

TOWN PLANNING BOARD

**Minutes of 383rd Meeting of the
Metro Planning Committee held at 9:00 a.m. on 24.10.2008**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Mr. K.Y. Leung

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. Lam Hon

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. C.W. Tse

Assistant Director (Kowloon), Lands Department
Ms. Olga W.H. Lam

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

Secretary

Absent with Apologies

Professor Bernard V.W.F. Lim

Ms. Starry W.K. Lee

Dr. Ellen Y.Y. Lau

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

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

In Attendance

Assistant Director of Planning/Board (Acting)
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Mr. K.W. Ng

Agenda Item 1

Confirmation of the Draft Minutes of the 382nd MPC Meeting held on 10.10.2008

[Open Meeting]

1. The draft minutes of the 382nd MPC meeting held on 10.10.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) New Town Planning Appeal Received

Town Planning Appeal No. 5 of 2008 (5/08)

Proposed Comprehensive Development with Government,

Institution or Community and Public Transport Interchange Facilities

in “Comprehensive Development Area (1)” zone, East Rail Fo Tan Station and Its Adjoining Area at Au Pui Wan Street and Lok King Street, Sha Tin

(Application No. A/ST/658)

2. The Secretary reported that an appeal was received by the Town Planning Appeal Board on 3.10.2008 against the decision of the Town Planning Board (TPB) to reject on review the application No. A/ST/658. The application was for a proposed comprehensive development with Government, institution or community (GIC) and public transport interchange (PTI) facilities at the East Rail Fo Tan Station and its adjoining area at Au Pui Wan Street and Lok King Street, Sha Tin which was zoned “Comprehensive Development Area (1)” (“CDA(1)”) on the Sha Tin Outline Zoning Plan. The review application was rejected by the TPB on 25.7.2008 for the following reasons:

- (a) the planning intention of the “CDA(1)” zone was for comprehensive development/redevelopment of the whole area. There was inadequate information in the applicant’s submission to demonstrate that the proposed phased development would not undermine the planning intention to

develop the whole site in a comprehensive manner;

- (b) the design and layout of the proposed development was unsatisfactory. There was inadequate information in the applicant's submission to demonstrate that the proposed development would achieve best integration in terms of overall layout, access arrangement/pedestrian circulation and provision of GIC and transport facilities. The disposition of the residential towers was congested with excessive building bulk. There was inadequate information in the applicant's submission to demonstrate that the proposed development would not impose 'wall effect' in the area;
- (c) there was inadequate information in the applicant's submission to demonstrate that the proposed development would not adversely affect the operation of the East Rail Fo Tan Station and the adjoining rail tracks and freight yard;
- (d) there was insufficient information in the applicant's submission to demonstrate that the proposed development would not generate any adverse visual environmental, traffic, landscape and air ventilation impacts on the surrounding developments; and
- (e) the design and location of the proposed GIC and PTI facilities were not satisfactory. There was insufficient information in the applicant's submission to demonstrate that the proposed GIC and PTI facilities could be timely implemented as planned.

(ii) Appeal Statistics

3. The Secretary reported that as at 24.10.2008, a total of 14 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	23
Dismissed	:	109
Abandoned/Withdrawn/Invalid	:	129
Yet to be Heard	:	14
<u>Decision Outstanding</u>	:	<u>0</u>
Total	:	275

(iii) Approval of Draft Plan

4. The Secretary reported that on 21.10.2008, the Chief Executive in Council approved the draft Yuen Long Outline Zoning Plan (to be renumbered as S/YL/18) under section 9(1)(a) of the Town Planning Ordinance. The approval of the plan would be notified in the Gazette on 31.10.2008.

(iv) Reference Back of Approved Plan

5. The Secretary reported that on 21.10.2008, the Chief Executive in Council referred the approved Yau Ma Tei Outline Zoning Plan No. S/K2/20 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the plan would be notified in the Gazette on 31.10.2008.

[Ms. Sylvia S.F. Yau arrived to join the meeting at this point.]

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H4/3 Application for Amendment to the Approved Central District
Outline Zoning Plan No. S/H4/12, Proposed Addition of
'Telecommunications Radio Base Station' Use to Column 2 of the
Notes of the "Other Specified Use" annotated "Pier" zone
(MPC Paper No. Y/H4/3)

Presentation and Question Sessions

6. The application was submitted by SmarTone Mobile Communication Ltd. which was a subsidiary of Sun Hung Kai Properties Ltd. (SHKP). The Secretary reported that Mr. Raymond Y.M. Chan and Mr. Felix W. Fong had declared interests in the item as they had current business dealings with SHKP. The Committee noted that both Mr. Chan and Mr. Fong had not yet arrived at the meeting.

7. The Secretary informed Member that a copy of the applicant's letter dated 20.10.2008 was tabled at the meeting for Members' reference. In the letter, the applicant requested to defer a decision on the application for one month in order to allow additional time for the applicant to address the issues raised by Planning Department.

8. The Secretary said that the request for deferment could meet the criteria as set out in the Town Planning Board Guidelines No. 33 in that this was the first request made by the applicant, the reason for the request was planning related, the proposed deferment period was definite, and no third party interest would be affected.

Deliberation Session

9. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information 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 additional information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Tsuen Wan and West Kowloon District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TW/1 Application for Amendment to the Draft Tsuen Wan
Outline Zoning Plan No. S/TW/25, Proposed Amemndment to
Plot Ratio Restriction, and Inclusion of Non-building Areas and
Air Ventilation Assessment Requirement in the Notes of
the “Comprehensive Development Area” zone for MTRC Site TW7 at
West Rail Tsuen Wan West Station, Tsuen Wan
(MPC Paper No. Y/TW/1)

[The hearing was conducted in Cantonese.]

Presentation and Question Sessions

10. The Secretary said that the application site was the Mass Transit Railway Corporation (MTRC) Site TW7 at the West Rail Tsuen Wan West Station in Tsuen Wan, and the public tender for the development on the site had been awarded to a subsidiary of Cheung Kong (Holdings) Ltd. (CKH). Mr. Felix W. Fong and Mr. Lam Hon had declared interests in the item as Mr. Fong had current business dealings with CKH and Mr. Lam was an assistant to the Commissioner for Transport who was a Non-executive Director of Mass Transit Railway Corporation Ltd. (MTRCL). The Committee noted that Mr. Fong had not yet arrived at the meeting.

[Mr. Lam Hon left the meeting temporarily at this point.]

11. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

Ms. Heidi Y.M. Chan - District Planning Officer/Tsuen Wan and West Kowloon
(DPO/TWK)

Mr. K.T. Ng - Senior Town Planner/Tsuen Wan and West Kowloon
(STP/TWK)

12. Miss Ho Ka-bo, the applicant's representative, was also invited to the meeting at this point.

13. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. K.T. Ng, STP/TWK, to brief Members on the background of the application.

