

**Minutes of 1325th Meeting of the
Town Planning Board held on 13.9.2024**

Present

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

Chairperson

Mr Stephen L.H. Liu

Vice-chairperson

Ms Sandy H.Y. Wong

Mr Stanley T.S. Choi

Mr K.W. Leung

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Professor Roger C.K. Chan

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

Ms Kelly Y.S. Chan

Dr C.M. Cheng

Mr Daniel K.W. Chung

Dr Tony C.M. Ip

Mr Ryan M.K. Ip

Professor B.S. Tang

Professor Simon K.L. Wong

Mr Derrick S.M. Yip

Chief Engineer/Traffic Survey & Support
Transport Department
Mr W.H. Poon

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

Assistant Director (Environmental Assessment)
Environmental Protection Department
Mr Gary C.W. Tam

Director of Lands
Mr Maurice K.W. Loo

Director of Planning
Mr Ivan M.K. Chung

Deputy Director of Planning/District
Ms Donna Y.P. Tam

Secretary

Absent with Apologies

Mr Daniel K.S. Lau

Dr Venus Y.H. Lun

Mr Vincent K.Y. Ho

Mr Rocky L.K. Poon

Mr Simon Y.S. Wong

In Attendance

Assistant Director of Planning/Board

Ms W.H. Ho

Chief Town Planner/Town Planning Board

Ms Katy C.W. Fung (a.m.)

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

Senior Town Planner/Town Planning Board

Ms Katherine H.Y. Wong (a.m.)

Ms M.L. Leung (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1324th Meeting held on 23.8.2024

[The item was conducted in Cantonese.]

1. The draft minutes of the 1324th meeting were confirmed without amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

- (i) New Town Planning Appeal Received

Town Planning Appeal No. 2 of 2024

Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” Zones, Lot 1644 S.A in D.D. 76, Kan Tau Tsuen, Fanling, New Territories

Application No. A/NE-LYT/821

2. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 12.8.2024 against the decision of the Town Planning Board (the Board) on 31.5.2024 to reject on review an application (No. A/NE-LYT/821) for a proposed house (New Territories Exempted House (NTEH) – Small House). The application site fell within an area zoned “Agriculture” (“AGR”) and “Village Type Development” (“V”) on the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/19.

3. The review application was rejected by the Board for the following reasons:

- (a) the proposed development was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good

quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention. The Site was not considered as an infill site among existing NTEHs/Small Houses, nor was the processing of Small House grant at an advance stage; and

- (b) land was still available within the “V” zone of Kan Tau Tsuen which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.

4. Members noted that the hearing date of the appeal had yet to be fixed and agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

(ii) Appeal Statistics

5. The Secretary reported that as at 6.9.2024, three cases were yet to be heard by the Town Planning Appeal Board and one appeal decision was outstanding.

6. Details of the appeal statistics were as follows:

Allowed	45
Dismissed	178
Abandoned/Withdrawn/Invalid	214
Yet to be Heard	3
Decision Outstanding	1
<hr/> Total	441

[Ms Sandy H.Y. Wong joined the meeting at this point.]

Sai Kung and Islands District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations in respect of the Draft Discovery Bay Outline Zoning Plan No. S/I-DB/5

(TPB Paper No. 10982)

[The item was conducted in Cantonese, English and Putonghua.]

7. The Secretary reported that Amendment Item A (Item A) and Amendment Items B1, B2, B3, B4, B5 and B6 (Item B) on the draft Discovery Bay Outline Zoning Plan (OZP) No. S/I-DB/5 (the OZP) were to take forward the decisions of the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (TPB/the Board) to agree to section 12A (s.12A) applications No. Y/I-DB/2 and Y/I-DB/4 respectively, both submitted by Hong Kong Resort Company Limited. Ove Arup & Partners Hong Kong Limited (Arup) was one of the consultants of the applicant. Dr Tony C.M. Ip had declared an interest on the item for having current business dealings with Arup. As Dr Tony C.M. Ip had no involvement in the amendment items and/or submission of the relevant representations, Members agreed that he could stay in the meeting.

8. Ms Sandy H.Y. Wong declared an interest on the item for being acquainted with Mr Brian John Bunker (R14). Members noted that as Ms Sandy H.Y. Wong had no involvement in the relevant representation, she could stay in the meeting.

Presentation and Question Sessions

9. The Chairperson said that reasonable notice 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.

10. The following government representatives, representers and their

representatives were invited to the meeting at this point:

Government Representatives

Planning Department (PlanD)

Mr Walter W.N. Kwong	-	District Planning Officer/Sai Kung and Islands (DPO/SKIs)
Mr Sunny K.Y. Tang	-	Senior Town Planner/Sai Kung and Islands (STP/SKIs)
Mr Derek H.M. Tam]	Assistant Town Planner/Sai Kung and Islands
Mr Gabriel T.C. Lai]	

Representers and their Representatives

R2 – Michael Gordon Palmer

Mr Michael Gordon Palmer - Representer

R3 – Peter Alan Crush (柯睿思)

Mr Peter Alan Crush - Representer

R4 – Edwin George Rainbow

Mr Edwin George Rainbow - Representer

R9 – Andrew Thomas Burns

Mr Andrew Thomas Burns - Representer

R14 – Brian John Bunker

Mr Brian John Bunker - Representer

R15 – Tham Moo Cheng

Ms Tham Moo Cheng - Representer

R21 – Lim Chim Meng

Mr Lim Chim Meng - Representer

R24 – Gemma Isabel Soklakov

Ms Gemma Isabel Soklakov - Representer

R28 – Mary Mulvihill

Ms Mary Mulvihill - Representer

R40 – Flora Fraser

Ms Flora Fraser - Representer

R48 – Hong Kong Resort Company Limited (HKR)

Mr Cheung Ho Koon]
Ms Kira Loren Whitman]
Mr Ian Brownlee] Representer's Representatives
Mr Lee Yue Kong Martin]
Mr Pang Ming Lei Daniel]

R49 – Discovery Bay Services Management Limited (DBSML)

Mr Ian Brownlee]
Mr Wong Fu Keung] Representer's Representatives
Mr Tsang Kai Leong]
Ms Yuen Sik Kiu Heather]

R50 – Discovery Bay Marina Club Limited

Ms Kira Loren Whitman]
Mr Ian Brownlee] Representer's Representatives
Ms Cheung E Man Elena]
Ms Pang Chor Kiu Valerie]

11. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She said that representatives from PlanD would be invited to brief Members on the representations. The representers and/or their representatives would then be invited to make oral submissions. To ensure efficient operation of the hearing, each representer

would be allotted 10 minutes for making presentation. There was a timer device to alert the representers and/or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after the representers and/or their representatives had completed their oral submissions. Members could direct their questions to the government representatives, the representers and/or their representatives. After the Q&A session, the government representatives, the representers and/or their representatives would be invited to leave the meeting. The Board would then deliberate on the representations in closed meeting and would inform the representers of the Board's decision in due course.

12. The Chairperson invited PlanD's representatives to brief Members on the representations. With the aid of a visualiser, Mr Sunny K.Y. Tang, STP/SKIs, PlanD informed the meeting that textural amendments were made in paragraphs 2.3 (vii), 5.3.4(a) and page 1 of Annex IV of TPB Paper No. 10982 (the Paper). With the aid of a PowerPoint presentation, Mr Sunny K.Y. Tang briefed Members on the representations, including the background of amendments on the OZP, the grounds/views/proposals of the representers, government responses and PlanD's views on the representations as detailed in the Paper. The amendment items included:

- (a) Item A – rezoning of a site to the north of Discovery Valley Road from “Other Specified Uses” (“OU”) annotated “Staff Quarters (5)” (“OU(Staff Quarters)5”) to “Residential (Group C) 12” (“R(C)12”);
- (b) Item B1 – incorporation of a sea area in Nim Shue Wan into the planning scheme area and zoning it as “R(C)13”, and rezoning of a site to the south of Discovery Bay Road from “Government, Institution or Community” (“G/IC”), “OU(Staff Quarters)1”, “Residential (Group D)” and “Green Belt” to “R(C)13”;
- (c) Item B2 – incorporation of a sea area in Nim Shue Wan into the planning scheme area and zoning it as “R(C)14”, and rezoning of a site near Nim Shue Wan from “OU(Staff Quarters)1”, “OU(Service Area)”, “OU(Pier)3” and “OU(Petrol Filling Station)” (“OU(PFS)”) to “R(C)14”;

- (d) Item B3 – rezoning of a site to the northwest of the marina from “OU(Sports and Recreation Club)4” (“OU(SRC)4”) and “R(C)7” to “R(C)15”;
- (e) Item B4 – rezoning of a site to the south of Discovery Bay Road from “OU(Staff Quarters)1”, “OU(Service Area)”, “OU(Dangerous Goods Store/Liquefied Petroleum Gas Store)”, “OU(Pier)3” and “OU(PFS)”, “G/IC” and “R(C)7” to “OU(Residential Development with Service Area Below)” and stipulating sub-areas on the OZP;
- (f) Item B5 – incorporation of a sea area in Nim Shue Wan into the planning scheme area and zoning it as “OU(SRC)4” and stipulating it as Area B, and rezoning of a site to the west of the marina from “OU(Service Area)”, “OU(Marina)” and “OU(PFS)” to “OU(SRC)4” and stipulating it as Area B; and
- (g) Item B6 – incorporation of a sea area in Nim Shue Wan into the planning scheme area and zoning it as “OU(Helicopter Landing Pad)”.

