

**Minutes of 1315<sup>th</sup> Meeting of the  
Town Planning Board held on 22.3.2024**

**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

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Dr Venus Y.H. Lun

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  
Mr Paul Y.K. Au

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

Director of Lands  
Mr Andrew C.W. Lai

Director of Planning  
Mr Ivan M.K. Chung

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

Secretary

**Absent with Apologies**

Professor John C.Y. Ng

Professor Roger C.K. Chan

Dr Conrad T.C. Wong

Mrs Vivian K.F. Cheung

Mr K.L. Wong

**In Attendance**

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

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

Senior Town Planner/Town Planning Board  
Ms M.L. Leung

**Agenda Item 1**

[Open Meeting]

Confirmation of Minutes of the 1314<sup>th</sup> Meeting held on 8.3.2024

[The item was conducted in Cantonese.]

1. The draft minutes of the 1314<sup>th</sup> meeting held on 8.3.2024 were confirmed without amendment.

**Agenda Item 2**

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) Reference Back of Approved Outline Zoning Plan

2. The Secretary reported that on 8.3.2024, the Secretary for Development referred the approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/4 to the Town Planning Board (the Board) for amendment under section 12(1A)(a)(ii) of the Town Planning Ordinance (the Ordinance). The reference back of the OZP was notified in the Gazette on 15.3.2024.

(ii) Follow-up Actions on Town Planning Appeal Decisions Received

(1) Town Planning Appeal No. 2 of 2022

Proposed Extension of Time for Commencement of the Approved Residential Development (Flat) and Minor Relaxation of Building Height Restriction for a Period of 2 Years at Lots 464 S.A. ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun, New Territories

Application No. A/TM-LTY Y/337-1

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(2) 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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3. The Secretary reported that the Board was briefed on Town Planning Appeal Board (TPAB)’s decisions in respect of two appeal cases (i.e. Decision for Appeal No. 2 of 2022 and Decision on Costs for Appeal No. 5 of 2021) at the 1312th meeting held on 2.2.2024. Members agreed that the Board’s views and the established practice on the issues related to the respective cases should be conveyed to TPAB in an appropriate way. As follow-up actions, the Secretariat of the Board had issued two letters with the relevant meeting minutes attached to the Secretary of TPAB on 12.3.2024 for her information/necessary action, as appropriate.

(iii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 9 of 2021

Proposed Temporary Shop and Services, and Place of Entertainment uses for a Period of 3 Years in “Agriculture”, “Government, Institution or Community”, “Open Space”, “Other Specified Uses” annotated “Sewage Pumping Station”, “Other Specified Uses” annotated “Amenity Area” Zones and area shown as ‘Road’, Lots 517 RP, 518 RP, 521 RP, 522, 523 RP, 524 RP, 525, 526, 527 RP, 532 RP (Part), 533 RP (Part), 534 RP (Part), 539 (Part), 540 (Part), 541 (Part), 542 (Part), 543 (Part), 544, 545, 547 (Part), 548 (Part), 551 (Part), 552 and 553 in D.D. 51 and Adjoining Government Land, Sheung Shui

(Application No. A/FLN/22)

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4. The Secretary reported that an appeal had been abandoned by the appellant on his own accord. Town Planning Appeal No. 9/2021 was received by the Town Planning Appeal Board (TPAB) on 11.11.2021 against the decision of the Town Planning Board on 3.9.2021 to reject on review an application (No. A/FLN/22) for temporary shop and services, and place of entertainment uses for a period of 3 years at a site partly zoned “Government, Institution or Community”, “Open Space”, “Other Specified Uses” annotated “Sewage Pumping Station”,

“Other Specified Uses” annotated “Amenity Area” and shown as ‘Road’ on the then approved Fanling North Outline Zoning Plan No. S/FLN/2, and partly zoned “Agriculture” on the then approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/16.

5. The appeal was abandoned by the appellant vide his letter to TPAB on 12.6.2023. On 16.6.2023, TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

6. Members noted the abandonment of the appeal.

(iv) Appeal Statistics

7. The Secretary reported that as at 15.3.2024, a total of two cases were yet to be heard by the Town Planning Appeal Board and three appeal decisions were outstanding.

8. Details of the appeal statistics were as follows:

Allowed	45
Dismissed	175
Abandoned/Withdrawn/Invalid	214
Yet to be Heard	2
Decision Outstanding	3
Total	439

(v) New Judicial Review Received

Judicial Review (JR) Application (HCAL 393/2024) Lodged against a Decision of the Town Planning Appeal Board (TPAB) on Two Town Planning Appeals (the Appeals) in respect of Planning Applications for Proposed House (New Territories Exempted House (NTEH) – Small House) and Minor Relaxation of Gross Floor Area (GFA) Restrictions in a “Comprehensive Development Area” (“CDA”) Zone in Che Ha Village, Shap Sz Heung

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9. The Secretary reported that the JR was lodged by Mr Lee Keng Wai and Mr Lee Keng Ying (the JR Applicants) on 29.2.2024 against the decision of TPAB on 6.12.2023 rejecting the Appeals (No. 8 of 2019 and 9 of 2019) (the Decision), which were related to section 16 (s.16) applications No. A/NE-SSH/127 and A/NE-SSH/128 respectively for a proposed house each (NTEH – Small House) and minor relaxation of GFA restrictions at two sites (the Sites) mainly in a “CDA” zone in Che Ha, Shap Sz Heung. The JR Applicants were the appellants of the Appeals and the Town Planning Board (the Board) was named as the Interested Party.

10. The five grounds of the JR application were set out in paragraphs 47 to 87 of the Form 86 filed by the JR Applicants which was circulated to Members on 20.3.2024. Four grounds were related to the Board’s “Interim Criteria for Consideration of Application for NTEH/Small House in New Territories” (the Interim Criteria) and the more cautious approach in considering Small House applications adopted by the Board since August 2015 (the Cautious Approach) while the remaining one was on the compliance with the Basic Law, which were recapitulated as follows:

- (a) TPAB failed to adhere to the Interim Criteria and the Cautious Approach;
- (b) TPAB failed to take into account relevant considerations, i.e. all considerations in the Interim Criteria and/or the Cautious Approach;
- (c) the JR Applicants had a legitimate expectation that TPAB would adhere to the Interim Criteria and/or the Cautious Approach when determining the Appeals;
- (d) the Decision was irrational/unreasonable in that TPAB had failed to adhere to the Interim Criteria and/or the Cautious Approach and failed to take into account relevant considerations; and
- (e) the Decision breached Articles 6 and 105 of The Basic Law for encroaching upon the JR Applicants’ rights in respect of their lots to build NTEHs, and Article 40 for preventing the JR Applicants from exercising their entitlements under the Small House Policy.

11. The JR Applicants requested the Court to direct TPAB to allow the Appeals, or alternatively, to re-consider the Appeals within three months of the Court's order. On 7.3.2024, the Court directed that a rolled-up hearing be held on 5.6.2024 for both the application for leave to apply for JR and the substantive application for JR.

12. While TPAB was named as the Intended Respondent and the Board only as the Interested Party, the Department of Justice advised that generally, it was not appropriate for an appeal board or tribunal which discharged a quasi-judicial function to appear as a party in JR proceedings in which its decisions were challenged. As such, instead of TPAB, the Board should take part in the proceedings for this JR.

13. Members agreed that the Board would take part in the JR proceedings as the Interested Party and noted that the Secretary would represent the Board in all matters relating to the JR application in the usual manner.

[Mr Stanley T.S. Choi joined the meeting during the above item.]

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

(vi) Review of the Proposed Amendments to the Definitions of Terms Used in Statutory Plans

14. The Secretary reported that on 8.3.2024, the Board considered the proposed amendments to the Master Schedule of Notes to Statutory Plan (MSN) and Definitions of Terms used in Statutory Plans (DoT). While having generally agreed to the principles/direction of the proposed amendments, Members raised comments and views on a few proposed amendments related to DoT. After deliberation, the Board decided to defer the decision on the proposed amendments pending PlanD's refinement to address the Members' comments/views.