[Dr. Daniel B.M. To arrived to join the meeting at this point.]

14. Mr. K.T. Ng informed Members that there was a typo error in the first line of paragraph 4.2 of the Paper regarding the number of objections to the subject "Comprehensive Development Area" ("CDA") zone received by the Town Planning Board (TPB) in 1998. The figure should be 180 instead of 170.

15. With the aid of a Powerpoint presentation, Mr. K.T. Ng presented the application as detailed in the Paper and made the following main points :

- (a) the subject site fell within a "CDA" zone on the draft Tsuen Wan Outline Zoning Plan No. S/TW/25 (the OZP). The applicant proposed the following amendments to the Notes of the "CDA" zone for the subject site :
 - (i) to stipulate a maximum total plot ratio (PR) of 3 and to reduce the building blocks on the site from seven to four;
 - (ii) to designate a non-building area of about 1,700m² in the north-western part of the site;

- (iii) to designate a 20m wide non-building area in the middle part of the site; and
 - (iv) to request the Government to conduct air ventilation assessment (AVA).
- (b) the applicant had not put forward any indicative development scheme for his application. The justifications put forth by the applicant were summarized in paragraph 2 of the Paper;
- (c) the subject site was the subject of three planning applications submitted by the then Kowloon-Canton Railway Corporation in 2001, 2004 and 2005 respectively. The latest Master Layout Plan (MLP) under application No. A/TW/373 was approved on 9.9.2005. In September 2008, MTRCL announced the award of a tender for implementing the approved scheme to a private developer;
- (d) the comments on the application from concerned Government departments were set out in paragraph 9 of the Paper. The Chief Estate Surveyor/Railway Development, Lands Department did not support the application as the proposed amendments to the Notes of the OZP would result in more stringent development restrictions than the binding basic terms already offered by the Lands Department to MTRCL. The Chief Town Planner/Urban Design and Landscape, PlanD considered it beneficial to provide appropriate gaps between towers in form of non-building areas within the elongated subject site from visual and air ventilation perspectives. Other concerned Government departments had no adverse comment on/no objection to the application;
- (e) a total of 11 public comments from members of Legislative Council, District Council and Area Committee, Owners' Committee of Riviera Garden, MTRCL and individuals were received during the statutory publication period. Six of them supported the application and one of them objected to it. For the remaining four, two partially supported and

partially objected to the application, one provided comments on the latest MLP approved under application No. A/TW/373, and the remaining one had no comment. The major supporting grounds were that the proposed amendments could avoid the occurrence of heat island effect in Tsuen Wan; the building density and height along the waterfront should not be higher than those in the Town Wan Town Centre (TWTC) without any reason; and the Administration should not place the Tsuen Wan residents in an even more desperate state. The major opposing grounds were the need to optimize the use of scarce land resource along the railway; the latest MLP approved under application No. A/TW/373 had already incorporated relevant environmental considerations in the scheme design with due regard to the local situation; and the planned development parameters for the subject site were sustainable in traffic, environment and infrastructure terms;

- (f) PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper in that the proposed reduction of the total PR from 9.5 to 3 would neither optimize the use of the site nor capitalize the accessibility afforded by the West Rail Line. In designating the “CDA” zoning for the subject site, technical assessments had been undertaken to ensure that the development intensity of future development was acceptable in terms of traffic, environment and infrastructure provisions. The “CDA” zoning for the subject site, together with its permissible PRs had gone through all the statutory planning procedures. The applicant had not provided sufficient justifications to demonstrate the effectiveness of his proposed development restrictions. The proposed designation of two non-building areas for breezeways and visual corridors were not substantiated by any technical assessment. The matters of detailed building design were covered by Buildings Ordinance and could be addressed at the building plan submission stage. According to the latest MLP approved under application No. A/TW/373, a building gap of about 20m between the residential towers T3 and T4 had already been reserved. There was no provision under the Town Planning Ordinance (TPO) for the TPB to revoke the planning permission of the approved MLP. As regards

the public concerns on the approved development intensities and building heights for the three MTRC sites (including the subject site, Site TW5 and Site TW6), PlanD had already conveyed the concerns to MTRCL for their consideration in the implementation of the approved development schemes.

16. The Chairperson then invited the applicant's representative to present their case.

17. Miss Ho Ka-bo showed a Powerpoint presentation which included a voice recording of Mr. Tam Hoi-pong, another applicant's representative. The following main points were made by Mr. Tam in the recording :

- (a) Mr. Tam was familiar with the TWTC area;
- (b) in the past, there were two major breezeways in TWTC channeling the wind flow from the waterfront to the inland area. They were Chuen Lung Street and Chung On Street;
- (c) the Urban Renewal Authority's Yueng Uk Road Project (named Dynasty), which was near completion, comprised two residential towers of over 60 storeys. The development had completely blocked the breezeway at Chuen Lung Street, causing significant degradation to the living environment in the surrounding areas, especially the old residential buildings which were only 5 to 6 storeys high;
- (d) according to the approved MLP, the development on the subject site would include seven residential towers with 44 to 49 storeys each. The one at the north-western end would block the breezeway at Chung On Street. As such, the applicant proposed to designate a non-building area of about 1700m² in the north-western portion of the site to ensure that a breezeway would be maintained for TWTC at the back;

[Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

- (e) in order to ensure that there would be sufficient building gaps between the residential towers on the site and to minimize the impact of the development on Waterside Plaza, the applicant also proposed to designate another 20m wide non-building area in the central portion of the site;
- (f) the recent completion of the large-scale and high-rise developments in the area near Yueng Uk Road (including Vision City, Chelsea Court, Dynasty and Nina Tower) had resulted in a heat island effect in TWTC. According to a survey undertaken by the applicant in July 2008, the day temperature in TWTC was up to 38°C, which was about 3°C to 4°C higher than that in its vicinity and the waterfront area;
- (g) all the existing developments, together with the committed large-scale developments at the three MTRC sites (i.e. the subject site, Site TW5 and Site TW6) would aggravate the problem by creating a wall effect along the waterfront area of TWTC. As such, the applicant proposed to reduce the development intensities of the three MTRC sites by deleting a total of nine residential towers (three from the subject site, five from Site TW5 and one from Site TW6). After deleting three towers from the subject site, the total PR of the development would be reduced to 3; and
- (h) the applicant also requested the Government to undertake an AVA to ensure that the future developments in TWTC would not aggravate the air ventilation in the area.