[Professor Simon K.L. Wong and Mr Ryan M.K. Ip joined the meeting during PlanD’s presentation.]

13. The Chairperson then invited the representers and/or their representatives to elaborate on their representations.

R48 – HKR

14. With the aid of a PowerPoint presentation, Mr Ian Brownlee, R48’s representative, made the following main points:

- (a) R48 supported all items, but had adverse views on individual amendments to the Notes of the OZP;

- (b) the development of Discovery Bay had been taking place since 1973 with HKR as the sole land owner and developer. Unlike other developers, HKR was also the urban manager of all urban services and communal facilities and the operator of the public transport in Discovery Bay. HKR was the applicant of s.12A applications No. Y/I-DB/2 and Y/I-DB/4, which were agreed by RNTPC on 14.1.2022 and 11.8.2023 respectively. The two applications aimed to make use of the underutilised land and upgrade the back-of-house area to provide more residential flats that could blend in well with the overall Discovery Bay development, including replanning the land previously reserved for staff quarters which were no longer required (Item A) and replacing temporary structures currently housing the golf car repair workshop, bus depot, refuse collection point, etc. and replanning of the concerned areas (Item B). The proposed development under Item B would provide the community with a waterfront promenade with landscape facilities. Nevertheless, some of the amendments incorporated in the draft OZP were not related to the agreed s.12A applications;
- (c) a General Circular No. 1/2024 on Adopting and Facilitating a Collaborative Mindset was promulgated by the Development Bureau in July 2024, requesting the government bureaux/departments (B/Ds) to adopt a facilitating and collaborative mindset in processing land development-related applications. Joint Practice Note No. 5 (JPN5) on Building Height Restriction (BHR) was also issued to streamline the imposition of BHR among the planning, lands and building regimes. According to JPN5, the top of a building for the purpose of measuring the height of the building was the highest level of the main roof. In that regard, the wording ‘including structure’ in the BHR clause of the Remarks for the “R(C)” and “OU(Residential Development with Service Area Below)” zones should be deleted to tally with JPN5. Besides, the BHRs in terms of number of storeys in the “R(C)1” to “R(C)11” sub-areas should be deleted to tally with those in the “R(C)12” to “R(C)15” sub-areas under Items A and B1 to B3 and conform to JPN5 which recommended that BHRs should preferably be stipulated in terms of metres above Hong Kong

Principal Datum (mPD);

- (d) after gazettal of the first Discovery Bay OZP No. S/I-DB/1 in 2001, it had not been amended to reflect the latest Master Schedule of Notes (MSN) and relevant JPNs to promote the green and innovative building incentives. When a development restriction was imposed, a minor relaxation clause should be included in the Notes of the OZP to tally with the current practice, as the absence of such a clause would limit the flexibility for better building design;
- (e) the planned population of Discovery Bay should be about 28,500. Paragraph 5.4 of the Explanatory Statement (ES) of the OZP, which stated that the planned population was 25,000, should be updated;
- (f) the general planning intention of Discovery Bay stated in the ES should be updated to include more relevant references to recent strategic studies undertaken by the Government, such as the “Hong Kong 2030+ Study”, the “Sustainable Lantau Blueprint” and the “Recreation and Tourism Development Strategy for Lantau”; and
- (g) all land within the “Conservation Area” (“CA”) zone was privately owned. The representer was not aware of any proposal for further extension of the North Lantau Country Park. ‘Country Park’ should be deleted from the Column 1 use of the “CA” zone under Amendments to the Notes (n).

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

R49 – DBSML

15. With the aid of a PowerPoint presentation, Mr Ian Brownlee, R49’s representative, made the following main points:

- (a) Discovery Bay was a single large development and DBSML supported the residential developments in Discovery Bay. The responsibilities of

DBSML were much broader in scope than those of a traditional service management agent for residential developments. In addition to managing roads, landscaping and associated facilities, including special facilities like the reservoir in Discovery Bay, DBSML provided a 24-hour customer service hotline and engaged stakeholders by forming various interest groups (e.g. for senior citizens or those interested in environmental protection) in management of Discovery Bay;

- (b) some facilities to be provided in the “OU(Residential Development with Service Area Below)” zone under Item B4, such as transport office, transport staff rest area, management office and workshop and management staff rest area, were ancillary and directly related to the management of the whole Discovery Bay. As such, a clause should be added in the Remarks of the “OU(Residential Development with Service Area Below)” zone to allow such facilities to be disregarded from gross floor area (GFA) calculation;
- (c) the city management office and workshop essentially served as a residential management office that supported the residential developments in Discovery Bay. Under the current practice, residential management office was considered as an ancillary use in individual residential developments and was always permitted under the respective zones. The same should be applied to the city management office and workshop under the “OU(Residential Development with Service Area Below)” zone in that it should be included as an always permitted use of the zone in accordance with the s.12A application No. Y/I-DB/4. Such arrangement was also in line with the “OU(Commercial Complex and Residential Development cum Transport Interchange)” zone in that ‘Office’ was an always permitted use on the lowest two floors of the zone;
- (d) some of the uses indicated in the s.12A application (No. Y/I-DB/4) had not been included in Column 1 of the relevant zonings. Clarifications were sought as to whether some uses, such as bus overnight parking, golf cart repair office, general storage (for repair and maintenance parts), storage

space to replace the existing open storage and containers, transport office and transport staff rest area, were considered as ancillary uses to Column 1 uses permitted in the “OU(Residential Development with Service Area Below)” zone;

- (e) the bus and ferry shelters in Discovery Bay, which were provided by the developer due to its unique environment, should be exempted from GFA calculation. The Remarks for the “R(C)” and “OU(Residential Development with Service Area Below)” zones under Items A and B1 to B4 should be amended to exempt GFA for such facilities so that the achievable GFA of the approved residential developments would not be reduced; and
- (f) the representer’s suggestions would allow DBSML the space and flexibility to operate more professionally.

R50 – Discovery Bay Marina Club Limited

16. With the aid of a PowerPoint presentation, Ms Kira Loren Whitman, R50’s representative, made the following main points:

- (a) she supported Item B5 as it reflected the agreed s.12A application (No. Y/I-DB/4) which allowed an expansion of the Discovery Bay Marina Club, commonly known as the Lantau Yacht Club;
- (b) the Lantau Yacht Club was renovated and re-opened in 2021 as the only custom-built marina for super yachts in Hong Kong. It was a five Gold Anchor Marina accredited by the Marina Industries Association, positioning it among the most outstanding marinas in the world for its exceptional facilities and services. It provided marina berthing facilities of 148 berths (including 38 berths for super yachts), service yard facilities with dry berths, travel lift for boats, individual storage locks, dry-stack facilities, and boat maintenance and repair services; and

- (c) clarification was sought as to whether specified uses agreed under the s.12A application (No. Y/I-DB/4), including dry racks for boats (covered and uncovered), boat hoists, repair workshops, crew quarters, canteen for crew, marine office and storage/warehouses relating to boating, were considered as ancillary to the Column 1 uses and always permitted in the “OU(SRC)4” zone. The OZP should be amended to facilitate the implementation of the proposed development in “OU(SRC)4” zone, if necessary.

