

TOWN PLANNING BOARD

Minutes of 335th Meeting of the Metro Planning Committee held at 9:00 a.m. on 29.9.2006

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Raymond Y.M. Chan

Mr. K.Y. Leung

Ms. Starry W.K. Lee

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. Anthony Loo

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. Elvis W.K. Au

Assistant Director (Kowloon), Lands Department
Mr. James Merritt

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Mr. Erwin A. Hardy

Mr. Leslie H.C. Chen

Professor N.K. Leung

Mr. Stanley Y.F. Wong

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

Assistant Director(2), Home Affairs Department
Ms. Margaret Hsia

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. C.T. Ling

Town Planner/Town Planning Board
Mr. Simon C.K. Cheung

Agenda Item 1

Confirmation of the Draft Minutes of the 334th MPC Meeting held on 15.9.2006

[Open Meeting]

1. The draft minutes of the 334th MPC meeting held on 15.9.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising from the last meeting.

Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K18/1 Request for Amendment to the Draft Kowloon Tong Outline Zoning Plan No. S/K18/12 from “Residential (Group C)1” to “Comprehensive Development Area (1)” zone and area shown as ‘Road’, 3, 5 and 7 Kent Road (NKIL 865, 866 and 867), Kowloon Tong
(MPC Paper No. Y/K18/1)

[Ms. Starry W.K. Lee arrived to join the meeting at this point.]

Presentation and Question Sessions

3. Mr. Raymond K.W. Lee, District Planning Officer/Kowloon (DPO/K), and Mr. C.C. Lau, Senior Town Planner/ Kowloon (STP/K), and the following applicant’s

representatives were invited to the meeting at this point :

Mr. Phill Black
Ms. Veronica Luk
Mr. Yu Pang Lin
Mr. Dennis Pang
Mr. Brian Dechant
Mr. Eddie Lee
Ms. Yan Lei

4. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. C.C. Lau, STP/K, to brief Members on the background to the application.

5. With the aid of a powerpoint presentation, Mr. C.C. Lau presented the application and covered the following aspects as detailed in the Paper :

- (a) the application was to rezone the application site from “Residential (Group C)1” (“R(C)1”) to “Comprehensive Development Area (1)” (“CDA(1)”) and area shown as ‘Road’ to facilitate amalgamation of three private lots, i.e. NKILs 865, 866 and 867, for redevelopment into a hotel with not more than 299 guestrooms. A strip of private land abutting True Light Lane was proposed for road widening and provision of a cul-de-sac at True Light Lane which would be designated as ‘Road’;
- (b) According to the indicative scheme prepared by the applicant, the proposed “CDA(1)” site would accommodate a 6-storey hotel building (45.275mPD at main roof level) over a car parking and utility basement with a non-domestic gross floor area (GFA) of about 10,652m². To facilitate the hotel development, the applicant proposed to specify in the Notes of the Outline Zoning Plan (OZP) a maximum total GFA of 10,652m² (equivalent to plot ratio (PR) of 3.1 based on “CDA(1)” area) and a maximum building height of 45.275mPD for ‘Hotel’ use in the “CDA(1)” zone. The applicant would carry out upgrading works to different sections of the

adjacent local public sewers with a total length of 1.4 km before occupation of the proposed hotel;

- (c) the Lands Department considered the proposed development including restaurant facilities unacceptable under the existing lease conditions and constituted a breach of user. He raised concerns on whether implementation of the prerequisite 1.4km sewerage upgrading works was feasible and practicable, which would likely cause adverse impact on the existing households in the area. The Highways Department (HyD) considered the rezoning of part of the site to 'Road' unacceptable as the proposed hotel would be developed within the "CDA(1)" zone in which 'Road' was always permitted. Whilst the Transport Department (TD) had no objection to the application, the Commissioner of Police had grave concern on the possible traffic management problem in the area. The Secretary for Education and Manpower also commented that the Kowloon True Light Middle School had great concerns that the students and staff would have no buffer area to fall back on in case of emergency;
- (d) 17 public comments were received during the statutory publication period, of which 11 objected to the application on the grounds of road safety, traffic congestion, adverse environmental and infrastructural impacts, unacceptable piecemeal change of use and preservation of the residential neighbourhood; and
- (e) the Planning Department (PlanD) did not support the application for the reasons given in paragraph 11.2 of the Paper, in that the proposed GFA restriction of 10,652m² for hotel development in the proposed "CDA(1)" zone, represented about 300% increase from the possible GFA of about 2,557m² derived from the current permissible PR of 0.6 under the "R(C)1" zone. As such, the proposed rezoning for higher development intensity for 'Hotel' use was not appropriate. The approval of the rezoning request would set an undesirable precedent for similar requests. The cumulative effects of approval of similar requests would affect the integrity of the Kowloon Tong Garden Estate and had adverse impacts on the existing

infrastructure provisions.

6. The Chairperson then invited the applicant's representatives to elaborate on their justifications for the application.

7. With the aid of a Powerpoint presentation, Mr. Phill Black made the following main points :

- (a) the applicant sought permission to change the future use of three adjoining lots opposite to Kowloon-Canton Railway (KCR) Station. The proposed amendments involved a change in use from existing 'romantic' Hotel and residential houses to a tourist hotel, a change in building height from 3 storeys to 6 storeys and a change in development intensity from PR 0.6 to PR 2.5 (based on the total area of the application site). Being the owner of three lots, the applicant intended to develop the site into a sister hotel to the one he owned in Shenzhen;
- (b) the application site fell within the Kowloon Tong Garden Estate, previously an European style of two-storey housing area, was now turned into a mixed use area comprising residential, school, religious and social institution uses;
- (c) the application site, located at the fringe of "R(C)1" zone, formed an integral part of the established "commercial/institutional hub" at Kowloon Tong in which hotel development was compatible with the surrounding Festival Walk commercial centre, educational offices and mix of community/business uses, all located within 200m of the KCR and Mass Transit Railway (MTR) Stations;
- (d) the appropriateness of a six-storey building within the area was supported by concerned departments, in that the Architectural Services Department considered the proposed building height compatible in local context, the Chief Town Planner/Urban Design and Landscape, PlanD considered visual impact insignificant, and the Chief Town Planner/Sub-Regional advised that upper Kowloon Tong had the potential to become a new

