) according to the refined scheme, the underground shopping street could provide possible connections to the MTR To Kwa Wan Station at basement level. The proposed connections were subject to further liaison with MTRCL at the detailed design stage. The existing lane from Maidstone Road to Chi Kiang Street would be widened to not less than 15m-wide through revised building design for Blocks T6 and T7 to form a north-south pedestrian avenue of uniform width; and
- (b) regarding R61/C9's concern about the proposed footbridges, those footbridges were intended to connect the retail use and residents' clubhouse within the redevelopment. The exact number and locations of the footbridges were subject to review during the detailed design stage.

*Provision of GIC Facilities and POS*

44. Some Members raised the following questions:

- (a) noting that there were deficits in elderly facilities in the Ma Tau Kok planning area, whether more floor space for GIC uses would be allocated for elderly facilities; and the feasibility to provide such facilities at the lower floors of the podium instead of in a separate GIC block; and

- (b) whether R61/C9's concern about 'fake' open space in URA projects was substantiated; and whether seating would be provided in the POS.

45. In response, Mr Mike Kwan Y.F. Kwan, representative of C1, made the following main points:

- (a) there were 283 households with elderly residents within the DS area, including 33 and 30 singleton and doubleton elderly households respectively. The floor space for GIC facilities would accommodate various social welfare facilities for the elderly and children as advised by the Social Welfare Department, e.g. Neighbourhood Elderly Centre, Special Child Care Centre, Day Care Centre for the Elderly and Home Care Services for Frail Elderly Persons, etc. The facilities would be located at the lower floors of the GIC block and/or within the non-domestic portion of the development (i.e. at a height of not more than 24m above ground level in compliance with the requirement of most welfare facilities);
- (b) the proposed at-grade pedestrianised avenue/event plaza (not less than 2,400m<sup>2</sup>) within the DS area would not be counted as open space under lease to allow flexibility for place-making. The proposed POS (not less than 400m<sup>2</sup>) was intended for passive recreation use where people could enjoy the surroundings in a leisurely manner; and
- (c) regarding the completed URA project at Sai Yee Street in Mong Kok mentioned by R61/C9, a POS with seating was located at the podium garden on 4/F which was not shown in the photos of R61/C9.

46. Ms Mary Mulvihill (R61/C9) said that URA should clarify whether seating area would be provided within the POS. In addition, the 2,400m<sup>2</sup> pedestrianised avenue/event plaza was double-counted as POS. The proposed POS for passive use would not have active recreation uses to cater for the needs of kids and young residents and it would likely become a pedestrian passageway.

47. In response, Ms Vivian M.F. Lai, DPO/K, PlanD said that the requirement for provision of not less than 400m<sup>2</sup> of POS had been stipulated under the Notes of the DSP as a statutory requirement. Mr Mike Y.F. Kwan, representative of C1, supplemented that the requirements for POS (not less than 400m<sup>2</sup>) and pedestrianised avenue/event plaza (not less than 2,400m<sup>2</sup>) were both stated in the ES of the DSP. There was no double counting and the provision of the POS was in addition to the pedestrianised avenue/event plaza. The POS would not be occupied for commercial uses and there would be seating in the POS. The pedestrianised avenue/event plaza was intended to enhance vibrancy of the area, place making events and performances would be organised from time to time, and there would be sale of snacks.

*Acquisition, Compensation and Rehousing*

48. The Chairperson and some Members raised the following questions:

- (a) noting that many affected residents were concerned about the acquisition and compensation package, what URA's offer was and whether it was the same as their established practice for non-CSB projects;
- (b) whether there would be seamless arrangement for rehousing the affected residents;
- (c) the rationale for the land premium to be paid by CBS owners; and
- (d) the number of CBSs within the DS area, and the total number of CBSs in Hong Kong.

49. In response, Mr Mike Y.F. Kwan, representative of C1, made the following main points:

- (a) the acquisition offer to owner occupiers was based on value of a seven-year-old replacement flat of size similar to the flat being acquired and in the same area (i.e. Kowloon City in the subject DS). In addition to cash compensation, the affected owner-occupiers might purchase the subsidised

sale flats at Hong Kong Housing Society's DRE at Site 1E1 in Kai Tak which would be available around 2025/2026 or might opt for in-situ 'Flat-for-Flat' units in the redevelopment. Flexibility would be given to enable eligible CBS owners to purchase a maximum of two replacement flats to cater for the need of large families with more than one core family living in the existing flats;