R2 – Michael Gordon Palmer

17. Mr Michael Gordon Palmer made the following main points:
- (a) he opposed the incorporation of ‘Taxi Rank’ as a use always permitted in the covering Notes of the OZP;
 - (b) he questioned whether the Traffic Impact Assessments (TIAs) conducted for the agreed s.12A applications (No. Y/I-DB/2 and Y/I-DB/4) had assessed the impact of the increased traffic generated by the additional taxis in the area; and
 - (c) he also expressed concern about the safety impact and management issues arising from the increased traffic resulting from allowing taxi access to the larger area of Discovery Bay. The road safety situation would be further aggravated by insufficient traffic control and enforcement.

R3 – Peter Alan Crush

18. With the aid of a visualiser, Mr Peter Alan Crush made the following main points:
- (a) he opposed the incorporation of ‘Taxi Rank’ as a use always permitted in the covering Notes of the OZP. The prohibited zones and specified route for taxis in Discovery Bay were stated clearly in Gazette Notice No. 6095

(the Gazette Notice) under the Road Traffic Ordinance (Cap. 374). At present, there was only a single authorised taxi drop-off point near Auberge Discovery Bay Hong Kong and no taxi drop-off point in the residential areas of Discovery Bay. Designated taxi routes were clearly defined along specific sections of roads to prevent interference with the golf carts in the area and ensure traffic safety. The incorporation of 'Taxi Rank' in the covering Notes of the OZP was beyond the legal authority of the Board;

- (b) HKR established a Proposed Taxi and Coach Service Liaison Group to make recommendations on traffic control measures with a view to preventing accidents, and he was invited to participate in the group. There was unanimous consensus amongst the members that golf carts should be separated from taxis as the interaction between the slow-moving golf carts and other vehicles would pose significant dangers along the main roads in Discovery Bay, which was not designed and built as a separated dual carriageway;
- (c) HKR claimed to uphold the car-free principle in Discovery Bay. However, the reality was quite different, with the number of registered vehicles increasing from fewer than 100 to almost 500 in the past two decades, while the population had only doubled;
- (d) there was also an increasing number of private cars in Discovery Bay, including some registered under the Discovery Bay Tunnel Link Company. It was unreasonable to permit private vehicles for employees of the Discovery Bay Tunnel Company Limited in the area as their office was situated at the north tunnel entrance. Moreover, employees living outside Discovery Bay could commute to work via public transport;
- (e) in contrast to past practice, all tenants of HKR's commercial properties now had the right to operate goods vehicles in Discovery Bay. Besides, there was no effective control over goods vehicles entering Discovery Bay, and many goods vehicles were entering the area without substantial check against the allowance of the Gazette Notice. The number of round trips

made by vehicles using the Discovery Bay Tunnel Link had increased from 193,897 in 2001 to 940,630 in 2023;

- (f) HKR had been utilising designated recreation areas, originally intended for the benefit of residents, to hold commercial events by third parties, which further worsened the traffic situation in Discovery Bay;
- (g) there were inadequate parking spaces in Discovery Bay to cater for additional traffic. Some parking spaces originally reserved for golf carts had been eliminated, and some open areas previously used for informal recreational facilities had been converted into parking spaces; and
- (h) HKR had recently submitted an application to the Commissioner for Transport (C for T) to designate four additional taxi stopping locations in the prohibited zones. This would lead to increased vehicular traffic in Discovery Bay, further undermining the stated car-free principle.

R4 – Edwin George Rainbow

19. With the aid of a visualiser, Mr Edwin George Rainbow made the following main points:

- (a) he moved to Hong Kong in 1997 and was a resident in Discovery Bay. He had been a member of more than one village owners' committee. He had been the Chairman of the Hillgrove Village Owners' Committee since 2015 and could represent the majority of the residents. The residents expressed that they wanted to keep the unique character of Discovery Bay and their lifestyle in the neighbourhood unchanged. They opposed the incorporation of 'Taxi Rank' as a use always permitted in the covering Notes of the OZP as the presence of taxis in the prohibited area of Discovery Bay would change the character of the area;
- (b) the Board should have a vision for Hong Kong, ensuring that the unique character of Discovery Bay and its tranquil environment were respected;

and

- (c) he appreciated the transparency of the Board in uploading all the relevant documents and audio recordings related to the OZP amendments to its website. There was a lack of transparency and communication between the local residents and the management company of HKR.

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

R9 – Andrew Thomas Burns

20. With the aid of a PowerPoint presentation, Mr Andrew Thomas Burns made the following main points:

- (a) the car-free environment in Discovery Bay was a key attraction of the development and the proposal to allow taxi rank in Discovery Bay was misguided. The provision of taxi rank in the area was incompatible with the planning intention of Discovery Bay;
- (b) he doubted the explanation that the incorporation of taxi rank as a use always permitted in the covering Notes of the OZP was in line with the revised MSN. The provision for taxi rank was included in the MSN in 2005 but was not included in the Discovery Bay OZP at that time, probably due to the intention of maintaining the car-free environment for the area;
- (c) allowing a taxi rank in the “OU(Commercial and Public Recreation Development cum Transport Interchange)” zone in Discovery Bay North was considered appropriate as there was direct access to Discovery Bay North from the Discovery Bay Tunnel Link without entering the residential areas of Discovery Bay. Besides, taxi rank could also be allowed in the “OU(Residential Development with Service Area Below)” as transport terminus or station was always permitted within this zone. Other than the areas covered by the two zones, planning applications for

the provision of taxi rank(s) in residential areas should be required and the applications should be considered on a case-by-case basis;

- (d) while the development in Discovery Bay and the use of the Discovery Bay Tunnel Link were governed by the Master Plan under the lease and the Discovery Bay Tunnel Link Ordinance respectively, there was no record in the Land Registry that additional premium was paid when the prohibition against taxis was partially uplifted in 2014. The concern regarding the payment of premium for relaxing such a restriction had yet to be addressed; and
- (e) some discrepancies between the Master Plan under the lease and the OZP related to the school sites and open space areas were observed. To prevent the loss of government revenue and ensure that the developer fulfilled its obligations to provide public recreation areas under the lease, he urged the Board to request PlanD and the Lands Department (LandsD) to co-ordinate and ensure that the OZP and the Master Plan were properly aligned.

R14 – Brian John Bunker

21. With the aid of a visualiser, Mr Brian John Bunker made the following main points:
- (a) he bought a property in Discovery Bay in 2012. He opposed the proposed developments under Item B. He supported the representation of R4 that the unique character of Discovery Bay should not be changed;
 - (b) the residents of Discovery Bay living near the proposed developments would be affected by the noise and environmental pollution generated from the construction activities for 10 years. The rental and price of the property would be affected during the construction period;
 - (c) according to the Hong Kong Planning Standards and Guidelines (HKPSG), there were insufficient community facilities in Discovery Bay. For

example, there was a lack of about 200 beds for Residential Care Home for the Elderly (RCHE); and

- (d) many residents were dissatisfied with the management cost and services provided by DBMSL. They welcomed the tender for a new management company.

R21 – Lim Chim Meng

22. With the aid of a PowerPoint presentation, Ms Lim Chim Meng made the following main points:

- (a) he opposed the proposed developments under Item B;
- (b) the proposed developments were considered too dense and incompatible with the environment of Discovery Bay. The building design lacked an urban design concept and considerations for sustainable development. It had not taken into account its prominent waterfront location nor included sufficient greenery;
- (c) due to the lack of comprehensive planning, the proposed developments comprised high-rise buildings which would create a wall effect and disrupt the waterfront skyline; and
- (d) the prevailing winds would be blocked by the high-rise buildings, affecting the area's micro-environment. This was not in line with the national plan on carbon reduction.

[Mr Stanley T.S. Choi joined the meeting during R21's presentation.]

R24 – Gemma Isabel Soklakov

23. With the aid of a visualiser, Ms Gemma Isabel Soklakov made the following main points:

- (a) she was a resident of Discovery Bay and opposed the proposed developments under Item B;
- (b) as demonstrated by a photomontage, the proposed developments consisting of 18-storey buildings would obstruct the view of the residents living on Caperidge Drive; and
- (c) the proposed developments should adopt a low-rise design, reducing all building blocks to 6 storeys to minimise the adverse visual impact on the surrounding area.