18. In response to a Member's question, Ms. Heidi Y.M. Chan, DPO/TWK, said the recent public concerns on the development intensities and building heights of the three MTRC sites had been conveyed to MTRCL in May 2008. MTRCL had not made any response on how the concerns would be dealt with.

19. Another Member asked about the progress of the developments of the three MTRC sites. Ms. Heidi Y.M. Chan replied that the tender for the subject site had been awarded to a private developer in September 2008 and Lands Department was preparing the lease documents for the remaining two sites.

20. As Members had raised no further question, and the applicant's representative had no further point to make, the Chairperson informed the applicant's representative that the hearing procedures had been completed and the Committee would further deliberate on the application in her absence, and inform the applicant of the Committee's decision in due course. The Chairperson thanked the applicant's representative, DPO/TWK and STP/TWK for attending the meeting. They all left the meeting at this point.

Deliberation Session

21. A Member noted that there was no provision under TPO to revoke the planning permissions already granted to the proposed development at the subject site. The Secretary explained that the implementation of the approved scheme would not be affected by the current section 12A application. Even if the Notes of the OZP were amended as proposed by the applicant, it would only affect the future redevelopment of the site which was unlikely to happen in the near future.

22. A Member asked if the Committee could request MTRCL to consider improving the approved schemes. The Chairperson said that the tender for the subject site based on the approved scheme had already been awarded to a private developer in September 2008. Nevertheless, the Chairperson said that PlanD could be asked to convey Members' concerns to the developer. For Site TW5 and Site TW6, Ms. Olga W.H. Lam said that Lands Department would base on the TPB approved schemes to prepare the lease documents. The Secretary said that while the MLPs for these two sites were approved by the Committee in 2005 and 2006, the Committee's latest view could be passed onto MTRCL for consideration.

23. A Member considered that the applicant's proposal to reduce the total PR from 9.5 to 3 was too drastic. Regarding the 20m wide non-building area as proposed in the middle of the site, this Member noted that a gap of about 20m between residential towers T3 and T4 above the car park podium had already been included in the last approved scheme under application No. A/TW/373. The Chairperson suggested and Members agreed to advise the applicant that the approved MLP had made similar provision to improve visual permeability and air ventilation.

24. Noting that there was an increasing number of section 12A application relating to sites with approved development schemes or MLP, the same Member asked whether the statutory procedure would be reviewed to consider if section 12A application would be allowed for sites with approved schemes at the time of making the application. The Chairperson said that the current TPO would have to be amended to prevent application by a third party to change a committed proposal. This would be a long-term consideration.

25. Another Member said that given the public aspirations for lower development intensities, Government bureaux and departments should consider if some improvements could be done to address public concerns. The Chairperson said that the Government was aware of the public concerns and hence had committed to review the intensities and building heights of the developments at the West Rail Nam Cheong and Yuen Long Stations. However a balance had to be struck between change and certainty which was needed in the property market.

26. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the “Comprehensive Development Area” (“CDA”) zoning with the maximum development intensity control of the subject site was determined after various technical assessments and had gone through all the necessary statutory plan-making procedure. The subject site was located at the prime location of the strategic transport node. The current development parameters stipulated in the Notes of the “CDA” zoning were considered appropriate to optimize the development potential of the site and capitalize the accessibility of the West Rail Line; and
- (b) there was insufficient information in the submission to demonstrate that the proposed development restrictions for the subject site would improve the air ventilation, visual and environmental aspects of the area.

27. The Committee also agreed to advise the applicant to note that the Master Layout Plan approved under planning application No. A/TW/373 had provided a gap of about 20m between the proposed residential towers T3 and T4 above the car park podium.

28. The Committee also agreed to request PlanD to convey Members' concerns on the three MTRC sites raised in paragraph 22 above to MTRCL.

[Mr. Lam Ho returned to join the meeting, and Mr. Felix W. Fong arrived to join the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/399 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 6, Discovery Park,
398 Castle Peak Road, Tsuen Wan
(MPC Paper No. A/TW/399)

Presentation and Question Sessions

29. The Committee noted that the applicant on 17.10.2008 requested to defer a decision on the application for one month in order to allow time for the applicant to prepare further information in response to the query raised by Planning Department.

Deliberation Session

30. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information 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 additional information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/662 Religious Institution in “Residential (Group A)” zone,
5/F, 163 - 167 Pratas Street, Sham Shui Po, Kowloon
(MPC Paper No. A/K5/662)

Presentation and Question Sessions

31. The Committee noted that the applicant on 6.10.2008 requested to defer a decision on the application for two months in order to allow more time for the applicant to prepare further information to address the concerns of relevant Government departments.

Deliberation Session

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

Kowloon District

[Mr. C.C. Lau and Miss Annie K.W. To, Senior Town Planners/Kowloon (STPs/K), were invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/91 Proposed Eating Place (Restaurant) in “Residential (Group B) 1” zone,
G/F, 15 Ho Man Tin Street, Ho Man Tin, Kowloon
(MPC Paper No. A/K7/91)

Presentation and Question Sessions

33. Mr. C.C. Lau, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eating place (restaurant);
- (c) departmental comments – concerned Government departments had no adverse comment on/no objection to the application;
- (d) a total of 135 public comments from 10 Kowloon City District Council members, owners/residents of the subject building, local residents and Incorporated Owners of the buildings in Ho Man Tin Street were received during the statutory publication period, all objecting to the application mainly for the reason that the proposed restaurant would have adverse impacts on the local residents, including air and noise pollution, degradation of environmental hygiene, parking and traffic problems disturbances and nuisances, as well as building safety of the subject building. The existing restaurant at 19 Ho Man Tin Street had already created a lot of problems and nuisances to the area. It was unnecessary to have an additional restaurant in the same street, noting that there were many other restaurants in Waterloo Road and the Mong Kok area;
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment as detailed in paragraph 10 of the Paper in that the proposed restaurant was considered not compatible with the surrounding residential environment and was not in line with the “Residential (Group B)1” (“R(B)1”) zone of the subject site. According

to the approved building plans, the application premises was a domestic unit, which had to share its access with the other units of the subject building. Should the application premises be converted into a restaurant, such common access would have to serve the residents of the subject building as well as the clientele and staff of the restaurant. There was insufficient information in the applicant's submission to demonstrate that the proposed restaurant would not cause disturbance or nuisance to the residents of the subject building. The approval of the application would set an undesirable precedent for other similar applications, the cumulative effect of which would adversely affect the residential character of the area.

34. In response the questions raised by a Member, Mr. C.C. Lau explained the distribution of the existing commercial uses in the area with the aid of a plan. There were a supermarket at the junction of Waterloo Road and Ho Man Tin Street, a real estate agency opposite the application premises, and a tutorial school and a café adjacent to its immediate south. The café was approved by the Town Planning Board (TPB) upon review in 1999. The applicant of that application claimed that the café would improve the environment as the premises was previously used as an air-conditioning workshop.