- (b) for owners not residing within the DS area and owners of parking spaces, the acquisition offer would be based on market value of the property to be acquired plus relevant allowances;
- (c) although there was no guarantee for seamless rehousing arrangement, affected residents would be provided with cash compensation and options for relocation to suit their individual needs. As the DRE at Site 1E1 in Kai Tak would be available around 2025/2026 and the earliest time for approval of the DSP by the Chief Executive in Council would be in 2024, the transitional period would not be very long;
- (d) regarding the assessment on land premium, a specific approach was adopted for the subject CBS Scheme. The calculation of land premium would be based on 'existing use land value' of the old CBS buildings, instead of redevelopment value of the concerned sites. As such, the land premium to be paid by CBS members would be much reduced;
- (e) the land premium assessment for each flat would be specific and depending on factors like its location, orientation, floor level, etc. However, for the subject DS development, CBS owners were only required to pay the land premium based on their flat size multiplied by the minimum land premium per square foot assessed in the entire DS. As the balance between the assessed and minimum premium value for each flat would be borne by URA, the compensation for acquisition of all flats would be based on a uniform per square feet value; and
- (f) there were 28 CBSs within the DS area and nine CBSs had not yet been

dissolved as of the commencement date of the DS. Amongst those nine CBSs, two had already been dissolved and six CBSs had applied for dissolution. URA was liaising with the remaining one to facilitate the dissolution process.

50. The Chairperson said that under the CBS scheme, land was granted at a concessionary premium of one-third of the full market value of the land concerned and the outstanding land premium was two-thirds of the full market value that was payable upon dissolution of the CBSs. She added that as at August 2022, there were 238 CBSs (about 5,700 flats) in Hong Kong. Among those CBSs, 198 had been dissolved and 12 were redeveloped mainly by private developers. There were around 40 CBSs (about 700 flats) yet to be dissolved. Ms Vivian M.F. Lai, DPO/K, PlanD supplemented that there were several CBS Scheme sites in the vicinity including (i) another pilot scheme implemented by URA at Shing Tak Street/Ma Tau Chung Road (CBS-1); (ii) a cluster of CBS Scheme sites to the north of the DS area; and (iii) a site redeveloped by a private developer at No. 80 Maidstone Road.

51. Ms Tang Chor Fan Julia (R58) reiterated her concerns expressed at her oral submission including (i) the Government did not provide documentary proof that concessionary premium of one-third of the full market value was charged for the land grant decades ago, and the outstanding premium the CBS had to pay was two-thirds of the land value. A document issued by the Colonial Secretariat dated 10.12.1952 indicated that the loan to the CBS was half of the market value of the land. It was unlikely that the Government's loan was more than the price the CBS had to pay for the land; (ii) it was unfair that CBS members were required to pay land premium as the redevelopment was not initiated by them and they were forced to sell their units. There was no requirement for payment of land premium according to the original lease but such requirement was added to the lease upon the dissolution of the CBS; and (iii) the redevelopment would affect the housing benefits of civil servants who had worked in the Government for many years before retirement.

52. In response to a Member's question, Mr Tang Kin Fan Eric (R60) said that his concern was mainly on the requirement to pay land premium. He did not request redevelopment of his property but was forced to sell his flat. Ms Wong Mun Wa Irene (R49), supplemented that not all CBS members were required to pay land premium when they sold their properties. If the concerned property was sold to a civil servant, there was an exemption

from payment of land premium. In addition, she queried that the rehousing units at Site 1E1 in Kai Tak could be available in 2025/2026. The Chairperson remarked that according to HKHS's latest programme, Site 1E1 in Kai Tak would be ready for occupation in 2026.

*Consultation with Affected CBS Residents*

53. In response to a Member's enquiry on whether there was a change in the percentage of residents supporting the redevelopment as compared to the time of commencement of the DS in 2020, Mr Mike Y.F. Kwan, representative of C1, said that an opinion survey and nine briefing sessions were conducted by URA in November 2021. For the opinion survey, about 1,200 comments were received and about 70% objected to the DS. As there were only 462 households within the DS, the opinion survey might not reflect the views of affected households accurately since some households had submitted multiple replies. The briefing sessions subsequently held were invited on a household basis and 407 households (about 88%) had attended. About 69% (281 households) supported, 15% (62 households) objected and 16% (64 households) had no comment on the redevelopment.

*Others*

54. Some Members raised the following questions:

- (a) whether the buildings within the DS area were in dilapidated conditions; and
- (b) noting R5/C3's concern about the elderly residents, whether the crux of the concern was related to expediting the redevelopment or more assistance to be provided by URA.

55. In response, Mr Mike Y.F. Kwan, representative of C1, said that there were no obvious environmental hygiene or structural problems associated with the buildings within the DS area. The redevelopment proposal was in response to the policy directives under the Policy Addresses 2018 and 2019. URA was invited to identify CBS sites suitable for high-density redevelopment as pilot projects.

56. Regarding the concerns of elderly residents, Mr Lam Wun Lai (R5/C3) said that URA should expedite implementation of the DS because the physical conditions of the elderly residents could deteriorate rapidly within a short time. He was confident that URA, based on experience gained from other redevelopment projects, could provide appropriate and timely support to the elderly residents.

