

TOWN PLANNING BOARD

**Minutes of 407th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 6.11.2009**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

Assistant Director(2), Home Affairs Department
Mr. Andrew Tsang

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

Assistant Director/Kowloon, Lands Department
Ms. Olga Lam

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

Secretary

Absent with Apologies

Dr. Winnie S.M. Tang

Mr. Leslie H.C. Chen

Mr. Maurice W.M. Lee

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Miss Hannah H.N. Yick

Agenda Item 1

Confirmation of the Draft Minutes of the 406th MPC Meeting held on 23.10.2009

[Open Meeting]

1. The draft minutes of the 406th MPC meeting held on 23.10.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) Master Layout Plan submission for Urban Renewal Authority Hai Tan Street/Kweilin Street and Pei Ho Street Development Scheme Plan
(Application No. A/K5/680)

2. The Secretary said that as the application was submitted by the Urban Renewal Authority (URA), the following Members had declared interests in this item :

Mrs. Ava S.Y. Ng as the Director of Planning))	being non-executive directors of the URA;
Mr. Walter K.L. Chan))	
Mr. Maurice W.M. Lee	-	being a former non-executive director of the URA with the term of office ended on 30.11.2008;
Ms. Olga Lam as the Assistant Director of the Lands Department	-	being an assistant to the Director of Lands who was a non-executive director of the URA;
Mr. Andrew Tsang as the Assistant Director of the Home Affairs Department	-	being an assistant to the Director of Home Affairs who was a non-executive director of the URA;
Professor Bernard V.W.F. Lim	-	being the principal of AD+RG Ltd. which was one of the consultants of the applicant (URA); and
Mr. Raymond Y.M. Chan	-	being a Member of the Home Purchase Allowance (HPA) Appeals Committee.

3. The Committee noted that Mr. Maurice W.M. Lee, Ms. Olga Lam, Mr. Andrew Tsang and Mr. Raymond Y.M. Chan had not arrived yet. The Chairperson, Professor Bernard V.W.F. Lim and Mr. Walter K.L. Chan were invited to leave the meeting. As the Chairperson had to leave the meeting, the Committee agreed that the Vice-chairman should take over and chair the meeting for the item. The Vice-chairman chaired the meeting at this point.

[Mrs. Ava S.Y. Ng, Professor Bernard V.W.F. Lim and Mr. Walter K.L. Chan left the meeting temporarily at this point.]

4. The Secretary reported that Members suggested that the proposed landscaped corner at the junction of Kweilin Street and Hai Tan Street in Site C could be enlarged to form a “square” for public enjoyment by moving the podium towards Pei Ho Street in considering the captioned application on 23.10.2009. This comment was relayed to URA for consideration on 27.10.2009. Subsequently, URA proposed to increase the set back of G/F shops at the subject corner from 15m to 18m (measured from the kerb of the widened pavement). However, the podium (with shops on 1/F and podium garden) will remain unchanged which would serve as a noise buffer to shield the residential flats above (particularly the lower floors). URA clarified that the landscaped corner formed part of the private open space. The G/F setback area should be considered as an amenity area accessible to the public but not a public open space. It was undesirable to move the podium further which might not be able to meet the noise compliance requirement.

5. Members noted URA’s proposal and had no comment.

[Mrs. Ava S.Y. Ng, Professor Bernard V.W.F. Lim and Mr. Walter K.L. Chan returned to join the meeting while Mr. Raymond Y.M. Chan, Mr. Felix W. Fong, Mr. Andrew Tsang and Ms. Olga Lam arrived to join the meeting at this point.]

(ii) Town Planning Appeal Decision Received

Town Planning Appeal No. 1 of 2009 (1/09)

Proposed 2-storey House in “Residential (Group D)” zone

Lot No. 1030, D.D. 221, Kap Pin Long New Village, Sai Kung

(Application No. A/SK-PK/158)

6. The Secretary reported that the subject appeal was against the Town Planning Board (TPB)’s decision to reject on review an application (No. A/SK-PK/158) for a proposed 2-storey house at a site zoned “Residential (Group D)” (“R(D)”) on the Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP). The appeal was heard by the Town Planning Appeal Board (TPAB) on 10.9.2009 and dismissed on 28.10.2009 mainly on the following grounds:

- (a) the appellant had not submitted any justifications based on innovative design adapted to the characteristics of the appeal site to support the proposed minor relaxation. The only justification offered was related to the personal circumstances of the appellant which, based on the principles of planning law, were not regarded as considerations relevant to the planning application;
- (b) the site was not ideally suited to a residential development. In addition, the proposed house would necessitate the closing of a footpath and the provision of an alternative footpath. However, no firm proposal for the alternative footpath with the approval of the relevant departments and to the satisfaction of the affected local residents had been provided. The Appeal Board could not agree that the house of the proposed dimensions was a desirable development; and
- (c) allowing the appeal would set an undesirable precedent for similar applications within the “R(D)” zone.

(iii) Appeal Statistics

7. The Secretary reported that as at 6.11.2009, a total of 22 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as below :

Allowed	:	24
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	134
Yet to be Heard	:	22
Decision Outstanding	:	0
Total	:	291

(iv) Reference Back of Approved Outline Zoning Plan

8. On 3.11.2009, the Chief Executive in Council referred the following approved Outline Zoning Plans (OZPs) to the TPB for amendment under section 12(1)(b)(ii) of the Ordinance and the reference back of the OZPs would be notified in the Gazette on 13.11.2009.:

- (a) Kwun Tong North OZP No. S/K14N/11;
- (b) So Kwun Wat OZP No. S/TM-SKW/9;
- (c) Tung Chung Town Centre Area OZP No. S/I-TCTC/16; and
- (d) Ting Kok OZP No. S/NE-TK/15.

[Ms. Starry W.K. Lee, Ms. Sylvia S.F. Yau and Dr. Daniel B.M. To arrived to join the meeting at this point.]

Hong Kong District

[Ms. Brenda K.Y. Au, 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 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H5/4 Application for Amendment to the
Approved Wan Chai Outline Zoning Plan No. S/H5/25
from “Residential (Group A)” to “Commercial”,
43-63 Tai Yuen Street and 242-246 Queen's Road East, Wan Chai
(MPC Paper No. Y/H5/4)

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

Ms. Brenda K.Y. Au - District Planning Officer/Hong Kong (DPO/HK)
Ms. Donna Y.P. Tam - Senior Town Planner/Hong Kong (STP/HK)

10. The following applicant and his representative were invited to the meeting at this point:

Mr. K. L. Lee
Ms. Elaine Kwok
Ms. Keren Seddon
Ms. Cindy Tsang
Ms. Gladys Ng
Mr. Maxwell Connop
Mr. Henry Chow
Ms. Amy Kwok
Ms. Veronique Dryden

11. The Chairperson extended a welcome. Noting that the application was submitted by Tai Hung Fai Enterprise Company Limited, the Chairperson asked the applicant if there was any other developers involved. Mr. K.L. Lee replied that the proposed development was solely owned by the applicant.

12. The Chairperson explained the procedures of the hearing. She then invited Ms

Donna Y.P. Tam, STP/HK to brief Members on the background of the application.

