

**Minutes of 1310<sup>th</sup> Meeting of the  
Town Planning Board held on 5.1.2024**

**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 Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Professor Roger C.K. Chan

Dr Venus Y.H. Lun

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

Principal Assistant Secretary (Transport and Logistics) 3  
Transport and Logistics Bureau  
Mr Kirk H.Y. Yip

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

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

Director of Planning  
Mr Ivan M.K. Chung

Director of Lands  
Mr Andrew C.W. Lai

Deputy Director of Planning/District  
Ms Winnie B.Y. Lau

Secretary

**Absent with Apologies**

Miss Winnie W.M. Ng

Mr Franklin Yu

Mr Stanley T.S. Choi

Dr Conrad T.C. Wong

Mrs Vivian K.F. Cheung

Mr Vincent K.Y. Ho

Mr K.L. Wong

**In Attendance**

Assistant Director of Planning/Board  
Ms Caroline T.Y. Tang

Chief Town Planner/Town Planning Board  
Ms Josephine Y.M. Lo

Senior Town Planner/Town Planning Board  
Ms Bonnie K.C. Lee

## **Agenda Item 1**

[Open Meeting]

### Confirmation of Minutes of the 1309<sup>th</sup> Meeting held on 15.12.2023

[The item was conducted in Cantonese.]

1. The draft minutes of the 1309<sup>th</sup> meeting held on 15.12.2023 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 14.12.2023, the Secretary for Development referred the approved Mong Kok Outline Zoning Plan (OZP) No. S/K3/36, the approved Pok Fu Lam OZP No. S/H10/21 and the approved Mid-Levels East OZP No. S/H12/12 to the Town Planning Board for amendment under section 12(1A)(a)(ii) of the Town Planning Ordinance. The reference back of the OZPs was notified in the Gazette on 22.12.2023.

#### (ii) New Judicial Review Received

Judicial Review Application (HCAL 2260/2023) lodged against Decision of the Town Planning Board on s.12A Application No. Y/H5/7

3. The Secretary reported that the judicial review (JR) application was lodged by Hostford Development Limited, Dialogue in the Dark (HK) Foundation Limited and Mr Wong Wang Tai (the JR Applicants) against the decision of the Metro Planning Committee (MPC) of the Town Planning Board (the Board) to partially agree to a s.12A application No. Y/H5/7 (the s.12A application) in respect of a site at St. Francis Street and Sau Wa Fong in Wan Chai (the

Site) submitted by Great Kinetic Limited, Full Glory Development Limited and Ever Genius Limited. The following Members had declared interests on the item:

- Miss Winnie W.M. Ng - her company owning an office in Wan Chai; and
- Ms Lilian S.K. Law - her spouse serving an honorary post at Ruttonjee Hospital in Wan Chai.

4. Members noted that Miss Winnie W.M. Ng had tendered an apology for being unable to attend the meeting. As the item was to report a new JR application and no discussion was required, Members agreed that Ms Lilian S.K. Law could stay in the meeting.

5. The Secretary reported that the s.12A application proposed to rezone the Site from “Residential (Group A)” (“R(A)”), “Residential (Group C)” and an area shown as ‘Road’ to “R(A)9” on the Wan Chai Outline Zoning Plan (the OZP) to facilitate a proposed 28-storey residential development cum commercial uses (including arts facilities) with a domestic plot ratio (PR) of 9.63 and a non-domestic PR of 0.55. The JR Applicants were the commenters of the s.12A application. The JR was lodged on 13.12.2023 against MPC’s decision on 22.9.2023 to partially agree to the s.12A application. Major grounds of the JR application in the JR Applicants’ Form 86 were as follows:

- (a) the Board acted ultra vires, made an uncertain decision, and failed to give any adequate reasons by deciding to “partially agree” to the s.12A application without even specifying which part of the s.12A application it was agreeing to;
- (b) if the Board did not in fact intend to define the scope of its partial agreement but intended to leave it to the Planning Department (PlanD) to formulate the proposed amendments to the OZP together with the revised Notes and Explanatory Statement for its consideration, the Board unlawfully delegated to PlanD its statutory power to decide which part of the s.12A application to accept; and
- (c) the Board failed to take into account the objecting public comments, which

was in breach of its duty, the MPC Paper failed to fairly present to the Board such objecting public comments, and the Board failed to give any adequate reasons to explain why it rejected the points made in the public comments. In particular, there was no indication of MPC's discussion on the pedestrian safety issues raised by the JR Applicants and their alternative proposal in the minutes of the MPC meeting.

6. The Secretary reported that the Court granted leave to the JR application on 19.12.2023. Members agreed that the Secretary would represent the Board in all matters relating to the JR application in the usual manner.

7. The Chairperson remarked that on one hand, the Secretariat of the Board would work closely with the Department of Justice in handling the JR application. On the other hand, noting that the major concern of the JR application was related to pedestrian safety and provision of barrier-free access rather than objecting to residential use at the Site, the District Planning Officer/Hong Kong of PlanD would invite the applicants of the s.12A application to explore with the JR Applicants ways to address their pedestrian safety concern. It was hoped that the matter could be settled through non-litigious route.