15. The Chairperson invited the Planning Department (PlanD)'s representative to the meeting and brief Members on the proposed refinements to the DoT. With the aid of a PowerPoint presentation, Mr Rico W.K. Tsang, Chief Town Planner/Town Planning Board



(CTP/TPB), briefed Members on the proposed refinements to the DoT as detailed in the Matters Arising Paper dated 22.3.2024 (the MA Paper).

[Mr Lincoln L.H. Huang joined the meeting during PlanD's presentation.]

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

*'Research, Design and Development Centre'*

17. Regarding the current Chinese version of the use term (i.e. 「研究所、設計及發展中心」), some Members reiterated a suggestion raised at the Board's meeting on 8.3.2024 that the modified Chinese version (i.e. 「研究、設計及發展中心」) could reflect more precisely and tally with the meaning of the use term in English. After some discussion, the Chairperson proposed and the meeting agreed that the current Chinese version could be retained for the following reasons:

- (a) while acknowledging the merit of the suggestion, there would be no material difference in the interpretation of the DoT if the current Chinese version was retained as the meaning of the term was succinctly explained in the Definition and Remark in the DoT; and
- (b) the need for revision to DoT should be assessed, taking into account various considerations and implications so caused including any potential confusion to the public, additional workload to be involved, etc. There were two approaches to take forward Members' suggestion regarding the modified Chinese version of the term. The first one was to propose an en-bloc amendment to the relevant OZPs for replacement with the modified Chinese version in one-go. However, this might invoke the plan-making procedures, including two-month exhibition of the OZP amendments for public inspection, hearing of representations, etc., which would inevitably involve additional workload. The second one was to adopt the modified Chinese version of the term in preparing a new plan or to incorporate it as part of the proposed

amendments to the extant OZPs when opportunities arose. Upon balanced consideration, the latter would be more desirable.

18. Mr Andrew C.W. Lai, Director of Lands, enquired whether the pilot production mentioned in the Definition of the DoT was related to research and development. If negative, it might be regarded as a general industrial use. In response, Mr Rico W.K. Tsang, CTP/TPB, said that as advised by the Information, Technology and Industry Bureau, the activities involved in advanced manufacturing included research, design, prototyping, pilot production, etc., for which the DoT was intended to cater. Mass production normally involved in general industrial uses was not covered in the DoT for the said use term.

*'Public Vehicle Park (excluding container vehicle)'*

19. A Member noted that under the Definition of DoT, the target vehicle types for public vehicle parks referred to licensed vehicles only which implied that cycles being not licensed vehicles were excluded, while parking of cycles was covered in the Remarks of DoT. The Member considered that this might cause unnecessary confusion in the interpretation of the use term. In response, Mr Rico W.K. Tsang, CTP/TPB, said that while the Definition provided an elaboration on the term primarily for parking of the licenced vehicles, the Remarks were to further define the term with broader scope to cover parking of cycles. He added that further review of the Definition could be conducted to achieve better comprehension. The Secretary suggested and the Board agreed that the Definition of 'Public Vehicle Park' could be further revised to read 'temporary parking of vehicles not licensed for use on public roads (except cycles) might only be allowed subject to the advice of the Commissioner for Transport on a case-by-case basis, taking into any surplus into account', to avoid ambiguity.

20. In response to a Member's enquiry about whether the scope of the use term would cater for the parking of the electric mobility devices (EMD), Mr Rico W.K. Tsang, CTP/TPB, said that as discussed at the Board's meeting on 8.3.2024, it would be deferred to the Transport Department (TD)'s interpretation on whether EMD should fall within the category of vehicle or cycle, both of which were covered by the Definition of 'Public Vehicle Park', in accordance with the relevant ordinances and regulations. Mr K.L. Wong, Chief Traffic Engineer (New Territories East), TD, clarified that EMD were classified as motorised vehicles under the prevailing ordinance, but currently, there was no vehicle licence allowing the use of EMD on

public roads. The Government intended to amend relevant ordinance(s) with a view to subsuming EMD under the category of cycles.

*'Government Refuse Collection Point'*

21. A Member suggested renaming the term 'Government Refuse Collection Point' to 'Public Refuse Collection Point' so as to better reflect that the facility was for the use of the general public. The Secretary said that 'Government Refuse Collection Point' generally referred to the refuse collection points (RCPs) provided by the Government, usually the Food and Environmental Hygiene Department, to serve the general public whereas the 'Public Refuse Collection Point' might be interpreted as a facility to be implemented and managed by either the Government or the private sector, which could not reflect the original intention. As the term 'Government Refuse Collection Point' had all along been adopted in the Notes of the OZPs and any modification to the term would have implication on triggering amendments to various OZPs, the Chairperson suggested that the naming of the said term should be considered in the next round of review.

*'Computer/Data Processing Centre'*

22. Members agreed that the word 'computer' should be removed from the use term as proposed in the MA Paper as the meaning of 'computing' had already been covered by 'data processing'. By the same token, the Secretary suggested and the Board agreed that the words 'computing or' in the phrase 'premises for computing or data processing services' under the Definition should also be removed.

23. The Board agreed that the revised MSN, DoT and Broad Use Terms as detailed in TPB Paper No. 10959 with further refinement as set out in the MA Paper and those agreed at the meeting as stated in paragraphs 19 and 22 above should take effect upon promulgation and uploading to the Board's website (i.e. upon confirmation of the minutes of the subject meeting).

24. The Board also agreed that as a follow-up, further review on the use terms adopted in the extant MSN and DoT including those as discussed in paragraphs 17 and 21 above should be conducted by PlanD on a need basis with a view to keeping abreast of the latest planning circumstances. Subject to the findings of further review, if deemed necessary, the amendments to the MSN and DoT would be proposed for the Board's consideration.

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

**Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations in respect of the Draft Sha Tin Outline Zoning Plan No. S/ST/37

(TPB Paper No. 10964)

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[The item was conducted in Cantonese and English.]

25. The Secretary reported that Amendment Item A (Item A) on the draft Sha Tin Outline Zoning Plan No. S/ST/37 (the OZP) mainly involved a proposed public housing development (PHD) in Fo Tan to be developed by the Hong Kong Housing Authority (HKHA) with the Housing Department (HD) as the executive arm and supported by an Engineering Feasibility Study (EFS) conducted by the Civil Engineering and Development Department (CEDD). Amendment Item B (Item B) involved a proposed joint-user complex (JUC) in Fo Tan, with some of the technical assessments conducted by the Architectural Services Department (ArchSD). Amendment Items C1, C2, D, E and F (Items C1, C2, D, E and F) involved proposed commercial and private residential developments in Shek Mun and Siu Lek Yuen, and some of the technical assessments were conducted by AECOM Asia Company Limited (AECOM). Amendment Item G (Item G) was to reflect a completed hotel development held by a subsidiary of Sun Hung Kai Properties Limited (SHK). Amendment Items H1 and H2 (Items H1 and H2) were to take forward the decision of an agreed section 12A (s.12A) application (No. Y/ST/58), and AECOM and Savills were the consultants of the application. Amendment Items J and K (Items J and K) involved two agreed s.12A applications (No. Y/ST/49 and Y/ST53) for columbarium uses. Representations had been submitted by the Swire Coca-Cola HK (SCCHK) (R41) and Mass Transit Railway Corporation Limited (MTRCL) (R43). The following Members had declared interests on the item:

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

Mr Paul Y.K. Au - being a representative of the Director of Home Affairs  
who was a member of the Strategic Planning