Presentation and Question Sessions

13. Ms. Donna Y. P. Tam presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that a planning application (No. A/H5/378) for a hotel scheme with plot ratio (PR) 12.317 and 27 storeys (112mPD) was approved by the Committee in January 2009. Another application (No. A/H5/383) for a hotel scheme with PR 13.317 and 30 storeys (122.8mPD) was rejected by the Committee in August 2009;
- (b) rezoning the application site from “Residential (Group A)” (“R(A)”) to “Commercial” (“C”) or “Other Specified Uses (OU) (Hotel)” was proposed. The applicant had indicated his willingness to accept any reasonable development restrictions in the Notes for the proposed zoning;
- (c) an indicative development scheme for a hotel development with a PR of 13.317 (including 0.252 bonus PR), same as the rejected hotel scheme was submitted. The indicative hotel scheme with building height of 28 storeys (including a basement) and 115mPD was similar to the approved scheme (112.6mPD) in terms of building height;
- (d) the applicant had claimed that the increase of PR to 13.317 when compared with the approved hotel scheme was to meet the minimum operational and marketing requirements of the prospective hotel operator. Additional planning and design merits were incorporated in the scheme. A sunken plaza at Queen’s Road East and a landscaped podium on 2/F would be open to the public. The hotel building would be setback for footpath widening and provision of corner splay. It would also be designed to a Platinum level of certification of the Leadership in Energy and Environmental Design (LEED). The innovative and sustainable green building design such as green eco-strip, vertical greening, energy-efficient design and using of

environmental responsible materials would help achieve the LEED accreditation;

- (e) the applicant claimed that Town Planning Board (TPB)'s practice to allow hotel development within "R(A)" zone up to a maximum PR of 12 was relevant to planning applications only. The main consideration of the subject rezoning should be on land use compatibility. Hotel use was already approved at the subject site. "C" zoning was compatible with the surrounding land uses along Queen's Road East. There were no adverse traffic, visual, drainage and sewerage impacts;
- (f) departmental comments – District Lands Officer/Hong Kong East commented that the site was held under an unrestricted lease. The proposed public open space could not be enforced by the lease. Assistant Commissioner for Transport/Urban, Transport Department had no objection to the hotel scheme. The traffic impact assessment (TIA) of the previously approved scheme for hotel development with 201 rooms had concluded that there was no net increase in traffic generation comparing to residential development on the site. The indicative proposal in the current application would have hotel rooms of not more than 160. As the change in traffic would be minimal, another TIA was not necessary. However, separate traffic impact assessment was needed for other commercial uses. Chief Town Planner/Urban Design and Landscape, PlanD considered that the proposed hotel scheme had no substantial difference from the approved scheme in terms of visual impact. Chief Engineer/Hong Kong & Islands, Drainage Services Department commented that the sewerage upgrading works identified in the sewerage impact assessment (for planning application No. A/H5/383) should be implemented by the applicant;
- (g) during the statutory publication period, 38 public comments, of which 32 objecting to, 4 supporting/had no objection and 2 providing comments on the application were received. For those supporting or commenting on the application, they considered that Queen's Road East had become a commercial area and a commercial zoning was appropriate. Commercial

zoning could boost the economic activities in Wan Chai. A traffic impact study should be undertaken to identify traffic improvement proposals. The site should be set back for widening of Queen's Road East to ease traffic congestion. For those objecting to the application, they considered that the area was predominantly zoned "R(A)" with PR not more than 12. No justification to rezone the site to "C" and relax the PR was provided. New high-density developments would create heavy burden on pedestrian and traffic flow. Coach loading/unloading activities would result in serious traffic congestion at Queen's Road East. The proposed sunken garden would not benefit the public and its future management was unclear. The high density proposal would affect air ventilation and sunlight penetration of the area; and

- (h) the Planning Department (PlanD)'s views – PlanD had reservation on the application based on the assessment made in paragraph 12 of the Paper. The area was predominantly residential (with PR ranging from 4 to 10). Piecemeal rezoning within a large "R(A)" zone was undesirable. It would set an undesirable precedent for similar rezoning proposals within the "R(A)" zone, leading to significant impact in particular on traffic and infrastructure capacity. As the approved hotel scheme was not yet implemented, it would be difficult to ensure compliance with approval conditions for the approved scheme, if the site was rezoned to "C" or "OU(Hotel)". If hotel use was permitted as of right, there was no mechanism to ensure implementation of the proposed planning and design merits under the "C" or "OU(Hotel)" zone. The existing "R(A)" zone had already provided flexibility for application for hotel use and it was unusual to put hotel use under Column 2 of the Notes for "OU(Hotel)" zone. Regarding the indicative development scheme, the increase of PR by 1 (from 12.317 in the approved hotel scheme to 13.317 in the current indicative scheme) would only result in a slight increase in building height. There was no substantial difference in terms of visual impact resulted from the slight increase of building height while there were planning and design merits including setting back of the site, provision of a sunken plaza and a landscaped terrace open for public use and incorporation of innovative and

sustainable green building design. No additional impact on traffic and infrastructure was envisaged. In this regard, there was no in-principle objection to the indicative hotel scheme. To ensure implementation of the scheme and delivery of the planning and design merits, the application should more appropriately be considered by way of a s.16 application.

14. The Chairperson then invited the applicant's representative to give a presentation of the rezoning proposal. Ms Keren Seddon then presented the following main points of the rezoning application with the aid of a powerpoint and a video:

Background

- (a) a s.16 application for a hotel development at the subject site was rejected by the Committee mainly based on the general practice of the Board of limiting PR of hotel use in residential zone, despite that no Government had raised objection to the application and only Planning Department (PlanD) had reservation. The proposed hotel scheme of design excellence would be the first hotel with International LEED Platinum accreditation and the first branded Hotel Indigo in Hong Kong. The applicant was not seeking a "C" zoning with no restrictions, but was prepared to accept an "OU (Hotel)" zoning with hotel use at column 2 under the Notes to allow the Board to have total control of the development. The "OU (Hotel)" zone would allow implementation of a vision of excellence, remove the current and immediate problem of land use incompatibility and comply with Government policy;

Implementation of Government policy

- (b) Government encouraged the private sector to keep Hong Kong at the forefront and the leader of hotel industry by making more of the tourism facilities within the harbour triangle and focusing hotel industry in the four key districts, one of which was Wan Chai. Such policy was introduced in the "Visitor and Tourism Study for Hong Kong" (VISTOUR) in 1995, the Metroplan in 2003, Policy Address and Financial Budgets in recent years. Commissioner for Tourism (C for Tourism) also supported the subject hotel proposal;

Appropriate zoning and TPB control

- (c) the applicant was prepared to accept an “OU (Hotel)” zoning with hotel in column 2 requiring s.16 submission. PlanD did not have reservations on the hotel scheme, but only on the rezoning proposal, claiming that it was not the usual practice to put hotel use under Column 2 of the Notes for “OU(Hotel)” zone. It was not uncommon to have no column 1 use as the “OU (Comprehensive Redevelopment Area)” zone for the site next to Hopewell Centre and “Comprehensive Development Area” zone did not have any column 1 use. The proposed “OU(Hotel)” zone with PR and building height (BH) control should be able to realise the applicant’s vision and to address the Committee’s concern;

Planning context of Wan Chai

- (d) the character of Wan Chai had been changing since the first zoning of the area, especially that along Queen’s Road East as “R(A)” in 1968. As recognised in the Metroplan, VISTOUR and the Wan Chai OZP, Wan Chai was a major shopping, entertainment and hotel district, similar to Tsim Sha Tsui, Central and Causeway Bay. All the districts had no “R(A)” zoning except Wan Chai. Despite the best intention of Metroplan, Wan Chai was left behind in consolidating its function through the zoning pattern and the planning intentions. The area that had changed most, i.e. the “R(A)” zone along Queen’s Road East, particularly near the application site should be focused on. Paragraph 7.3.2 of the Explanatory Statement of the Wan Chai OZP stated that there was a trend towards more intensive commercial development mainly along Queen’s Road East. There were incremental zoning changes and planning permissions for commercial and hotel developments along Queen’s Road East including the “C” zone at Wu Chung House, and Queen’s Road East Plaza and Three Pacific Place to be rezoned, which had created incentive to consolidate Wan Chai to become a major commercial and hotel district;

Need to rezone the subject site

- (e) the rezoning proposal would avoid having an incompatible residential use

at Queen's Road East which was detrimental to both the future residents and the emerging image of the tourism district; and

- (f) at the immediate vicinity of the application site, nearly all the sites fronting Queen's Road East were not residential development. The existing "R(A)" zoning would lead to an inconsistent and incongruous mix of residential and commercial development along the road. The commercial spine of Queen's Road East was dominated by commercial uses with development intensity reaching PR 15.6 and building height of 210mPD. It was vital to maintain the integrity of the commercial frontage along Queen's Road East. The "R(A)" zoning should be more appropriate for the sites at the back street areas which were quieter. With this planning context, the proposed rezoning was sensible and rational.