57. Mr Hui Hong Fai (R47) said that many elderly residents were worried about the need to adapt to a new living environment and the uncertainties related to rehousing and compensation arrangements. Most elderly residents preferred to relocate within the same area given its proximity to the MTR To Kwa Wan Station and their existing social and community support network. URA should provide more information and assistance to address their concerns.

58. Mr Chan Yiu Shu Stephen (R56) said that URA could accord priority to acquiring the properties of the elderly owners and to offer them cash compensation in advance before the final acquisition price was confirmed to ease their worries related to financial and rehousing issues.

59. 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 and commenters of the Board's decision in due course. The Chairperson thanked the government representatives and the representers, commenters and their representatives for attending the meeting. They left the meeting at this point.

#### Deliberation Session

60. The deliberation session was recorded under confidential cover.

[The meeting was adjourned for lunch break at 12:45 p.m.]

61. The meeting was resumed at 2:15 p.m.

62. The following Members and the Secretary were present at the resumed meeting:

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

Ms Sandy H.Y. Wong

Mr Franklin Yu

Ms. Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

Chief Traffic Engineer (New Territories East)  
Transport Department  
Mr K.L. Wong

Chief Engineer (Works)  
Home Affairs Department  
Ms Fancy L.M. Cheung

Principal Environmental Protection Officer (Territory North)  
Environmental Protection Department  
Ms Clara K.W. U

Director of Lands  
Mr Andrew C.W. Lai

Director of Planning  
Mr Ivan M.K. Chung

### **Sha Tin, Tai Po and North District**

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comment in respect of the Draft Fu Tei Au and Sha Ling  
Outline Zoning Plan No. S/NE-FTA/17  
(TPB Paper No. 10934)

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[The item was conducted in Cantonese and English.]

63. The Secretary reported that the amendments incorporated in the Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/17 (the draft OZP) were related to a public housing project at Wa Shan, Fanling to be developed by the Hong Kong Housing Authority (HKHA) with Housing Department (HD) as the executive arm. The proposed public housing development was supported by an Engineering Feasibility Study conducted by the Civil Engineering and Development Department (CEDD). The following Members had declared interests on the item:

Mr Andrew C.W. Lai - being a member of HKHA;  
(*as Director of Lands*)

Ms Fancy L.M. Cheung - being a representative of the Director of Home  
(*as Chief Engineer (Works),* Affairs who was a member of the Strategic  
*Home Affairs Department)* Planning Committee and Subsidised Housing  
Committee of HKHA;

- Dr Conrad T.C. Wong - having current business dealings with HKHA;
- Mr Franklin Yu - being a member of the Building Committee and Tender Committee of HKHA; and
- Dr C.H. Hau - conducting contract research projects with CEDD; being a member of a focus group of CEDD on the study related to the Kau Yi Chau Artificial Islands; and being an honorary professional adviser of CEDD associated with the development of New Territories North.

64. Members noted that Dr Conrad T.C. Wong and Dr C.H. Hau had tendered apologies for being unable to attend the meeting, and Mr Franklin Yu would not join the meeting on the item. The interests of Mr Andrew C.W. Lai and Ms Fancy L.M. Cheung were direct and they had left the meeting temporarily for the item.

#### Presentation and Question Sessions

65. The Chairperson said that notification had been given to the representers and commenter inviting them to attend the hearing, but other than the person who was present, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenter, Members agreed to proceed with the hearing of the representations and comment in their absence.

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

#### **Government Representatives**

##### Planning Department (PlanD)

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

Ms Amy Y.T. Chong - Assistant Town Planner/Shia Tin, Tai Po  
and North (ATP/STN)

CEDD

Mr F.S. Sit - Chief Engineer (CE)

Mr Bruce L.C. Cheung - Senior Engineer

HD

Ms Lily L.H. Sze - Senior Planning Officer

Mr Tony M.H. Leung - Senior Architect (SA)

WSP (Asia) Limited

Mr Dan W.H. Chau ]

Ms Daphne Y.M. Lam ] Consultants

Ms Reasonlie Y.Y. Cheung ]

**Representer/Commenter**

R3/C1 – Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

67. 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 comment. The representer/commenter would then be invited to make her oral submission. To ensure efficient operation of the hearing, the representer/commenter would be allotted 20 minutes for making presentation. There was a timer device to alert the representer/commenter two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after the representer/commenter had completed her oral submission. Members could direct their questions to the government representatives or the representer/commenter. After the Q&A session, the government representatives and the representer/commenter would be invited to leave the meeting. The Board would then deliberate on the representations and comment in their absence and inform the representatives and commenter of the Board's decision in due course.

68. The Chairperson invited PlanD's representatives to brief Members on the representations and comment. With the aid of a PowerPoint presentation, Ms Margaret H.Y. Chan, DPO/STN, PlanD, briefed Members on the representations and comment, including the background of the draft OZP, the grounds/views of the representers and commenter and PlanD's views on the representations and comment as detailed in TPB Paper No. 10934 (the Paper).