35. Another Member asked about the access to the café approved by the TPB in 1999, Mr. C.C. Lau explained that the café was served by an access separated from the one used by the residents of the same building. Besides, the planting in front of the premises had helped to screen the café when viewed from the street.

[Mr. Raymond Y.M. Chan arrived to join the meeting at this point.]

Deliberation Session

36. The Chairperson said that the proposed restaurant use was not compatible with the surrounding environment. A Member said that the tranquil living environment in the area zoned "R(B)1" should be maintained. This Member considered that the application should be rejected to prevent the proliferation of commercial uses into this area.

37. In response to the Chairperson's enquiry, Mr. C.C. Lau confirmed that food license had not been granted for restaurant use at the subject premises.

38. After further deliberation, the Committee decided to reject the application for the following reasons :

- (a) the proposed eating place (restaurant) was not in line with the planning intention of the site which was intended for medium-density residential development;
- (b) there was insufficient information in the submission to demonstrate that the proposed eating place (restaurant), which was located within a residential development without separate exclusive access, would not cause disturbance or nuisance to the local residents; and
- (c) the approval of the application would set an undesirable precedent for similar applications for eating place (restaurant) within the domestic portion of the residential buildings in the area. The cumulative effect of the approval would change the residential character of the area.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/227 Proposed Hotel (Guesthouse) cum Flat in "Residential (Group A) 4"
zone, No. 84-102 Wuhu Street, Hung Hom
(MPC Paper No. A/K9/227)

Presentation and Question Sessions

39. Mr. C.C. Lau, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (guesthouse) cum existing flat development;
- (c) departmental comments – the Commissioner for Tourism supported the application as the proposed hotel would enhance the provision of new hotel rooms, broaden the range of accommodation for the visitors to Hong Kong and support the rapid development of the convention and exhibition, tourism and hotel industries. Other concerned departments had no adverse comment on/no objection to the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Kowloon City); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper. According to the legal advice provided by the Department of Justice (DoJ), the area of the site of the existing 5-storey building at 84-86 Wuhu Street could not be included in the site area of the proposed new hotel mainly because the hotel building would not, and indeed could not, physically be erected on the site of the existing 5-storey building. As such, the plot ratio of the proposed hotel should be 10.315 and thus had exceeded the maximum plot ratio of 9.0 for a non-domestic development in the “Residential (Group A)4” zone under the draft Hung Hom Outline Zoning Plan No. S/K9/21 (the OZP). Since it was specified in section 16(4) of the Town Planning Ordinance that the Town Planning Board might grant planning permission only to the extent shown or provided for or specified in the OZP, there was no provision for the Committee to grant planning permission for the proposed hotel.

40. Members had no question on the application.

Deliberation Session

41. Noting DoJ's advice on the calculation of plot ratio, a Member agreed to reject the application. This Member further asked why there was a special restriction under the lease of HHIL 529 (i.e. 84-86 Wuhu Street) as observed on the first page of the Paper. Ms. Olga W.H. Lam explained that the lease of HHIL 529 was subject to a restriction that the grantee was required to retain the existing building and no redevelopment was allowed. She said that the "no redevelopment" clause was imposed on the new lease of the lot when the land was granted to the grantee upon expiry of the old lease, which was originally a non-renewable lease, following the land policy prevailing at that time.

42. Another Member asked whether overall the plot ratio of the proposed hotel was acceptable under the OZP if the existing 5-storey residential building was to be demolished. The Chairperson replied that in planning perspective, as long as the entire application site was used as one development site, the overall plot ratio of 9 would be within the OZP restriction.

43. After further deliberation, the Committee decided to reject the application for the following reasons :

- (a) the proposed hotel building was erected at 88-102 Wuhu Street. The area of the adjoining site at 84-86 Wuhu Street could not be included in the area of the proposed hotel for plot ratio calculation because the proposed hotel building could not be physically erected on the site of the existing building. The plot ratio of the proposed hotel based on the site area of 88-102 Wuhu Street was 10.315; and
- (b) according to the Notes for the "Residential (Group A)4" zone of the Hung Hom Outline Zoning Plan, the maximum plot ratio for a non-domestic building should not exceed 9.0. As the proposed hotel, which was a non-domestic building, had a plot ratio of 10.315 exceeding 9.0, there was no provision for the Town Planning Board to grant planning permission for the proposed hotel.

[Professor N.K. Leung left the meeting temporarily at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/254 Proposed School (Primary School) in “Residential (Group C) 1” zone,
117 & 119 Waterloo Road, Kowloon Tong, Kowloon
(MPC Paper No. A/K18/254)

Presentation and Question Sessions

44. Mr. C.C. Lau, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (primary school) use;
- (c) departmental comments – while considering that the proposed school development was not incompatible with the existing landscape, the Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application from landscape point of view with regard to the preservation of the two existing trees and the transplanting proposal. Other concerned departments had no adverse comment on/no objection to the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Kowloon City); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 10 of the Paper in that the proposed school use and its development intensity and

building height were considered not incompatible with the surrounding developments. The proposed school would not generate major adverse impact to the area on the traffic, environment and infrastructural aspects. It was however noted that the building and podium of the proposed use would encroach into the non-building area as stipulated on the concerned Outline Development Plan (i.e. a 6m-wide area within the subject site abutting Waterloo Road and Essex Crescent where the existing two trees proposed to be transplanted were currently located). In this regard, approval conditions on building set back and landscaping proposal (including tree preservation scheme) were suggested should the application be approved.

45. Members had no question on the application.

Deliberation Session

46. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 24.10.2012, 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 design and provision of vehicular access arrangement, parking facilities and loading/unloading spaces and laybys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of water supplies for fire fire-fighting and fire service installations for the proposed development to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission of a sewerage impact assessment and implementation of the sewage improvement measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;

- (d) the building block and podium deck of the proposed development should be set back from the site boundaries abutting Waterloo Road and Essex Crescent by six metres to the satisfaction of the Director of Planning or of the TPB;
- (e) the submission of a landscape proposal including tree preservation scheme to the satisfaction of the Director of Planning or of the TPB; and
- (f) the implementation of the approved landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note that the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) consult Lands Department on the lease modification requirements;
- (c) follow Chapter 9 of the Hong Kong Planning Standards and Guidelines in providing practicable noise mitigation measures; and
- (d) resolve any land issue relating to the development with other concerned owners of the application site.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/235 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Unit 1B, G/F, Block B, Tonic Industrial Centre, 19 Lam Hing Street,
Kowloon Bay, Kowloon
(MPC Paper No. A/K13/235)

Presentation and Question Sessions

48. Miss Annie K.W. To, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services use;
- (c) departmental comments – concerned Government departments had no adverse comment on/no objection to the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper in that the proposed shop and services use complied with the Town Planning Board Guidelines No. 22D. The proposed use at the application premises was considered generally in line the planning intention of the “Other Specified Uses” annotated “Business” zoning, and similar applications for shop and services use had been approved for other workshop units of the subject building.