“High-tech Business Node” from a strategic land use perspective as proposed in Metroplan Review (2003);

- (e) the planning merits arising from the proposed hotel development included widening of True Light Lane with a new roundabout to improve manoeuvring of vehicles and reduce pedestrian/vehicle conflict, closure of ingress/egress points on Kent Road to improve traffic flows, removal of ‘romantic’ Hotel to overcome undesirable interface, elimination of railway noise impact problems, amalgamation of the three lots to provide comprehensive design, and improvement to sewers to provide additional capacity to serve local area; and
- (f) Given the planning merits of the proposed hotel development to the area, the Committee was urged to accept the amendment application in total. Should the Committee have concern over the development parameters of the proposal, it was suggested that the Committee could agree in-principle to zoning amendment application and request PlanD to liaise with the applicant with a view to working out appropriate development parameters for the site. The revised proposal could then be submitted to the Committee for consideration prior to the gazetting of zoning amendments for public inspection.

8. A Member sought clarification from TD on the merits of the proposed widening of True Light Lane. In reply, Mr. Anthony Loo said that he had no objection to the application and shared the applicant’s views on the traffic arrangement for the proposed development.

9. Members then raised a number of questions and comments as summarized below :

- (a) the compatibility of the proposed hotel development with uses located in the southern portion of the “commercial/institutional hub” which was dominated by “Government, Institution or Community” (“G/IC”) uses like educational institutions and bus terminus;

- (b) the justifications for the proposed hotel development taking into account its possible impacts on the nearby residents in the “R(C)1” zone;
- (c) who would take up the responsibility on the road widening proposal as the HyD considered the application to rezone part of the site to ‘Road’ unacceptable;
- (d) whether the proposed widening of True Light Lane and roundabout design were acceptable to the Kowloon True Light Middle School; and
- (e) the impact on the learning atmosphere of the Kowloon True Light Middle School.

10. In reply, Mr. Phill Black made the following points :

- (a) although the southern portion of the “commercial/institutional hub” was dominated by G/IC uses, the application site was an ideal location for non-Central Business District (CBD) hotel in view of its close proximity to the Festival Walk commercial centre and the KCR and MTR Stations. The proposed hotel would introduce activities to the area after office hours and would thus enhance vibrancy of the area;
- (b) although the application site was currently zoned “R(C)1”, it was believed that the unique location of the application site, i.e. adjoining the major transport interchange, would be more suitable for hotel development in the strategic context;
- (c) the applicant would take full responsibility to widen and maintain the road as proposed within the site;
- (d) the proposed widening of True Light Lane and the new roundabout would improve manoeuvring of vehicles and allow for informal parking and loading/unloading. If the application was approved, the applicant would

approach the Kowloon True Light Middle School to explain the details and advantages of the proposed widening; and

- (e) there would be no conflict between the proposed hotel development and the school as the existing ‘romanic’ Hotel near the school would be removed should the proposal be allowed to proceed.

11. In response to Mr. James Merritt’s question, Mr. Phill Black confirmed that the applicant would accept the maintenance responsibility of the True Light Lane if HyD did not agree to maintain the road at the land exchange stage.

12. As the applicant’s representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee’s decision in due course. The Chairperson thanked the applicant’s representatives as well as PlanD’s representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

13. Noting the Kowloon True Light Middle School’s strong objection, a Member had reservation on the application as the school would have to share the proposed common access with the hotel and the associated increase in traffic flow and road safety problem.

14. Another Member had doubts on the “commercial/institutional” hub concept since apart from the Festival Walk commercial centre and bus terminus, the rest of the hub were mainly for GIC uses which remained to be a relatively tranquil environment. In this regard, the application was not supported.

15. Other Members generally considered the ‘Hotel’ use acceptable but the proposed PR and the building height excessive. They also expressed the following views :

- (a) agreed to some of the planning merits arising from the proposed hotel development, such as the proposed building setback to reduce

pedestrian/vehicle conflict and closure of ingress/egress points at Kent Road;

- (b) preferred a proper hotel development to the existing 'romanic' Hotel operated on the application site;
- (c) the proposed hotel development could offer a buffer area between the transport interchange and the neighbouring residential houses;
- (d) the scale of the proposed hotel development especially the PR should be largely reduced; and
- (e) the approval of the rezoning request would set an undesirable precedent for similar applications.

16. In response to Members' enquiry, the Secretary pointed out that according to the Notes of the Kowloon Tong OZP for the "R(C)" zone, the 'Hotel' use was a Column 2 use with a maximum PR of 0.6 and a maximum building height of 3 storeys. The applicant could therefore apply for a planning permission for hotel use according to the provisions of the OZP but the PR and building height would be subject to the stated restrictions. The zoning amendment application was to make provision for a higher PR and building height for the proposed hotel development.

17. The Chairperson said that the application site fell within the Kowloon Tong Garden Estate intended for low-rise residential developments. However, the land use and character of the area had been undergoing changes due to market forces and the subject application might need to be considered in a wider perspective having regard to the recommendation of the Metroplan Review (2003).

18. While not agreeing to the application, a Member considered the proposed widening of True Light Lane worth pursuing and said that TD and HyD should look into the need for such road widening and improvement. The Chairperson clarified that as private land was involved, it would be up to the owner of the private lots to determine the voluntary surrender of land for road widening. As the proposed widening was very local in scale, it

might not be accorded with priority for its implementation by way of resumption.

19. The Chairperson concluded that Members generally did not agree to the rezoning application to facilitate the proposed hotel development at the intensity and building height as proposed. Moreover, 'Hotel' use was already a Column 2 use under the Notes for the "R(C)" zone, which might be permitted with or without conditions upon application to the Town Planning Board. In the light of the Chairperson's remarks, the Secretary suggested that the reason for rejection proposed in paragraph 11.4(a) of the Paper be amended as "the planning intention of "Residential (Group C)1" ("R(C)1") zone which was intended primarily for low-rise and low-density residential developments was in general appropriate." Members agreed.

[Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

20. After deliberation, the Committee decided not to agree to the application for amendment for the following reasons :

- (a) the planning intention of "Residential (Group C)1" ("R(C)1") zone which was intended primarily for low-rise and low-density residential developments was in general appropriate. 'Hotel' use was already a Column 2 use under the Notes for the "R(C)1" zone, which might be permitted with or without conditions upon application to the Town Planning Board;
- (b) the proposed gross floor area and building height restrictions for the 'Hotel' use under the "Comprehensive Development Area (1)" ("CDA(1)") zone represented substantial increase in development intensity which would result in development out of keeping with the character of the other developments in the "R(C)1" zones;
- (c) there was inadequate information in the submission to demonstrate that implementation of the proposed sewerage upgrading works outside the application site would be feasible and practicable; and

- (d) the approval of the rezoning request would set an undesirable precedent for similar requests. The cumulative effects of approval of similar requests would affect the integrity of the entire subject and adjacent “R(C)1” zones and would have adverse impacts on the existing infrastructure provisions.

[Ms. Starry W.K. Lee left the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K14/510 Shop and Services in “Other Specified Uses” annotated “Business” zone, Factory A, G/F, Lucky (Kwun Tong) Industrial Building (also known as the Grande Building), 398-402 Kwun Tong Road, Kwun Tong (MPC Paper No. A/K14/510)
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[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K14/511 Shop and Services in “Other Specified Uses” annotated “Business” zone, Factory B, G/F, Lucky (Kwun Tong) Industrial Building (also known as the Grande Building), 398-402 Kwun Tong Road, Kwun Tong (MPC Paper No. A/K14/511)
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21. Noting that the two cases (No. A/K14/510 and 511) were applying for shop and services use on the ground floor of the same industrial building, the Committee agreed to consider the two applications together.

Presentation and Question Sessions

22. With the aid of a powerpoint presentation, Mr. C.C. Lau, STP/K, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) shop and services use;
- (c) departmental comments – no objection from concerned Government departments, including the Fire Services Department was received;
- (d) one supporting public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons given in paragraph 11.1 of the Paper.

23. Members had no question on the application.

Deliberation Session

24. The Chairperson remarked that the two applications complied with relevant Town Planning Board Guidelines.

25. After deliberation, the Committee decided to approve the applications, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including fire service installations in the subject premises, within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 29.3.2007; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

26. The Committee also agreed to advise the applicant to :

- (a) apply to District Lands Officer/Kowloon East, Lands Department for a temporary waiver for the shop and services use;
- (b) appoint an Authorised Person (AP) to submit building plans to demonstrate compliance with the Buildings Ordinance, in particular, fire resisting construction in accordance with Code of Practice for Fire Resisting Construction, adequate means of escape (MOE) in accordance with Building (Planning) Regulation 41(1) and MOE Code paragraph 10.1, and the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 1997;
- (c) note that the AP should exercise extreme care when working in the vicinity of the public drains and sewers in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the public systems due to the works of the proposed development should be made good at applicant's own cost and to the satisfaction of the Director of Drainage Services;
- (d) note that any operation of food business under Food Business Regulation, Cap. 132 would require application to Food and Environmental Hygiene Department for a relevant licence/permit; and
- (e) strictly observe regulatory restrictions and instant traffic situation in case when loading/unloading activities were taking place to avoid interfering the main stream traffic.

[The Chairperson thanked Mr. Raymond K.W. Lee, DPO/K, and Mr. C.C. Lau, STP/K, for their attendance to answer Members' enquiries. Messrs. Lee and Lau left the meeting at this point.]

Hong Kong District

[Ms. Phyllis C.M. Li, Chief Town Planner /Special Duties (CTP/SD), and Mr. Roy Li, Senior Town Planner/Special Duties (STP/SD), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/H24/9 Proposed Restaurants and Utility Installations not ancillary to the Specified Use in “Other Specified Uses” annotated “Pier and Associated Facilities” zones, Roof Viewing Deck, Central Piers 7 and 8
(MPC Paper No. A/H24/9)
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27. The application was submitted by a subsidiary of Wharf (Holdings) Limited. The Committee noted that Dr. Greg Wong, having current business dealings with Wharf (Holdings) Limited, declared an interest in this item. The Committee also noted that Dr. Greg Wong had temporarily left the meeting.

Presentation and Question Sessions

28. With the aid of a powerpoint presentation, Mr. Roy Li, STP/SD, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed restaurants and utility installations not ancillary to the specified use, involving a total floor area of about 276.3m²;
- (c) departmental comments – the Lands Department (LandsD) considered the current proposal unacceptable since it would be in excess of the maximum commercial concession area of 604m² as previously agreed between the Government and the applicant. The Secretary for the Environment,

Transport and Works (SETW), the Secretary for the Housing, Planning and Lands (SHPL) and other concerned Government departments had no objection to the application;

- (d) three supporting public comments were received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons given in paragraph 9.1 of the Paper. Regarding LandsD's concern, SETW and the Transport Department (TD) clarified that there was no cap imposed on the commercial concession to be allocated to the applicant. SETW, SHPL and TD advised that any application for further commercial concession at the Central Piers 7 and 8 future should be processed in accordance with the established practice, having regard to the merits of each case. The issue of commercial concession should be dealt with separately by an appropriate authority.

29. In response to a Member's question on the arrangements for granting additional commercial concession, Ms. Phyllis C.M. Li, CTP/SD, referred Members to paragraph 9.4 (a) of the Paper and pointed out that if the application was approved, the applicant would be advised the need to liaise with LandsD with a view to sorting out the details of the maintenance, management and tenancy arrangements for the application premises.

Deliberation Session

30. In response to a Member's question, Mr. James Merritt said that the Central Piers 7 and 8 were Government piers and LandsD had assessed the case on the basis of the maximum commercial concession area of 604m² as previously agreed between the Government and the applicant. Notwithstanding this, should the Committee consider the application acceptable, LandsD would reconsider the case and discuss with the applicant on the commercial concession issue again.

31. A Member indicated support to the application and considered that it could promote local economy. While supporting the application, another Member asked whether

the provision of commercial facilities in Government piers could be reviewed to ascertain the maximum limit of such provision. In reply, the Chairperson said that the issue was related to the balance between the primary use and the ancillary use. For this case, the primary use should be pier use. It was the established practice that TD and Marine Department would be consulted on the application as these departments were responsible for the operation of the pier. If the operation of the piers was not affected, due consideration could be given to the application for uses not ancillary to the pier use. Mr. Anthony Loo supplemented that each application should be assessed on its merits. Although the Central Piers 7 and 8 were designed by the Civil Engineering Development Department, TD would generally encourage ferry operators to make use of commercial concession areas at the piers for non-fare box revenue to relieve the financial pressure for a fare increase.

32. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 29.9.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the design and provision of fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

33. The Committee also agreed to advise the applicant to note that :

- (a) the approval of the application did not imply that the operation, management and maintenance responsibility of these commercial areas as proposed in the subject application would be accepted by the Government. The details of the management and tenancy arrangements for the subject premises would need to be sorted out and confirmed at a later stage;
- (b) it was the applicant's responsibility to ensure that air-conditioning system(s) and fresh air intake(s) should be properly designed, located, installed and operated to ensure that the public inside the proposed restaurants would not be subject to unacceptable air pollutant impact;
- (c) any modification works to the as-built pier premises required for the

proposed restaurants and utility installations should be carried out by the applicant and/or future operators themselves;

- (d) an appropriate food licence/permit granted by the Food and Environmental Hygiene Department should be obtained before food business was conducted by the tenant/owner of the piers; and
- (e) there was no provision of sprinkler system in the subject piers. Should the total floor area of the proposed restaurants be larger than 230m², the provision of automatic sprinkler system in accordance with the Loss Prevention Council Rules for Automatic Sprinkler Installation would be required.

[The Chairperson thanked Ms. Phyllis C.M. Li, CTP/SD, and Mr. Roy Li, STP/SD, for their attendance to answer Members' enquiries. Ms. Li and Mr. Li left the meeting at this point.]

[Dr. Greg Wong returned to join the meeting at this point.]

[Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), and Ms. Donna Y.P. Tam, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Sessions Only)]

21/06 Proposed Amendments to the Approved Wan Chai Outline Zoning Plan No.
S/H5/23
(MPC Paper No. 21/06)

Presentation and Question Sessions

34. Ms. Donna Y.P. Tam, STP/HK, presented the proposed amendments to the approved Wan Chai Outline Zoning Plan (OZP) and covered the following aspects as detailed in the Paper :

- (a) rezoning a site at the junction of Monmouth Path and Star Street from area shown as 'Road' and "Residential (Group A)" ("R(A)") to "Open Space" ("O") to reflect its existing use as public open space;
- (b) rezoning a site at 9 Star Street from "Government, Institution or Community" ("G/IC") and "O" to "R(A)" to reflect the existing residential use;
- (c) rezoning two sites at 1 and 3 Monmouth Terrace and 9M Kennedy Road from "O" to "Residential (Group B)" ("R(B)") to reflect the existing use and to tally with the lot boundaries of the existing residential developments;
- (d) rezoning a site at the junction of St. Francis Street and Star Street from "O" to "R(A)" and "G/IC" to reflect the existing uses and to tally with the land allocation boundaries;
- (e) rezoning two sites at Stone Nullah Lane from "O" to "G/IC" and from "G/IC" to "O" to reflect the existing community use and the existing public open space use respectively;
- (f) rezoning a site at 4-10 Lun Fat Street from "O" to "R(A)1" to reflect the existing use of the site for residential use with the provision of public open space;
- (g) rezoning a site at 30-34 Amoy Street from "O" to "R(A)2" to reflect the existing use of the site for residential use and provision of public open space;
- (h) rezoning a site adjacent to 30-34 Amoy Street from "R(A)" to "O". The site was currently a piece of vacant Government land and could be developed for public open space use upon redevelopment of the adjacent sites;

- (i) rezoning a site at the junction of Spring Garden Lane and Sam Pan Street from “G/IC” to “O” to reflect the existing use;
- (j) incorporating two sub-areas, i.e. “R(A)1” and “R(A)2” into the Remarks in the Notes of the “R(A)” zone; and
- (k) revising the Remarks in the Notes of “Commercial” zone in accordance with the endorsed refinements to the revised Master Schedule of Notes.

35. While noting that a commercial/office development was being constructed at Spring Garden Lane, a Member asked why this site was still proposed to be retained as “O” zone. In reply, Ms. Christine K.C. Tse, DPO/HK, explained that the site at Spring Garden Lane together with the two sites at Ship Street and Sam Pan Street were proposed to be retained under “O” zoning since they were proposed for public open space use under a number of schemes approved by the Town Planning Board (the Board) for the proposed mega tower hotel development between 1985 and 1994. To reflect the planning intention for the public open space use, these sites were rezoned from “R(A)” and “R(B)” to “O” in 1994, notwithstanding a planning approval for a commercial/office development at Spring Garden Lane was granted by the Board in 1981. Given the long and unique history of the sites, it was proposed that they would be retained as “O” zone to reflect their original planning intention for public open space use.

Deliberation Session

36. In response to the Chairperson’s question, Ms. Christine K.C. Tse said that even with or without the proposed rezoning amendments, there was an acute shortage of local and district open space provision in Wan Chai area since most part of the area had already been developed. In order to address the problem, more open space would be provided in the redevelopment project being undertaken by the Urban Renewal Authority (URA) in Wan Chai and in the future development of Wan Chai North waterfront area.

37. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Wan Chai Outline

Zoning Plan (OZP) No. S/H5/23 and its Notes as mentioned in paragraphs 5 and 6 of the Paper;

- (b) agree that the draft Wan Chai OZP No. S/H5/23A (to be renumbered to S/H5/24 upon exhibition) at Attachment II(A) of the Paper and its Notes at Attachment II(B) of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance; and
- (c) adopt the revised Explanatory Statement (ES) at Attachment II(C) of the Paper as an expression of the planning intention and objectives of the Town Planning Board for the various land use zonings of the draft Wan Chai OZP and the revised ES would be published together with the OZP under the name of the Town Planning Board.

[Mr. Elvis W.K. Au left the meeting temporarily at this point.]

Agenda Item 7

Section 12A Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) Y/H6/1 Request for Amendment to the Approved Causeway Bay Outline Zoning Plan No. S/H6/14 from “Residential (Group C)” to “Residential (Group B)2”, 56 Tai Hang Road (IL 8832RP and Adjoining Government Land) (MPC Paper No. Y/H6/1)
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Presentation and Question Sessions

38. The Committee noted that on 26.9.2006, the applicant requested for deferment of the consideration of the application to allow time to prepare further information regarding the traffic impact assessment and the design of the proposed development to address the concerns of relevant Government departments.