- (as Chief Engineer  
(Works), Home Affairs  
Department)
- Committee and Subsidised Housing Committee of  
HKHA;
- Mr Franklin Yu - being a member of Building Committee and Tender  
Committee of HKHA and his spouse was an employee  
of SHK;
- Miss Winnie W.M. Ng - being a director of Kowloon Motor Bus Company  
(1933) Limited (KMB) and Long Win Company  
Limited (Long Win), and SHK was having  
shareholding interests of KMB and Long Win;
- Ms Sandy H.Y. Wong - being an independent non-executive director of  
MTRCL;
- Dr Conrad T.C. Wong - having current business dealings with HKHA,  
ArchSD, SHK, AECOM, Savills and MTRCL;
- Mr Vincent K.Y. Ho - having current business dealings with AECOM and  
SHK and co-owning with spouse a property in Sha  
Tin;
- 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;  
being an adviser to CEDD on the development of New  
Territories North; and being Principal Lecturer of the  
School of Biological Science of HKU and his  
department had received donations from Swire Trust;
- Ms Lilian S.K. Law - being a former executive director and committee  
member of the Boys' & Girls' Clubs Association of  
Hong Kong which had received sponsorship from  
SHK;
- Mr Lincoln L.H. Huang ] being a former member of Private Columbaria Appeal  
Mr Timothy K.W. Ma ] Board; and

Professor John C.Y. Ng ] owning a property in Sha Tin.  
Mr Stanley T.S. Choi ]

26. Members noted that Professor John C.Y. Ng and Dr Conrad T.C. Wong had tendered apologies for being unable to attend the meeting, and Mr Franklin Yu and Ms Sandy H.Y. Wong had not yet joined the meeting. Members agreed that as the interests of Messrs Lincoln L.H. Huang and Timothy K.W. Ma and Ms Lilian S.K. Law were indirect, the interest of Dr C.H. Hau in relation to SCCHK was indirect, Dr C.H. Hau and Mr Vincent K.Y. Ho had no involvement in the amendment items and/or submission of the relevant representation, and the concerned property of Mr Stanley T.S. Choi had no direct view towards the sites of the amendment items, they could stay in the meeting. Members also agreed that as the interests of Messrs Andrew C.W. Lai and Paul Y. K. Au and Miss Winnie W.M. Ng were direct, they should be invited to leave the meeting temporarily for the item.

[Messrs Andrew C.W. Lai and Paul Y.K. Au left the meeting and Miss Winnie W.M. Ng left the meeting temporarily at this point.]

#### Presentation and Question Sessions

27. The Chairperson said that notification had been given to the representers 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, Members agreed to proceed with the hearing of the representations in their absence.

28. The following government representatives, representers and representer's representatives were invited to the meeting at this point:

#### **Government Representatives**

##### Planning Department (PlanD)

- |                       |  |
|-----------------------|--|
| Ms Margaret H.Y. Chan | - District Planning Officer/Shan Tin, Tai Po & North (DPO/STN) |
| Ms Hannah H.N. Yick   | - Senior Town Planner/Shan Tin (STP/STN)                       |

- Ms Cherry S.Y. Ho - Town Planner/Shu Tin 1  
Ms Elizabeth Ng - Town Planner/Shu Tin 2

HD

- Ms Canetti P.S. Yu - Senior Planning Officer  
Mr Andy K.W. Wong - Senior Architect  
Mr Howard H.K. Tang - Planning Officer

CEDD

- Mr W.K. Hung - Chief Engineer/Special Duties (CE/SD)  
Mr K.C. Wong - Senior Engineer/6 (SE/6)  
Mr C.T. Lam - Senior Engineer/4  
Mr H.K. Chan - Project Co-ordinator

Consultants

- Mr Vincent So ] WSP (Asia) Limited  
Mr K.K. Ng ]  
Mr Vincent Lai - Ecosystems Limited

**Representers and Representer's Representatives**

R2 – Mary Mulvihill

- Ms Mary Mulvihill - Representer

R41 – Swire Coca-Cola HK

- Ms Bhanja Cheung Kit Yi Suzanne ]  
Ms Leung Chi Mei ]  
Mr Chau Koon Sang Alan ]  
Mr Heung Chun Keung ] Representer's Representatives  
Mr Leung Sai Ho ]  
*Llewelyn-Davies HK Limited* ]  
Mr Hui Chak Hung Dickson ]

R42 – Wu Wan Yin Winnie

- Ms Wu Wan Yin Winnie - Representer

29. 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. The representers and representer's representatives would then be invited to make oral submissions. To ensure efficient operation of the hearing, each representer and representer's representative would be allotted 10 minutes for making presentation. There was a timer device to alert the representers 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 representers and representer's representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representers and representer's representatives. After the Q&A session, the government representatives, the representers and representer's representatives would be invited to leave the meeting. The Town Planning Board (the Board) would then deliberate on the representations in their absence and inform the representers of the Board's decision in due course.

30. The Chairperson invited PlanD's representatives to brief Members on the representations. With the aid of a PowerPoint presentation, Ms Hannah H.N. Yick, STP/STN, PlanD briefed Members on the representations, including the background of the OZP, the grounds/views of the representers and PlanD's views on the representations as detailed in TPB Paper No. 10964 (the Paper). The amendment items were:

- (a) Item A – rezoning a site in Fo Tan from “Green Belt” to “Residential (Group A)8” (“R(A)8”) for proposed PHD, subject to a maximum plot ratio (PR) of 6.7 and a maximum building height (BH) of 240mPD;
- (b) Item B – rezoning a site in Fo Tan from “Industrial” to “Government, Institution or Community” (“G/IC”) for a proposed JUC, subject to a maximum BH of 140mPD;
- (c) Items C1 and C2 – rezoning two sites in Shek Mun from “G/IC” (Item C1) or “Open Space” (“O”) (Item C2) to “Commercial (1)” (“C(1)”) for proposed commercial developments, both subject to a maximum PR of 9.5 and a maximum BH of 130mPD;



- (d) Items D to G – rezoning four sites in Siu Lek Yuen Industrial Area (SLYIA) from:
- (i) “G/IC” to “C(1)” for a proposed commercial development, subject to a maximum PR of 9.5 and a maximum BH of 120mPD (Item D);
  - (ii) “O” to “R(A)9” for a proposed private residential development, subject to a maximum PR of 5 and a maximum BH of 110mPD (Item E);
  - (iii) “G/IC” to “R(A)10” for a proposed private residential development, subject to a maximum PR of 6 and a maximum BH of 120mPD (Item F); and
  - (iv) “Industrial (1)” to “C(2)” to reflect the as-built hotel development, subject to a maximum gross floor area (GFA) of 32,000m<sup>2</sup> and a maximum BH of 120mPD (Item G);
- (e) Items H1 and H2 – rezoning a site in Tai Wai from “GB” to “R(B)3” for a proposed private residential development subject to a maximum PR of 2.5 and a maximum BH of 140mPD (Item H1), and a strip of residual land from “GB” to “G/IC” to rationalise the boundary of the nearby larger “G/IC” zone (Item H2), to take forward an agreed s.12A application (No. Y/ST/58);
- (f) Item J – rezoning a site in Tai Wai from “R(B)” and “GB” to “Other Specified Use” (“OU”) annotated “Religious Institution with Columbarium” for columbarium use, subject to a maximum number of 4,779 niches, to take forward an agreed s.12A application (No. Y/ST/49); and
- (g) Item K – rezoning a site near Chek Nai Ping from “GB” to “OU” annotated “Columbarium (2)” for columbarium use, subject to a maximum number of 1,716 niches and a maximum BH of 3 storey, to take forward an agreed s.12A application (No. Y/ST/53).

31. The Chairperson then invited the representers and the representer's representatives to elaborate on their representations.