15. With the aid of a powerpoint, Mr. Maxwell Connop from Aedas continued to present the design of the hotel building and covered the following main points:

- (a) the applicant had entered into agreement with one of the prestigious and largest hotel groups in the world, to develop the site into a hotel. The Indigo brand of the Intercontinental Hotel Group was an upscale boutique hotel brand that would be brought into Hong Kong. The Indigo brand would harmonise with the surrounding environment. The previously approved hotel scheme at the subject site could not fulfil the room size and room number requirement of an Indigo hotel;
- (b) compared with a composite building for commercial and residential uses with 100% site coverage to maximise retail frontage, the proposed hotel would be set back from Queen's Road East and hence create less dominant urban intervention and address community space more actively;
- (c) the sunken plaza which was a strong element in the design offered a tranquil oasis in a heart of a very busy district. It would not only serve the hotel but also the local community. It would be a place for the young and

the old and was readily accessible via lifts and stairs;

- (d) the setback podium would integrate with the local community and culture. The treatment of the building would reflect the memories of Wan Chai. The lower part of the building would reflect the rhythm and proportion of old shop house. Above the podium would be an elegant, modern and contemporary building. Vertical greening rising up the entire height of the building was not only for the hotel but for the community;
- (e) an eco-screen with elegant external horizontal louvering at the façade to stop direct solar gain of the building would be adopted. The design would reduce solar gain when needed. This intelligent building would respond to the environment in terms of energy use and sustainability; and
- (f) the hotel building was strived to get the LEED Platinum accreditation. The energy saving, water efficiency, carbon dioxide emissions reduction, the green wall, the eco-wrap around the building, the reuse of local materials on the site would all help achieve the LEED Platinum which was the first for Hong Kong.

16. Ms Keren Seddon went on to present the rezoning application with the aid of a powerpoint and covered the following main points:

“OU (Hotel)” zone

- (a) a hotel scheme was approved by the Committee in January 2009. The “OU (Hotel)” zone would better reflect the committed hotel use while the “R(A)” zoning with the planning intention of high-density residential development was inappropriate for the subject site;
- (b) the proposed planning gains in the indicative hotel scheme, including the building setback for landscaped open space with maintained by the applicant, the landscaped terrace on the 2/F and the setback for road improvements at Queen’s Road East, Tai Yuen Street and McGregor Street, would not be achievable with residential development under the existing

“R(A)” zone;

- (c) “OU (Hotel)” zone would provide incentive to achieve the design merits which included contemporary design reminiscent of the Old Wan Chai dovetailing with the Heritage Trail in Wan Chai, green “eco-strip” to soften the appearance of the building mass and Hong Kong first international Platinum level of certification of the LEED building;
- (d) the “OU (Hotel)” zone would ensure TPB’s control on all technical aspects including transport, sewerage, fire safety etc. and landscape aspects through the s.16 procedure. No Government departments objected to the application. C for Tourism and Transport Department (TD) supported the application. PlanD also did not object to the hotel scheme but only had reservation on the zoning mechanism. This should not be allowed to get in the way of a good scheme. All public comments had been addressed and the public would have another chance to provide comment when the zoning amendment was published;

Comparison of approved hotel scheme with the indicative hotel scheme

- (e) a visual impact assessment was done to compare the approved hotel scheme with the current indicative scheme. The approved hotel scheme had its entrance lobby at Queen’s Road East while the current scheme had setback significantly from the road. Viewing from the street level and the pedestrian deck of Wu Chung House, the current scheme was much better than the approved scheme in terms of the building bulk and visual impact. Viewing from Bowen Road, the current scheme with its building height at 115mPD was very similar to the approved scheme at 112.6mPD;
- (f) in the approved hotel scheme, the Queen’s Road East frontage was largely dominated by the entrance lobby and two large escalators whereas the hotel entrance of the current scheme had been shifted to the side street. Public could walk straight to the sunken plaza and the landscaped terrace at the second floor direct without going into the hotel. The current hotel scheme offered extra benefits including the prestigious hotel operator, excellent

design and International Platinum LEED standard, cultural sustainability, greening, building setback, open space provision, innovation, visual impact and taxi and private car layby provision;

The precedent issue

- (g) a hotel scheme similar to the current indicative scheme was rejected by the Committee in August 2009 because of the practice of the Board to restrict the PR of hotel development in “R(A)” zone and the setting of undesirable precedent. While the building bulk issue had been dealt with, on the precedent aspect, the subject rezoning proposal should be considered on its own merits. For the “R(A)” zone in Wan Chai, Queen’s Road East was intended for more intensive commercial development according to the Explanatory Statement of the OZP. Planning permission had been granted for a hotel scheme with PR greater than 12 on the application site and there was policy support on the hotel use. C for Tourism and TD supported the scheme and no Government department objected to the proposal. The proposed Hotel Indigo and LEED Platinum accreditation would put Hong Kong at the forefront of the hotel industry. The approved hotel scheme could not meet the standard of Hotel Indigo. It would be a loss to Hong Kong if the rezoning was not approved and Hotel Indigo, the LEED Platinum standard building and the planning gains could not be delivered; and

Conclusion

- (h) to conclude, the applicant was seeking only an additional GFA of 701m² over the approved hotel scheme while an area of 140m² of open space would be dedicated for use of the public. The proposed rezoning was reasonable. It was undesirable to revert back to the approved hotel scheme or even worse a residential development at the application site. While it was up to the Committee to decide whether the hotel scheme should be considered under a rezoning or a revised s.16 submission, the applicant would appreciate some guidance from the Committee if a re-submission was required.

17. A Member asked if “R(A)” zoning was suitable for the application site noting that the development along Queen’s Road East was occupied by a number of commercial development. Ms. Brenda Au, DPO/HK replied that though there were commercial and residential developments along Queen’s Road East, the application site was part of a larger “R(A)” zone and piecemeal rezoning of the subject site to “C” or “OU (Hotel)” was considered undesirable. The same Member asked why the applicant claimed that the proposed “OU(Hotel)” zone would allow the Board to control hotel development through s.16 application which was different from PlanD’s view in the MPC paper. Ms Au clarified that if hotel use was always permitted in “OU(Hotel)” zone, there would be no planning mechanism to ensure compliance of approval conditions. However, if hotel use was a column 2 use, it would be possible for the Board to exercise control through s.16 application. However, ‘hotel’ was already a column 2 use under the existing “R(A)” zone. Hence, it was not necessary to rezone the site.

18. On the provision of a sunken plaza as a planning gain and the intention to strive for LEED Platinum accreditation, a Member asked how that would relate to the proposal to rezone the site to “C” or “OU(Hotel)” and what had constituted the increase of PR from 12.317 in the approved scheme to 13.317 in the current scheme. Ms. Keren Seddon responded that the building height and bulk of the current scheme were very similar to the approved scheme despite the increase in PR 1 which only amounted to about 700m². The increase in GFA was justifiable given the planning gains proposed. Mr. K.L. Lee further explained that as it was the Board’s practice to limit the PR of hotel development in “R(A)” zone to 12, the rezoning application was made to overcome this hurdle. There was no big difference in the overall building bulk despite the increase of PR by 1 as there was a reduction in the floor to floor height, the number of hotel rooms from 200 to 160 and the back of house facilities.