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

R3/C1 – Ms Mary Mulvihill

70. Ms Mary Mulvihill made the following main points:

*Visual Impacts*

- (a) the location, size and visual impact of the proposed public transport terminus and car park building (PTT building) was shocking. It would be visually imposing but its impacts were downplayed in the photomontages of the Landscape and Visual Impact Assessment (LVIA). The proposed visual mitigation measures would not be able to alleviate the impacts. There was no explanation why the PTT could not be built underground;
- (b) the LVIA admitted that the visual impact of the proposed development on some viewpoints was considered "substantially adverse" and would inevitably alter the existing visual context and visual amenity of the locality. The development would not be fully in line with the planned visual context of the Fanling North New Development Area (NDA) as a riverside community. It would reduce the visual openness. While the LVIA stated that in a wider context, the proposed development would become an extension of the Fanling/Sheung Shui New Town, it should be noted that the development would be out of context in the New Territories;

### *Site Layout*

- (c) there was little separation between the PTT building and the adjacent residential blocks. The exceptional bulk of the PTT building would block the natural lighting and air ventilation of the lower floors of those adjacent blocks. The building separation should be more than the minimum requirement of 15m. The number of public housing units should not be an overriding consideration in planning for the public housing development;
- (d) the proposal failed to use space efficiently. The area planned for roads and emergency vehicular access was excessive, requiring the felling of a large number of trees and unnecessary paving within the public housing site (the Site). Only small trees could be planted in a few areas of the Site;

### *Provision of Government, Institution or Community Facilities*

- (e) the government, institution or community provision at a level of not less than 5% of the proposed domestic gross floor area would not be sufficient to serve the aging population;

### *Noise Mitigation Measures*

- (f) it was not clear whether the proposed noise mitigation measures, such as acoustic fin/windows, fixed glazing window, etc., were as effective as those recently adopted in Singapore. In any event, the installation of those mitigation measures would make it difficult for the future residents of the public housing to dry their clothes, affecting their living environment and building structures;

### *Public Housing Need*

- (g) the need for more public housing units was questionable, especially when Hong Kong was facing a budget deficit and flat prices were going down. The provision of public housing had encouraged some people not to work hard such that they could be eligible for public housing. Instead of building more public

housing, the Government should collect relevant information or data from various sources, e.g. the Inland Revenue Department and Companies Registry, to identify those public housing tenants who had already owned private properties or were directors of companies that owned properties, and then take back their public housing units;

*Others*

- (h) the size of the Rural and New Town Planning Committee (RNTPC) was too small to cope with the heavy workload of RNTPC given that there were many section 16 applications in the rural areas. The Government should address the issue when appointing new Board members for the next term;
- (i) many approved section 16 applications for animal boarding establishment had been revoked. Some approved applications might involve a number of extension of time (EOT) for discharging approval conditions. Apparently, such EOT applications had been abused as a means to seek planning permission for clearing and forming the application sites such that the sites could be used for other purposes at a later stage, and hence creating new brownfield sites; and
- (j) PlanD's information on similar section 16 applications for animal boarding establishment presented in RNTPC papers was not consistent. For instance, some similar applications quoted in the RNPTC Paper for application No. A/YL-KTN/759 in May 2021 could not be found in the RNTPC Paper for application No. A/YL-KTN/954 in mid-October 2023 but subsequently, some similar cases re-appeared in the RNPTC Paper for application No. A/YL-KTN/958 in late October 2023. As a reply to her enquiry was pending, the issue was brought up to this meeting.

[Mr Ben S.S. Lui joined the meeting during R3/C1's presentation.]

71. As the presentation of the representer/commenter had been completed, the meeting proceeded to the Question and Answer (Q&A) session. The Chairperson explained that Members would raise questions and the Chairperson would invite the government

representatives and/or the representer/commenter to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board or for cross-examination between parties.

*Environmental Impacts of Fanling Bypass (Western Section)*

72. Some Members and Mr Ivan M.K. Chung, Director of Planning (DoP), asked the following questions:

- (a) given that concerns on the environmental impacts such as air quality and traffic noise arising from Fanling Bypass (Western Section) on the proposed public housing development were already raised at the previous RNTPC meeting when the proposed zoning amendments were considered, what the changes to the layout of the proposed development were and whether the traffic noise could be mitigated at source to the benefits of the future residents;
- (b) the reasons for not incorporating environmental mitigation measures in the design of Fanling Bypass (Western Section) to mitigate the traffic noise at source;
- (c) a cost comparison of using acoustic architectural measures to mitigate the traffic noise and providing mitigation measures at source; and
- (d) the background of Fanling Bypass (Western Section) and its function to serve the new developments in the North District, e.g. the Kwu Tung North and Fanling North NDAs.