Deliberation Session

39. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) Y/H18/1 Request for Amendment to the Approved Tai Tam and Shek O Outline Zoning Plan No. S/H18/8 from “Green Belt” and area shown as ‘Road’ to “Government, Institution or Community”, Four Sites Adjacent to Hong Kong International School, Tai Tam (RBL 1079(Part), RBL 1108(Part) and Government Land) (MPC Paper No. Y/H18/1)
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Presentation and Question Sessions

40. The Committee noted that on 7.9.2006, the applicant requested for deferment of the consideration of the application to allow time to prepare further information regarding the existing school’s facilities to address the concern of Planning Department.

Deliberation Session

41. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 8

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/H4/62-1 Application for Amendment to Permission – Minor Amendment to Approved Master Layout Plan for Comprehensive Development of Airport Railway Hong Kong Station in “Comprehensive Development Area” zone and area shown as ‘Road’, Mass Transit Railway Hong Kong Station, 8 Finance Street, Central District (IL 8898)
(MPC Paper No. A/H4/62-1)
-

42. The application was submitted by Mass Transit Railway Corporation Ltd. (MTRC). The Committee noted that Mr. Anthony Loo, being an alternate member for the Deputy Secretary for Environment, Transport and Works (Transport)¹ who was a member of the Board of MTRC, declared an interest in this item. The Committee also noted that Mr. Anthony Loo had temporarily left the meeting.

Presentation and Question Sessions

43. Ms. Donna Y.P. Tam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed amendments to approved development, involving the conversion of five pieces of public open space (with total area of 670m²) into private open space use;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) four local objections were received from the District Officer (Central & Western) (DO(C&W)), raising concerns that the application site should be

made available for public open space use. As such, DO(C&W) had reservation on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons given in paragraph 8.1 of the Paper, in that the proposed reduction of 670m² public open space would reduce the amount of public open space that could be enjoyed by the public, and the applicant had not put forth any proposal to compensate for the loss of the public open space at convenient locations. Furthermore, the proposed conversion of public open space into private open space would adversely affect public access to and enjoyment of harbour view along the waterfront and it was against the Harbour Planning Principles for maintaining unrestricted and convenient access to the harbour.

[Mr. Elvis W.K. Au returned to join the meeting at this point.]

44. Members had no question on the application.

Deliberation Session

45. Members generally did not support the application and expressed the following views :

- (a) the podium areas under application provided a good view of the harbour in Central. Since the harbour frontage accessible to the public would be adversely affected, the proposed conversion was considered inappropriate; and
- (b) the proposed conversion into private open space for use as outside seating areas would deviate from the planning intention to provide more public access to and enjoyment of harbour view along the waterfront.

46. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed reduction of 670m² public open space would reduce the amount of public open space that could be enjoyed by the public; and
- (b) the proposed conversion of public open space into private open space would adversely affect public access to and enjoyment of harbour view along the waterfront.

[The Chairperson thanked Ms. Christine K.C. Tse, DPO/HK, and Ms. Donna Y.P. Tam, STP/HK, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Mr. Nelson W.Y. Chan left the meeting temporarily at this point.]

[Mr. Anthony Loo returned to join the meeting at this point.]

Tsuen Wan and West Kowloon District

[Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK) and Mr. Edward P.L. Li, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

Agenda Item 9

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/TWW/1 Application for Amendment to the Draft Tsuen Wan West Outline Zoning Plan No. S/TWW/16 from "Green Belt" to "Green Belt (Group 1)", Tsing Lung Tau Lots 1RP and 3RP, Tsuen Wan West (MPC Paper No. Y/TWW/1)

Presentation and Question Sessions

47. The Committee noted that on 11.9.2006, the applicant requested for deferment of the consideration of the application to allow time to prepare further information due to consolidation of ownership of the land and agreement by the Government to provide servicing to Dragon Garden.

Deliberation Session

48. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 10

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K1/216 Proposed Hotel and Flat (Staff Quarters) in “Government, Institution or Community” zone, 17 Science Museum Road, Tsim Sha Tsui
(KIL 10644)
(MPC Paper No. A/K1/216)
-

49. The application was submitted by The Hong Kong Polytechnic University. (PolyU). The Committee noted that Mr. K.Y. Leung, being the part-time Lecturer of the PolyU, declared an interest in this item. Professor Bernard V.W.F. Lim also declared an interest in this item as he had current business dealings with the PolyU. In order to meet the quorum requirements, the Committee agreed that Mr. James Merritt would leave the meeting temporarily for this item. The Committee noted that Messrs. K.Y. Leung and James Merritt and Professor Bernard V.W.F. Lim had temporarily left the meeting.

Presentation and Question Sessions

50. Ms. Heidi Y.M. Chan, DPO/TWK, drew Members' attention to the Architectural Services Department's (ArchSD) comments via its memo dated 28.9.2006 tabled at the meeting. With the aid of a powerpoint presentation, she then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, proposed revision to a previously approved scheme (application No. A/K1/213). The change in current scheme involved, inter alia, an increase in building height by 21.3% (i.e. from 98.5mPD to 119.5mPD);
- (b) proposed hotel and flat (staff quarters);

[Mr. Nelson W.Y. Chan returned to join the meeting at this point.]

- (c) departmental comments – ArchSD commented that the applicant should explore more on the design possibilities to see if the building height could be further reduced. Other concerned Government departments had no objection to or no adverse comments on the application;
- (d) two public comments were received during the statutory publication period, both of which agreed to/supported the application; and
- (e) the Planning Department (PlanD)'s views – as claimed by the applicant, the revised scheme which involved an increase in building height by 21.3%, i.e. from 98.5mPD to 119.5mPD, was to create an urban icon in the area. It was crucial to consider whether the locational context of the application site was right for such a building of such a height, taking into account its unique built form. As compared with the approved scheme, PlanD had some observations as detailed in paragraph 11.2 of the Paper, in that the proposed increase in the overall building height of 20% was quite substantial and the current scheme with a building height of 119.5 mPD

would be the tallest in its immediate vicinity. While the application site was not an immediate waterfront site, it occupied a strategic location right at the entrance to the Cross Harbour Tunnel and was very close to the waterfront. The approval of the proposed development could set a precedent for the development/redevelopment proposals of other sites. Furthermore, as the current scheme had increased its basement from one level to four levels, there should be scope to relocate some of the facilities to the basement so as to reduce the overall building height. However, should the Committee consider that there was the special design merit in the current scheme and the proposed increase in the building height is justified, special consideration could be given to the approval of the application.