19. Noting that there were public comments on the air pollution problem at the proposed sunken plaza, one Member asked whether the provision of a sunken plaza at the busy Queen’s Road East was a planning gain. Ms. Keren Seddon clarified that the sunken plaza would provide a buffer between the hotel and the road. The sunken plaza would be properly maintained by the applicant and it was also readily accessible to the public without having to go through the hotel. In response to the Chairperson’s enquiry, she confirmed that the sunken plaza and landscape terrace were private gardens but would be opened to the

public from 6 a.m. to 11 p.m. which was the same as other Government parks. Mr. Maxwell Connop further explained that there would be lots of greening at the sunken plaza to mitigate the carbon dioxide emissions. A mist system currently employed in the Sunny Bay MTR Station would be used to enhance air ventilation and to clear and dispel air pollutants down the sunken plaza.

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

20. In response to a Member and the Chairperson's enquiry, Ms. Brenda Au clarified that hotel use was considered acceptable at the application site. The previously submitted hotel scheme was rejected in August 2009 mainly for the reasons that its proposed PR of 13.317 was incompatible with the development density of the "R(A)" zone with PR of 8 to 10. PlanD had reservation on that application in view of the Committee's practice to allow hotel development within "R(A)" zone up to a maximum PR of 12 since mid 2007. PlanD considered that under the current "R(A)" zone, there was already a mechanism for the applicant to apply planning permission for a hotel development without going through the rezoning mechanism. The applicant noted the Committee's practice and thus intended to submit a rezoning application to overcome the problem. Ms Au explained that the maximum PR of 12 at "R(A)" zone was not a restriction under the Outline Zoning Plan (OZP). Even if there was a PR restriction on the OZP, a minor relaxation clause would usually be incorporated to allow the Committee to consider the application on its individual merits. Using the same approach, Members might consider if there were sufficient planning and design merits to justify a PR of 13.317 for the current scheme.

21. Another Member enquired if the previously approved scheme of PR 12.317 could be implemented by slightly reducing the room size by 4.5m². Mr. K.L. Lee replied that the proposed room size and room number in the current scheme were the absolute minimum to meet the operation requirements of Hotel Indigo. He hoped that the limit of PR 12 could be exceeded so that the first Hotel Indigo could be built in Hong Kong.

22. As the applicant and the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's

decision in due course. The Chairperson thanked the applicant and his representatives and PlanD's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

23. A Member considered that with the development of a number of Urban Renewal Authority schemes in the area, this part of Wan Chai maintained its residential character, thus the application for rezoning was not appropriate. This Member pointed out that the previous hotel scheme was rejected by the Committee on the ground of its incompatibility with the "R(A)" zone. The Secretary explained that the main reason for the rejection was the proposed PR of 13.317 of the hotel development which was not in line with the development density within the "R(A)" zone.

24. Though the hotel proposal was only an indicative scheme, a Member was of the view that the higher PR of 13.317 might be justified given the high-end brand of the hotel. However, a few other Members opined that the brand name should not be a consideration as it was a commercial decision that could change with time. Though some Members appreciated the applicant's effort in striving for accreditation in the design of the hotel building, such design was not sufficient in planning terms to justify the claim for additional PR. The applicant should justify the increase in PR through planning and design merits and to indicate clearly how the additional PR/GFA was incorporated in the hotel design.

25. A few Members did not agree that the sunken plaza was a planning merit given its size and location at the basement level which was inconvenient to the public and its susceptibility of air pollution problem. One of the members opined that it would serve as a private outdoor seating area for the tea house at the same level.

26. The Chairperson concluded that Members were of the view that the proposed rezoning application for the hotel development was not justified. On the indicative scheme itself, the applicant would need a good proposal to justify a higher PR if a submission under s.16 was made.

27. After further deliberation, the Committee decided not to agree to the application for amendment and the reasons were :

- (a) there were insufficient planning justifications provided in the submission for rezoning the subject site to “Commercial” (“C”) or “Other Specified Uses” annotated “Hotel” as suggested by the applicant; and
- (b) the proposed piecemeal rezoning of the subject site to “C” to allow commercial developments as of right would set an undesirable precedent for similar rezoning proposals within the “Residential (Group A)” zone especially for area between Johnston Road and Queen’s Road East, and the cumulative impact would be significant, particularly on traffic and infrastructure capacity.

[Mr. Derek W.O. Cheung, STP/HK, was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/162 Proposed Shop and Services (Retail Shop)
in “Other Specified Uses” annotated “Business” zone,
Units A1a, A1b and A2, G/F, Man Foong Industrial Building,
7 Cheung Lee Street, Chai Wan
(MPC Paper No. A/H20/162)

Presentation and Question Sessions

28. Mr. Derek W.O. Cheung, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that parts of the application premises were the subject of five previous planning applications (No. A/H20/29, A/H20/30, A/H20/47, A/H20/89 and A/H20/90), which were submitted when the site was zoned “Industrial” (“I”) on the Chai Wan OZP. Four of these applications for shop and services use including metal

hardware shop and local provisions store were approved by the Committee while the application (No. A/H20/89) for cosmetics shop was rejected by the Town Planning Board (TPB) on review. There was no similar application within the subject building of the application premises but there were ten similar applications for shop and services use in the “Other Specified Uses (Business)” (“OU(B)”)zone in Chai Wan. Nine of these applications were approved by the Committee and one was approved by the TPB on review.;

- (b) the proposed shop and services (retail shop);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, three public comments were received with 1 expressing comments and 2 objecting to the proposed development. The former commenter opined that the types of retail shop applied for should be specified for public comment as retail shop use might involve a wide range of business. He objected to using the application premises for certain retail uses such as multi-level marketing business (particularly for health food and medical equipment to the elderly). As regards the objecting comments, one of them was submitted by a group of owners/tenants of shops in adjacent commercial buildings/centres who opined that the increased change of industrial floorspace to retail use was not fair to them and would severely affect their businesses and livelihood at this time of economic downturn. They were also concerned about fire safety and pedestrian flow issues. The remaining comment was submitted by the residents of the adjacent residential development who objected to the application on grounds that the proposed retail use would bring about increase in pedestrian and vehicular traffic, thereby causing adverse impacts on traffic, the living environment and security in the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper.

The proposed development complied with the relevant considerations in the Town Planning Board Guidelines No. 22D for Development within “OU(B)” Zone. The proposed retail shop was considered not incompatible with the uses in the same building, which mainly included workshops, warehouses, offices and non-polluting industrial uses. It was also considered not incompatible with the surrounding developments. The proposed retail shop would not have adverse impact on the local traffic or induce fire safety problem. Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) was of the view that the proposed retail use at the subject premises was small in scale and would not cause unacceptable traffic impact. Director of Fire Services (D of FS) had no adverse comment on the application. As regards the public comment on the types of retail shop at the application premises, it was considered that the types of retail business to be operated was basically a commercial decision, and flexibility could be allowed for various types of shop and services use.

29. Members had no question on the application.

Deliberation Session

30. 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 6.11.2011, 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 service installations for the proposed shop and services (retail shop) use 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.

31. The Committee also agreed to advise the applicant of the following :
- (a) to apply to the District Lands Officer/Hong Kong East, Lands Department for a temporary waiver or lease modification; and
 - (b) to note the comments of Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department regarding the need for building plans submission for the proposed retail shop for approval under the Buildings Ordinance and compliance with the requirements of Building (Planning) Regulation 72 for provision of access and facilities for persons with a disability.