R40 – Flora Fraser

24. With the aid of a PowerPoint presentation, Ms Flora Fraser made the following main points:

- (a) she had been living in Discovery Bay for more than a decade. She had grave concern about the proposed developments under the amendment items;
- (b) local residents chose to live in Discovery Bay mainly because of its low-density and car-free environment. They opposed any high-density development in the area but had no channel to express their views/complaints to HKR;
- (c) the construction of the proposed developments would generate additional traffic in Discovery Bay, where the existing transport infrastructure and public transport capacity were already saturated, especially during peak hours;
- (d) road safety was an area of concern. As there were no traffic lights along the road, fast-moving vehicles posed a threat to the passengers, particularly children;

- (e) she questioned whether an Environmental Impact Assessment (EIA) had been conducted to assess the environmental impact, particularly on marine life, resulting from the sea transportation of construction materials. She also queried if there was an emergency plan in case of a sea accident;
- (f) the proposed developments were located adjacent to Nim Shue Wan Village. The villagers were not consulted and they had no opportunity to voice out their views; and
- (g) HKR should carefully plan the infrastructures and utilities in Discovery Bay to improve the quality of life for local residents.

R28 – Mary Mulvihill

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

- (a) she opposed both Items A and B;
- (b) the proposed developments under the amendment items were contrary to the original planning intention of Discovery Bay for low-rise residential development with extensive public recreational amenities, and to develop the area as a resort, not only for its residents but also for the general public;
- (c) converting the low-rise staff quarters to high-rise towers would greatly diminish the green backdrop of the enclave and significantly affect the residents in the nearby buildings;
- (d) the proposed developments in Item B site would affect the public access to the waterfront, which should be devoted to public use for recreational and functional purposes;
- (e) the residents in Discovery Bay objected to the amendments on the OZP on various grounds, including traffic and safety, road maintenance costs,

declining levels of services and maintenance, inadequate retail and dining outlets due to high rents, and the lack of recreational and community facilities;

- (f) while a RNTPC Member expressed concern about tree preservation and compensatory planting during the consideration of s.12A application No. Y/I-DB/4 and suggested that the issue should be further examined at the OZP amendment stage, the Paper had not addressed the issue; and
- (g) the population in Discovery Bay had been increasing while the open space provision and greenery in the area had been declining. There was a general deficit in the existing and planned government, institution and community (GIC) facilities in Discovery Bay. There were no child care centre, community care services facilities, RCHE, day rehabilitation services and rehabilitation care services. The demographic data of 2023 indicated that over 20% of the population in Hong Kong was aged 65 and above, so there was an urgent need for RCHE. She questioned why the developer could be exempted from the requirement to set aside 5% of the GFA for the provision of social welfare facilities. Taking into account the locality of Discovery Bay, it was unreasonable to rely on the GIC facilities provided in other districts. GIC facilities should be provided in the sites under the amendment items. The OZP should be rejected until the shortage of GIC facilities was addressed.

26. As the presentations of PlanD's representative, the representers and their representatives had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions to the representers and/or their representatives and the government representatives to answer. 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. The Chairperson then invited questions from Members.

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

Planning Intention and Development Intensity

27. Some Members raised the following questions:
- (a) given the increase in population over the years, how the low-density character of Discovery Bay could be maintained;
 - (b) noting the comment of R48's representative that the information (including population figure) in the ES of the OZP was outdated, how frequent the information in the ES would be updated; and
 - (c) the reason for not making reference to the latest strategic studies undertaken by the Government in the ES of the OZP.
28. In response, Mr Walter W.N. Kwong, DPO/SKIs, PlanD made the following main points:
- (a) the originally planned population of the Discovery Bay development was about 25,000. Taking into account the proposed developments in Items A and B sites, the planned population would be increased to about 28,300. Although there was an increase in population, the overall plot ratio for residential use in Discovery Bay development based on the Master Plan could still be considered as low-density and the planning intention for low-density development was still maintained;
 - (b) if warranted, the ES of the OZP would be updated when opportunity arose in the course of OZP amendment. Paragraph 5.4 of the ES set out the background of the development in Discovery Bay and the originally planned population of 25,000 when the OZP was first prepared. Paragraphs 6.2 and 7.2 had been updated to reflect the latest planned population of 28,300 taking account of the proposed developments under Items A and B; and

- (c) paragraph 7.1 of the ES of the OZP had made reference to the South West New Territories Development Strategy Review and the general planning intention of Discovery Bay was in line with the strategic planning context set out in the abovementioned study which was still valid. Other strategic studies undertaken by the Government such as the “Hong Kong 2030+ Study”, the “Sustainable Lantau Blueprint” and the “Recreation and Tourism Development Strategy for Lantau” had not suggested any development proposal specifically for Discovery Bay. Therefore, it was considered not necessary to amend relevant paragraphs in the ES of the OZP for the time being.

Development Control

29. The Chairperson and some Members raised the following questions:
- (a) whether the development control in Discovery Bay was different from that of the other parts of Hong Kong;
 - (b) the reasons for imposing BHRs with ‘including structures’ and in terms of number of storeys for some “R(C)” sub-areas, which were claimed by R48 as outdated and not in line with the JPNs and the facilitating approach adopted by the Government;
 - (c) the definition of ancillary use, and whether facilities such as bus overnight parking, golf cart repair office, bus repair and maintenance areas, staff rest area, etc. were considered as ancillary uses;
 - (d) the reason for including ‘Office’ as a Column 2 use in the “OU(Residential Development with Service Area Below)” zone;
 - (e) the criteria for exempting facilities, such as bus and ferry shelters, from GFA calculation; and
 - (f) how the sustainable building features that followed the Sustainable

Buildings Design Guidelines could be realised without minor relaxation clauses for building height (BH) and GFA restrictions.

30. In response, Mr Walter W.N. Kwong, DPO/SKIs, PlanD, with the aid of some PowerPoint slides, made the following main points:

- (a) the development control of Discovery Bay was no different from that of the other parts of Hong Kong, regulated by the OZP, the Buildings Ordinance and land leases;
- (b) when formulating the first Discovery Bay OZP in 2001, almost all of the development zones on the OZP were subject to BHRs including the roof-top structures to preserve the existing amenity and character. The BHR clauses of the “R(C)”, “OU(SRC)4” and “OU(Residential Development with Service Area Below)” zones were consistent with other zonings on the OZP. According to JPN5, while the highest level of the main roof was usually used in determining the height of a building for the purpose of BHR, explicit specifications could also be included on OZPs to serve special purposes such as including roof-top structures in the stipulated BHR. As the currently amended BHRs on the OZP were based on the BHs proposed by the applicant in the s.12A applications (No. Y/I-DB/2 and Y/I-DB/4) which had already included the roof-top structures, the implementation of the proposed developments under the two agreed s.12A applications would not be affected. The “R(C)1” to “R(C)11” sub-areas were not the subjects of any amendment items;
- (c) the covering Notes of the OZP stated that uses directly related and ancillary to the permitted uses and developments within the same zone were always permitted. The scale of the ancillary use(s) should be reasonable and commensurate with the permitted uses. Whether a specific use could be considered as an ancillary use would be subject to the detailed proposal available at a later stage. Having said that, staff rest area and bus repair and maintenance areas might be considered as ancillary uses to ‘Bus

Depot' (a Column 1 use), and other facilities such as golf cart parking and golf cart servicing/repairing might be considered as ancillary uses to "Vehicle and Golf Cart Depot' (a Column 1 use) on the lowest two floors of the proposed development in the "OU(Residential Development with Service Area Below)" zone subject to the scale of the provision;

- (d) when drafting the Schedule of Notes for the "OU(Residential Development with Service Area Below)" zone, reference had been made to the "OU(Commercial Complex and Residential Development cum Transport Interchange)" zone on the OZP with due consideration of the applicant's proposal in the s.12A application No. Y/I-DB/4. To avoid possible conflict/adverse impact on the residential development above and meet the needs of the local residents, visitors and users of the service area, suitable modifications were made to the Schedules of Uses for the "OU(Residential Development with Service Area Below)" zone to better reflect the planning intention of the zone. While 'Office' use was always permitted on the lowest two floors of the "OU(Commercial Complex and Residential Development cum Transport Interchange)" zone, given that Item B4 site was mainly for residential purpose and located further away from the pier/commercial complex, it was considered more appropriate for 'Office' use to be included in Column 2 of the "OU(Residential Development with Service Area Below)" zone. Regarding the city management office mentioned by R48, the applicant did not propose in the s.12A application No. Y/I-DB/4 that 'Office' should be a Column 1 use and the applicant had not explained in detail in the application that the city management office was indeed serving the whole Discovery Bay;
- (e) the GFA exemption clauses for the "R(C)" and "OU(Residential Development with Service Area Below)" zones had followed the clauses of other existing zonings of the OZP as well as other prevailing OZPs in Hong Kong in that floor spaces of facilities that were for use of the owners or occupiers of the building and were ancillary and directly related to the development might be disregarded from GFA calculation. Regarding the request for GFA exemption for bus and ferry shelters, there was no such

suggestion in the s.12A applications (No. Y/I-DB/2 and Y/I-DB/4). Moreover, as those facilities were not solely serving the development within the respective zones, exempting the floor area of those facilities from GFA calculation under the OZP was not in line the prevailing practice; and