R41 – SCCHK

32. With the aid of a PowerPoint presentation, Mr Hui Chak Hung Dickson, R41's representative, made the following main points:

- (a) SCCHK had been operating in SLYIA since 1991. The site of Item E (Item E Site) was located immediately next to SCCHK and had been leased to SCCHK by the Government under a short term tenancy (STT) for temporary parking and repairing of vehicles since 1993; and
- (b) the Preliminary Environmental Review (PER) conducted by CEDD in support of the rezoning of Item E Site from "O" to "R(A)9" had not taken into account the special industrial operations of SCCHK.

33. With the aid of a PowerPoint presentation, Ms Bhanja Cheung Kit Yi Suzanne, R41's representative, made the following main points:

- (a) SCCHK was the tallest vertical food production factory in the world, with a height up to 147m. It operated with 12 production lines on a 24/7 basis. Facing Item E Site was the semi-open façade of SCCHK factory building, with semi-open car ramps for delivery trucks on the lowest three floors and a semi-open container elevator on the upper floors, which was a source of noise. The factory operations also substantially involved noise-generating machines such as chillers, cooling towers, air compressors, etc.;
- (b) without buffer distance in between, the proposed residential blocks at Item E Site and the SCCHK factory building would be as close as 19m. Besides, there was no tall boundary wall separating the two sites;
- (c) SCCHK was a socially responsible business operator and had been acting responsibly to minimise adverse impacts on its employees and nearby

residents. SCCHK had grave concerns on the potential industrial/residential (I/R) interface issues for the proposed residential development at Item E Site arising from the operation of the SCCHK factory:

- (i) the CEDD's consultant had not contacted SCCHK to obtain the following information nor had the PER assessed the following impacts:
  - SCCHK had a fleet of about 200 goods vehicles and private cars, generating a high traffic volume of about 600 vehicle trips every day, and even more so in the summers. Adverse noise impact associated with such frequent vehicular operations was expected, e.g. loud sirens to alert the pedestrians of heavy vehicular manoeuvring at the factory entrance, and operation noise arising from loading/unloading activities in the early hours (e.g. from 12am to 4am), goods delivery activities starting from 7am and moving containers by container elevator until 10pm. Temporary closure of Yuen Shun Circuit was necessary from time to time to facilitate the transportation of heavy machines; and
  - the existing SCCHK's temporary vehicle maintenance yard at Item E Site would need to be relocated and squeezed into the already congested SCCHK factory building, making vehicular manoeuvrings within the factory building even more difficult and hence, generating more operation noises. The cumulative noise impacts mentioned above had not been taken into account in CEDD's technical assessments; and
- (ii) directly facing Item E Site were steamers and CO<sub>2</sub> installations. A large amount of hot steam air would be discharged from steamers during the day, and white smoke and high-pitched noise during the CO<sub>2</sub> refilling process; and
- (d) the presence of several drainage reserves within Item E Site would limit the design flexibility of and the scope for incorporating effective environmental

mitigation measures into the proposed development.

34. With the aid of some PowerPoint slides, Mr Hui Chak Hung Dickson, R41's representative, supplemented the following main points:

- (a) CEDD's PER had not properly assessed the environmental impacts arising from SCCHK in terms of its current operation, future operation with the vehicle maintenance yard incorporated and possible in-situ expansion in future; and
- (b) taken into account the above, Item E Site should be rezoned to "Residential (Group E)" ("R(E)") to address the I/R interface issues.

R42 – Wu Wan Yin Winnie

35. With the aid of a PowerPoint presentation, Ms Wu Wan Yin Winnie made the following main points:

- (a) she did not object to having residential development at Item E Site, but the current planning control was not desirable;
- (b) there were two active industrial operations in SLYIA, including SCCHK operating on a 24/7 basis next to Item E Site and the KMB bus depot in the centre of SLYIA. Over the years, PlanD had conducted a number of Area Assessments of Industrial Land in the Territory ("AA") and the recommendations in respect of SLYIA were:
  - (i) according to the 2009 AA, it was recommended that 'if the bus depot could be relocated, it would provide an opportunity to transform and upgrade the area for residential use and the area could be rezoned to "R(E)" for residential development' so as to address the I/R interface issues;

- (ii) according to the 2014 AA, it was, however, recommended that ‘since the bus depot was still in operation without any relocation programme, the previous rezoning proposal for residential use was not further recommended in view of the I/R interface problems’; and
  - (iii) according to the 2020 AA, it was recommended that ‘considering the possible changes in the local character in the near future and the residential neighbourhood that surrounds SLYIA, opportunities could be given to rezoning SLYIA to “R(E)”’;
- (c) she did not agree with the claim in the Paper (paragraph 5.2.6.1 (a)) that the land recommended for “R(E)” zoning under the 2020 AA was applicable to “I(1)” zone only but not to Item E Site (then “O” zone), for the following reasons:
  - (i) the 2020 AA had been conducted on a district basis and hence, the principles laid down in its recommendations were applicable to the entire district, regardless of the zoning of a specific site (e.g. the then “O” zoning of Item E Site); and
  - (ii) Item E Site was subject to adverse I/R interface issues. Despite being located at the corner of an industrial area, Item E Site was sandwiched by two industrial sites, with one operating 24 hours every day non-stop;
- (d) the “R(A)9” zoning for Item E Site was not justified amid concerns on the I/R interface issues (e.g. the KMB Bus Depot and the SCCHK factory);
- (e) obviating the need for planning application by imposing “R(A)9” zoning for Item E Site and relying on the lease mechanism to scrutinise the submission of an updated environmental assessment, the current control mechanism had no channel for the public/stakeholders to participate in the development process (e.g. commenting on the proposed development, providing information about their industrial operations to facilitate the conduct of the

updated environmental assessment, etc.), which was otherwise available if the planning permission mechanism could be triggered; and

- (f) “R(E)” zoning was recommended for Item E, whereby the proposed development could be scrutinised via the planning permission system and a formal channel would be available for the public/stakeholders to participate during the development process. Also, the need to tackle the I/R interface issues and the nature of those issues could be expressly stipulated as the planning intention in the OZP and its Explanatory Statement respectively, for the future developers to follow and for public information.

## R2 – Mary Mulvihill

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

### Item A

- (a) she objected to Item A;
- (b) the proposed development in “GB” zone would cause further encroachment on natural woodland and involve felling of a large number of trees (about 900). There was no information provided regarding the cumulative loss of trees in various development projects and the impact on global warming and climate change associated with massive excavation/filling of land on hillsides;
- (c) Item A Site was located in a valley surrounded by steep hills and would be subject to potential adverse air ventilation issues. Nevertheless, the Paper concluded that the proposed PHD would not induce significant adverse impact on the general air ventilation performance. On the other hand, the proposed PHD would alter the existing visual context of its hillside locality and such adverse visual impact could not be mitigated by merely painting the 10m-high concrete walls in green;
- (d) there was already an oversupply of private residential flats in the property

market. If the Government had made every effort to curb the abuse of public housing units and encourage the young generation to climb up the social ladder, the public housing demand would have been reduced, and there was no need to make use of such urban fringe site for PHD;

Item B

- (e) she did not object to the proposed JUC complex but its location, as Item B Site was surrounded by industrial developments and inaccessible to those in need of public services such as the sick, elderly and disabled;

Items C1 and C2

- (f) based on the government, institution and community (GIC) table attached to the Paper, there was a substantial deficit in the provision of GIC facilities (e.g. sports ground, child care centre, community care services facilities, residential care homes for the elderly, day rehabilitation services, residential care services, etc.). Item C1 and Item C2 Sites (about 1.3 hectares (ha) in total) should be reserved for GIC facilities instead of the smaller Item B Site (about 0.77 ha);

Items E and F

- (g) she objected to Items E and F;
- (h) there was no longer a need for additional private housing land. The two sites were subject to severe noise and air pollution due to proximity to the bus depot, the MTR Tuen Ma Line and busy roads. The Board should seriously consider the representations made by R41 and R42 who had sound knowledge of the environmental issues. Those environmental issues would persist for a long period of time as the transformation of SLYIA would take time;
- (i) the existing affected uses should be reprovisioned to safeguard local employment opportunities;
- (j) the proposed single aspect building design would affect indoor air circulation;

Item G

- (k) she objected to Item G;
  
- (l) while the hotel building at Item G Site and nearby developments were built up to about 100mPD, the lenient BH restriction of 120mPD for Item G Site was not justified;

Items H1 and H2

- (m) the applicant claimed that they would take up the management and maintenance responsibilities of the proposed access road and such responsibilities would not be transferred to individual owners. However, if the developer went bankrupt, the taxpayers might need to bear the cost of a road leading to a private development only;

Items J and K

- (n) she objected to Items J and K because approving columbarium uses in “GB” zone would encourage further encroachment, especially after the access road was constructed; and

Others

- (o) she objected to exempt GIC facilities from GFA calculation. There should be a cap on the GIC GFA, beyond which planning approval would be required. That was in the interest of the public.