73. In response, Mr Tony M.H. Leung, SA, HD, Mr F.S. Sit, CE, CEDD and Ms Margaret H.Y. Chan, DPO/STN, PlanD made the following points:

- (a) the traffic noise from Fanling Bypass (Western Section) had to be mitigated to avoid adverse impacts on the residents of the proposed public housing development. One of the functions of the PTT building was to mitigate the traffic noise. Besides, acoustic measures, such as acoustic windows and acoustic balconies, were needed. The proposed acoustic windows would be

effective for noise mitigation and allow natural ventilation. The Government had reviewed the possibility of incorporating noise mitigation measures at source for Fanling Bypass (Western Section) after receiving RNTPC's comments. The Government's decision to maintain the layout was based on a balanced consideration of a host of factors, including the feasibility to install noise mitigation measures at the public housing development, the costs of mitigation at source and at the public housing development, and the impact of revising the design of Fanling Bypass (Western Section) for noise mitigation on the scheduled commencement of the road construction in 2025. If the traffic noise could be mitigated at source, it would certainly minimise the design constraints and allow greater design flexibility for the layout of the public housing development;

- (b) the subject public housing development was not yet proposed when Fanling Bypass (Western Section) was planned. There was no noise mitigation measure proposed at Fanling Bypass for the public housing development. The Fanling Bypass (Western Section) project was gazetted in September 2022 after consultation with the District Council in the same year, and the objections to the gazetted road works were being processed. As tenders for the road works would be invited shortly, any substantial changes to the design of Fanling Bypass (Western Section) would severely delay the implementation of the project to provide an important road link for the North District; and
- (c) if noise barriers were added to Fanling Bypass (Western Section), the project cost would be increased. For the proposed public housing development, there was no cost estimate at the moment but incorporation of acoustic architectural measures would generally increase the construction cost for the concerned units up to about 10% to 15% according to previous housing project experience. The need for acoustic architectural measures would depend on the effectiveness of the PTT building in serving as a noise screen. At the moment, it was estimated that of the 4,200 housing units to be built at the Site, acoustic architectural features would be required for about 350 units.

74. The Chairperson remarked that Fanling Bypass (Western Section) was a crucial project to serve the development of the Kwu Tung North and Fanling North NDAs. It had

been scheduled to seek funding from the Legislative Council for the remaining phases of the Kwu Tung North and Fanling North NDAs in 2024 which would cover the construction of Fanling Bypass (Western Section). Late completion of Fanling Bypass (Western Section) might affect the population intake of the two NDAs.

75. The Chairperson and three Members raised the following questions/requests:

- (a) whether it would be possible to provide mitigation measures at source for a short section of the road adjacent to the Site;
- (b) noting that enhancement works for existing roads were commonplace in Hong Kong, it should be technically feasible to provide noise mitigation measures at source. While timely implementation of the road project was important, there was some leeway as the construction would not commence until 2025. CEDD should clarify whether it was possible to speed up the procedures for the provision of mitigation at source; and
- (c) given that the choice of not mitigating the traffic noise at source would not be conducive to good planning, more justifications should be provided.

76. In response, Mr F.S. Sit, CE, CEDD, reiterated that it was undesirable to add noise screening at Fanling Bypass (Western Section) at the current final stage of detailed design. That said, he would relay Members' views to the relevant team in CEDD for further consideration.

#### *PTT Building*

77. Two Members asked the following questions:

- (a) how the car parking provision was worked out; and
- (b) considering that the proposed BH of 40m of the PTT building appeared to be excessive, the BH requirement of the said building if it was not designed for noise screening.

78. In response, Mr Tony M.H. Leung, SA, HD, made the following points:

- (a) the car parking provision was proposed in accordance with the upper limit set out in the Hong Kong Planning Standards and Guidelines, i.e. 1 car parking space to 8 units; and
- (b) the proposed PTT building was taller than a usual PTT building as it was intended to mitigate the traffic noise from Fanling Bypass (Western Section). The BH of the said building could be reduced if the traffic noise could be mitigated at source.

79. Ms Margaret H.Y. Chan, DPO/STN, PlanD added that the proposed PTT building would include a PTT on the ground floor and four upper floors for car parking. If the PTT was built underground, the construction cost would increase and additional ventilation facilities would be needed.

80. Two Members noted that reduction of the BH of the PTT building would help improve the living environment of the future residents and asked if there was no noise mitigation at Fanling Bypass (Western Section), whether it was possible to reduce the BH of the PTT building, and whether rooftop noise screening along the building edge similar to the one at Olympian City One could be an alternative approach to mitigate the traffic noise impact.

81. In response, Ms Margaret H.Y. Chan, DPO/STN, PlanD and Mr Tony M.H. Leung, SA, HD said that the scope to reduce the BH of the PTT building and provide rooftop noise screen could be explored at the detailed design stage.

*BH Restriction on "R(A)" Zone*

82. A Member noted that the public housing development was taken as an extension of Fanling New Town and asked about the justifications for the proposed BH restriction of 170mPD, taking into account that the maximum BH of the developments in Fanling was about 140mPD, and whether the proposal for additional BH was due to the design constraints imposed by Fanling Bypass (Western Section).