[Ms Sandy H.Y. Wong joined the meeting during reporting of the JR application.]

(iii) Town Planning Appeal Decision Received

Town Planning Appeal No. 6 of 2020

Filling and Excavation of Land for Permitted Agricultural Use in "Green Belt" Zone,  
Lot 1236 S.B in D.D. 129, Lau Fau Shan, Yuen Long

Application No. A/YL-LFS/359

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8. The Secretary reported that the subject appeal was against the Town Planning Board (the Board/TPB)'s decision to reject on review an application (No. A/YL-LFS/359) for filling and excavation of land for permitted agricultural use at the application site (the Site) zoned "Green Belt" ("GB") on the Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (the OZP).

9. The application was rejected upon review by the Board on 17.7.2020 for the

following reasons:

- (a) the application was not in line with the planning intention of the “GB” zone and the TPB Guidelines No. 10 for Application for Developments within the “GB” Zone in that the filling and excavation of land, which had been completed, involved clearance of natural vegetation, thereby adversely affecting the natural landscape and incompatible with the surrounding areas; and
- (b) the applicants failed to justify the need for land filling and excavation.

10. The appeal hearing was held for six days in 2022 and 2023. On 21.11.2023, the appeal was dismissed by the Town Planning Appeal Board (TPAB) on the reason that the appellants failed to justify the need for filling and excavation of land for agricultural use at the Site. Nonetheless, TPAB had the following observations:

- (a) “incompatibility with the surrounding areas” was not a reasonable rejection reason due to the following:
  - (i) if the application did not involve land filling or excavation, no planning application was required for carrying out agricultural use on the Site. In that regard, no planning permission was required to clear the existing vegetation for farming activities;
  - (ii) TPAB considered that from planning perspective, uses that were always permitted, including agricultural use, should not be subject to environmental considerations; and
  - (iii) if the applicant could demonstrate the necessity of carrying out land filling and excavation work to facilitate farming activities, such application should be approved under normal circumstances.
- (b) regarding the definition of “development”, while noting that this term was defined under s.1A of the Town Planning Ordinance as “carrying out building,

engineering, mining or other operations in, on, over or under land, or making a material change in the use of land or buildings”, TPAB held the following views:

- (i) given that no planning permission was required for carrying out agricultural activities on the Site, the use of the Site for agricultural purposes should not be considered as a material change in land use term and should not be regarded as a development;
- (ii) while there was a general presumption against development under the planning intention of the “GB” zone, such presumption did not include those operations that were always permitted under the OZP unless there was a material change of land use; and
- (iii) it was acknowledged by TPAB that the Board would assess each planning application based on its individual merits.

11. The Secretary reported that the Department of Justice (DoJ) advised that while the above TPAB’s observations might not be in line with the conventional approach that the Board had all along adopted, it was considered imprudent to lodge a judicial review in respect of the above given that TPAB’s decision was in favour of the Board. As to TPAB’s viewpoint on the issue of compatibility with surrounding areas, it was not part of the ratio of TPAB’s decision. In any event, TPAB’s decisions or observations were not binding on the Board itself.

12. Members noted the decision of TPAB and the advice of DoJ.

(iv) Appeal Statistics

13. The Secretary reported that as at 29.12.2023, five cases were yet to be heard by the Town Planning Appeal Board and the decisions of four cases were outstanding. Details of the appeal statistics were as follows:

Allowed	44
Dismissed	173
Abandoned/Withdrawn/Invalid	213
Yet to be Heard	5
Decision Outstanding	4
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Total	439

### **Tsuen Wan and West Kowloon District**

#### **Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representation and Comments in respect of the Draft Yau Ma Tei Outline Zoning Plan No. S/K2/25

(TPB Paper No. 10949)

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[The item was conducted in Cantonese and English.]

14. The Secretary reported that the amendment items on the draft Yau Ma Mei Outline Zoning Plan No. S/K2/25 (the OZP) were to take forward some of the recommendations of the District Study for Yau Ma Tei and Mong Kok (YMDS) conducted by the Urban Renewal Authority (URA) and agreed by the Town Planning Board (the Board/TPB), and AECOM Asia Company Limited (AECOM) was the consultant of YMDS. URA (C1) had submitted a comment on the OZP amendments. The following Members had declared interests on the item:

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

Mr Andrew C.W. Lai - being a non-executive director of the URA Board  
(*as Director of Lands*) and a member of its Committee; and owning and co-owning with spouse properties in Yau Ma Tei (YMT);



- 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 (URF);
- Dr Conrad T.C. Wong - having current business dealings with URA and AECOM; and being a director of a company which owned properties in YMT;
- Mr Lincoln L.H. Huang - being a former Vice-chairman of the Appeal Board Panel of URA;
- Mr Wilson Y.W. Fung ]  
Mr Ricky W.Y. Yu ] being a former director of the Board of URF;  
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 YMT; and
- Mr Vincent K.Y. Ho - having current business dealings with AECOM.

15. Members noted that Dr Conrad T.C. Wong and Messrs Stanley T.S. Choi and Vincent K.Y. Ho had tendered apologies for being unable to attend the meeting. 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 Messrs Wilson Y.W. Fung, Ricky W.Y. Yu and Ben S.S. Lui, and Ms Lilian S.K. Law had no involvement in the amendment items and/or submission of the relevant comment, Members agreed that they could stay in the meeting.