- (f) during the consideration of the objections to the first draft OZP No. S/I-DB/1, the Board deliberated on whether to include minor relaxation clauses for GFA and BH restrictions. The Board agreed not to include relevant clauses in the Notes of the OZP to maintain the existing character and the intended scale of development in Discovery Bay, to avoid overtaxing the limited infrastructure provision, and to safeguard against visual intrusion to the surrounding developments. The non-inclusion of minor relaxation clauses for the “R(C)” and “OU(Residential Development with Service Area Below)” zones was consistent with other existing zonings of the OZP. The GFA and BH restrictions for the proposed developments in the “R(C)”, “OU(SRC)4” and “OU(Residential Development with Service Area Below)” zones had taken into account those proposed under the two agreed s.12A applications (No. Y/I-DB/2 and Y/I-DB/4) and the implementation of the proposed developments under the two agreed s.12A applications would not be adversely affected without such minor relaxation clauses. Besides, the sustainable building design requirements should have already been taken into consideration in the s.12A application No. Y/I-DB/4 which was submitted in 2022. PlanD would follow the GFA calculation/exemption for sustainable building design features by the Buildings Department.

31. In response to a Member’s question regarding treating city management office/workshop/staff rest area as ancillary uses, Mr Ian Brownlee, R48 to R50’s representative, said that non-domestic GFAs for city management office and workshop and city management staff rest area were included in the indicative scheme under the s.12A application No. Y/I-DB/4. The city management office was a management office serving Discovery Bay and not an office for rental purpose. He did not agree to interpret it as an ‘Office’ use which was a Column 2 use within the “OU(Residential Development with

Service Area Below)” zone. Mr Cheung Ho Koon, R48’s representative, supplemented that there were other facilities such as bus overnight parking, golf cart repair office, general storage (for repair and maintenance parts), etc. which should also be considered as ancillary uses to Column 1 uses of the “OU(Residential Development with Service Area Below)” zone. Also, as the proposed bus and ferry shelters were small in scale, they should be exempted from GFA calculation.

32. A Member asked R50 (Discovery Bay Marina Club Limited) about the number of super yachts berthing at Discovery Bay and the necessity of crew quarters for the yacht club. In response, Mr Cheung Ho Koon, R48’s representative, said that there were currently about five super yachts berthed at Discovery Bay, while the available berthing spaces were more than five. The super yachts did not always need to sail, and the crew quarters were necessary supporting facilities for the crew to stay over, awaiting calls from clients to work.

Traffic and Taxi Rank

33. Some Members raised the following questions:

- (a) the rationale for adding ‘Taxi Rank’ as a use always permitted in the covering Notes of the OZP;
- (b) noting that there would be an increase in population and hence an increase in demand for transport services in Discovery Bay, whether the Traffic Impact Assessments (TIAs) submitted under the two agreed s.12A applications had assessed the traffic impact brought about by additional taxis;
- (c) whether the provision of taxi rank in Discovery Bay was subject to the approval of the Transport Department (TD); and
- (d) the party responsible for managing the traffic generated during the construction period.

34. In response, Mr Walter W.N. Kwong, DPO/SKIs, PlanD made the following main points:

- (a) taxi access had been allowed to Discovery Bay North since 2014. The current revision to the covering Notes of the OZP to add 'Taxi Rank' as a use always permitted in most of the zones within the OZP (i.e. except "CA" and "Coastal Protection Area" zones) was also in line with the latest MSN adopted by the Board. Discovery Bay was primarily a car-free development and any relaxation of the prohibited area for taxis would be subject to further consideration by C for T. Road traffic and the use of vehicles and roads (including private roads), including whether to allow taxis entering any part of Discovery Bay, were being regulated by C for T under the Road Traffic Ordinance (Cap. 374);
- (b) the TIAs submitted under the two agreed s.12A applications had taken into account the traffic generation from the proposed developments but not any additional taxi rank in Discovery Bay. Besides, no parking space was proposed under the two agreed s.12A applications and future residents were assumed to commute using existing transport facilities. The TIAs concluded that the proposed developments would not generate adverse traffic impact on critical road links and junctions in Discovery Bay and the surrounding areas, as well as existing ferry services of Discovery Bay;
- (c) provision of taxi rank in Discovery Bay would require a separate application to C for T and an amendment to the prohibited zones under the Gazette Notice, which was subject to C for T's scrutiny and relevant B/Ds' consideration, taking into account various aspects such as traffic capacity, safety, enforcement, etc.; and
- (d) only authorised vehicles were allowed to access Discovery Bay via the Discovery Bay Tunnel Link as specified in the Gazette Notice. The traffic and environmental issues arising from construction vehicles would be monitored by relevant government departments under relevant

legislation/requirements to minimise the impacts on the local residents.

35. As invited by the Chairperson, Mr W.H. Poon, Chief Engineer/Traffic Survey & Support, TD supplemented that the road design and management in Discovery Bay was under control by the land lease and relevant legislation, including the Road Traffic Ordinance (Cap. 374). Taxi access had been allowed to a limited area at Discovery Bay North only since 2014, and a taxi rank had been provided near Auberge Discovery Bay Hong Kong at Discovery Bay North. The major area of Discovery Bay remained a prohibited zone for taxis gazetted in accordance with the Road Traffic Ordinance (Cap. 374). Provision of additional taxi rank in Discovery Bay would require an application to C for T and relevant authorities, in which comprehensive assessments on traffic needs, technical feasibility and road safety should be submitted by the applicant. The applicant might also need to liaise with other relevant government departments, such as LandsD and PlanD, for compliance with relevant requirements/lease conditions/legislation for allowing taxi access in Discovery Bay.

36. Noting the local residents' desire to preserve the existing character of Discovery Bay, particularly on the prohibition of taxi services, a Member enquired about the local residents' expectations concerning the increase in traffic, including goods delivery, due to the growing population. In response, Mr Peter Alan Crush, R3, said that residents living in Discovery Bay were fully aware of the car-free requirement and would use public transport (i.e. bus and ferry) for commuting. The ferry services serving Discovery Bay were reliable and there was room to enhance the internal bus services. During the outbreak of COVID-19, the bus and ferry services had been reduced. The services had not yet resumed to normal and were currently operating at only 30% of the levels provided before the pandemic outbreak. It was suspected that the provision of internal bus services had been suppressed in order to introduce more taxi services in Discovery Bay. To cope with the population growth, improving the internal bus services was crucial. Besides, the increase in goods vehicles entering Discovery Bay had led to various problems, such as blocking of public access and bus services. In conclusion, taxis were not needed in Discovery Bay if the internal transport facilities were running efficiently.

GIC Facilities

37. A Member asked how the shortfall in GIC facilities in Discovery Bay could be addressed. In response, Mr Cheung Ho Koon, R48's representative, said that Discovery Bay was planned as a community rather than a single development project. Discovery Bay was initially not covered by any OZP and its development was governed through the Master Plan under the lease. Relevant B/Ds' requirements on GIC facilities had been incorporated in the Master Plan and provided as appropriate. HKR understood the concerns of the residents in this respect. Apart from various facilities, the residential clubs would also organise interest classes and provide community spaces to serve the residents.

38. As invited by the Chairperson, Mr Walter W.N. Kwong, DPO/SKIs, PlanD explained that there were some GIC facilities provided in the northern part of Discovery Bay, which were currently under the management of HKR and would be handed over to the Government later. Some GIC facilities could be provided in the "OU(Commercial Complex and Residential Development cum Transport Interchange)" zone under which 'Social Welfare Facility' was a Column 1 use in the relevant Notes of the OZP. In a wider spatial context, GIC facilities were provided in the neighbouring districts such as Tung Chung New Town Extension and Tsing Yi, which could also serve the residents in Discovery Bay.