[The Chairperson thanked Mr. Derek W.O. Cheung, STP/HK, for his attendance to answer Members' enquiries. Mr. Cheung left the meeting at this point.]

[Ms. Brenda K.Y. Au, DPO/HK and Mr. Tom C.K Yip, STP/HK, were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/397 Further Consideration of the Proposed Hotel
 in "Residential (Group A)" zone,
 Western Part of the ex-North Point Estate Site
 (Proposed Inland Lot No. 9020)
 (MPC Paper No. A/H8/397A)

32. The Secretary reported that the application was submitted by District Lands Office/Hong Kong East, Lands Department. Ms. Olga Lam, as a representative from Lands Department, had declared an interest in this item. The Committee agreed that Ms. Lam should leave the meeting during the discussion and determination on this application.

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

Presentation and Question Sessions

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

Background

- (a) on 9.10.2009, the Committee considered the subject application, which was for proposed 'Hotel' use at the western part of the ex-North Point Estate (ex-NPE) site. Noting that the site had a frontage of about 110m along the waterfront, a Member suggested imposing a condition to state clearly the requirement on a minimum separation distance between buildings above the podium of the proposed hotel development to avoid wall effect and adverse air ventilation impact. The Committee decided to defer a decision on the application and requested the Planning Department (PlanD) to work out a requirement regarding the provision of a minimum separation distance between buildings above podium at the site and report back the findings to the Committee;

The proposal

- (b) the application site had an area of about 5,369m². In accordance with the endorsed Planning Brief (PB) for the ex-NPE site, the proposed hotel development under application had adopted a maximum gross floor area (GFA) of 36,000 m², a maximum site coverage of 60% and a maximum building height of 80mPD. In addition, 3m-wide planting areas were proposed along the eastern, southern and western boundaries;

Frontage requirement

- (c) the application site had a frontage of about 115m along the waterfront. After excluding the 3m-wide planting areas on the eastern and western sides, the maximum possible length of the proposed hotel was about 109m. A single two-storey podium (up to maximum 12m in height) with tower(s) of hotel rooms above was assumed;

- (d) two options based on different frontage length of the podium and the maximum site coverage of 60% were developed. The podium under Option 1 would occupy 80% frontage of the site with a length of 92m along the harbourfront. Option 2 had a podium length equivalent to 70% frontage of the site (i.e. 81m). A slightly more spacious environment adjoining the future waterfront promenade could be achieved under Option 1 while a shorter podium façade could be achieved under Option 2. Both designs had their own merits;

Building separation

- (e) based on the above two podium options, the maximum building height of 80mPD stipulated in the PB and proposed GFA of the hotel development in the application, two 17-storey hotel towers above the podium were assumed. It was estimated that a clear frontage of 20m wide above the podium could be provided. In other words, the towers would have a total length of about 72m or 61m (i.e. about 63% or 53% of the length of the site) under Option 1 and Option 2 respectively. If a two-tower design was adopted, the 20m clear frontage could be between the towers to break up the continuous building façade within the site. If a one-tower design was adopted, the clear frontage could be provided on either one side or two sides i.e. allowing greater separation from Provident Centre as well as the Tong Shui Road slip road in the west and/or a wider visual/air corridor along Shu Kuk Street from the proposed commercial/residential development at the eastern part of the ex-NPE site. Both designs had their own merits; and
- (f) the Committee was invited to consider whether:
 - (i) the frontage of the proposed hotel podium (not exceeding 12m from ground level) should be restricted to not exceed 80% (i.e. 92m) or 70% (i.e. 81m) of the length of the site; and
 - (ii) whether the 20m wide clear frontage above podium should be stipulated as between two towers (hence restricting the future hotel

development to be in the form of two-tower design), or to allow greater design flexibility without specifying the exact location of the clear frontage.

34. Noting the Option 1 of 92m podium frontage would allow setback from the waterfront promenade, a Member asked if the setback could be provided on the side of the site facing North Point Estate Lane. Ms. Brenda Au explained that there was no restriction on where the podium setback had to be provided. It would be up to the future developer to decide where the podium setback should be provided.

35. Noting the setback provision between the hotel podium and the waterfront promenade in Site A, another Member asked if there was similar requirement at Site B of the ex-North Point Estate Site where a 20m wide waterfront promenade was also proposed. Ms Brenda Au replied that Site B would be rezoned to “Comprehensive Development Area” (“CDA”) under which planning application had to be submitted in the form of a Master Layout Plan (MLP) for the future development. The planning Brief for the ex-North Point Estate site would provide guidance for the preparation of the MLP and Members would be able to scrutinize the design of the future development.

36. In response to the Chairperson’s enquiry, Ms. Brenda Au clarified that there would be a 27m wide non-building area serving as visual corridor and breezeway at Shu Kuk Street

Deliberation Session

37. In response to the Chairperson’s enquiry, Ms. Brenda Au replied that two hotel towers would have a total footprint of about 2,200m², and 1,100m² for each tower in order to accommodate the maximum GFA of 36,000m².

38. Members generally preferred a two-tower design with a minimum 20m separation distance between the two towers above podium. A Member said that though there might be some restriction on the future design, the future developer should still be able to work out a scheme given the area of the hotel footprint. Some Members opined that it was not necessary to have two symmetrical towers and flexibility should be allowed in the hotel

design. Instead of restricting the location of 20m separation distance in the middle of the site, Members agreed that some variation in the location of the 20m separation, amounting to 20% of the podium frontage, could be allowed to avoid having a disproportionately large tower on one side.

39. Given the adoption of the two-tower design, Members generally agreed to adopt Option 1 allowing a maximum podium frontage of 92m which was 80% of the total site frontage so as to provide some design flexibility for the hotel development.

40. A Member asked how the Government could ensure the above requirements be met in the future hotel development. The Chairperson explained that such requirements could be stipulated in the lease and as approval conditions. PlanD would ensure compliance of the approval conditions when building plans were submitted.

41. 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 6.11.2013, 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 construction of a 20m-wide waterfront promenade to the north of the site to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (b) the submission and implementation of a landscape master plan and a tree preservation proposal covering the application site and the 20m-wide waterfront promenade to the north of the site, and provision of quarterly tree monitoring reports to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;

- (d) the submission of a traffic review study and implementation of the improvement works identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission of an air ventilation assessment for the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (f) the frontage of the proposed hotel development along the harbourfront shall not exceed 80 % of the length of the site below 12m from ground level and a 20m wide clear frontage above 12m located in the middle of the site between two building towers shall be provided. The 20m wide separation could vary in location in an east/west direction by a maximum distance of 20% of the total podium frontage;
- (g) the design and disposition of building blocks in the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (h) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (i) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (j) the implementation of the sewerage upgrading works identified in the SIA in condition (i) above to the satisfaction of the Director of Drainage Services or of the TPB.

42. The Committee also agreed to advise the applicant of the following :

- (a) the approval of the application did not imply that 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;

- (b) to note the comments of the Chief Officer/Licensing Authority, Home Affairs Department in paragraph 9.1.1(b) of the MPC Paper No. A/H8/397 regarding the licence requirement for hotel use;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraph 9.1.3 of the MPC Paper No. A/H8/397 regarding the measures related to building permeability and variation of building profile;
- (d) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department in paragraph 9.1.7 of the MPC Paper No. A/H8/397 regarding the parking spaces for the disabled;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in paragraph 9.1.8 of the MPC Paper No. A/H8/397 regarding the waterworks reserve requirement; and
- (f) to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works.

[The Chairperson thanked Ms. Brenda K.Y. Au, DPO/HK and Mr. Tom C.K Yip, STP/HK, for their attendance to answer Members' enquiries. Ms. Au and Mr. Yip left the meeting at this point.]