[Messrs Ivan M.K. Chung and Andrew C.W. Lai left the meeting and Mr Timothy K.W. Ma

left the meeting temporarily at this point.]

### Presentation and Question Sessions

16. The following government representatives, representer/commenter and commenter's representatives were invited to the meeting at this point:

#### **Planning Department (PlanD)**

Mr Derek P.K. Tse	- District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK)
Mr Clement Miu	- Senior Town Planner/Tsuen Wan and West Kowloon
Ms Maggie H.K. Wu	- Town Planner/Tsuen Wan and West Kowloon (TP/TWK)

#### **Representer/Commenter and Commenter's Representatives**

##### R1/C2 – Mary Mulvihill

Ms Mary Mulvihill	- Representer and Commenter
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##### C1 – URA

Mr Lawrence Mak	]
Ms Carol Hui	] Commenter's Representatives
Ms Melody Mak	]

17. 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 representation and comments. The representer/commenter and the commenter's representatives would then be invited to make oral submissions. To ensure efficient operation of the hearing, each representer, commenter and commenter's representative would be allotted 10 minutes for making presentation. There was a timer device to alert the representer/commenter and the commenter's representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A)

session would be held after the representer/commenter and the commenter's representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representer/commenter and the commenter's representatives. After the Q&A session, the government representatives, the representer/commenter and the commenter's representatives would be invited to leave the meeting. The Board would then deliberate on the representation and comments in their absence and inform the representer and commenters of the Board's decision in due course.

18. The Chairperson invited PlanD's representatives to brief Members on the representation and comments. With the aid of a PowerPoint presentation, Ms Maggie H.K. Wu, TP/TWK, PlanD briefed Members on the representation and comments, including the background of the draft OZP, the grounds/views of the representer and commenters, and PlanD's views on the representation and comments as detailed in TPB Paper No. 10949 (the Paper). The amendments to the OZP were to take forward some recommendations of YMDS, which included (i) removal of plot ratio (PR) restriction and revision of the building height restriction (BHR) for the "Commercial" ("C") zones on the two sides of Nathan Road from 110mPD to 140mPD (Item A); (ii) rezoning of various sites within the area bounded by Kansu Street, Shanghai Street, Jordan Road, Parkes Street and Woosung Street from "Residential (Group A)" ("R(A)") to "Other Specified Uses" annotated "Mixed Use" ("OU(MU)") with stipulation of maximum domestic PR and total PR of 7.5 and 9.0 respectively and BHR of 115mPD (Item B); and (iii) stipulation of maximum domestic PR and total PR of 8.5 and 9.0 respectively and revision of the BHR from 100mPD to 115mPD for the "R(A)" zones (Item C).

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

#### R1/C2 – Mary Mulvihill

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

- (a) she objected to Items A to C;
- (b) the increase in PR and building height (BH) (i.e. 40% increase in BH and 25% increase in building bulk for the "C" zones under Item A; 43% increase in BH

and 20% increase in building bulk for the “OU(MU)” zones under Item B; and 43% increase in BH and 13% increase in building bulk for the “R(A)” zones under Item C) would result in rows of massive tall buildings/skyscrapers with large podiums along narrow streets, thereby creating a wall effect which would have negative impact on air ventilation, sunlight penetration, carbon emission, micro-climate as well as the health of pedestrians in the area and residents living on the lower floors;

- (c) there would be adverse impacts on visual openness, permeability and access to sky view as some buildings upon redevelopment to the relaxed BHRs would protrude into the “20% building free zone below the ridgelines” recommended under the Urban Design Guidelines in the Hong Kong Planning Standards and Guidelines (HKPSG);
- (d) she queried why the increase in podium bulk of developments in the “OU(MU)” zones due to increase in flexibility to allow more non-domestic uses within developments would have no adverse air ventilation impact as mentioned in the Paper;
- (e) monotonous blocks of similar height and design would be resulted as developers would construct buildings to the maximum PR and BH permissible under the OZP;
- (f) the proposed tall buildings with large podiums implied that there would only be a few at-grade open spaces and hence no/less social interactions at street levels;
- (g) with the decreasing demand for commercial floor spaces and the increase in unsold residential units, coupled with the Northern Metropolis and other large-scale developments in the territory, the need to increase the development intensity to bring about additional commercial/residential floor spaces in the congested urban area was unjustified;
- (h) while there were numerous planned redevelopment projects in YMT and its

surrounding areas, some of which were still under construction or even yet to commence. As developers envisaged that there would be relaxation in PR and BH, they had no incentive to commence redevelopment, and hence the redevelopment pace in the district was lagging behind; and

- (i) government, institution and community (GIC) facilities and open space were insufficient in YMT area, in particular provision of elderly facilities such as residential care homes for the elderly was required.