49. Member had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 24.10.2012, 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 submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver or lease modification;
- (b) appoint an Authorized Person to submit building plans for the proposed change of use to demonstrate compliance with the Buildings Ordinance, in particular :-
 - (i) the separation from the adjoining premises with walls having 2 hours fire resistance period in accordance with Building (Construction) Regulation 90 and paragraph 8.1 of the Code of Practice for Fire Resisting Construction; and
 - (ii) provision of access for the persons with a disability under the Building (Planning) Regulations 72; and
- (c) observe road restriction requirements in force when all loading/unloading activities were taking place.

[The Chairperson thanked Mr. C.C. Lau and Miss Annie K.W. To, STPs/K, for their attendance to answer Members' enquires. Mr. Lau and Miss To left the meeting at this point.]

[Professor N.K. Leung returned to join the meeting at this point.]

Hong Kong District

[Mr. Tom C.K. Yip and Ms. Lily Y.M. Yam, Senior Town Planners/Hong Kong (STPs/HK), were invited to the meeting at this point.]

Agenda Item 11

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H3/3 Application for Amendments to the Draft Sai Ying Pun and Sheung Wan Outline Zoning Plan No. S/H3/21 and the Approved Land Development Corporation Peel Street/Graham Street Development Scheme Plan No. S/H3/LDC4/2, Proposed Rezoning of the Application Site from “Residential (Group A)”, “Commercial/Residential”, “Comprehensive Development Area” and Area Shown as ‘Road’ to “Other Specified Uses” annotated “Special Design Area” and “Other Specified Uses” annotated “Market Street”, Area Generally Bounded by Aberdeen Street, Wellington Street, Cochrane Street, Lyndhurst Terrace, Hollywood Road, Old Bailey Street and Elgin Street
(MPC Paper No. Y/H3/3)

Presentation and Question Sessions

52. The Secretary said that the application involved the Urban Renewal Authority’s Development Scheme Plan at Peel Street/Graham Street, the following Members had declared interests in the item :

Chairperson
as the Director of Planning

- being a Non-executive Director of the Urban
Renewal Authority (URA)

Professor Bernard V.W.F. Lim	- having current business dealing with URA
Mr. Walter K.L. Chan	- being a Non-executive Director of the URA
Mr. Maurice W. M. Lee	- being a Non-executive Director of the URA
Ms. Olga W.H. Lam as the Assistant Director of Lands Department	- being an assistant to the Director of Lands who was a Non-executive Director of the URA
Ms. Margaret Hsia as the Assistant Director of Home Affairs Department	- being an assistant to the Director of Home Affairs who was a Non-executive Director of the URA

53. The Committee noted that Professor Bernard V.W.F. Lim, Mr. Maurice W.M. Lee and Ms. Margaret Hsia had tendered apologies for being unable to attend the meeting. As the applicant had requested the Committee to defer the consideration of the application, the Chairperson could continue to chair the meeting, and Mr. Walter K.L. Chan and Ms. Olga W.H. Lam were allowed to stay in the meeting.

54. The Committee noted that the applicant on 30.9.2008 requested the Committee to defer the consideration of the application in order to allow time for the applicant to prepare responses to address various departmental comments on the application.

Deliberation Session

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/376 Proposed Partial Demolition and Addition and Alteration Works in “Other Specified Uses” annotated “Open Space and Historical Buildings preserved for Cultural and Commercial Uses” zone, 1-11 Mallory Street, 6-12 Burrows Street and adjacent Government land (MPC Paper No. A/H5/376)

Presentation and Question Sessions

56. The Secretary said that the application was submitted by the Urban Renewal Authority, the following Members had declared interests in the item :

Chairperson as the Director of Planning	- being a Non-executive Director of URA
Professor Bernard V.W.F. Lim	- having current business dealing with URA
Mr. Walter K.L. Chan	- being a Non-executive Director of the URA
Mr. Maurice W. M. Lee	- being a Non-executive Director of the URA
Ms. Olga W.H. Lam as the Assistant Director of Lands Department	- being an assistant to the Director of Lands who was a Non-executive Director of the URA
Ms. Margaret Hsia as the Assistant Director of Home Affairs Department	- being an assistant to the Director of Home Affairs who was a Non-executive Director of the URA

57. The Committee noted that Professor Bernard V.W.F. Lim, Mr. Maurice W.M. Lee and Ms. Margaret Hsia had tendered apologies for being unable to attend the meeting. As the applicant had requested the Committee to defer the consideration of the application, the Chairperson could continue to chair the meeting, and Mr. Walter K.L. Chan and Ms. Olga W.H. Lam were allowed to stay in the meeting.

58. The Committee noted that the applicant on 10.10.2008 requested the Committee to defer the consideration of the application in order to allow time for the applicant to respond to the departmental comments on the application.

Deliberation Session

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H7/150 Proposed School (Tutorial School) in “Residential (Group B)” zone,
Shop No. 7, G/F, Race Course Mansion, 1A Broadwood Road and
93, 93A, 93B, 95, 95A, 95B and 95C Wong Nai Chung Road
(MPC Paper No. A/H7/150)

Presentation and Question Sessions

60. With the aid of a Powerpoint presentation, Mr. Tom C.K. Yip, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (tutorial school) use;
- (c) departmental comments – concerned Government departments had no adverse comment on/objection to the application.
- (d) two public comments from a Wan Chai District Council member and the management company of a nearby residential building were received during the statutory publication period. The former supported the

application provided that traffic would not be an issue. The latter objected to the application for the reason that the proposed use would create disturbance to the quiet and comfortable living environment; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper in that the application generally complied with the assessment criteria in the relevant Town Planning Board Guidelines No. 40. As regards the public comments, the proposed tutorial school would unlikely cause adverse traffic impact or disturbance/nuisance to the living environment of the local residents, given its small scale (maximum 13 students) and the provision of an entrance separated from the domestic portion of the subject building.

61. Members had no question on the application.

Deliberation Session

62. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 24.10.2012, 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 provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

63. The Committee also agreed to advise the applicant to note the comments of the Secretary for Education as detailed in paragraph 9.1.1 of the Paper regarding the compliance with the Education Ordinance and Education Regulations.