83. In response, Ms Margaret H.Y. Chan, DPO/STN, PlanD made the following points:

- (a) the domestic and non-domestic plot ratios of the proposed public housing development were 6.5 and 0.2 respectively, which were comparable to those of the Fanling North development. For the BH, the highest BH in the Fanling North development was about 145mPD. The proposed development at the Site would have variation in BH profile from 50mPD to 167mPD. The proposal for adopting a higher BH at the Site had taken into consideration various factors including the BH profile of the surrounding Fanling North development, allowance for incorporating modular integrated construction (MiC) technology, and the need to optimise the development potential of the land. According to the findings of the technical assessments undertaken for the public housing development, the proposed development intensity would not cause insurmountable problems; and
- (b) the LVIA undertaken for the public housing development had indicated that the development would result in substantial visual impacts on some viewpoints. To mitigate the visual impacts, landscape design, buffer planting and façade treatment were proposed. In addition, the building separation and the BH difference between the residential blocks and PTT building would create visual variations that would help address the visual impact. With the implementation of visual mitigation measures for the proposed development, the visual permeability and visual relief could be enhanced.

*Other*

84. In response to a Member's question related to the section 16 applications for animal boarding establishment as raised by R3/C1, the Chairperson said that as the matter was not related to the draft OZP, it should be dealt with separately and reported to the Board in due course.

85. As Members had no further questions to raise, the Chairperson said that the hearing procedures for the presentation and Q&A session had been completed. She thanked the representer/commenter and the government representatives for attending the meeting. The

Board would deliberate on the representations and comment in closed meeting and would inform the representers and commenter of the Board's decision in due course. The representer/commenter and government representatives left the meeting at this point.

### Deliberation Session

86. The Chairperson invited views from Members.

#### *Fanling Bypass (Western Section)*

87. Whilst having no objection to the "R(A)" zoning for the Site, the Vice-chairperson and some Members expressed the following views in relation to the design of the Fanling Bypass (Western Section):

- (a) it was disappointing that CEDD had not properly followed up Members' request to mitigate the traffic noise of Fanling Bypass (Western Section) at source as raised to the government representatives at the RNTPC meeting on 31.3.2023 when considering the proposed amendments to the draft OZP;
- (b) CEDD's response that it was not feasible to add noise screening at Fanling Bypass (Western Section) for the public housing development at this rather late stage was not convincing and unsubstantiated. Given that the road works had not commenced and only changes to the design of a short section of the road would be needed, CEDD was obliged to review the design of that section of the road to the benefit of the future public housing residents;
- (c) in assessing whether to mitigate the traffic noise of Fanling Bypass (Western Section) at source, the benefits of reducing the need for mitigation measures at the Site should also be taken into account; and
- (d) revisions to the design of the road at the current stage would remove the need to provide mitigation measures at the road after its completion.

88. For Members' background information, Mr Ivan M.K. Chung, DoP, remarked that

Fanling Bypass (Western Section) had already gone through the statutory procedures of the Environmental Impact Assessment (EIA) Ordinance some years ago. At that time, the proposed public housing development had not yet been proposed and thus was not covered in the approved EIA. It would be helpful if CEDD could provide information on the procedures and implications should there be any revisions to the design of Fanling Bypass (Western Section) in order to address the traffic noise impact on the proposed public housing development.

89. Ms Clara K.W. U, Principal Environmental Protection Office, Environmental Protection Department (EPD), advised that in general, installation of noise barriers might cause visual concerns from the public according to the experience of the road widening works for Tolo Highway. Therefore, EPD would also consider alternatives such as low-noise road surfacing, acoustic windows and screening by means of less noise-sensitive buildings to mitigate traffic noise impact where appropriate. That said, if needed, installation of noise barriers at the concerned section of Fanling Bypass (Western Section) could be provided through submission of a noise mitigation plan under the Environmental Permit granted to CEDD under the EIA Ordinance. Although it might be tight for CEDD to amend the design at the current stage as they were about to issue the tender invitation, the revision of the noise barriers at the Fanling Bypass (Western Section) under EIAO should not be on the critical path. If the Board decided to maintain the “R(A)” zoning and requested the Government to mitigate the traffic noise at source, EPD would work promptly with the relevant government departments to further study the mitigation measures of the road project.

#### *Public Housing Development*

90. Three Members had the following observations regarding the design of the proposed development:

- (a) the proposed BH of the PTT building (40m) would imply a floor-to-floor height of about 6m or 7m for each car parking floor. Such design was not reasonable and a very massive structure would be built. There should be scope to reduce the BH of the PTT building;
- (b) the proposed BH of about 170mPD for the public housing development at the Site was higher than that for the Fanling North development (i.e. some 140mPD with

a plot ratio of 6.5) even taking into account the adoption of MiC. It was not sure if the proposed BH was due to the noise constraints imposed on the Site; and

- (c) it was necessary for HD to critically review the BH, layout and design of the proposed public housing development as the current proposal was considered undesirable.