21. Ms Mary Mulvihill also expressed objection to a s.16 planning application for a temporary holiday camp for a period of seven years at a site in Pui O, Lantau Island, which was approved by the Rural and New Town Planning Committee (RNTPC) of the Board on 8.12.2023. Ms Mulvihill said that there was no indication on the justifications for granting planning approval for such temporary use for seven years in the minutes of the RNTPC meeting, and opined that granting seven-year planning approval would allow the applicant to procrastinate in dealing with the illegal structures at the site. The meeting noted that the matter was not relevant to her representation or comment in respect of the OZP amendments.

#### C1 – URA

22. Mr Lawrence Mak, C1's representative, said that URA's responses to R1 had been incorporated in the Paper and he had no further points to make.

23. As the presentations of PlanD's representative, the representer/commenter and the commenter's representative had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions to the representer/commenter, the commenter's representatives and/or the government representatives. 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.

#### *Relaxed BH/PR Restrictions and the Impacts on Urban Design and Air Ventilation*

24. Some Members raised the following questions:

- (a) how the relaxed PR/BH restrictions for future redevelopments/developments in the YMT and Mong Kok areas (YM areas) could help achieve good urban design in terms of urban form, building mass, street pattern and open space framework, thereby improving air ventilation at the ground/lower levels to help relieve the heat island effect in YM areas and promote the zero-carbon objective;
- (b) why ‘OZP Compliant Scheme’ rather than ‘Existing Condition’ was adopted as the baseline scenario for assessing the air ventilation impact of the relaxed PR/BH restrictions as presented in the Air Ventilation Assessment (Expert Evaluation) (AVA-EE);
- (c) how R1/C2’s concerns on wall effect and the associated impacts on air ventilation and natural lighting could be addressed, and whether wall effect and monotonous blocks with heights maximised to the relaxed BHRs would be created upon full redevelopment of the YMT area; and
- (d) there was concern that relaxation of BHR from 110mPD to 140mPD for the “C” zones along Nathan Road might result in redevelopment of small sites into high-rise pencil-like buildings. In this connection, whether the site coverage (SC) of 65% as adopted in the AVA-EE was an assumption or a condition and whether consideration had been given to adopting a range of BHR, instead of a uniform BHR, whereby a lower BHR would be imposed for small sites and a higher BHR for larger sites which could be formed through site amalgamation.

25. In response, with the aid of a PowerPoint slide, Mr Lawrence Mak, C1’s representative, made the following main points:

YMDS

- (a) urban renewal was a multi-faceted task that could not be completed solely by URA. Redevelopment momentum had been slow in YM areas in the past 20 years since there was inadequate incentive for the private sector to take

forward redevelopment projects;

- (b) through a planning-led and district-based approach to urban renewal, the main objectives of YMDS were to map out a blueprint for restructuring and regenerating the old district to enhance land use efficiency and optimise redevelopment potential, and to explore new planning mechanisms to expedite redevelopment by the private sector;
- (c) YMDS had developed three scenarios of Master Urban Renewal Concept Plans (MRCPs) with varying development intensities and design population, i.e. “+”, “0” and “-” scenarios. YMDS recommended adopting MRCP “+” as the first step to envision growth and livability. Under the MRCP, there was an overall framework for YM areas with a comprehensive network of development nodes (DNs), street consolidation areas (SCAs) and other special design/community areas with public open spaces, green corridors and GIC facilities with a view to improving the overall living quality as well as the public benefits of the district as a whole. For example, two SCAs with east-west green corridors, which could also facilitate air ventilation, were proposed in YMT. The MRCP and the key proposals were presented in the Information Booklet for YMDS published by URA;
- (d) YMT was an area with many small street blocks and narrow streets. Urban renewal actions for more sizable areas to bring about comprehensive restructuring and re-planning of the land parcels and road network was required in order to achieve better layouts for holistic development and provision of more at-grade open areas;

#### OZP Amendments

- (e) the OZP amendments were the first batch of amendments to take forward some of the YMDS’s recommendations. It was envisaged that the OZP amendments could provide incentives for the private sector to participate in urban renewal for the district and other planning tools such as “transfer of plot ratio” (TPR) and SCAs would also help take forward the MRCP;

- (f) relaxation of BHR from 110mPD to 140mPD for the “C” zones on the two sides of Nathan Road, where the lot sizes were relatively larger, would allow greater flexibility in building design and provision of at-grade open areas. For the “R(A)” and “OU(MU)” zones, while the maximum total PR remained as 9, more flexibility had been allowed for the mix of uses through interchangeability between domestic and non-domestic PRs under the Notes of the said zones. For instance, for developments in the “R(A)” zones, it was envisaged that developers would prefer maximizing the domestic PR to 8.5 and adopting a non-domestic PR of just 0.5 (instead of the conventional mix of domestic PR of 7.5 and non-domestic PR of 1.5 as permitted under the previous OZP). With fewer floor areas allocated for non-domestic use, the bulks of the non-domestic podiums would be reduced and better air ventilation at the ground/lower levels could be achieved. For those developments in the “OU(MU)” zones along the character streets such as Temple Street, developers might prefer adopting a higher non-domestic PR so as to provide more commercial floor spaces which would be conducive to enhancing the vibrancy of the character streets; and
- (g) for the AVA-EE, the OZP Compliant Scheme assumed that all developments were built to the maximum PR and BH permissible under the OZP which demonstrated the worst-case scenario. Comparing and assessing the wind performances under the OZP Compliant Scheme and the OZP Amendment Scheme was considered appropriate.