Tsuen Wan and West Kowloon District

[Mr. Wilson W.S. Chan, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/519 Proposed Residential cum Hotel Development
in “Residential (Group A)” and “Road” zones,
Nos. 1 - 21 Dundas Street, Mong Kok
(MPC Paper No. A/K3/519)

Presentation and Question Sessions

43. Mr. Wilson W.S. Chan, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that there was no previous application at the subject site while 22 similar applications for hotel/guesthouse only use within the “Residential (Group A)” zone in Mong Kok Outline Zoning Plan were at Appendix 2 of the MPC Paper for Members’ reference;
- (b) the proposed residential cum hotel development;
- (c) departmental comments –Assistant Commissioner for Transport/Urban, Transport Department (AC for T/Urban, TD) supported the proposed conversion of No. 17, 19 and 21 Dundas Street into a continuing thoroughfare with the existing Kam Fong Street. The proposed vehicular access should be located fronting the proposed road scheme of the Kam Fong Street extension. The proposed taxi lay-bys were in a layout seemingly not practical in facilitating taxi uses. Presumably these lay-bys should be located nearer to the vehicular entrance, and oriented to minimize maneuvering/ reversing. The applicant should demonstrate that the lower-bound provision adopted for loading/unloading bays for goods vehicles would be sufficient in the locality’s context and having regard to similar applications in the district. There was insufficient information to

accept the application from traffic engineering and management perspective. Sewerage Infrastructure Group (SIG), Environmental Protection Department suggested imposing approval conditions to require the applicant to submit a Sewerage Impact Assessment to (SIA) to the satisfaction of the Director of Environmental Protection and to implement the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services. Chief Town Planner/Urban Design & Landscape, Planning Department commented that the proposed decking above the road area might result in a less visually desirable local environment, especially in terms of visual openness of the adjacent open space (Tak Cheong Street Playground). From air ventilation perspective, the proposed decking structure might induce some localized ventilation impact. Director of Leisure and Cultural Services had reservation on the application as the existing Tak Cheong Street Playground would be partially demolished without compensation for the Kam Fong Street extension. No objection/adverse comment from other concerned Government departments was received;

- (d) during the statutory publication period, five public comments were received. The public commenters considered that that the proposed hotel was not compatible with the proposed residential use in the same building. The proposed development was too high and would create wall-effect and affect air ventilation. There was serious problem in law and order at Tung On Street which would create nuisance to the tourist and create adverse impression to the tourist about Hong Kong; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the MPC Paper. The proposed residential cum hotel development was considered not incompatible with the surrounding land uses which were predominantly commercial/residential developments with the lower floors for commercial uses. Although the proposed dedication of part of the G/F of the Site for public road use was in line with the planning intention for the area shown as 'Road' on the OZP, there was no strong justification provided by the

applicant to support the need to deck over the proposed road area to form part of the proposed development. Hence, the proposed decking over of dedicated area for public road purpose in return for claiming bonus plot ratio was not supported. Moreover, the proposed road deck might create adverse visual and ventilation impacts on the surrounding areas. Approval of the application would set an undesirable precedent for other similar application in the area. There was insufficient information in the submission to demonstrate that the proposed development would not create adverse traffic impact in the area. AC for T/Urban, TD had requested the applicant to provide traffic impact assessment to demonstrate the traffic impact of the proposed development but no submission was provided. There was insufficient information in the submission to demonstrate that the proposed vehicular access arrangement at Dundas Street was appropriate. The location of the proposed taxi lay-by was not satisfactory because it was not practical for taxi maneuvering and reversing. There was insufficient information in the submission to demonstrate that the provision of loading/unloading bays was sufficient to serve the proposed development.

44. In response to the Chairperson's enquiry, Mr. Wilson Chan said that Kam Fong Street was currently a dead-end road. There was a planning intention to extend Kam Fong Road through the private lots at 17, 19 and 21 Dundas Street to join Dundas Street in the south but that could only be realized by resumption of the said private lots. The applicant proposed to dedicate the private lots area for public road use but no justification was provided on the decking over of the dedicated area used as pump room and sprinkler tank of the proposed development.

Deliberation Session

45. The Chairperson said that the rejection reason should clearly spell out the intention to have the area shown as "road" in the OZP be used as a public road.

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

- (a) there was no strong planning justification to deck over the “road” area as shown on the Outline Zoning Plan to form part of the proposed development;
- (b) the proposed deck would create adverse visual and ventilation impacts on the surrounding areas;
- (c) there was insufficient information in the submission to demonstrate that the proposed vehicular access arrangement at Dundas Street was appropriate to serve the proposed development; the location of the proposed taxi lay-by was practical for taxi maneuvering/reverting and the proposed loading/unloading bay provision was sufficient to serve the proposed development; and
- (d) approval of the application would set an undesirable precedent for other similar application in the area.

[The Chairperson thanked Mr. Wilson W.S. Chan, STP/TWK, for his attendance to answer Members’ enquiries. Mr. Chan left the meeting at this point.]

[Mr. P.C. Mok, STP/TWK, was invited to the meeting at this point.]

[Ms. Olga Lam returned to join the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K4/56 Proposed Religious Institution (Chinese Temple)
in “Residential (Group A)” zone,
Junction of Pak Tin Street and Woh Chai Street,
Shek Kip Mei, Kowloon
(MPC Paper No. A/K4/56)

Presentation and Question Sessions

47. Mr. P.C. Mok, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the northern portion of the application site with an area of about 63m² was the subject of a previous planning application submitted by the same applicant for a proposed religious institution (Chinese temple) (Application No. A/K4/37) approved with condition by the Committee on 4.5.2001. An application for renewal of planning permission for Application No. A/K4/37 for 3 years until 4.5.2007 was also approved by the Committee on 7.5.2004. However, as the temple had not commenced, the permission had lapsed on 4.5.2007;
- (b) the proposed religious institution (Chinese temple);
- (c) departmental comments – no objection/adverse comment from concerned Government departments was received;
- (d) during the statutory publication period, three public comments were received. The Shek Kip Mei Estate Block 22 Mutual Aid Committee (MAC) suggested replacing the proposed temple by a small-scale park. The Chairperson of the Shek Kip Mei Estate Block 19 MAC queried which organization would manage the proposed temple and stated that the MAC

did not want any political party to be involved in the temple's operation. He would like to know which department should the MAC lodge complaints if they had any comments on the management of the temple; and he also opined that joss paper burners should not be provided for safety concern. The remaining commenter supported the application as it would help maintain the style and heritage of the site.; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed temple was considered not incompatible with the surrounding areas, which comprised mainly residential and Government, Institution or Community developments. The applicant stated that the proposed temple would not provide any commercial activities, columbarium use, storage of urns containing human remains, and tablets for commemorating deceased persons or for religious or worshipping purposes relating to deceased persons. No significant traffic, environmental, visual and landscape impacts on the surrounding areas were expected to be generated from the proposed development. Assistant Commissioner for Transport/Urban, Transport Department, Director of Environmental Protection (DEP) and Chief Town Planner/Urban Design & Landscape, PlanD had no objection to the application. With regard to the public comment to replace the proposed temple by a park, it should be pointed out that the proposed development would include a Buddhist style garden. Besides, Wai Chi Street Playground and Berwick Street Sitting-out Area were located in the vicinity of the Site to serve the locals. Regarding the public comment concerning the future management of the proposed temple and the possible joss paper burner, the applicant would be responsible for the operation of the proposed temple. District Officer (Sham Shui Po) (DO(SSP)) advised that his office would direct public comments received on the future operation of the proposed temple, if any, to concerned departments. DEP also advised that future operation of the proposed religious institution would be controlled by relevant environmental legislation and he had no objection to the application on environmental aspect.