[Mr. Stanley Y.F. Wong and Mr. Nelson W.Y. Chan left the meeting.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H10/80 Proposed School in
 “Government, Institution or Community” zones and Area
 Shown as ‘Road’, Junction of Victoria Road and Pokfulam Road
 (MPC Paper No. A/H10/80)

Presentation and Question Sessions

64. Ms. Lily Y.M. Yam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school development;
- (c) departmental comments – the Commissioner of Police (C of P) had reservation on the application regarding the sufficiency of on-site car parking spaces and nanny bus laybys to cater for the need before and after school. The Director of Drainage Services considered that should the application be approved, extreme care should be exercised in order not to disturb, interfere with or cause damage to the drainage facilities in the vicinity of the proposed use. Other concerned Government departments had no adverse comment on/no objection to the application;
- (d) three public comments from a Southern District Council member and the Vice-chairman of the Southern District West Area Committee were received during the statutory publication periods. One of them supported the application but requested measures to be taken to address the possible adverse traffic impact generated by the proposed school and to ensure the safety of the students and pedestrians in the area. The remaining two objected to the application for the reasons that the proposed school would affect the greenery of the area and generate adverse traffic impact, and the

need for a new school in the Southern District was doubtful; and

[Ms. Olga W.H. Lam left the meeting temporarily at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper in that the subject “Government, Institution or Community” (“G/IC”) zone had been reserved for school development since 2003. In order to avoid affecting the existing well-wooded slope along Po Fu Lam Road in the north-eastern portion of the zone, the applicant had shifted the development site slightly southward, resulting in an encroachment on a minor strip of land fronting Victoria Road shown as ‘Road’. The Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had no objection to releasing the strip of land for the proposed school development as it would not be required for any road improvement scheme. The proposed school development would unlikely create adverse traffic, environmental or infrastructural impacts on the surrounding areas. While C of P and the public had raised concern on the possible traffic impact generated by the proposed school, AC for T/U, TD had no adverse comment on the application. On the landscape aspect, the applicant had submitted a tree preservation scheme and a landscape proposal, and there was no adverse departmental comment on them. Further improvements could be made by way of an appropriate approval condition. As regards the public comment on whether there was a need for a new school, the Secretary for Education advised that the proposed school was a direct subsidy primary school that would recruit students territory-wide and would have no or minimal impact on the provision of primary school places in the Southern District.

65. Members had no question on the application.

Deliberation Session

66. A Member said that the traffic at the junction of Victoria Road and Pok Fu Lam Road was quite busy, especially in peak hours. Nevertheless, the proposed school development was still acceptable as sufficient parking and loading/unloading facilities would be provided on the site. As regards the portion of the subject “G/IC” zone outside the application site, the same Member suggested rezoning it to “Open Space” or “Green Belt” given the intention to preserve the wooded slope. The Chairperson said that PlanD should be asked to consider an appropriate zoning to preserve the wooded slope and propose amendment to the Outline Zoning Plan when opportunity arose.

67. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 24.10.2012, 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 submission and implementation of a tree preservation scheme and a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of water supply for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services (DFS) or of the TPB.

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

- (a) submit the development proposal to the Government Property Agency for comment on the aspect of site utilization under the established Government procedure;
- (b) apply to the District Lands Officer/Hong Kong West and South, Lands Department for a Permanent Government Land Allocation for the proposed school;

- (c) note the comments of the Commissioner of Police (C of P) regarding the provision of sufficient parking spaces (especially for those vehicles intending to wait for a short period of time for picking up students after school) to cope with the increased traffic flow before and after school;
- (d) consult C of P on the safety and flow of pedestrians and motorists prior to the commencement of any temporary traffic arrangement involving works on the footpath and/or carriageway;
- (e) note the comments of the District Officer (Southern) that appropriate administrative measures and traffic arrangements, which had been put forward by the school operating body to address District Council members' concern on the traffic impact, should be put in place when the school came into operation;
- (f) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that more relevant information such as tree size, tree health, amenity value and photographs should be included in the tree survey plan and to make reference to Practice Note for Professional Persons No. 1/2004 on 'Processing and Compliance Checking of Landscape Submissions related to Planning Applications' for preparation of the tree survey plan and landscape submissions;
- (g) note the comments of the DFS regarding the compliance of the 'Code of Practice for Means of Access for Firefighting and Rescue';
- (h) note the comments of the Water Supplies Department to provide a waterworks reserve for existing water mains within the site and to undertake diversion works if required; and
- (i) note the comments of the Director of Drainage Services of not disturbing, interfering with or causing damage to the drainage facilities in the vicinity of the proposed school.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H12/22 Proposed Minor Relaxation of Building Height Restriction of 3 storeys
for Permitted 'Flat' Development in "Residential (Group C) 2" zone,
12 Shiu Fai Terrace, Hong Kong
(MPC Paper No. A/H12/22)

Presentation and Question Sessions

69. The application was submitted by Stable Castle Ltd. with AGC Design Ltd. (AGC) as one of the consultants. The Secretary reported that Professor Bernard V.W.F. Lim, having current business dealing with AGC, had declared an interest in the item. The Committee noted that Professor Lim had tendered apologies for being unable to attend the meeting.

70. The Secretary informed Members that the Secretariat had received two petition letters in the morning of the meeting objecting to the application. One of them was made by a local resident and the other was made by the Shui Fai Terrace Concern Group attaching a total of 262 signatures. Copies of the two letters had been tabled at the meeting for Members' information.

71. Ms. Lily Y.M. Yam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction from 12 storeys above 1 storey of carports to 12 storeys above 4 storeys of podium for a proposed residential development;

[Ms. Olga W.H. Lam returned to join the meeting, and Dr. Daniel B.M. To left the meeting temporarily at this point.]

- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department considered that the proposed development was significantly taller than the existing and committed development in the area within the same “Residential (Group C)2” (“R(C)2”) zone. The Director of Architectural Services considered it much preferable to set back the residential tower from the podium façade to avoid the proposed development from being too imposing over Shui Fai Terrace and the neighbouring buildings. Other concerned Government departments had no adverse comment on/no objection to the application;

- (d) a total of 181 public comments from the local residents, the Incorporated Owners of the buildings in the vicinity, a Wan Chai District Council member, and an environmental concern group were received during the statutory publication period, all objecting to the application for the reasons that the proposed extent of relaxation of building height restriction under application could not be considered as minor; the proposed scheme was not compatible with the surrounding developments; and it would have adverse impacts on the traffic, environment, air ventilation, landscape, slope safety, drainage and property value of the area; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment as detailed in paragraph 10 of the Paper in that the proposed development would be much taller than the existing and committed developments at Shui Fai Terrace within the same “R(C)2” zone which were all below 115.55mPD. The proposed relaxation of the building height restriction could not be considered as minor. The visual openness of Shui Fai Terrace would be adversely affected, and there were insufficient design and planning merits in the proposed scheme to justify the proposed relaxation of the building height restriction. The approval of the application would set an undesirable precedent for similar applications in the “R(C)2” zone, the cumulative effect of which would adversely affect the existing amenity and character of the area.