26. Mr Derek P.K. Tse, DPO/TWK, PlanD supplemented the following main points:

- (a) for assessing the air ventilation impacts of OZP amendments, adopting the OZP Compliant Scheme as the baseline scenario in AVA was in line with the established practice and requirements set out in relevant guidelines/circulars;
- (b) an AVA-EE had been conducted for the OZP amendments, and the findings and recommendations were set out in MPC Paper No. 5/23 (the MPC Paper) submitted to the Board on 9.6.2023. According to paragraph 5.9 of the MPC



Paper, the interchangeability between domestic and non-domestic uses for the “R(A)” zones would offer opportunities to substantially reduce the podium bulk which would improve air flow at lower levels. Given that a substantial portion of the YMT area was designated as “R(A)” zone, there would be opportunities for enhancement of overall ground level permeability and improvement in air ventilation at narrow streets. As for the developments within “C” zones, the anticipated podium bulk of developments under the OZP Compliant Scheme and OZP Amendment Scheme would be similar, resulting in similar pedestrian wind environments in the area. With regard to the developments within “OU(MU)” zones, the podium bulk of developments might be increased due to the permitted flexibility of incorporating more non-domestic uses. With a view to enhancing air ventilation in the YMT area, especially the “C” and “OU(MU)” zones, permeable design requirements such as smaller/terraced podiums, more building setbacks/gaps and open areas at low level had been incorporated in the Explanatory Statement (ES) of the OZP to guide the future developments. It was therefore concluded that the OZP amendments would unlikely result in significant adverse impact on the pedestrian wind environment;

- (c) the phenomenon of wall effect generally referred to those compact building bulks with long and continuous façades affecting air ventilation and leading to a rise in temperature of an area. Some earlier developments might have such problem. Over the years, with the introduction of Sustainable Building Design Guidelines (SBDG), developers were required to comply with the building design requirements to enhance the quality and sustainability of the built environment. For example, for sites with proposed building or group of buildings having a continuous projected façade length of 60m or above, building separations were required;
- (d) in assessing the maximum BHs for “C”, “OU(MU)” and “R(A)” zones, assumptions including site coverage (SC) of 65% for the podium, permissible PRs and other requirements such as building setback, building separation and site coverage of greenery as stipulated in the SBDG had been duly taken into account. The relaxed BHRs could allow greater flexibility for

accommodating different good building design features/elements and diversified architectural styles. Variations in lot size and development scale would also contribute to variations in BH and cityscape of the area; and

- (e) as mentioned above, the relaxation of BHR to 140mPD for the “C” zone had taken into account the assumed SC of 65%, permissible PR and SBDG. While urban design elements to be adopted for developments varied from site to site in light of the unique characteristics of individual sites, it was generally considered that larger development sites came with more design flexibility. For better ventilation and pedestrian environment along Nathan Road, paragraph 10.3.3 of the ES stated that ‘to strengthen Nathan Road as the major pedestrian corridor in the Area, and to improve the level of services along Parkes Street, setback of building fronting Nathan Road and Parkes Street (between Jordan Road and Ning Po Street) should be provided to meet the requirements under HKPSG upon redevelopment’. With reference to the above requirements, buildings fronting Nathan Road should be set back for 5.5m including 4.5m for pavement and 1m for shop frontage. Future developers were required to demonstrate that the setback requirement would be duly complied with in the submissions of general building plans. With the setback provided, there would be opportunities to provide street furniture and amenity planting to enhance the pedestrian environment.

*Public Benefits, GIC Facilities and Population Change*

27. Two Members raised the following questions:

- (a) what public benefits could be brought to the community through the redevelopment process in the district with the relaxation of PR/BH restrictions;
- (b) whether the private sector was required to provide GIC facilities in their redevelopment projects;
- (c) noting that some existing “Government, Institution or Community (“G/IC”)

sites and open spaces near the Central Kowloon Route (CKR) were isolated/inaccessible or being used as construction sites, and those sites were not the subjects of amendments under the draft OZP, what the future planning of the concerned area was; and

- (d) noting that there was a considerable number of elderly people living in the district, whether there would be any change in population mix upon redevelopment and whether the existing GIC facilities such as YMT Jockey Club Polyclinic and Henry G. Leong Yaumatei Community Centre would be enhanced to meet the needs of the community, especially for the elderly.