*Options to Improve Layout and Design of the Public Housing Development*

91. Members generally supported the “R(A)” zoning but some had grave concerns about the noise impact of Fanling Bypass (Western Section) posing constraints on the layout and design of the proposed public housing development, especially the bulk of the PTT building, which would greatly affect the living quality of the future residents. To address such concerns, the Chairperson, the Vice-chairperson and some Members raised options on the way forward, including:

- (a) to defer a decision on the representations so as to allow time for the government departments to review the possibility of addressing traffic noise at source and the layout and design of the proposed public housing development for the Board’s further consideration;
- (b) to require the submission of a Layout Plan under the “R(A)” zone to the Board for approval under section 16 of the Town Planning Ordinance so that the Board could scrutinise the layout and design of the proposed public housing development in detail at the planning application submission stage;
- (c) to attach a condition to the Board’s decision requiring the Government to provide noise screening at Fanling Bypass (Western Section); and
- (d) to request relevant government departments to report back to the Board on the results of their review of the possibility of addressing traffic noise at source and the layout and design of the proposed public housing development within a specified period, say one month, and if still found not satisfactory, asking them to conduct further review and report back to the Board again.

92. At the invitation of the Chairperson, the Secretary made the following clarifications on the statutory plan-making process:

- (a) under the pre-amended Town Planning Ordinance (pre-amended Ordinance), the draft OZP should be submitted to the Chief Executive in Council (CE in C) for approval on or before 28.3.2024 if no extension to such statutory time limit was made;
- (b) imposing the requirement for the submission of a Layout Plan under the “R(A)” zone to the Board for approval would involve a proposed amendment to the draft OZP under section 6B(8) of the pre-amended Ordinance, triggering the process of inviting and processing further representations;
- (c) unlike the processing of planning applications, there was no provision for the Board to impose an approval condition during the plan-making process; and
- (d) apart from inviting the relevant government representatives to report back to the Board, the following follow-up actions as adopted in some previous cases could also be considered:
  - (i) to record Members’ concerns in the minutes of the meeting and relay the concerns to relevant parties by PlanD;
  - (ii) to issue letters by the Secretariat or the Chairperson to relevant government departments or parties on behalf of the Board for their attention or necessary actions; and
  - (iii) to set out the specific issues and requirements in the Explanatory Statement (ES) of the draft OZP for the project proponent to follow.

93. The Vice-chairperson said that since Members’ main concern was to mitigate the traffic noise at source, i.e. incorporating noise mitigation measures at Fanling Bypass (Western Section), it might be ineffective to require planning permission for the public housing

development. Given that Members had generally no objection to the “R(A)” zoning, consideration might be given to requesting relevant government departments to review separately the possibility of addressing traffic noise at source and the layout and design of the proposed public housing development and then report back to the Board.

94. After some discussions, Members considered that the “R(A)” zoning and related development restrictions were appropriate. The OZP should not be amended to meet the representations and all grounds of the representations and comments had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by the government representatives at the meeting. To address Members’ concerns in relation to Fanling Bypass (Western Section), Members also agreed on the following:

- (a) relevant government departments should be requested to review the possibility of addressing traffic noise at source and the layout and design of the proposed public housing development and report back to the Board in about a month’s time; and
- (b) the ES of the OZP should be amended to spell out the need to address the traffic noise at source and to improve the layout and design of the proposed public housing development.

95. After deliberation, the Board decided not to uphold R1 to R3, and agreed that the draft Fu Tei Au and Sha Ling OZP should not be amended to meet the representations for the following reasons:

- “(a) the representation site (Items A1 and A2 as a whole) is one of the priority brownfield clusters identified by the Government with high development potential for public housing development. An engineering feasibility study comprising technical assessments on different aspects such as traffic, environmental, ecological, geotechnical, drainage, landscape, visual and air ventilation, etc. has been conducted and confirmed that there is no insurmountable technical problems and no significant adverse impact induced by the development with the implementation of appropriate mitigation/improvement measures. Further enhancement of development layout and design of the proposed development will also be conducted taking

account of the noise mitigation measures along Fanling Bypass (Western Section). It is considered suitable to zone the sites as “Residential (Group A)” for increasing housing supply (**R1 to R3**);

- (b) a multi-pronged approach has been adopted to identify suitable sites or premises in different types of development projects for the provision of more social welfare services so as to meet the ongoing welfare service needs of the district. Due regard is given to various factors for the provision of welfare facilities in the vicinity. The current provision of social welfare facilities in the proposed public housing development was agreed by and will be closely monitored by the Social Welfare Department (**R3**);
- (c) the proposed development is located about 500m away from San Wai/Tai Ling Firing Range, and hence it is not anticipated to have any negative impact on the operation of the firing range (**R1**); and
- (d) the statutory and administrative procedures in consulting the public on the proposed amendments have been duly followed. The exhibition of the draft Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/17 and provisions of submission of representations and comments form part of the statutory consultation process under the Town Planning Ordinance (**R1**).”