48. In response to a Member's enquiry, Mr. P.C. Mok explained that the northern portion of the application site was Government land occupied by an existing temple for many years. It was part of Shek Kip Mei Estate. The remaining portion of the site was under the control and management of Director of Housing. Slope stabilization works at the site had already been carried out by Civil Engineering and Development Department (CEDD). Should the application be approved, the whole site might be granted to the applicant who would be responsible for the subsequent slope maintenance works.

49. Another Member asked if the site would be opened to the public and if there would be any control on the burning of joss papers. Mr. P.C. Mok replied that normally Chinese temple would allow people to visit. On the burning of joss papers, Mr. P.C. Mok replied that DEP had no objection to the application and any environmental impacts would be controlled under the relevant environmental legislation. DO(SSP) also advised that he could assist to forward any public comments received to relevant Government departments for follow-up actions. Mr. C.W. Tse supplemented that the existing Air Pollution Control Ordinance would help monitor the air pollution problem that might come up.

50. Given that the subject Chinese temple was first approved in 2001, a Member asked why it was not implemented. Mr. P.C. Mok replied that the delay in implementation was due to the need to sort out the land matters with Housing Department and Lands Department and the subsequent slope stabilisation works undertaken by CEDD. He believed that the applicant had the intention to redevelop the temple.

Deliberation Session

51. The Chairperson opined that it might not be appropriate for the Committee to monitor the air pollution problem arising from burning joss papers as DEP should be responsible for the monitoring of air quality under the relevant Ordinance. Members agreed that an approval condition was not necessary.

52. Regarding a Member's suggestion requiring the temple be opened to the public, the Chairperson said that there was no such requirement in other similar applications. A few Members shared the Chairperson's views that it was not necessary to include such

requirement noting that most temples were opened to public by their nature. Ms. Olga Lam supplemented that no special condition to that effect would be included under the agreement for temple use. The Chairperson suggested adding an advisory clause asking the temple to open its facilities, especially the garden, for public use.

53. A Member asked if an approval condition should be included to forbid columbarium use at the application site. In response to the Chairperson's enquiry, Ms. Olga Lam replied that such a condition could be added into the tenancy agreement for the temple. Noting that columbarium was not a use under the application, Members considered that there was no need for such an approval condition .

54. Another Member commented that the Committee should not impose too much restrictions on the temple use which might deter the applicant's incentive to redevelop the temple. The Committee should trust concerned Government departments in monitoring the activities involved.

55. A Member asked if the approval condition on landscaping could focus more on the landscaping and greening of the site than just tree preservation. The Secretary clarified that the landscape condition suggested in the Paper did not ask for just a tree preservation scheme but a comprehensive landscaping proposal including tree preservation.

56. 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 6.11.2013, 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 landscape proposal including a tree preservation and compensatory planting scheme to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

Presentation and Question Sessions

58. Mr. K.T. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the Notes of the “R(C)” zone stipulated that the maximum plot ratio might be increased from 0.4 to 0.75, provided that the noise impact from Castle Peak Road on the proposed development would be mitigated to the satisfaction of the Board;
- (b) redevelopment of an existing low-rise and low-density 2-storey residential house at the application site with a plot ratio (PR) 0.4 into a new 2-storey house with proposed PR 0.73 (an increase of PR 0.33) and maximum GFA of about 677.4m²;
- (c) departmental comments – no objection/no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Tsuen Wan); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. To support the application, the applicant had conducted a Traffic Noise Impact Assessment with the proposal of noise barriers and Director of Environmental Protection had no objection from the environmental perspective. The development potential of the Site was subject to Building Committee’s consideration under the Buildings Ordinance since the street abutting the Site was less than 4.5m width. This matter would be resolved at the building plan submission stage. The technical issues raised by Fire Services Department, Civil Engineering and Development Department, and Water Supplies Department regarding the requirements for EVA, investigation on slope stability of all geotechnical features and natural

hillside within or near the development, and fire services installation enhancement and water supply could be addressed through either the building plan submission stage or the imposition of appropriate approval conditions . No public comment was received.

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 (TPB). The permission should be valid until 6.11.2013, 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 noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (b) 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 TPB.

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

- (a) to note the comments of the Director of Water Supplies regarding land matter associated with the provision of water supply; and
- (b) to submit building plans to the Building Authority to demonstrate compliance with the Buildings Ordinance and its regulations.

[The Chairperson thanked Mr. K.T. Ng, STP/TWK, for his attendance to answer Members' enquiries. Mr. Ng left the meeting at this point.]

Kowloon District

[Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K) and Miss Helen L.M. So, Senior Town Planner/Kowloon (STP/K) were invited to the meeting at this point.]

Agenda Item 9

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the
Approved Kwun Tong (North) Outline Zoning Plan No. S/K14N/11
(MPC Paper No. 30/09)

Presentation and Question Sessions

62. Miss Helen L.M. So, STP/K, presented the proposed amendments to the approved Kwun Tong (North) Outline Zoning Plan (OZP) as detailed in the Paper.

Background

- (a) the Chief Executive in Council (CE in C) authorized a road scheme related to the Development of Anderson Road (DAR) on 19.3.2002. In 2002, the DAR was put on hold and, based on the advice of Civil Engineering and Development Department (CEDD) and Housing Department (HD) that the road alignment was subject to changes, the authorized road alignment was not incorporated into the OZP at that time. The DAR project was reactivated in 2005 and CEDD conducted a review on the findings of the Planning and Engineering Feasibility Study for DAR. The feasibility of the proposed public housing development at Anderson Road was confirmed in January 2007;
- (b) to tally with HD's latest road alignment, revision to the 2002 authorized road scheme was required. CEDD would gazette the revision to the 2002 authorized road scheme under the Roads (Works, Use and Compensation) Ordinance in late November 2009. To facilitate the implementation of

DAR public housing development, amendments to the OZP were necessary to incorporate the latest road alignment;

Proposed amendments to the OZP

Amendment Items A to F

- (c) amendments to various zoning boundaries arising from the incorporation of the latest road alignment and the associated changes to the adjoining land uses were proposed. Details of Amendment Items A to F were at Annex F of the MPC Paper. The proposed zoning amendments would result in a net reduction of areas in the “Residential (Group A)” (“R(A)”) zones by 0.25ha, “Other Specified Uses” annotated “Amenity Area” (“OU(Amenity Area)”) by 0.89 ha, “Open Space” (“O”) by 0.08ha and “Green Belt” (“GB”) by 1.09ha. The area shown as ‘Road’ and “Government, Institution or Community” (“G/IC”) zone had increased by 2.19ha and 0.19ha respectively;

Amendment Item G

- (d) the rezoning of 2 areas from “GB” and “OU(Amenity Area)” to “O” were proposed to meet the latest design population of DAR. CEDD and HD proposed to include 2 additional open space in the DAR, one district open space with a site area of about 1.77 ha to be provided along Po Lam Road and a local open space with an area of about 0.47ha to be provided off Anderson Road near Road A and D;

Proposed amendments to the Notes and Explanatory Statement (ES) of the OZP

- (e) no amendment was proposed to the Notes of the OZP while the ES of the OZP had been revised to take into account the proposed amendments and to reflect the latest planning circumstances including the release of one of the planned secondary school sites in the DAR for G/IC uses;

Consultation

- (f) the proposed amendments had been circulated to relevant Government departments for comments. They had either no objection to or no adverse

comments on the proposed amendments; and

- (g) the Kwun Tong District Council would be consulted on the proposed amendments during the statutory exhibition period of the draft Kwun Tong (North) OZP No. S/K14N/11A (to be renumbered to S/K14N/12 upon exhibition) under section 5 of the Ordinance.