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

- (a) as mentioned by C1's representative, the redevelopment pace remained stagnant in the district in the past decades given the low incentive for private redevelopment. It was envisaged that the OZP amendments (including relaxation of BHR for the "C", "OU(MU)" and "R(A)" zones; removing PR restriction for the "C" zones and allowing more flexibility for the mix of use through interchangeability between domestic and non-domestic PRs for the "OU(MU)" and "R(A)" zones) could provide greater incentives for the private sector to step up their urban renewal momentum, which would in turn better address the urban decay problem and regenerate the district, bringing public benefits to the community through the improvement of the living environment. Besides, through restructuring and re-planning of a larger area in the district, URA would have the opportunities to provide more quality open spaces and GIC facilities to serve the community;
- (b) provision of GIC facilities in private developments was a commercial decision. In some cases, when private developers intended to increase the development intensity of their sites, they would submit planning applications to the Board for minor relaxation of BH/PR/GFA and usually they would incorporate GIC facilities in their developments as planning gains to justify the merits of their proposals for favourable consideration of the Board;

- (c) the concerned area was being used as construction sites for the CKR, which was targeted for completion in 2025. Upon the completion of CKR, the “G/IC” sites and open spaces in the concerned area would be reinstated gradually. Besides, a proposed landscaped deck connecting YMT area and West Kowloon harbourfront via Hong Kong West Kowloon Railway Station would be provided, which was one of the major green corridors recommended under YMDS; and
- (d) YMDS adopted the assumption that the population in YM areas would remain at the existing level ultimately. According to the 2016 Population By-census and 2021 Population Census, the population in YMT was 76,750 and 65,951 in 2016 and 2021 respectively. According to the latest population projection, the population in the existing metro areas would be thinning out in the longer run upon implementation of new development areas in the territory. Some public facilities affected by the CKR project had been re-provisioned and opportunity had been taken to strengthen and enhance those GIC facilities through re-provisioning.

29. As regards the provision of GIC facilities, Ms Mary Mulvihill, R1/C2, said that in a meeting when the Board considered a URA Development Scheme Plan (DSP) in To Kwa Wan/Ma Tau Kok, URA claimed that there was no requirement for URA to set aside a specified amount of GFA for GIC facilities in the redevelopment project. She queried whether URA would provide adequate GIC facilities throughout the redevelopment of YM areas to meet the community needs.

30. Upon the Chairperson’s invitation, Mr Lawrence Mak, C1’s representative, remarked that unlike the case of public housing developments of the Hong Kong Housing Authority or the Hong Kong Housing Society, URA was not required to set aside a GFA equivalent to about 5% of domestic GFA for provision of GIC facilities in their redevelopment projects. Nevertheless, in carrying out each urban renewal project, URA would review the provision of GIC facilities based on the requirements stipulated in HKPSG and the “wish list” of concerned government departments. Through restructuring and re-planning of YM areas, there were opportunities to provide new GIC facilities and to consolidate/integrate the existing GIC

facilities to meet the needs of the community. For the URA Development Scheme Plan (DSP) in To Kwa Wan/Ma Tau Kok cited by R1/C2, the provision of GIC facilities had taken account of a number of project-specific factors/constraints including the need to set aside space for developing a waterfront plaza to bring people from the inland to the waterfront.

### *Preservation of Local Characters*

31. A Member said that YMT had its own areas with distinctive local characters, e.g. YMT Fruit Market, Jade Hawker Bazaar and Kitchenware Street (i.e. Shanghai Street). Having noted that Item B was to rezone some sites along Temple Street, Shanghai Street and Woosung Street (i.e. the character streets) from “R(A)” to “OU(MU)” and allowing the interchangeability between domestic and non-domestic PRs, there was concern that local shops with special characters might be displaced through redevelopment. The Member asked what could be done to preserve the local characters under the planning regime.

32. In response, Mr Lawrence Mak, C1’s representative, said that one of the new planning tools recommended under YMDS was TPR from one site to another site. The TPR scheme was proposed to, inter alia, unleash and transfer development potential from sites of low redevelopment potential to more sizable sites at more strategic and accessible locations suitable for development of higher intensity. Transferring development potential, i.e. gross floor area (GFA), from “Sending Site” (SS) to “Receiving Site” (RS) on the same OZP could be achieved by relaxing the maximum permissible PR/GFA as specified in the OZP for the RS to accommodate the GFA transferred from the SS. One of the benefits of TPR was to provide incentives for private developers/lot owners to preserve sites/buildings with conservation value/local character by transferring the development potential of these sites to other sites suitable for higher density development. A set of TPB Guidelines for application for TPR under s.16 application was recently promulgated by the Board. Mr Mak also remarked that URA had all along been making its best endeavours to preserve the local characters, such as those Chiu Chow and Thai restaurants in Kowloon City under the relevant urban renewal projects.

33. As Members had no further questions to raise, the Chairperson said that the hearing procedures for the representation and comments had been completed. The Board would further deliberate on the representation and comments in closed meeting and inform the

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

### Deliberation Session

34. Members generally supported or had no objection to the OZP amendments. Some Members had the following observations/suggestions:

#### *Relaxed BH/PR Restrictions and the Impacts on Urban Design and Air Ventilation*

- (a) the findings of the AVA-EE stating that the OZP amendments would not cause significant adverse impact on the pedestrian wind environment were questionable. Currently, the high-rise buildings to the west of Ferry Street had already blocked wind penetration from the sea to the inland, resulting in undesirable pedestrian wind environment in the YMT area. Coupled with the future redevelopments/developments to the maximum relaxed BHR of 140mPD along Nathan Road, the YMT area to the west of Nathan Road, where "R(A)" zones were located, would be sandwiched between high-rise buildings to the east and west, resulting in even poorer wind environment and more serious heat island effect. Like urban acupuncture, more efforts should be made to open up air paths for the YMT area;
- (b) while relaxation of BHRs for maximising development potential of the sites and allowing interchangeability between domestic and non-domestic PRs for greater design flexibility were supported, due consideration should be given to enhancing the urban form, building mass, street pattern and open space framework in a comprehensive manner with a view to creating a sustainable and zero-carbon urban environment for the community;
- (c) while some Members were concerned that monotonous blocks with heights up to the relaxed BHRs would be resulted upon full redevelopment of the YMT area, a Member envisaged that in complying with the requirements stipulated under SBDG, developers would enhance the design standards of

new buildings with relaxed BHR to foster a quality built environment;