Landscape and Tree Preservation

39. Noting R28's claim that a RNTPC Member's concern regarding tree preservation raised in the consideration of the s.12A application No. Y/I-DB/4 had not been addressed, a Member enquired about the tree compensation requirement and whether there was any scope to review the tree compensation ratio. In response, Mr Walter W.N. Kwong, DPO/SKIs, PlanD said that the tree compensation ratio of the proposed developments in Items A and B sites, as proposed by the applicant, was 1:1 in terms of number with reference to Development Bureau (DEVB)'s Technical Circular (Works) No. 4/2020 on Tree Preservation. In view of the RNTPC Member's concern regarding tree compensation in Item B site, the ES of the OZP stipulated that "to maintain and enhance landscape quality of the area, the future developer should endeavour to achieve the tree compensation arrangement, as far as practicable, for any tree felling due to the new developments in Discovery Bay." The tree

preservation issue would be dealt with at the lease modification stage.

Visual Impact

40. A Member asked if the proposed developments in Item B site would obstruct the views of the nearby developments as claimed by R24. In response, Mr Walter W.N. Kwong, DPO/SKIs, PlanD said that the photomontage provided by R24 was without dimensions and scale and was not the photomontage included in the relevant s.12A application (No. Y/I-DB/4). According to the indicative scheme submitted by the applicant under the relevant s.12A application, the frontage of the development at Item B4 site would be segregated with gaps between various building blocks. The applicant had submitted in the s.12A application a Visual Impact Assessment and an Air Ventilation Impact Assessment to demonstrate that the proposed development would not generate insurmountable visual and air ventilation impacts on the surrounding area, with implementation of appropriate mitigation measures. Concerned government departments had no adverse comment on the application. The design and mitigation measures could be further enhanced/explored by the applicant at the detailed design stage.

Inclusion of 'Country Park' as Column 1 Use of "CA" Zone

41. Some Members raised the following questions:

- (a) whether it was common practice to include 'Country Park' in the "CA" zone of the OZP; and
- (b) whether the boundary of the "CA" zone should be amended to exclude the area of the country park.

42. In response, Mr Walter W.N. Kwong, DPO/SKIs, PlanD, with the aid of some PowerPoint slides, made the following main points:

- (a) including 'Country Park' as a Column 1 use in the Notes of OZPs was not uncommon. An example could be taken from the South Lantau Coast OZP in which 'Country Park' was included as a Column 1 use in the "CA"

zone; and

- (b) as minor parts of Lantau North (Extension) Country Park fell within the “CA” zone, it was appropriate to incorporate ‘Country Park’ as a Column 1 use for the “CA” zone. Such minor parts of the country park were on government land. As the designation and operation of country parks were under the Country Parks Ordinance (Cap. 208), all uses and developments within the country park would require consent from the Country and Marine Parks Authority. As there was no plan to extend the existing country park at the moment, whether such minor parts of the country park should be included or excluded from the OZP was not an issue.

Public Consultation

43. Some Members raised the following questions:

- (a) whether local residents had been consulted on the proposed developments, particularly the local villagers of Nim Shue Wan Village; and
- (b) whether the Home Affairs Department (HAD) had a role in resolving the conflicts between the developer/the management agent and residents in Discovery Bay.

44. In response, Mr Walter W.N. Kwong, DPO/SKIs, PlanD made the following main points:

- (a) on 30.4.2024, the District Infrastructure and Development Planning Committee (DIDPC) of the Islands District Council (IsDC) was consulted on the proposed amendments on the OZP. Nim Shue Wan Village was not part of the Discovery Bay development. There was no road access to the village and the villagers relied on an existing footpath, which partly fell within the “R(C)13” zone, for commuting between the village and Discovery Bay Road. During the consultation with the DIDPC of the IsDC, some members expressed concerns about the possible blockage of

that existing footpath. The access arrangement for the villagers would be further considered at the lease modification stage in liaison with relevant government departments; and

- (b) the various issues in Discovery Bay raised by some representers were mainly related to conflicts between the local residents and HKR/DBSML, which should be dealt with separately by the parties involved.

45. As invited by the Chairperson, Mr Paul Y.K. Au, Chief Engineer (Works), HAD supplemented that the District Office had been maintaining contact with Discovery Bay City Owners' Committee and acting as a bridge between the local residents and the Government. Local residents were welcome to approach the District Office with their concerns, which would be conveyed to relevant government departments, if deemed appropriate.

46. In response to a Member's question on the sentiment of the local residents towards the proposed developments in Discovery Bay, Mr Andrew Thomas Burns, R9, said that the development of Discovery Bay was different from that of the other parts of Hong Kong as it was initially guided by a Master Plan prepared by the developer. The lease of Discovery Bay in the 1980s did not have development restrictions but only requirements on the provision of basic infrastructures. The OZP only came into force in the 2000s. While HKR had the right to develop, the development should take into account the infrastructural capacity and the fact that the roads in Discovery Bay were not wide enough for the provision of additional taxi rank.

47. As Members had no further questions to raise, the Chairperson said that the Q&A session was completed. She thanked the government representatives, the representers and their representatives for attending the meeting. The Board would deliberate on the representations in closed meeting and would inform the representers of the Board's decision in due course. The government representatives, the representers and their representatives left the meeting at this point.

[Mr Derrick S.M. Yip left the meeting temporarily during the Q&A session.]

48. The Chairperson said that the meeting would adjourn for lunch break and would

continue with the afternoon session.

[The meeting was adjourned for lunch break at 1:40 p.m.]

49. The meeting was resumed at 2:30 p.m.

50. The following Members and the Secretary were present in the resumed meeting:

Permanent Secretary for Development
(Planning and Lands)

Ms Doris P.L. Ho

Chairperson

Mr Stephen L.H. Liu

Vice-chairperson

Ms Sandy H.Y. Wong

Mr Stanley T.S. Choi

Mr K.W. Leung

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Professor Roger C.K. Chan

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

Ms Kelly Y.S. Chan

Dr C.M. Cheng

Mr Daniel K.W. Chung

Dr Tony C.M. Ip

Mr Ryan M.K. Ip

Professor B.S. Tang

Professor Simon K.L. Wong

Mr Derrick S.M. Ip

Chief Engineer/Traffic Survey & Support
Transport Department
Mr W.H. Poon

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

Assistant Director (Environmental Assessment)
Environmental Protection Department
Mr Gary C.W. Tam

Director of Lands
Mr Maurice K.W. Loo

Director of Planning
Mr Ivan M.K. Chung

Deliberation Session

51. The Chairperson invited views from Members.

Inclusion of 'Taxi Rank' in the Covering Notes

52. Members generally acknowledged the concerns raised by some representers regarding the potential impact on the planning intention of a car-free environment of Discovery Bay by including 'Taxi Rank' in the covering Notes of the OZP (i.e. as a use always permitted in most of the zones within the OZP). The majority of Members supported retaining the use in the covering Notes while a few Members held a different view.

53. Some Members considered that it might not be appropriate to add 'Taxi Rank' as a use always permitted in the covering Notes of the OZP and expressed the following views:

- (a) Discovery Bay was a community with charm for its special attributes, including its car-free environment. Whilst adding 'Taxi Rank' in the covering Notes of the OZP was in line with the latest MSN adopted by the Board, careful consideration should be given to revising the covering Notes as it could undermine the unique character of a special place like Discovery Bay;
- (b) according to the ES of the OZP, Discovery Bay was a unique sub-urban low-density and car-free development. The omission of 'Taxi Rank' as a permitted use from the covering Notes of the first OZP had been consistent with the planning intention to maintain a car-free environment. If needed, it might be considered as a Column 2 use in relevant zones;
- (c) although C for T was the authority to impose controls on the type of vehicles allowed on the roads in Discovery Bay, such control was mainly based on considerations of traffic capacity and road safety, not from the planning perspective, such as the planning intention of the area;

- (d) adding 'Taxi Rank' to the covering Notes could sound like granting a blanket approval for allowing taxi ranks in Discovery Bay, which would send a wrong message to the public that the Board had abandoned the car-free intention in Discovery Bay;
- (e) the existing taxi rank in Discovery Bay North had been in operation since 2014 despite the fact that there was no provision for 'Taxi Rank' in the covering Notes of the OZP. It was questionable whether there was a need to include such facility in the covering Notes of the OZP before it could be provided, or if it should be regarded as an ancillary facility as long as C for T considered it necessary; and
- (f) taxi access to all areas in Discovery Bay should only be allowed in special circumstances (e.g. during the COVID-19 pandemic). There was no need to include 'Taxi Rank' in the covering Notes of the OZP as currently stated.