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

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



*Item A*

*Ecological Aspect*

38. A Member raised the following questions:

- (a) the locations of the 898 trees to be felled and whether they overlapped with the 1.4 ha natural woodland loss;
- (b) how the 1:1 tree compensation could be achieved given that only 348 trees would be planted within the tree compensation area as indicated in Drawing H-4 of the Paper; and whether the compensatory trees would be similar in size to those affected; and
- (c) the rationale for choosing man-made slopes for woodland compensation and whether there were any alternative locations identified for woodland compensation.

39. With the aid of some PowerPoint slides, Messrs W.K. Hung, CE/SD, CEDD and Vincent Lai, the Consultant, and Ms Margaret H.Y. Chan, DPO/STN, PlanD made the following main points:

- (a) the proposed felling of 898 trees was partly from the 1.4 ha natural woodland, which would be affected mainly due to site formation and slope works to the immediate south of the proposed PHD site (all within Item A Site);
- (b) as recommended in the EFS, the woodland/tree loss due to the proposed PHD would be compensated at a ratio of 1:1 as far as practicable. Areas for trees compensation included the man-made slopes (within Item A Site) to the south of the proposed PHD for in-situ compensation, where trees would be planted on the terraced platforms on the man-made slopes (with platform areas totalling about 1.12 ha), and a man-made slope (No. 7SW-B/C14 with an area of about 0.37 ha) near Kwai Tei New Village to the northeast of Item A Site for off-site compensation. The two said woodland compensation areas with

a total area of about 1.49 ha were slightly larger than the loss of 1.4 ha of woodland areas. In addition, trees would be planted within the 10m-wide buffer zone of the existing stream to the north of Item A Site as part of tree compensation; and

- (c) in principle, in-situ woodland/tree compensation was generally preferred and hence, slopes within Item A Site were identified for woodland/tree compensation purposes. Alternative locations for woodland compensation (including nearby shrublands) had been considered and shortlisted in the EFS. Consideration would be given to re-visiting those or other possible locations for woodland/tree compensation at the detailed design stage.

40. The same Member expressed that woodland/tree compensation should best be arranged on shrublands instead of man-made slopes, as tree planting on the latter could only be regarded as landscape planting. According to CEDD's relevant guidelines, planting on slopes steeper than 45° was not recommended, and planting trees (especially large ones) on slopes near village settlements would pose potential tree felling risk to the villagers. Tree seedlings should be inserted perpendicular to the slope surface, instead of vertically as indicated in Drawing H-4 of the Paper. In response, Mr W.K. Hung, CE/SD, CEDD said that CEDD would refine the woodland/tree compensation proposals at the detailed design stage, taking into account the Member's views.

#### *Items E and F*

##### *Planning of SLYIA*

41. The Vice-Chairperson and some Members raised the following questions:

- (a) whether SLYIA had been transformed into a business area and any plan to relocate the bus depot and SCCHK factory in the long run;
- (b) whether considerations had been given to rezoning the whole SLYIA to "R(E)" for comprehensive residential development, or rezoning Item E Site for commercial use rather than residential use; and

- (c) the rationale for rezoning Item E and Item F Sites for residential use with extra effort made by the Government in conducting technical assessments.

42. Ms Margaret H.Y. Chan, DPO/STN, PlanD, with the aid of some PowerPoint slides, explained that according to the 2020 AA, SLYIA had undergone active transformation to commercial uses. Given the residential neighbourhoods nearby and the possible changes in the local character in the near future, consideration could be given to rezoning suitable industrial sites in SLYIA to “R(E)” to encourage/facilitate redevelopment of the existing industrial buildings for residential uses while addressing the I/R interface issues. Pursuing residential use under the “R(E)” zoning mechanism would require the submission of planning application supported by relevant technical assessments to address the I/R interface issues (e.g. industrial noise). Relocation of the existing facilities, if any, should be also addressed. As the bus depot and SCCHK factory were owned by the private sector, the relocation of them would rely on private initiative. Hence, rezoning private land in SLYIA to “R(E)” would still be subject to further study. The 2020 AA also mentioned that the Government was contemplating to put the underutilised government land nearby for gainful use. As recommended in the PER, two government sites, i.e. Item E and Item F Sites, were identified as suitable and feasible for residential use, while Item D Site was for commercial use due to environmental consideration.

43. In response to a Member’s enquiry on the rationale for R42 to submit an individual representation, Ms Wu Wan Yin Winnie (R42) expressed that she was a chartered town planner and had provided professional support to SCCHK’s representation. At the same time, she also spoke as a town planning professional in her submission, which was intended to highlight the planning history of SLYIA, the past AAs conducted by PlanD, and the Board’s usual practice of designating “R(E)” zoning to deal with I/R interface issues.

#### Zoning Considerations

44. Two Members raised the following questions:

- (a) noting that the 2020 AA recommended “R(E)” zoning for SLYIA, the rationale for designating Item E Site as “R(A)”;

- (b) whether there was any difference between the “R(A)9” and “R(E)” zonings in terms of population density.

45. With the aid of some PowerPoint slides, Ms Margaret H.Y. Chan, DPO/STN, PlanD made the following main points:

- (a) under “R(E)” zoning, residential use would require the submission of planning application with support of relevant technical assessments to address technical issues such as I/R interface for most of the cases. For the proposed residential development at Item E Site, a PER to demonstrate the environmental acceptability and technical feasibility had already been conducted by CEDD and accepted by EPD, and hence the requirement under “R(E)” zoning was in fact effectively fulfilled. Besides, under the land lease mechanism, the future lot owner/developer of Item E Site would be required to submit relevant assessments (e.g. an updated Noise Impact Assessment (NIA) in particular) to address the I/R interface issues to the satisfaction of relevant government departments. In view of the above, the “R(A)9” zoning was considered appropriate for Item E Site; and
- (b) the population density of the proposed residential development at Item E Site would be the same regardless of the designation of “R(A)9” or “R(E)” zoning.

46. Regarding the difference between the “R(A)9” and “R(E)” zonings, the Chairperson supplemented the following main points:

- (a) the development intensity of PR 5 would be the same for Item E Site under the “R(A)9” or “R(E)” zoning;
- (b) since Item E Site was a land sale site, providing maximum certainty to the market was of paramount importance so as not to affect land revenue. Under the “R(E)” zoning, the development quantum of Item E Site could not be ascertained at the time of land sale until, after land sale, the future lot owner/developer had undertaken relevant technical assessments, gone through the planning application process and secured the Board’s approval.

The whole process was subject to uncertainties to a certain extent. In order to remove the uncertainties, the Government initiated the PER to establish the technical feasibility for residential development and ascertain the appropriate development quantum for Item E Site, and proposed the “R(A)9” zoning to take forward the proposed residential development before land sale;

- (c) although there were a few technical issues to be resolved at the detailed design stage, it appeared that SCCHK and their representatives had no in-principle objection to the residential use at Item E Site; and
- (d) to deal with the unresolved technical issues, relevant clauses would be incorporated in the land lease requiring the future lot owner/developer to submit technical assessments (such as an NIA) based on up-to-date information to the satisfaction of relevant government departments (such as EPD on noise issues).