96. The Board agreed to amend the ES of the draft Fu Tei Au and Sha Ling OZP No. S/NE-FTA/17 as follows:

New paragraph added after paragraph 9.1.5 of the ES of the OZP

“The traffic noise from the planned Fanling Bypass (Western Section) to the south of the proposed public housing development should be mitigated at source as far as practicable to allow greater design flexibility for the latter. The building height, layout and design of the public housing development, particularly the public transport terminus and car park building, should be improved to create more openness with minimised visual impact, and achieve reasonable massing, building separation and stepped height arrangements.”

97. The Board also agreed that the draft OZP, together with its Notes and updated Explanatory Statement, was suitable for submission under section 8(1)(a) and 29(8) of the Town Planning Ordinance to the Chief Executive in Council for approval.

[Mr Franklin Yu joined and Mr Vincent K.Y. Ho and Professor Bernadette W.S. Tsui left the meeting at this point.]

### **Agenda Item 5**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TKLN/51

Proposed Temporary Research and InnoTech Centre for a Period of 3 Years in “Green Belt” Zone, Lots 359 S.A and 359 RP in D.D. 80, Lin Ma Hang Road, Ta Kwu Ling North  
(TPB Paper No. 10935)

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[The item was conducted in Cantonese.]

### **Presentation and Question Sessions**

98. The following representative of the Planning Department (PlanD) was invited to the meeting at this point:

#### ***PlanD***

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

99. The Chairperson extended a welcome and informed Members that the applicant and his representative had indicated not to attend the meeting. She then invited PlanD’s representative to brief Members on the review application.

100. 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 and the surrounding areas, the applicant’s proposal and justifications, 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 TPB Paper No. 10935 (the Paper). PlanD maintained its previous view of not supporting the application.

101. As the presentation of PlanD's representative had been completed, the Chairperson invited questions from Members.

102. As Members had no 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. The Chairperson thanked PlanD's representative for attending the meeting. PlanD's representative left the meeting at this point.

[Mr Andrew C.W. Lai and Ms Fancy L.M. Cheung rejoined the meeting at this point.]

#### Deliberation Session

103. The Chairperson invited views from Members.

104. Members noted that the applicant had not provided any ground for the review application and there had been no major change in the planning circumstances since the consideration of the subject application by RNTPC.

105. The Chairperson concluded that Members agreed with the decision of RNTPC, and that the review application should be rejected.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” zone which is primarily for defining the limits of urban and suburban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from such planning

intention, even on a temporary basis; and

- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 for Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance in that the applicant fails to demonstrate in the submission that the proposed development would not affect the existing landscape and cause adverse traffic impact to the surrounding areas.”

### **Agenda Item 6**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-LT/755

Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lots 338 S.A and 408 S.B ss.6 in D.D. 10, Chai Kek Village, Lam Tsuen, Tai Po

(TPB Paper No. 10915)

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[The item was conducted in Cantonese.]

### **Presentation and Question Sessions**

107. The following representative of the Planning Department (PlanD) was invited to the meeting at this point:

#### ***PlanD***

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

108. The Chairperson extended a welcome and informed Members that the applicant and his representative had indicated not to attend the meeting. She then invited PlanD’s representative to brief Members on the review application.

109. 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 and the surrounding areas, the applicant's proposal and justifications, 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 TPB Paper No. 10915 (the Paper). PlanD maintained its previous view of not supporting the application.

110. As the presentation of PlanD's representative had been completed, the Chairperson invited questions from Members.

111. As Members had no 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. The Chairperson thanked PlanD's representative for attending the meeting. PlanD's representative left the meeting at this point.

#### Deliberation Session

112. The Chairperson invited views from Members.

113. Members generally considered that there had been no major change in the planning circumstances since the consideration of the subject application by RNTPC.

114. The Chairperson concluded that Members agreed with the decision of RNTPC, and that the review application should be rejected.

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;

and

- (b) land is still available within the “Village Type Development” (“V”) zone of Chai Kek and Wo Liu which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zones for more orderly development pattern, efficient use of land and provision of infrastructures and services.”

### **Sai Kung and Islands District**

#### **Agenda Item 7**

[Open Meeting]

Request for Deferment of Review of Application No. A/SK-PK/282

Proposed House (New Territories Exempted House - Small House) in “Recreation” Zone, Lot 307 in D.D. 221, Sha Kok Mei, Sai Kung

(TPB Paper No. 10936)

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[The item was conducted in Cantonese.]

116. After deliberation, the Committee decided to defer a decision, being the first deferment, on the application for two months as requested by the applicant pending the submission of further information, as recommended in the Paper.

#### **Agenda Item 8**

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

#### **Any Other Business**

117. There being no other business, the meeting was closed at 4:35 p.m.