- (d) relaxation of BHR for the “C” zone along Nathan Road might not be appropriate for those relatively small sites adjoining narrow streets. New planning tools should be considered to incentivise developers to amalgamate small sites to form larger sites for more holistic redevelopment. For instance, a higher BH, even exceeding the BHR of 140mPD, could be considered for developments on larger sites with planning gains/design merits and technical feasibility demonstrated by developers;
- (e) consideration should be given to better utilisation of underground space to facilitate the provision of an all-weather pedestrian network which could help improve pedestrian connectivity and alleviate the overcrowded at-grade environment;

Urban Renewal and URA's MRCPs

- (f) there was concern that planning and design concepts of a comprehensive network of DNs, SCAs and other special design/community areas with public open spaces and green corridors, as well as preservation of local characters under the MRCPs could not be fully realised. More explanations should be given by the Government/URA on how the MRCPs would be taken forward. A Member considered that the Government could take initiative to do more on preservation of local and cultural characters, including those street/night markets, of the YMT area;
- (g) it was noted that private sector's participation was crucial in the urban renewal process and it had already taken a long time for the implementation of urban renewal projects in YM areas. Apart from the conventional approach of rezoning and up-zoning of development sites and relaxation of PR/BH restrictions, it was appreciated that new planning tools such as allowing interchangeability between domestic and non-domestic PRs and TPR had been introduced under YMDS to incentivise private sector participation in the urban renewal process. Nevertheless, consideration

should also be given to providing more other incentives for the private sector to step up their momentum. For instance, more incentives could be given to those developers who were willing to amalgamate small sites to form larger sites for holistic redevelopment, and large-scale redevelopments should be spearheaded by URA which could bring triggering effect to incentivise more proactive private participation in the urban renewal;

- (h) urban renewal in Hong Kong was not solely the work of URA or the Government alone. A balance should be struck between the Government/URA's involvement and private sector's participation in urban renewal; and

*GIC Facilities and Open Spaces*

- (i) there was concern about the adequacy in the provision of GIC facilities and open spaces. Consideration should be given to providing new and strengthening/enhancing the existing GIC facilities and open spaces through restructuring and re-planning of YMT area.

35. The Chairperson remarked that urban renewal was a complicated task. Urban renewal projects in Hong Kong were carried out by two major parties, i.e. URA and private developers. In the past 10 years, about 40,000 new flats were provided through redevelopment, of which 75% came from private redevelopment projects while 25% was from URA's projects. This indicated that the private sector played an important role in urban renewal. Urban decay was serious in YM areas yet redevelopment pace had been slow, as many old and dilapidated buildings had reached or even exceeded the permissible GFA/PR levels under the OZP or the Building (Planning) Regulations (B(P)R), leaving very limited margin or potential for redevelopment. YMDS revealed that the residual GFA (i.e. the difference between the maximum GFA/PR permitted under the OZP/B(P)R and the bulk of the existing building) was only about 7%, which was scattered amongst small lots around the YM areas. To address the issue, new planning tools should be introduced and more incentives should be provided to induce private sector's participation in order to step up the urban renewal momentum. Apart from rezoning, up-zoning, relaxation of PR/BH restrictions, allowing interchangeability between domestic and non-domestic PRs and introduction of TPR, the Development Bureau



(DEVB) had been actively exploring alternative measures to facilitate private sector's participation in urban renewal, for example –

- (a) the current TPR scheme only allowed the transfer of GFA from a SS to a RS on the same OZP in YM areas. Review of this planning tool, in particular the possibility of cross-district transfers, would be conducted. Moreover, the feasibility of new policy measures to use part of new development areas such as Kau Yi Chau Artificial Islands to facilitate large-scale redevelopment projects in the old urban district was being explored; and
- (b) in an amendment bill to be introduced by DEVB to the Legislative Council in early January 2024 to enhance the compulsory sale regime, a more target-oriented approach was adopted in lowering the compulsory sale application thresholds for private buildings aged 50 or above. It was proposed to lower the compulsory sale application thresholds from 80% of ownership to as low as 65%, depending on the age groups and location of the buildings. A lower threshold would be adopted for older buildings in districts with more pressing need for redevelopment such as YM areas so as to channel private sector redevelopment resources to speed up urban renewal in these areas. The amendment bill would also make it easier for private developers to amalgamate their small sites to form larger sites in a single compulsory sale application to facilitate subsequent holistic redevelopment. Larger scale developments could not only bring about more planning gains to the local community but also enable affected minority owners to benefit financially from the enhanced redevelopment value.