47. A Member asked whether there was any precedent for designating sites with I/R interface issues as “R(A)” instead of “R(E)”. In response, the Secretary said that the four HKHA’s flatted factory estates in the industrial areas of Fo Tan, Kwai Chung, Kowloon Bay and Cheung Sha Wan had been rezoned from “I”, “OU” annotated “Business” (“OU(B)”) or “O” to “R(A)” for residential developments. As the preliminary feasibility of proposed residential development had been ascertained by various technical assessments which demonstrated no insurmountable I/R problems, the “R(A)” zoning was considered appropriate for these sites. Upon rezoning, more detailed technical studies would be conducted by the Housing Department to confirm the detailed design of the development and mitigation measures, if any, which would be subject to the satisfaction of relevant government departments, e.g. the submission of NIA and implementation of noise mitigation measures identified therein, if any, to be scrutinised by EPD.

Environmental Aspect

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

- (a) whether CEDD's consultant had contacted SCCHK for collecting information for undertaking technical assessments and what the information was;
- (b) whether and how the environmental impacts (e.g. impacts from the operation of the SCCHK factory, traffic noise from Sha Tin Wai Road, etc.) had been properly assessed and addressed, and what the environmental mitigation measures were; and
- (c) how the site conditions of Item E Site (e.g. presence of drainage reserve and SCCHK's chimneys) would constrain the proposed residential development.

49. With the aid of some PowerPoint slides and a visualiser, Mr K.C. Wong, SE/6, CEDD and Ms Margaret H.Y. Chan, DPO/STN, PlanD made the following main points:

- (a) CEDD's consultant had contacted SCCHK since early 2023. SCCHK had provided information on their factory operations and possible noise sources, without being informed of the Item E proposal due to confidentiality;
- (b) apart from the information on noise sources obtained from SCCHK, CEDD's consultant had also conducted site measurements in the vicinity of the SCCHK factory to collect noise data of the plant operation as well as nearby noise sources. The PER concluded that with appropriate environmental mitigation measures, the noise impact on the proposed development was considered acceptable. Upon receipt of SCCHK's written representation (R41), CEDD's consultant had carried out additional on-site measurements in the factory's vicinity (including a spot near the boundary between the SCCHK site and Item E Site) in different periods of time during the day (including the late and early hours) to verify the noise levels of the factory taking into account their 24/7 operation mode. It was found that the additional data were of a similar order with the previous measurements, and hence the consultant considered the PER findings valid. The maximum predicted noise level at Item E Site after incorporation of mitigation measures (e.g. installation of acoustic windows, architectural fins, single aspect building

design facing SCCHK and KMB Bus Depot, etc.) would be in compliance with EPD's standards (i.e. below 70dB(A) in the daytime and below 60dB(A) in the night time). No insurmountable noise impact was anticipated, and EPD had no comment on the PER. Besides, at the land administration stage, the future lot owner/developer would be required to submit an NIA to the satisfaction of EPD under lease; and

- (c) the drainage reserve within Item E Site comprised drains and box culvert traversing the site, and no building works should be allowed atop as advised by the Drainage Services Department (DSD). Due to the presence of chimneys in the SCCHK site, a vertical buffer of 40m between the chimneys and the proposed residential blocks should be maintained, according to the Hong Kong Planning Standards and Guidelines. In view of the above site constraints, Item E Site would be developed at a lower development intensity without provision of GIC facilities (i.e. a PR of 5 and BH of 110mPD), compared with Item F Site with a higher development intensity including provision of GIC facilities and a public vehicle park (i.e. a PR of 6 and BH of 120mPD). To assess the feasibility of the proposed development, an indicative layout with housing blocks on the developable portion (as shown in Drawing H-5 of the Paper) was tested and proved by CEDD's technical assessments to be technically feasible, with the implementation of appropriate mitigation measures.

50. A Member asked whether SCCHK would proactively respond to the proposed residential development at Item E Site (e.g. implementing environmental mitigation measures, acquiring Item E Site through land sale, etc.). In response, Ms Bhanja Cheung Kit Yi Suzanne, R41's representative, made the following main points:

- (a) she was a qualified environment professional with experience in environmental consultancy;
- (b) SCCHK was a socially responsible business operator and had been collaborative with various government departments to pursue the prosperity of Hong Kong;

- (c) SCCHK had been approached by CEDD's consultant regarding Item D Site (i.e. the "C(1)" site), on which SCCHK had provided information about the fixed noise sources (e.g. chillers, compressors, etc.) to the CEDD's consultant. If SCCHK had been informed that Item E Site was the target site, they would have provided information about the mobile noise sources (which were more detrimental to the future residents in Item E Site) to suit CEDD's purpose. It was suggested that a proper channel be established, whereby SCCHK could clearly reflect the special mode of operation of SCCHK;
- (d) the CEDD's consultant was spotted across the road of the SCCHK's factory (not near Item E Site) collecting on-site data around 4pm when most of their heavy vehicles had already left the factory. Based on her experience, constant sound level was normally represented by Leq30min, and varying sound levels would best be represented by L90 and Lmax. The latter two would be more representative of the high-pitched alarm sound of their heavy vehicles. It was not sure which indicator was adopted in CEDD's technical assessments;
- (e) since Item E was not made known to the public until recently in end 2023, they had not yet formulated any environmental mitigation measures but would do so in due course. Preliminarily, they had explored the option of fully enclosing the semi-open portion of the factory building and estimated that the resultant building structure might exceed the original load capacity. It was envisaged that they would face a limited choice of practicable environmental mitigation measures and a reduced extent of mitigation; and
- (f) the option of SCCHK's buying Item E Site through land sale would incur a high cost and would not be pursued at the present stage.

51. Mr Chau Koon Sang Alan, R41's representative, supplemented that SCCHK had been acting proactively in response to complaints from neighbours. For example, in response to the complaints from the residents of Yu Chui Court about the reflective glare from the factory's external white wall and the noise generated by SCCHK's heavy vehicles parked in the public car park in Yu Chui Court, SCCHK had re-painted the concerned wall in greyish-



white colour and confined the parking of all heavy vehicles to the factory. Another example, in response to the complaints from the villagers of the nearby Ngau Pei Sha Village about the noise nuisance generated from their factory machines, SCCHK had re-adjusted the noise level of the concerned machines. However, Item E Site's close proximity to SCCHK would make their mitigation work very difficult, but they would try their best.

52. A Member asked whether the Environmental Protection Department (EPD) considered the predicted noise level at Item E Site acceptable for residential development. In response, Mr Terence S.W. Tsang, Assistant Director (Environmental Assessment) (AD(EA)), EPD explained that the indicative blocking layout (as shown in Drawing H-5 of the Paper) with the proposed mitigation measures prepared by CEDD was one of the feasible solutions given the site constraints. The single aspect building design without sightline towards the SCCHK factory was considered an effective noise mitigation measure. To facilitate changes in circumstances after land sale (e.g. variations of the blocking layout and noise mitigation measures initiated by the future lot owner/developer), relevant lease conditions would be incorporated to require the submission of an NIA taking into account the updated information, as a usual practice.

#### *Vehicular Access and Pedestrian Connectivity*

53. Two Members raised the following questions:

- (a) the proposed vehicular access arrangement, given the narrow street frontage of Item E Site; and
- (b) the pedestrian connections of Item E Site with its surroundings.

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

- (a) the proposed vehicular access to Item E Site would be via Yuen Shun Circuit as agreed by the Transport Department, and such arrangement would be stipulated in the land lease for the future owner/developer to follow; and

- (b) Item E Site was within walking distance of the nearby MTR City One Station and well served by existing pedestrian facilities.