51. Members had no question on the application.

Deliberation Session

52. A Member considered the proposed building height excessive and shared ArchSD's views that the applicant should explore more on the design possibilities to reduce the building height as an architectural landmark might not necessarily be of a tall building design. The same Member added that the application site was in fact located in the waterfront area and the stepped height principles should be of relevance.

53. Other Members also did not support the application and had the following views :

- (a) the existing PolyU campus itself was already a landmark in the area and there was no strong justification in the current scheme to establish an architectural landmark in support of a particular faculty of the University;
- (b) the proposed development would likely generate adverse visual and air quality impacts on the surrounding area especially in the cross harbour tunnel area;
- (c) it was considered unnecessary to have such a bulky building for merely

education purpose;

- (d) the proposed development was not regarded as having special merit; and
- (e) the approval of the application would set an undesirable precedent in the area.

54. The Chairperson then raised the following questions :

- (a) what were the justifications put forth by the applicant to establish a landmark and its relation to the teaching school use; and
- (b) whether the Hanoi Road redevelopment project being undertaken by Urban Renewal Authority (URA), which was seen in the backdrop of the view context as shown on Drawing No. A-15 of the Paper had reached the top floor of the building.

55. In response, Ms. Heidi Y.M. Chan made the following points :

- (a) the justifications were summarized in paragraph 2 of the Paper, in that the current scheme was conceived by an international recognized and Award Winning Firm of Architects and would be a significant improvement in an urban design context. The current scheme also allowed greater design flexibility as it would be possible to restructure the teaching facilities and to renovate them to keep up with the varying needs of different teaching programme. Furthermore, the proposed development would enhance educational resources for its School of Hotel and Tourism Management (SHTM) students and would give SHTM the visibility of a World-class institution; and
- (b) as at present, as viewed from the Photo shown on Drawing No. A-15 of the Paper, the building under construction was about the same level as the Concordia Plaza and was already reaching the top floor.

56. The Chairperson then summarized the views of the Committee and said that the proposed increase in building height by 21.3% in the current scheme was considered unacceptable notwithstanding that there was no building height restriction in the area. The Secretary supplemented that since DPO/TWK stated that the basement had been increased from one level (previously approved scheme) to four levels (current scheme), there might be scope to relocate some of the facilities to basement so as to reduce the overall building height.

57. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) there was insufficient information in the submission to justify the proposed building height of 119.5mPD which was considered excessive in the locality; and
- (b) the approval of the application would set an undesirable precedent for development/redevelopment proposals of other sites in Tsim Sha Tsui East.

[Messrs. K.Y. Leung and James Merritt and Professor Bernard V.W.F. Lim returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K3/487 Proposed Hotel in “Other Specified Uses” annotated “Business” zone, 86 Tai Kok Tsui Road, Mong Kok (KIL 8170)
(MPC Paper No. A/K3/487)
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Presentation and Question Sessions

58. Ms. Heidi Y.M. Chan, DPO/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) proposed hotel use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two supporting public comments were received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons given in paragraph 11.1 of the Paper.

59. Members had no question on the application.

Deliberation Session

60. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 29.9.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission of a revised Sewerage Impact Assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

61. The Committee also agreed to advise the applicant to :

- (a) note that the approval of the application did not imply the gross floor area

exemption for hotel concession and back of house facilities will be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;

- (b) rectify with the Building Authority on the set back requirements and back of house facility for the proposed hotel development;
- (c) apply to Director of Lands for lease modification for the proposed hotel development;
- (d) consult the Chief Officer/Licensing Authority of Home Affairs Department on the licensing requirements for the proposed hotel development;
- (e) comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue regarding arrangement on Emergency Vehicular Access; and
- (f) consult the Director of Drainage Services on the proposed sewer upgrading works identified in the sewage impact assessment.

[Ms. Sylvia S.F. Yau left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K20/96 Proposed Hotel (Amendments to Approved Scheme), G/F (Part) and UG/F (Part), KIL 11158, Hoi Fai Road, West Kowloon Reclamation (MPC Paper No. A/K20/96)
-

62. The application was submitted by a subsidiary of Sino Land Company Limited. The Committee noted that Dr. Greg Wong, having current business dealings with Sino Land Company Limited, declared an interest in this item. Nevertheless, the applicant had requested for a deferment of consideration of the application and Dr. Greg Wong could be allowed to stay at the meeting.

Presentation and Question Sessions

63. The Committee noted that on 22.9.2006, the applicant requested for deferment of the consideration of the application to allow time to prepare further information to address the outstanding comments from Planning Department.

Deliberation Session

64. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/TW/388 Proposed Shop and Services (Temporary Motor-vehicle Showroom) and Temporary Minor Relaxation of Non-domestic Gross Floor Area Restriction for a Period of 3 Years in “Residential (Group A)6” zone, Portion of Car Park at Level 7, Discovery Park, 398 Castle Peak Road, Tsuen Wan (TWTL 361)
(MPC Paper No. A/TW/388)
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Presentation and Question Sessions

65. The Committee noted that on 19.9.2006, the applicant requested for deferment of the consideration of the application to allow time to prepare further information in response to comments from the Transport Department.

Deliberation Session

66. After deliberation, the Committee decided to defer a decision on the application

as requested by the applicant pending further submission from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/TWW/85 Proposed House Development and Ancillary Uses
in “Residential (Group C)3” and “Green Belt” zones,
Lots 387RP and 417RP in DD 399, Ting Kau, Tsuen Wan West
(MPC Paper No. A/TWW/85)
-

67. The application was submitted by a subsidiary of Sun Hung Kai Properties Limited (SHKP). The Committee noted that Dr. Greg Wong and Mr. Raymond Y.M. Chan, having current business dealings with SHKP, declared interests in this item. In order to meet the quorum requirements, the Committee agreed that Mr. Anthony Loo would leave the meeting temporarily for this item. The Committee also noted that Dr. Greg Wong and Messrs. Raymond Y.M. Chan and Anthony Loo had temporarily left the meeting.