72. In response to the Chairperson's question on the setback arrangement, Ms. Lily Y.M. Yam referred Members to Drawing A-7 of the Paper and explained that the applicant proposed a 6m setback of the residential block from the site boundary fronting Shui Fai Terrace with landscaping in the setback area. The width of the pavement would not be widened as a result of the proposed setback.

Deliberation Session

73. A member commented that there should not be any increase in development intensity in view of the congested traffic situation at Shui Fai Terrace. The same Member asked if Transport Department considered the application acceptable. Mr. Lam Hon responded that the provision of car parking spaces in the proposed development complied with the parking requirements specified in the Hong Kong Planning Standards and Guidelines. The Chairperson said that the current application for minor relaxation of building height restriction did not involve an increase in plot ratio of the development.

74. Another Member commented that the extent of the proposed relaxation of the building height restriction was not minor, and there were insufficient merits in the proposed development scheme to justify the proposed relaxation.

75. After further deliberation, the Committee decided to reject the application for the following reasons :

- (a) the proposed development would be much taller than other developments in the "Resident (Group C)2" ("R(C)2") zone. The proposed relaxation of the building height restriction could not be considered as minor in nature;
- (b) the proposed building would adversely affect the visual openness of Shui Fai Terrace. There were insufficient design and planning merits to justify the proposed relaxation of the building height restriction; and
- (c) the approval of the application would set an undesirable precedent for similar applications in the "R(C)2" zone, the cumulative effect of which would adversely affect the existing amenity and character of the area.

[The Chairperson thanked Mr. Tom C.K. Yip and Ms. Lily Y.M. Yam, STPs/HK, for their attendance to answer Members' enquires. Mr. Yip and Ms. Yam left the meeting at this point.]

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

[Ms. Donna Y.P. Tam and Mr. David C.M. Lam, Senior Town Planners/Hong Kong (STPs/HK), were invited to the meeting at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H24/14 Proposed Exhibition Hall
 in "Other Specified Uses" annotated "Pier and Associated Facilities" zone,
 Part of G/F, Central Terminal Building, Central Pier No. 7
 (MPC Paper No. A/H24/14)

Presentation and Question Sessions

76. The Secretary informed Members that a copy of the applicant's email on 23.10.2008 was tabled at the meeting for Members' reference. In the email, the applicant requested the Committee to defer consideration of the application in order to allow more time for the applicant to resolve the concerns with the related parties.

Deliberation Session

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H25/9 Temporary Exhibition Hall for Motor Vehicles up to November 2009
in “Open Space” zone, Basement Level B1 of the Car Park Complex at
the Hong Kong Convention and Exhibition Centre, 1 Harbour Road,
Wan Chai, Hong Kong
(MPC Paper No. A/H25/9)

Presentation and Question Sessions

78. With the aid of a Powerpoint presentation, 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 temporary exhibition hall for motor vehicles up to November 2009;

[Dr. Daniel B.M. To and Ms. Sylvia S.F. Yau returned to join the meeting.]

- (c) departmental comments – concerned Government departments had no adverse comment on/no objection to the application;
- (d) no public comment was received during the statutory publication period. The District Officer (Wan Chai) indicated that the locals did not support the application since the applicant had not fulfilled the fire safety requirements. Some of them suggested to release the premises for parking so as to alleviate traffic congestion in the vicinity; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper. Since the granting of the first approval for the same use at the subject premises in October 2003, the temporary exhibition hall for motor

vehicles had been operating for five years. Throughout the years, the planning condition which required the provision of fire services installations (FSI) had not been complied with. Since the approval of the second application for the temporary exhibition hall use in November 2006, the compliance period for the provision of FSI had already been extended three times from 6 months to 21 months. In the current submission, no information was provided to demonstrate that any actual construction works had been done to provide the FSI. The applicant indicated that the concerned alteration and addition works for the FSI provision would be completed by July 2009, i.e. four months before the end of the temporary approval period. This was unacceptable as the application premises would have no FSI provision during a substantial part of the approval period sought by the applicant.

79. Members had no question on the application.

Deliberation Session

80. Upon a Member's questions on the latest situation at the application premises, Ms. Donna Y.P. Tam referred Members to the photos in Plan A-4 of the Paper and said that the temporary exhibition hall for motor vehicles was still operating. She also pointed out that some areas which were shown as means of escape in Drawing A-1 of the Paper were fenced off by hoarding during a recent site inspection. Ms. Olga W.H. Lam indicated that Lands Department had granted a temporary waiver for the proposed use at the subject premises for a term of three years certain commencing on 10.10.2003 and thereafter quarterly. Should the subject application be rejected, the waiver would be terminated.

81. Another Member considered that the application should be rejected in the view of long delay in complying with the requirement to provide FSI.

82. After further deliberation, the Committee decided to reject the application for the reason that there was insufficient information in the submission to demonstrate that fire safety installations would be provided early for the temporary exhibition hall use.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/158 Shop and Services (Real Estate Agency Office and Computer Retail Shop) in “Other Specified Uses” annotated “Business” zone, Workshop 1, G/F, Trend Centre, 29 Cheung Lee Street, Chai Wan
(MPC Paper No. A/H20/158)

Presentation and Question Sessions

83. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (estate agency office and computer retail shop) use;
- (c) departmental comments – concerned Government departments had no adverse comment on/no objection to the application;
- (d) one public comment was received from the Chairperson of Yee Wan Area Committee during the statutory publication period, expressing no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper in that the proposed shop and services use was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” zone. It was not incompatible with the uses in the same building and the surrounding developments as there were retail shops and eating places on the G/F of the nearby buildings. It would unlikely generate adverse environmental nuisance or adverse traffic impact. In general, the application complied with the Town Planning Board

Guidelines No. 22D. As the last approval for the same use in the subject premises had been revoked due to the applicant's failure to comply with the approval condition on the provision of fire service installation, it was recommended to impose a shorter compliance period in order to closely monitor the implementation of the condition, and to advise the applicant that favourable consideration would not be given to any further application if the planning permission of the subject application was revoked again due to non-compliance with the approval condition.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- (a) the submission and implementation of fire service installations for the shop and services use in the subject premises, within three months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 24.1.2009; 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.

86. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the subject premises;
- (b) that a shorter compliance period was imposed so as to monitor the fulfillment of approval condition on site. Favourable consideration would not be given to any further application if the planning permission was

revoked due to non-compliance with the approval conditions;

- (c) to apply to the District Lands Officer/Hong Kong East, Lands Department for a temporary waiver;
- (d) to note the comments from the Chief Building Surveyor/Hong Kong East, Buildings Department regarding the need to submit plans for building works to his department for approval under the Buildings Ordinance; and
- (e) to note the comments from the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In formulating the submission, the applicant should comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction.

Agenda Item 19

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/206-1 Application for Extension of Time for Commencement of Approved Hotel Development under Application No. A/H15/206 for a Period of 4 Years until 5.11.2012, the “Other Specified Uses” annotated “Electricity Supply Installation and Hotel” zone at 2 Yi Nga Drive, Ap Lei Chau, Hong Kong
(APIL83 & Ext. RP and APIL 90 & Ext. SBRP)
(MPC Paper No. A/H15/206-1)

Presentation and Question Sessions

87. The application was submitted by The Hongkong Electric Co. Ltd. which was a subsidiary of Cheung Kong (Holdings) Ltd. (CKH). The Secretary reported that Mr. Felix W. Fong, having current business dealings with CKH, had declared an interest in the item.

[Mr. Felix W. Fong left the meeting at this point.]

88. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed extension of time for commencement of the approved hotel development under application No. A/H15/206 for a period of four years up to 5.11.2012;
- (c) departmental comments – concerned Government departments had no adverse comment on/no objection to the application;
- (d) the District Officer (Southern) advised that two objections to the application were received after consulting the Southern District Council, relevant Area Committee members and the local representatives. The major grounds of objection were that the applicant should commence the approved development before the planning permission lapsed, and if there was no immediate need for the approved development, the application should be withdrawn; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 9 of the Paper in that the application complied with the criteria of the relevant Town Planning Board Guidelines No. 35A. There was no material change in the planning intention and the land use zoning for the area (including the application site) since the granting of the planning permission. The applicant had demonstrated efforts in implementing the approved hotel development by applying for lease modification and making building plans submission. The applicant had complied with the submission part of approval condition (e) concerning safety precaution measures and working procedures to avoid interference to electricity supply. As regards the two local objections, it should be noted that the subject site was zoned and intended for hotel use under the concerned Outline Zoning Plan (OZP), and

the applicant had demonstrate reasonable efforts to implement the approved scheme.

89. Members raised questions about the maximum duration of extension period the applicant could apply for, the recent changes in planning circumstances of Ap Lei Chau, and the zoning history of the subject site. In response, Mr. David C.M. Lam made the following points :

- (a) according to Town Planning Board Guidelines No. 36, the aggregate periods of all extensions of time for commencement of an approved development should not exceed the original duration for commencement of the approved development. In the subject case, the original duration was four years. The applicant could apply for an extension up to a period of four years;
- (b) since there was no major development or redevelopment in recent years, the number of population in Ap Lei Chau had remained quite stable. Also, no new development restriction had been imposed onto the Ap Lei Chau on OZP since the approval of the original application in 2004; and
- (c) the subject site was originally zoned “Other Specified Uses” (“OU”) annotated “Hong Kong Electric Utility Installation, Operational Headquarters and Car Park”. In 2002, a request for rezoning the site to “Comprehensive Development Area” (No. Z/H15/4) was partially approved and the site was subsequently rezoned to the current “OU” annotated “Electricity Supply Installation and Hotel” in the same year.

Deliberation Session

90. Several Members had concerns on the justifications provided by the applicant as detailed in paragraph 3 of the Paper. Circumstances had changed in the last few years as many approvals for hotels were granted in the Wong Chuk Hang area and there would be hotel developments in the Ocean Park. They questioned the suitability for hotel development at the subject site. One Member considered that the new Scheme of Control

Agreement between the applicant and the Government for post-2008 was irrelevant to the current application. Another Member noted that the application for the lease modification was only made six months ago in April 2008, i.e. almost three and a half years after the proposed hotel development was approved. One Member observed that the delay in commencing the development was not due to technical reason.

91. After some discussion, Members generally agreed that a shorter extension period of two years should be granted for the subject application so as to allow more flexibility to cater for future changes in planning circumstances or community aspiration.

92. After further deliberation, the Committee decided to approve the application for extending the validity of permission under application No. A/H15/206 for a period of two years until 5.11.2010, 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 the mitigation measures as proposed in the submitted Environmental Assessment to the satisfaction of the Director of Environmental Protection (DEP) or of the Town Planning Board (TPB);
- (b) the design and provision of emergency vehicular access, water supply for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of a beautification scheme for the existing electricity switching station to the satisfaction of the Director of Architectural Services or of the TPB;
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (e) the implementation of the accepted safety precaution measures and working procedures to avoid interference to electricity supply to the satisfaction of the Director of Electrical and Mechanical Services (DEMS) or of the TPB;

and

- (f) the submission of an updated Traffic Impact Assessment, and design and implementation of the road improvement works identified therein, if any, to the satisfaction of the Commissioner for Transport or of the TPB.

93. The Committee also agreed to advise the applicant :

- (a) that the shorter validity period of the permission was to allow more flexibility to cater for future changes in planning circumstances or public aspiration;
- (b) to liaise with Planning Department with a view to improving the design and massing arrangement of the proposed development in order to minimize its visual impact on the surrounding area;
- (c) that the approval of the application did not imply that the proposed gross floor area exemption for back-of-house facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval; and
- (d) to note the comments of the District Lands Officer/Hong Kong West and South of Lands Department, DEMS, DEP, Chief Engineer/Hong Kong and Islands of Drainage Services Department, Chief Town Planner/Urban Design and Landscape of Planning Department, Chief Architect/Advisory and Statutory Compliance of the Architectural Services Department, and Chief Building Surveyor/Hong Kong West of Buildings Department in paragraphs 7.1.1 to 7.1.3, 7.1.8 to 7.1.10, 7.1.12 and 7.1.13 of the original MPC Paper No. A/H15/206.

[The Chairperson thanked Ms. Donna Y.P. Tam and Mr. David C.M. Lam, STPs/HK, for their attendance to answer Members' enquires. Ms. Tam and Mr. Lam left the meeting at this point.]

[Dr. Daniel B.M. To left the meeting of this point.]

94. The Chairperson said that Agenda Item 20 was a confidential item and would not be open for public viewing.

Agenda Item 20

[Closed Meeting]

95. The minutes of this item were recorded under separate confidential cover.

Agenda Item 21

Any Other Business

96. There being no other business, the meeting was closed at 12:50p.m..