*Item F*

55. In response to a Member's question on whether a more detailed railway noise assessment would be conducted after rezoning, Ms Margaret H.Y. Chan, DPO/STN, PlanD explained that the future lot owner/developer of Item F Site would be required under the lease to submit a railway noise impact assessment to the satisfaction of relevant government departments.

*Items J and K*

56. In response to a Member's question on whether there was any mechanism to monitor the expansion plans of the proposed columbarium developments at Item J and Item K Sites, Ms Margaret H.Y. Chan, DPO/STN, PlanD, with the aid of some PowerPoint slides, said that the Notes of the OZP had restricted the maximum number of niches for the columbaria at the two sites. Any relaxation of the number of niches would require planning permission from the Board via planning application or application for amendment to the OZP, depending on the scale of relaxation. The Board could consider such applications, if any, based on individual merit.

*Provision of GIC and Other Supporting Facilities*

57. A Member asked why the provision of social welfare facilities (SWFs) was required for Item F Site (site area of about 0.28 ha), but not for Item E Site (site area of about 0.56 ha), noting that the latter was larger in terms of site area. In response, Ms Margaret H.Y. Chan, DPO/STN, PlanD said that Item E Site was subject to more development constraints as discussed earlier and the planned development intensity was relatively lower (a PR of 5 and BH of 110mPD) whereas Item F Site, though with a smaller site area, could allow a higher development intensity (a PR of 6 and BH of 120mPD) even after taking account of its provision of SWFs. The Social Welfare Department (SWD) had been consulted regarding the provision of SWFs at the two sites.

58. Regarding a Member's enquiry on whether the additional demand for and provision of GIC facilities arising from the proposed developments under the amendment items had been reflected in the GIC table of the Paper, Ms Margaret H.Y. Chan, DPO/STN, PlanD replied in the affirmative and elaborated with the aid of some PowerPoint slides that opportunities had been taken in the current round of OZP amendments to provide additional GIC facilities under various amendment items. For instance, GIC facilities including SWFs had been incorporated in the developments under Items C1, C2 and F in accordance with the advice of relevant government departments.

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

### Deliberation Session

#### *Item A*

60. While not objecting to the proposed PHD, a Member considered the tree compensation arrangement under Item A not satisfactory and expressed the following concerns:

- (a) the current approach of compensating natural woodland in terms of number of trees only with no regard to woodland function was considered not acceptable. In particular, compensating woodland by planting trees on man-made slopes could not be regarded as genuine compensation but mere landscaping; and
- (b) there were abundant natural woodlands on government land in the vicinity (within 500m) of Item A Site, which should have been considered as woodland compensation areas. The Government should make strenuous effort to improve the arrangement for woodland and tree compensation.

61. On tree compensation, the Chairperson said that (i) following discussion between the two sides, relevant government departments had followed up on the tree bank concept raised by the Member referred to in paragraph 60 by assessing in a study for the Northern Metropolis the feasibility of a few potential sites in the North District; and (ii) various proposals to improve the tree compensation approach (e.g. planting trees on platforms among slopes) had been relayed to CEDD for follow-up.

*Item E*

62. A Member had reservation on putting Item E Site into residential use, be it under “R(A)” or “R(E)” zoning, given the presence of the SCCHK and the KMB Bus Depot which were still in active operation. Since SLYIA was undergoing active transformation to non-industrial uses as stated in the 2020 AA, SLYIA would transform and take shape in its own good time or could be catalysed by imposing appropriate zoning mechanisms to incentivise private initiatives. There was no need to make arduous effort to transform the problematic Item E Site for residential use. Besides, given Item E Site’s relatively small size, allowing residential development at the site at the present stage might jeopardise the overall transformation of SLYIA in the long run. The Vice-chairperson also expressed reservation on Item E and considered that a comprehensive land use review should be conducted for the entire area.

63. The Chairperson said that the 2020 AA was conducted with a view to identifying opportunities for rezoning industrial land to other uses, among others. Being located adjacent to MTR City One Station and existing residential neighbourhoods, SLYIA was endowed with favourable conditions for residential development. On the land sale front, it was necessary to offer a variety of sites to meet the market demand, and hence the Item E and Item F Sites both of smaller size had been included in the current Land Sale Programme. The Government had duly respected the established procedure in pursuing residential developments in Item E and Item F Sites. The feasibility of the rezoning proposals for the sites had been confirmed by CEDD’s technical assessments and there were no insurmountable problems as advised by relevant government departments. To proceed further, if there were any changes in the scheme details after land sale, those changes could be monitored through the lease mechanism by requiring the future lot owner/developer to submit relevant technical assessments (e.g. an NIA) and any appropriate mitigation measures so recommended to the satisfaction of relevant government departments. Members might wish to note the above background and control

mechanism for Item E and Item F Sites.

64. On the precedent case of rezoning industrial sites for residential use, the Secretary supplemented that in addition to the four HKHA's flattened factory estates mentioned in the Q&A session, some other sites in the industrial areas of Yuen Long (e.g. being well-served by mass transportation, close to residential neighbourhoods, on the periphery of industrial areas, etc.) had also been rezoned to "R(A)" based on individual circumstances. For rezoning of sites subject to environmental issues in industrial areas, it might not be necessary to adopt "R(E)" zoning if relevant technical assessments had been conducted to confirm their technical feasibility and suitability for residential use.

65. Mr Ivan M.K. Chung, Director of Planning (D of Plan), said that the Government had been adopting a multi-pronged strategy to increase housing land supply. Apart from the large-scale New Development Areas, sites with potential for residential development identified through land use reviews had contributed considerably to the housing land supply. Those land use reviews covered "GB" sites, "G/IC" sites, industrial land (i.e. AA), etc. The past AAs had reviewed the utilisation of industrial land and explored the scope for rezoning suitable sites for housing purpose based on a set of criteria (e.g. accessibility to mass transport, proximity to residential neighbourhoods, reasonable size, etc.). Item E Site was a case in point. It was also confirmed by relevant technical assessments that the concerned site could accommodate residential development with a PR of 5. As such, Item E Site could be rezoned to "R(A)". PlanD would continue to undertake AA in future and explore opportunities for rezoning other industrial land in SLYIA and other areas in the light of the then circumstances.

66. A Member had reservation on Item E for the following reasons:

- (a) based on prevailing practices, industrial sites were usually rezoned to non-environmentally sensitive zonings such as "OU(B)" or "G/IC", or a relatively stringent "R(E)" zoning for residential use (if pursued) to address I/R interface issues;
- (b) effort should be made to retain large-scale manufacturers and facilitate their expansion in Hong Kong. SCCHK was one of those with manufacturing plants in Hong Kong. Placing a residential development next to SCCHK

might hinder its expansion or even compel it to leave Hong Kong. The nearby Goldlion Holdings Centre (the Goldlion) site was also subject to the same situation; and

- (c) Item E Site was subject to traffic noise (about 70dB(A)) from Sha Tin Wai Road and constrained by its small size and the presence of drainage reserve, incurring higher construction costs as a result. It was not worth the potential risk of hindering industrial development in Hong Kong merely for the sake of some additional 500 flats.

67. Another Member did not support Item E for the following reasons:

- (a) the need for more housing land was recognised but did not necessarily justify a development as sub-standard as the proposed development. Although the environmental issues were claimed to have been resolved, the living conditions of the future residents were far from satisfactory. With SCCHK operating round-the-clock nearby and the heavily trafficked Sha Tin Wai Road within views of most of the windows, the future residents would suffer from noise impact at about 70dB(A) which could not be regarded as a quality living in a modern city like Hong Kong;
- (b) more housing supply would be make available in the territory in the next few years. Pressing ahead with Item E for the sake of some short-term gains of land revenue and a few hundreds of flats would be at expense of the long-term well-being of the future residents. The Board would be held responsible for their suffering; and
- (c) Item E Site should best be rezoned to commercial use which was less environmentally sensitive.