54. On the other hand, the majority of Members considered that including 'Taxi Rank' as a use always permitted in most of the zones in the covering Notes of the OZP could provide planning flexibility to facilitate the future provision of taxi ranks in different areas of Discovery Bay, which might be necessary or desirable. They expressed the following views:

- (a) with the increase in population, the originally planned car-free neighbourhood in Discovery Bay had been evolving to meet the needs of the residents. Vehicular traffic on the local road network had substantially increased over the years, with many buses and goods vehicles running on the roads;
- (b) updating individual OZPs to align with the latest MSN was a standard practice;
- (c) the addition of 'Taxi Rank' as a use always permitted in the covering Notes of the OZP reflected the principles of minimising double handling among government departments and maximising flexibility in governance;

- (d) the provision of taxi ranks and taxi services were two distinct concepts that were not causally related. The inclusion of 'Taxi Rank' in the covering Notes did not necessarily mean the removal of the restriction on taxi access to the general areas of Discovery Bay (i.e. the primary concern of some representers);
- (e) the inclusion of 'Taxi Rank' could provide flexibility if there was a future need to provide taxi ranks in other parts of Discovery Bay. Such flexibility had proven to be necessary, as demonstrated during the COVID-19 pandemic when taxi access was exceptionally allowed in Discovery Bay to facilitate quarantine operations;
- (f) while some local residents had grave concerns about the potential adverse traffic impact if the current taxi access restriction was lifted, some welcomed the lifting under certain conditions. After discussions in the morning session of the meeting, the representers against the 'Taxi Rank' seemed to have understood that the use of vehicles and roads in Discovery Bay, including whether to allow taxis entering any part of Discovery Bay, was outside the scope of the OZP but within the ambit of C for T. Even with 'Taxi Rank' allowed according to the covering Notes of the OZP, the current road restriction in Discovery Bay imposed by C for T would not be lifted without careful consideration;
- (g) the root cause of traffic congestion in Discovery Bay was mainly due to the sub-standard design of the local roads as those roads were originally intended to support a holiday resort with low-rise houses, rather than the medium-rise residential blocks currently in the area. The congestion was a traffic management issue that should be properly addressed by the developer's property management company; and
- (h) many of the traffic issues raised by the representers could better be addressed between the residents and the developer, falling outside the ambit of the planning regime. For example, whether the developer had kept its promise to maintain a car-free environment in Discovery Bay.

55. Regarding some Members' remarks, the Chairperson made the following clarifications:

- (a) in general, MSN should be applied to all OZPs. In the latest MSN agreed by the Board, 'Taxi Rank', and a number of basic facilities and public works were always permitted in most of the zones. In respect of the OZP, 'Taxi Rank' was included as a use always permitted in most of the zones in the covering Notes of the OZP in accordance with the latest MSN;
- (b) under the former OZP, the provision of the current taxi rank in Discovery Bay North had been allowed under the zoning of "OU(Commercial and Public Recreation Development cum Transport Interchange)". The provision of taxi rank had not been permitted in most of the other parts of Discovery Bay;
- (c) as explained by the representatives of PlanD and TD in the morning session of the meeting, the addition of 'Taxi Rank' in the covering Notes of the OZP was to provide flexibility from the OZP perspective, and any proposal for additional taxi rank in Discovery Bay would continue to be subject to the scrutiny of C for T; and
- (d) should it be decided to remove 'Taxi Rank' from the covering Notes, that would mean if there was a need to set up taxi rank to serve residents and alike in the Discovery Bay in future, we would need to go through another statutory process to amend the OZP to allow the taxi rank to be provided in planning terms before the proposal was put to C for T for consideration and approval. Members might wish to consider whether such an arrangement would be too rigid to cater for unforeseen circumstances that might give rise to the need for taxi ranks.

56. Mr Ivan M.K. Chung, Director of Planning (D of Plan), supplemented that the provision of taxi rank on a temporary basis not exceeding five years was allowed in all zones under the covering Notes of the OZP, whereas adding 'Taxi Rank' to the covering Notes of

the OZP was to provide flexibility to facilitate the provision of such facilities on a long-term basis. The practice had been consistently applied to all other OZPs. For the planning intention of maintaining a car-free environment in Discovery Bay, it had always been the intention that the connectivity within the neighbourhood would rely on golf carts, coaches and walking. If the car-free concept meant removing all traffic-related facilities from the covering Notes, some uses currently contained in the covering Notes (e.g. 'Bus Stop' and 'Lay-by') might also need to be removed.

57. In response to a Member's question on Park Island on Ma Wan (also a car-free development), Mr Ivan M.K. Chung, D of Plan, explained that ferry was the principal transport mode for Park Island and similar to Discovery Bay, vehicular access was restricted and subject to C for T's scrutiny.

58. Two Members agreed that in any event, the minutes of the meeting should record clearly that the inclusion of 'Taxi Rank' as a use always permitted in most of the zones in the covering Notes did not indicate any intention of the Board to change the duly appreciated car-free environment of Discovery Bay. The Board understood that C for T would not change the current restriction on road usage in Discovery Bay without strong justifications.

59. The Chairperson summarised that while having diverse views, the majority of Members supported the amendment on the covering Notes of the OZP to add 'Taxi Rank' as a use always permitted in most of the zones. She stressed that the amendment was to provide flexibility to facilitate any future provision of taxi rank at locations justified in traffic terms. As the provision of additional taxi rank was subject to the approval of C for T, the amendment would not result in the immediate emergence of taxi ranks across Discovery Bay. More importantly, while such amendment was made, the Board did not intend to change the car-free environment of Discovery Bay or propose to C for T to change the current restriction on road usage in Discovery Bay.

Relaxation of Land Use Control and Provision for Minor Relaxation of Development Restrictions

60. The majority of the Members did not see the need to relax the land use control nor include the minor relaxation clauses for development restrictions in the respective zones for the following reasons:

- (a) the development restrictions in Items A and B including the BHRs with inclusion of rooftop structures were in line with the relatively restrictive design requirements for Discovery Bay;
- (b) the requests from R48 to R50 for relaxed control on certain land uses and the inclusion of minor relaxation clauses for the development restrictions were unjustified, taking into account the planning intention of Discovery Bay as a low-density development with design concerns;
- (c) no such requests were raised in the two agreed s.12A applications. PlanD's assessments and responses to the representations were agreeable; and
- (d) regarding R49's request to allow a management office as a Column 1 use (instead of the current Column 2 use) under Item B4, it was considered that a management office with reasonable scale for the subject residential development might be taken as an ancillary use, which did not require separate permission from the Board. If the management office could not be considered as an ancillary use due to its nature and scale, it could be dealt with via the planning permission system. Hence, there was no need to move 'Office' use from Column 2 to Column 1 as suggested by R49.

61. A Member opined that the inclusion of a minor relaxation clause for BHRs could allow flexibility at the building design stage to accommodate various green features and minor changes unforeseeable at the planning stage. For example, provision of sky garden under the relevant Joint Practice Note and provision of plant rooms at higher levels to achieve climate resilience, particularly relevant to the proposed houses atop the platform (at +6mPD) along the coastline in Item B2 site which would be susceptible to sea level rise.

Without the minor relaxation clause, it would be difficult to accommodate changes at the detailed design stage. In that connection, a Member noted from the Paper that the coastline under Item B2 site would be levelled from the current +4.5mPD to +6mPD, which was comparable to that adopted for the San Tin Technopole development. Moreover, as required by relevant government departments, the project proponent was required to assess coastal risk, taking into account the effects of climate change, among others. The above arrangement for the coastline was acceptable.

62. The Chairperson supplemented that Discovery Bay was close to Hong Kong Disneyland Resort (Disneyland), with which the Government had entered into a Deed of Restrictive Covenant (DRC) whereby the land in the vicinity of Hong Kong Disneyland Resort (including Discovery Bay) would be subject to stringent height, building and use restrictions. The BHRs including roof-top structures were to preserve the existing amenity and character of Discovery Bay and the surrounding areas. Besides, as Discovery Bay was a unique development, the non-inclusion of minor relaxation clauses in the Notes of the OZP was appropriate to maintain its existing character and the intended scale of development, to avoid overtaxing the limited infrastructure provision and comply with the DRC.