Presentation and Question Sessions

68. Mr. Edward P.L. Li, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house development and ancillary uses;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period

and no local objection was received from the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons given in paragraph 11.1 of the Paper. Although the Environmental Protection Department (EPD) had no objection to the application, EPD commented that fulfilment of two environmental (i.e. noise and sewage treatment) approval conditions to the satisfaction of the EPD as set out in paragraphs 11.2 (a) and (b) of the Paper were not required. However, PlanD considered that as these approval conditions were related to noise and sewage disposal control and EPD was the expert department on noise and sewage, such requirements should be maintained if the application was approved.

69. Members had no question on the application.

Deliberation Session

70. In response to Mr. Elvis W.K. Au's comments on the environmental approval conditions, the Secretary pointed out that it was the practice of Town Planning Board to impose conditions requiring the applicant to submit and implement noise mitigation measures and on-site sewage treatment to the satisfaction of the EPD. Mr. Au clarified that while having no strong view on the approval condition relating to noise mitigation measures as set out in paragraph 11.2 (a) of the Paper, he considered that it was not necessary to keep the approval condition for on-site sewage treatment as set out in paragraph 11.2 (b) of the Paper since same provisions had already been made under the Water Pollution Control Ordinance.

71. The Chairperson concluded that taking into account Mr. Elvis W.K. Au's clarifications, the approval condition for on-site sewage treatment could be deleted. Members agreed.

72. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 29.9.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission

was renewed. The permission was subject to the following conditions :

- (a) the implementation of noise mitigation measures as proposed in the application to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the design, provision and future maintenance of the discharge pipe from the on-site sewerage treatment plant as an interim measure of the proposed development to the existing box culvert under Tsing Long Highways along Castle Peak Road to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the design and provision of the connection from the proposed development to the public sewerage system when available to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the submission and implementation of a landscape master plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (e) the design and provision of firefighting facilities and emergency vehicular access to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (f) the submission of Geotechnical Planning Review Report to address the potential natural terrain hazards that might pose to the proposed development to the satisfaction of the Director of Civil Engineering Development or of the Town Planning Board; and
- (g) the submission and implementation of air ventilation study to the satisfaction of the Director of Architectural Services or of the Town Planning Board.

73. The Committee also agreed to advise the applicant to :

- (a) apply for a discharge licence from the relevant Local Control Office of Environmental Protection Department before discharging effluent from the proposed on-site sewage treatment and disposal facilities;
- (b) apply to the Director of Lands for lease modification if the proposed development was found in breach of lease conditions;
- (c) liaise with the Commissioner for Transport on the provision of the car parking level;
- (d) liaise with the Director of Highways on the interface of the sewer connecting the proposed development to the existing box culvert under Tsing Long Highway along Castle Peak Road with the Castle Peak Road Improvement Project;
- (e) consult the Director of Buildings on detailed design of the residential buildings for compliance with the Buildings Ordinance and its subsidiary legislations; and
- (f) ensure that the construction loading and the loadings from the proposed development would not affect the stability of the existing retaining walls, mass concrete walls and slopes constructed within the application site, and that the stability of the existing rock slopes at the south of the application site would not be affected as result of the development.

[Dr. Greg Wong and Messrs. Raymond Y.M. Chan and Anthony Loo returned to join the meeting at this point.]

[Professor Bernard V.W.F. Lim left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/TWW/86 Proposed House Development at Plot Ratio of 0.8
in “Residential (Group C)2” zone, Lots 414RP and 415 in DD 399,
Ting Kau, Tsuen Wan West
(MPC Paper No. A/TWW/86)
-

Presentation and Question Sessions

74. Mr. Edward P.L. Li, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house development at plot ratio of 0.8;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons given in paragraph 11.1 of the Paper. Similar to application No. A/TWW/85 considered at the same meeting, the Environmental Protection Department (EPD) commented that fulfilment of two environmental (i.e. noise and sewage treatment) approval conditions to the satisfaction of the EPD as set out in paragraphs 11.2 (a) and (b) of the Paper were not required. However, PlanD considered that as these approval conditions were related to noise and sewage disposal control and EPD was the expert department on noise and sewage, such requirements should be maintained if the application was approved.

75. Members had no question on the application.

Deliberation Session

76. The Chairperson remarked that the Committee's decision on the approval conditions relating to application No. A/TWW/85 considered at the same meeting would be applicable to the present case i.e. to delete the approval condition for on-site sewage treatment as set out in paragraph 11.2 (b) of the Paper. Members agreed.

77. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 29.9.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the implementation of noise mitigation measures as proposed in the application to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the design, provision and future maintenance of the discharge pipe from the on-site sewerage treatment plant as an interim measure of the proposed development to the existing box culvert under Tsing Long Highways along Castle Peak Road to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the design and provision of the connection from the proposed development to the public sewerage system when available to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (e) the submission of Natural Terrain Hazard Study to address the potential natural terrain hazards and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Civil Engineering Development or of the Town Planning Board;

- (f) the design and provision of loading/unloading arrangement to the satisfaction of Commissioner for Transport or of the Town Planning Board;
- (g) the design and provision of emergency vehicular access and fire-fighting facilities to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (h) the design, provision and future maintenance of a section of local access road R3 via Castle Peak Road to the satisfaction of the Director of Highways or of the Town Planning Board.

78. The Committee also agreed to advise the applicant to :

- (a) apply for a discharge licence from the relevant Local Control Office of Environmental Protection Department before discharging effluent from the proposed on-site sewage treatment and disposal facilities;
- (b) apply to the Director of Lands for lease modification if the proposed development was found in breach of the lease conditions; and
- (c) consult the Director of Buildings on the detailed design of the residential buildings for compliance with the Buildings Ordinance and its subsidiary legislations.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/TY/97 Proposed Shop and Services, Eating Place, Off-course Betting Centre, Place of Entertainment and Private Club
in “Government, Institution or Community (1)” zone,
Tsing Yi Town Lot 135, Tsing Tsuen Road, Tsing Yi
(MPC Paper No. A/TY/97)
-

79. The application was submitted by Mass Transit Railway Corporation Ltd.

(MTRC). The Committee noted that Mr. Anthony Loo, being an alternate member for the Deputy Secretary for Environment, Transport and Works (Transport)¹ who was a member of the Board of MTRC, declared an interest in this item. The Committee also noted that Mr. Anthony Loo had left the meeting.