68. In response, Mr Ivan M.K. Chung, D of Plan, clarified that the proposed residential development at Item E Site would have to comply with all relevant statutory and administrative requirements. Mr Terence S.W. Tsang, AD(EA), EPD explained that the acoustic window recommended as a noise mitigation measure was openable and could reduce noise while

maintaining natural air ventilation, and complied with the requirements of the Buildings Department.

69. More Members generally supported or had no objection to Item E mainly on the following grounds:

- (a) in view of severe housing shortage, the Government had accorded priority in identifying suitable sites for housing development. Since the transformation of SLYIA would take time and Item E Site had been left underutilised for long, putting Item E Site for other gainful use (i.e. residential as proposed) was considered desirable and could meet the society's needs;
- (b) SLYIA was undergoing transformation, with only a few industrial operations (including SCCHK) still active in the area, making way for more non-polluting activities. Conveniently located next to a railway station and residential neighbourhoods, SLYIA was considered more suitable for residential than commercial development. Some years ago, attempts had been made to redevelop the nearby Goldlion site and Item D Site for residential or non-industrial use but were unsuccessful. It was believed that the proposed development at Item E Site could catalyse the transformation of SLYIA, after which the adjacent sites would leverage the momentum and follow suit;
- (c) given the site constraints, efforts should be made to minimise and/or mitigate the potential environmental impacts on the proposed development at Item E Site. The proposed development was considered acceptable as long as the noise impact could be mitigated to the satisfaction of relevant government departments;
- (d) Item E Site was sandwiched by two industrial sites, i.e. the SCCHK and the Goldlion. Should the Goldlion site be rezoned to residential use alongside Item E, the larger site formed by the two would present more flexibility for layout design and hence, more options to address the environmental issues; and

- (e) in general, any structure crossing over a drainage reserve was subject to a minimum headroom clearance of about 5m for maintenance purpose. However, no structure was allowed over the drainage reserve at Item E Site as advised by DSD. If such constraint could be removed (e.g. by diverting the drainage reserve away or allowing overhanging structures), more design flexibility could be allowed for the proposed development.

70. In response to the Chairperson's enquiry on whether placing a residential development at Item E Site would jeopardise the future planning of SLYIA, Mr Ivan M.K. Chung, D of Plan, replied in the negative and explained that Item E Site was located on the periphery of SLYIA and it had been demonstrated that the proposed residential development could co-exist with SCCHK under the current development context. In anticipation that the transforming SLYIA would be able to allow more non-polluting uses (such as commercial and residential), the future development context would be no worse than the current one.

#### *Other General Issue*

71. In response to a Member's concern about the surplus of school places and the need to review the use of vacant school premises (VSP), Mr Ivan M.K. Chung, D of Plan, said that PlanD had regularly reviewed the VSP sites and unallocated reserved school sites in collaboration with the Education Bureau, and the results of the review of VSPs were made available online. Currently, a total of 256 VSP sites had been reviewed, and 40 of them had been allocated for residential use (including public housing).

#### *Conclusion*

72. The Chairperson remarked that while different views were expressed by Members on the rezoning proposal for Item E, the proposed residential development at the site was considered acceptable in planning and technical feasibility terms and supported by majority of the Members. The opportunity to identify alternative uses, if any, for the Goldlion site could be explored in the next round of AA.

73. The Chairperson concluded that Members generally supported the OZP amendments of all items and agreed that the OZP should not be amended to meet the adverse



representations and that all grounds of the representations 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.

74. After deliberation, the Town Planning Board (the Board) noted the supportive views of **R1 (part)** and views of **R43** and decided not to uphold **R1 (part)** and **R2 to R42**, and agreed that the draft Sha Tin Outline Zoning Plan (OZP) should not be amended to meet the representations for the following reasons:

- “(a) being located in Fo Tan accessible by public transport, the site under Amendment Item A is suitable to be rezoned to “Residential (Group A) 8” for public housing development to meet the acute housing demand. Relevant technical assessments on traffic, environment, ecology, visual, landscape, air ventilation, drainage, sewerage, water supply and geotechnical aspects have been conducted under the Engineering Feasibility Study to confirm that there is no insurmountable technical problem arising from the proposed public housing development (**R1 and R2**);
- (b) being located in a central and easily accessible location in Fo Tan, the site under Amendment Item B is suitable to be rezoned to “Government, Institution or Community” for a government joint-user complex to provide the much-needed recreational and community facilities to serve the residential and working population in the area (**R2**);
- (c) sites under Amendment Items C1, C2 and D are suitable to be rezoned to “Commercial (1)” while sites under Amendment Items E and F are suitable to be rezoned to “Residential (Group A) 9” (“R(A)9”) and “R(A)10” respectively taking into account the transformation of Siu Lek Yuen Industrial Area and Shek Mun Business Area, and recommendation of ‘Report on 2020 Area Assessments of Industrial Land in the Territory’ to identify available government land for gainful use. Relevant technical assessments on environment, traffic, visual, landscape and air ventilation aspects have been conducted to confirm that there is no insurmountable technical problem

arising from the proposed developments with implementation of appropriate mitigation measures (**R2, R41 and R42**);

- (d) the Traffic Impact Assessment and Preliminary Environmental Review for Amendment Item E site have assessed the potential traffic and environmental impact including those generated from the Swire Coca-Cola HK factory and concluded that no insurmountable impact is anticipated with appropriate mitigation measures. The “R(A)9” zoning is appropriate for the site as no insurmountable impact arising from the residential development is anticipated. Further detailed technical assessments would be required at detailed design stage to ensure proper control on the development (**R41 and R42**);
- (e) the building height restriction of Amendment Item G is compatible with the building height profile of the area and is considered appropriate (**R2**);
- (f) Amendment Items H1, H2, J and K are to take forward three section 12A applications agreed by the Rural and New Town Planning Committee of the Board taking into account the applicants’ justifications and relevant technical assessments, land use compatibility, and comments received from the public and government departments. Technical assessments have been conducted under the applications to demonstrate that there will be no insurmountable technical impact arising from the proposed developments with implementation of appropriate mitigation measures and traffic management plans. The relevant amendments incorporated in the OZP are considered appropriate (**R2 to R40**); and
- (g) the amendment to the Notes to exempt gross floor area for government, institution and community (GIC) facilities required by the Government is considered appropriate to facilitate the provision of GIC facilities (**R2**).”

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

[The deliberation session was adjourned for lunch break from 1:00 p.m. to 2:30 p.m.]

[Messrs Wilson Y.W. Fung and Stanley T.S. Choi left the meeting during the lunch break.]

[Mr Franklin Yu and Ms Sandy H.Y. Wong joined and Miss Winnie W.M. Ng rejoined the meeting at this point.]

### **Fanling, Sheung Shui & Yuen Long East District**

#### **Agenda Item 4**

[Open Meeting]

Review of Application No. A/YL-NSW/293

Proposed Comprehensive Residential Development with Commercial Uses and Social Welfare Facilities in “Undetermined” Zone, Various Lots in D.D. 103 and D.D. 115, Nam Sang Wai, Yuen Long

(TPB Paper No. 10965)

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[The item was conducted in Cantonese.]

76. The Secretary reported that Ove Arup & Partners Hong Kong Limited (Arup) and So, Lung & Associates were two of the consultants of the applicant. The following Members had declared interests on the item:

Ms Sandy H.Y. Wong - being a consultant of So, Lung & Associates; and

Mr Franklin Yu - having current business dealings with Arup.

77. Members agreed that as Ms Sandy H.Y. Wong and Mr Franklin Yu had no involvement in the review application, they could stay in the meeting.

78. After deliberation, the Board 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 5**

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

79. Since this was the last meeting of the Town Planning Board for the term 2022-24, the Chairperson extended a vote of thanks to Members for their contribution over the past two years.

80. There being no other business, the meeting was closed at 3:10 p.m.