36. Noting Members' concerns on the proliferation of high-rise pencil-like buildings and hence, monotonous building blocks built to the maximum of the relaxed BHRs along Nathan Road, the Chairperson said that relaxation of BHRs and interchangeability between domestic and non-domestic PRs would provide greater flexibility for private developers to incorporate different building design elements in their developments/ redevelopments. Apart from private sector's participation in urban renewal, URA had all along been actively taking an important role in carrying out urban renewal projects and speeding up redevelopment process in the old urban districts. Through undertaking district-based studies, developing new planning tools

and taking forward redevelopment projects where there was strong public interest yet limited commercial interest, URA was expected to shoulder a stronger policy and pioneering role in redeveloping built-up old districts such as YM areas.

37. At the invitation of the Chairperson, the Secretary gave a brief account of the efforts made by URA in implementing the recommendations of YMDS. The Secretary said that while URA did not provide much elaboration on YMDS at today's hearing meeting, they had provided a comprehensive presentation on the findings and recommendations of YMDS including the MRCPs and new planning tools such as TPR at a TPB meeting held in early 2022. The TPB Guidelines for Application for TPR under s.16 of the Town Planning Ordinance (the Guidelines) were promulgated in July 2023 after endorsement by TPB. The MRCPs generally set out the overall development strategy with DNs, SCAs, open space settings, green corridors, pedestrian network, etc. to guide the regeneration of YM areas, and the current OZP amendments were the early step to take forward some of the YMDS's recommendations. Under a multi-pronged approach, various works had been/would be carried out by URA to speed up urban renewal in YM areas, for example –

- (a) URA had been working closely with the Leisure and Cultural Services Department to create a 'Nano Park' system in YM areas. The 'Nano Park' system aimed to create a new open space system through upgrading the small and isolated open spaces typical in the dense urban setting as well as integrating new parks upon future redevelopment; and
- (b) according to the Policy Address 2023, in the coming five years, URA would commence redevelopment projects of the "Nullah Road Urban Waterway" in Mong Kok East and the "Street Consolidation Areas" in YMT South. Both redevelopment projects would involve preparation of DSPs, which would be submitted to the Board for consideration and published for public inspection.

38. The Chairperson supplemented that URA was actively implementing the recommendations of YMDS, and at the same time conducting planning studies for Tsuen Wan and Sham Shui Po with comprehensive urban renewal master plans and restructuring proposals. The Government/URA would keep abreast of the market responses to the newly introduced planning tools and review/refine the planning tools or introduce other new planning

tools/incentives as appropriate.

39. After deliberation, the Board decided not to uphold R1 and agreed that the draft Yau Ma Tei Outline Zoning Plan (OZP) should not be amended to meet the representation for the following reasons:

- “(a) the amendments to the OZP are to take forward some recommendations of the District Study for Yau Ma Tei and Mong Kok and are considered appropriate with a view to enhancing land use efficiency and optimising redevelopment potential taken into account the development intensity and infrastructure capacities of the Yau Mong Areas comprehensively. Various technical assessments, including those on visual and air ventilation aspects, have been conducted by the Urban Renewal Authority and the findings of these assessments revealed that the amendments are technically feasible without insurmountable problems; and
- (b) the existing and planned provisions of major government, institution and community (GIC) facilities and open space are generally adequate to meet the demand of the planned population in the Yau Ma Tei Planning Area. As for elderly and childcare facilities, the Government has been adopting a multi-pronged approach with long, medium and short-term strategies to identify suitable sites or premises for the provision of more welfare services. Besides, the deficit of one sports centre can be met by the surplus provision in the Yau Tsim Mong District as a whole. Furthermore, there are opportunities to provide more GIC facilities and open space through redevelopment so as to benefit the local community.”

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

[Mr Timothy K.W. Ma rejoined the meeting at this point.]

#### **Agenda Item 4**

[Open Meeting]

#### **Any Other Business**

[The item was conducted in Cantonese.]

41. A Member enquired whether a sharing session would be arranged for Members to exchange experiences and lessons learnt from the Town Planning Board (the Board)'s Technical Visit to the Greater Bay Area (GBA) (the Visit) held from 16 to 18.12.2023. Upon the Chairperson's invitation, Ms Caroline T.Y. Tang, Assistant Director of Planning/Board, said that a sharing session on the Visit was tentatively scheduled for 19.1.2024 after the TPB meeting. A briefing session on recycling facilities and waste management policy in Hong Kong by the Environmental Protection Department might also be arranged on the same day subject to the finalisation of the meeting agenda. Members expressed gratitude to the colleagues of the Planning Department (PlanD) in organising the Visit, and some Members suggested that it would be helpful if PlanD could conduct some background/desktop research and give a brief presentation on the planning system and related administration framework in GBA, such as Shenzhen, to facilitate a more fruitful discussion at the sharing session. The Chairperson said that PlanD would take follow-up action in relation to the suggestion.

[Messrs Ricky W.Y. Yu and Daniel K.S. Lau and Professor John C.Y. Ng left the meeting during discussion of the above item.]

42. There being no other business, the meeting was closed at 11:50 a.m.