Presentation and Question Sessions

80. With the aid of a powerpoint presentation, Mr. Edward P.L. Li, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed shop and services, eating place, off-course betting centre, place of entertainment and private club uses;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) 85 public comments were received during the statutory publication period, indicating objection/support to the application. The commenters were mainly concerned about the proposed off-course betting centre which would affect public security and duplicate with the existing one at Maritime Square, and the traffic, environmental, visual and construction stage impacts arising from the proposed development; and
- (e) the Planning Department (PlanD)'s views – PlanD considered inappropriate to permit a new off-course betting centre at the application site, in view of the strong public objections against the proposed “Off-course Betting Centre” use and the fact that there was already an existing off-course betting centre in Maritime Square. Apart from the proposed “Off-course Betting Centre” use, PlanD had no objection to the other uses proposed in the application for the reasons given in paragraph 12.3 of the Paper. Regarding the local concerns on the traffic, environmental, visual and construction stage impacts, the Transport Department (TD), Environmental

Protection Department and Chief Town Planner/Urban Design and Landscape had no adverse comments on the application.

81. Members had no question on the application.

Deliberation Session

82. In response to a Member's enquiry on the reasons for objection to the proposed "Off-course Betting Centre" use, Ms. Heidi Y.M. Chan, DPO/TWK, said that the Incorporated Owners of Villa Esplanada had conducted a survey amongst their residents on the application and the survey reviewed that 84.5% of the residents objected to the proposed "Off-course Betting Centre" use. Although the applicant indicated that the inclusion of such use in the application was to allow flexibility for the possible relocation of the existing one from Maritime Square, it was possible that two betting centres could be provided at the same time if the application was approved. The Secretary added that there was currently no provision in the Notes of the Outline Zoning Plan to prohibit the continuous use of the existing betting centre at Maritime Square even if a new one was permitted to be provided in the application site.

83. In response to a Member's question on whether there was any other control mechanism, the Secretary said that the use of undertaking was previously considered but was not taken any further as Department of Justice had advised that there could be difficulty in its enforcement.

84. Mr. James Merritt raised concern on the provision of lorry parking spaces as the application site was originally an additional site granted to the Mass Transit Railway Corporation to address the problem on inadequate provision of lorry parking spaces for Airport Railway Tung Chung Line. In reply, the Chairperson said that due to changing circumstances and change in parking requirements, TD currently had no objection to the proposed deletion of 50 number of public lorry parking spaces. 60 lorry parking spaces were retained for public use.

85. While noting that there was strong local objections against the proposed "Off-course Betting Centre" use, a Member was of the view that if the application was

approved, the proposed “Off-course Betting Centre” use should be excluded. The same Member asked whether justification was provided for the reduction in public lorry parking spaces. In reply, the Secretary referred Members to Table 4.2 in Appendix A of the traffic impact assessment (TIA) in Appendix 1a of the Paper and pointed out that an assessment of the lorry park demand was included. According to the lorry park demand forecast undertaken in the TIA, there would be a minimum surplus of 64 number of lorry parking spaces. As such, TD had no adverse comment on the TIA and no objection to the proposed deletion of the 50 public lorry parking spaces.

86. The Chairperson concluded that if the application was approved, the proposed “Off-course Betting Centre” use should be excluded. Members agreed.

87. After deliberation, the Committee decided to partially approve the application, on the terms of the application as submitted to the Town Planning Board but excluding the “Off-course Betting Centre” use proposed in the application. The permission should be valid until 29.9.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of emergency vehicular access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (b) the upgrading of the sewer section that served the application site to adequate capacity to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the submission and implementation of a traffic improvement plan which included the future maintenance and management proposal for the transport facilities and a contingency plan for the public transport terminus during construction stage to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the design and implementation of the local road widening works at Tsing

King Road onto Tam Kon Shan Roundabout, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (e) the design, provision and maintenance of the footbridge link between the proposed development and Nga Ying Chau Garden, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services and the Commissioner for Transport or of the Town Planning Board;
- (f) the design, provision and maintenance of the stairlink between the existing footbridge to Cheung On Estate and the western pavement of Tsing King Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (g) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

88. The Committee also agreed to advise the applicant to :

- (a) apply to the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department for a lease modification for the proposed development;
- (b) comply with the Buildings Ordinance at formal building plan submission stage when the servicing strategy and the means of escape, means of access and fire resisting construction provisions would be considered in detail;
- (c) note that the application for exemption of the 24-hour pedestrian walkway from gross floor area calculation would be considered by the Building Authority upon formal submission of building plans;
- (d) ensure that the fresh air intakes serving the proposed development would be properly located away from the areas that were likely to cause nuisances.
- (e) properly design the exhaust system of the restaurants such that the exhaust

outlets would be properly located to prevent causing air nuisance to the receptors in the vicinity including the roof garden of the proposed development;

- (f) follow the Environmental Protection Department Practice Note for Professional Persons ProPECC PN 2/96 on the control of air pollution in the car parks;
- (g) liaise with the Commissioner of Transport and the Director of Highways on the implementation of the transport improvement proposals outside the application site; and
- (h) liaise with the local residents on the implementation arrangements for the development proposal, in particular the owners of Cheung On Estate on the construction of the proposed stairlink that connected the existing footbridge leading to Cheung On Estate to the western pavement of Tsing King Road.

89. The Committee also decided to reject the “Off-course Betting Centre” use proposed in the application as there was no justification for the inclusion of the proposed use in the development.

[The Chairperson thanked Ms. Heidi Y.M. Chan, DPO/TWK and Mr. Edward P.L. Li, STP/TWK, for their attendance to answer Members’ enquiries. Ms. Chan and Mr. Li left the meeting at this point.]

Agenda Item 11

Any Other Business

90. There being no other business, the meeting was closed at 12:45 p.m..