Planning Gain and GIC Facilities

63. Noting that unlike many s.12A applications, HKR (R48) did not propose any planning gain for the community (e.g. GIC provision) in the two s.12A applications for proposed residential developments. Some Members opined that the current demand for GIC facilities of the local residents was mostly met by facilities outside Discovery Bay (e.g. in Tung Chung and Tsing Yi). For an aging population living in the relatively remote and car-free Discovery Bay, the demand for more GIC facilities within the community would become imminent. Consideration should be given to providing GIC facilities in the area on a self-contained basis rather than on a shared-use basis with neighbouring districts. Since Discovery Bay was solely a private development planned to be self-contained, the provision of suitable community facilities in the area should be arranged by the developer for the residents.

64. Notwithstanding the above, Members generally did not consider that the OZP should be amended to require GIC provision. Some Members and the Vice-chairperson expressed that:

- (a) given the unique planning background and remoteness of the community, relevant government departments might not find it justified to provide GIC facilities in Discovery Bay; and
- (b) with RNTPC's agreements to the two s.12A applications, there was no strong reason to propose amendment to the OZP under section 6B(8) of the Ordinance to require GIC provision or other planning gains at the rezoning sites.

65. The Chairperson said that the nil provision of some typical GIC facilities in Discovery Bay was possibly due to its relatively remote location, which might be considered by relevant government departments inconvenient for the service recipients, usually the grassroots living outside Discovery Bay, to visit the GIC facilities. Nonetheless, the proposed development under Item B would provide some new public facilities for local residents' enjoyment (e.g. a new waterfront promenade, additional open spaces and recreational facilities). The proposed developments in Item B site would also help to improve the local environment by decking over the existing facilities including depot and workshop and provide additional housing units on top, and optimise the site utilisation.

66. The Board also noted that PlanD was reviewing the presentation of the GIC table (e.g. geographical coverage, wording, etc.) with a view to facilitating a better understanding of the demand and provision of GIC facilities.

Others

67. Members generally agreed that the protection of private views, as requested by some representers, was not practical in the development context of Hong Kong.

68. A Member pointed out that the ‘Country Park’ portion of “CA” zone being situated on government land had negated R48’s claim of encroaching on private land, and hence R48’s request to remove ‘Country Park’ from Column 1 of the “CA” zone could not be substantiated.

[Mr Derrick S.M. Yip rejoined the meeting and Messrs Maurice K.W. Loo and Timothy K.W. Ma and Dr Tony C.M. Ip left the meeting during deliberation.]

Conclusion

69. The Chairperson concluded that the majority of Members supported all the amendments on the OZP, and agreed that the OZP should not be amended to meet the adverse representations. All grounds of the representations had been addressed by the departmental responses as detailed in the Paper as well as the presentations and responses made by the government representatives at the meeting.

70. After deliberation, the Town Planning Board (the Board) noted the supportive views of **R20(part), R48(part), R49(part) and R50(part)** and decided not to uphold R1 to R19, R20(part), R21 to R47, R48(part), R49(part) and R50(part), and agreed that the draft Discovery Bay Outline Zoning Plan (OZP) should not be amended to meet the representations for the following reasons:

“Planning Intention and Development Proposals

- (a) the proposed developments in the sites under Amendment Items A and B1 to B6 are considered not incompatible with the surrounding developments as well as the waterfront setting. At the section 12A (s.12A) application stage, technical assessments submitted by the applicant demonstrated that the proposed developments were technically feasible, and the concerned government bureaux/departments (B/Ds) had no objection to or no adverse comment on the applications. The proposed developments are considered in line with the general planning intention of the planning scheme area (the Area) on the OZP (**R9, R13 to R16, R19, R20, R26, R29, R35, R37, R38 and R47**);

- (b) the zonings and relevant development restrictions under the Notes of the OZP which are in line with other zonings of the OZP are considered appropriate (**R12, R18, R19, R23 to R25, R38 and R48 to R50**);

Development Intensity, Urban Design and Air Ventilation

- (c) the proposed developments in the sites under Amendment Items A and B1 to B6 are considered not incompatible with the surrounding developments as well as the waterfront setting, and unlikely to cause significant visual and air ventilation impacts. The requirements of stepped height profile, building gaps and relevant mitigation measures are incorporated in the Explanatory Statement (ES) of the OZP for the project proponent to take into account during the detailed design stage (**R11, R12, R14 to R18, R20 to R25, R27, R30, R35, R38 and R45**);

Traffic and Transport

- (d) according to the Traffic Impact Assessments submitted in the s.12A applications for the sites under Amendment Items A and B1 to B6, the proposed developments including the additional residential units would not generate adverse traffic impact on critical road links and junctions as well as ferry services in Discovery Bay. The ferry pier currently at Nim Shue Wan waterfront will be re-provisioned within the “Residential (Group C) 14” zone and the exact arrangement will be confirmed in the implementation stage subject to the scrutiny of the concerned government B/Ds (**R11 to R19, R23 to R25, R27 and R29 to R47**);

Environment and Ecology

- (e) the Environmental Studies submitted in the s.12A applications for the sites under Amendment Items A and B1 to B6 concluded that the proposed developments would not cause any insurmountable problem on environmental and ecological aspects. Relevant government B/Ds have no

objection to or no adverse comment on the proposed developments (**R13 to R17, R25, R28, R34, R37 and R40 to R47**);

- (f) according to the Environmental Study submitted in the s.12A application for the sites under Amendment Items B1 to B6, with mitigation measures, impacts from the proposed nearshore reclamation on water quality, marine ecology and fisheries are considered insignificant. Potential environmental impacts will be revisited in the later Environmental Impact Assessment for Designated Project, if appropriate (**R17, R25, R40, R42, R45 and R46**);

Landscape, Tree Preservation and Greenery

- (g) according to the tree surveys submitted in the s.12A applications for the sites under Amendment Items A and B1 to B6, there is no rare/protected species and/or Old and Valuable Trees identified within the sites while compensatory trees would be provided subject to further review. The ES of the OZP stipulates that to maintain and enhance landscape quality of the area, the future developer should endeavour to achieve the tree compensation arrangement, as far as practicable, for any tree felling due to the new developments in Discovery Bay (**R11, R13, R14, R15, R17, R20, R25, R28, R30, R46 and R47**);

Provision of Supporting Infrastructure and Community Facilities

- (h) technical assessments on various infrastructural aspects including drainage, sewerage and water supply, etc. were conducted in the s.12A applications for the sites under Amendment Items A and B1 to B6. The proposed developments would not cause any insurmountable problem with implementation of mitigation measures in the detailed design and project implementation stages. Relevant government B/Ds have no objection to or adverse comment on the proposed developments (**R9, R13, R17, R36, R39, R41 and R47**);

- (i) the existing and planned provision of open space and government, institution and community facilities in the Area are generally adequate to meet the demand of the overall planned population in accordance with the requirements of the Hong Kong Planning Standards and Guidelines (**R14, R15, R17, R19, R23 to R25, R27 to R29, R34, R36, R38 and R40 to R42**);

Taxi Rank

- (j) road traffic and the use of vehicles and roads (including private roads) are regulated under the Road Traffic Ordinance (Cap. 374) which is outside the scope of the OZP. The revision to the covering Notes of the OZP to add ‘Taxi Rank’ as a use always permitted in most of the zones within the OZP is to reflect the existing provision of taxi rank in Discovery Bay North which is also in line with the latest Master Schedule of Notes to Statutory Plans adopted by the Board (**R1 to R11, R17, R27 and R30**);

Country Park

- (k) as a minor part of Lantau North (Extension) Country Park falls within the “Conservation Area” (“CA”) zone, it is appropriate to incorporate ‘Country Park’ as a Column 1 use for the “CA” zone (**R48**); and

Public Consultation

- (l) the established practices for both statutory and administrative public consultation for s.12A application and statutory plan have been duly followed. Consultations with relevant parties were conducted during the statutory public inspection period of the draft OZP (**R40 and R42**).”

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

Agenda Item 4

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

72. There being no other business, the meeting was closed at 3:45 p.m.