63. In response to the Chairperson's enquiry, Ms. Helen L.M. So confirmed that the land involved in the proposed amendments was Government land.

Deliberation Session

64. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Kwun Tong (North) OZP No. S/K14N/11 and its Notes at Annexes C and D of the Paper respectively;
- (b) agree that the draft Kwun Tong (North) OZP No. S/K14N/11A (to be renumbered as No. S/K14N/12 upon exhibition) and its Notes at Annexes C and D of the Paper respectively were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (c) agree that the updated Explanatory Statement (ES) at Annex E of the Paper be adopted as an expression of planning intentions and objectives of the Town Planning Board for various land use zonings on the Kwun Tong (North) OZP No. S/K14N/11A and be issued under the name of the Board; and
- (d) agree that the updated ES at Annex E of the Paper was suitable for exhibition together with the draft Kwun Tong (North) OZP No. S/K14N/11A (to be renumbered as No. S/K14N/12 upon exhibition).

Agenda Item 10

[Open Meeting (Presentation and Question Sessions Only)]

Draft Planning Brief for Yau Tong Bay “Comprehensive Development Area” Zone on the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/18 (MPC Paper No. 31/09)

65. The Secretary reported that several developers including Henderson Land Development Company limited (Henderson), New World Development Company Limited and Sun Hung Kai Properties Limited (SHK) had land holdings in the subject “Comprehensive Development Area” (“CDA”) zone. The Committee agreed that Mr. Raymond Chan who had current business dealings with Henderson and SHK should leave the meeting.

[Mr. Raymond Y.M. Chan left the meeting at this point.]

Presentation and Question Sessions

66. Miss Helen L.M. So, STP/K, presented the draft planning brief (PB) for Yau Tong Bay “Comprehensive Development Area” (“CDA”) zone on the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) as detailed in the Paper.

Background

- (a) the revised zoning boundary and development parameters of Yau Tong “CDA” zone to excise the water area had been incorporated into the draft OZP No. S/K15/16 and exhibited for public inspection on 23.5.2008. During the OZP exhibition period, 5 objections received related to Yau Tong Bay “CDA” zone of which 2 were withdrawn. Town Planning Board (TPB) decided not to propose any amendment to the OZP to meet the objections. Chief Executive in Council approved the OZP on 31.3.2009 and the approved OZP No. S/K15/17 was exhibited for public inspection on 24.4.2009;

Planning intention and development restrictions

- (b) the long-term planning objectives for the Yau Tong Bay “CDA” zone were

to phase out the existing industrial operations, resolve the environmental problems, and enhance its waterfront for public enjoyment. These objectives were planned to be achieved by comprehensive redevelopment of the Yau Tong Bay for residential and commercial uses together with some open space and Government, Institution or Community (GIC) facilities;

- (c) the site was restricted to a maximum plot ratio (PR) of 4.5 based on the gross site area and a maximum building height of 120mPD. A public waterfront promenade not less than 15m wide and with a site area not less than 24,700m² should be provided. The Planning Brief (PB) for the Yau Tong Bay “CDA” zone would set out the planning objectives, development parameters, planning requirements and design guidelines to facilitate the preparation of the Master Layout Plan (MLP) for submission to the TPB;

Planning Brief for the “CDA” zone

Building height restrictions

- (d) a distinct stepped building height profile with descending building height towards the harbourfront should be adopted. A maximum building height of 60mPD at the two western ends to maintain a more intertwined relationship with the harbour edge had been incorporated into the Explanatory Statement (ES) of the OZP for reference;

Open space requirements

- (e) the width of the at-grade public waterfront promenade was planned for 20m. In view of the site constraints and to allow design flexibility, a minimum width of 15m was considered acceptable for part of the promenade. However, total open space provision should not be less than 24,700m². Local open space to serve the design population should be provided in accordance with the Hong Kong Planning Standards and Guidelines. The design of the waterfront promenade should include public recreational facilities e.g. jogging trail, children play area and lawn etc.;

Existing government, institution or community (GIC) facilities

- (f) the reprovisioning/relocation of the existing GIC facilities including the Civil Engineering Development Department (CEDD) depot, Cha Kwo Ling Salt Water Pumping Station and Gas Pigging Station should be to the satisfaction of relevant Government departments. If the existing GIC facilities remained in-situ, they should be gross floor area(GFA)/PR accountable;

New GIC facilities

- (g) one Integrated Children and Youth Services Centre, one 160-place Integrated Vocational Rehabilitation Services Centre and one 50-place Hostel for Moderately Mentally Handicapped Persons were required in the CDA zone. Provision of kindergarten facilities should be to the satisfaction of Secretary of Education. No free-standing building was required to accommodate the GIC facilities. GFA of the GIC facilities should be PR/GFA accountable;

Urban design requirements

- (h) there should be more innovative design and appropriate disposition of the building blocks to integrate the “CDA” development with tourism development of the nearby Lei Yue Mun Village, to form part of a visually interesting water edge that could help enhance the city’s “Front Elevation” and to enhance visual permeability to the waterfront;
- (i) monotonous match-box building, podium structure and slab building block design would not be allowed. A minimum of 25m wide separation between each residential block should be provided. Vertical and roof-top greening to maximize the greening opportunity for the site should be provided;
- (j) car parking spaces should be provided at the basement level. The commercial/retail floor space should mainly be distributed in close proximity to the existing MTR Yau Tong Station forming a commercial node at a convenient location;

Landscape requirements

- (k) a greening ratio of at least 30% of the development site area (excluding the public waterfront promenade) was also proposed, of which a minimum of 20% greening shall be at ground level. 85% of the public open space would be used for soft landscaping, out of which 60% would be used for planting large trees. A Landscape Master Plan with landscape proposal should be included in the MLP submission;

Air ventilation requirements

- (l) an air ventilation assessment should be included in the MLP submission. A minimum of 25m wide separation between each residential block should be provided to enhance air ventilation to the inner area of Yau Tong. Slab block design should be avoided along the long waterfront of the CDA site;

Minor relaxation of PR and building height restrictions

- (m) in order to give incentive for a comprehensive and integrated redevelopment, minor relaxation of the maximum PR and building height restriction could be considered by the Board. In seeking the minor relaxation of the maximum PR, the applicant should demonstrate that at least 80% of private land within the “CDA” zone had been assembled or consent from 80% of the private land owners (calculation in terms of land area) had been obtained in support the application for minor relaxation of the maximum PR under the MLP submission. The total PR including relaxation should not exceed 5.0;

Other technical assessment requirements

- (n) technical assessments including the environmental assessment, drainage and sewerage impact assessment, traffic impact assessment, water supply impact assessment and visual impact assessment were required to form part of the MLP submission. If there were any marine construction works that would affect the coastal habitat or seabed ecology, a detailed assessment was required to the satisfaction of Director of Agriculture, Fisheries and Conservation;

Development programme

- (o) detailed implementation programme to indicate the construction programmes of phased development and the associated open space (including public waterfront promenade), landscaping, transport, pedestrian and utility facilities to tie in with the phased development in the MLP submission was required; and

Consultation

- (p) Government departments had been consulted and had no adverse comments on the draft PB. The Committee was invited to consider and endorse the PB and agree that the PB was suitable for consultation with Kwun Tong District Council and Harbour-front Enhancement Committee; and
- (q) a letter to the TPB from the owners of Wing Shan Industrial Building (WSIB) was received recently. The owners of WSIB requested TPB to consider changing the use of their building from industrial to commercial or hotel use. Planning Department (PlanD) considered that such a request could be considered by TPB at the MLP submission stage. The owners of WSIB also requested TPB to consult them when drafting the PB. PlanD considered that individual lot owners could forward their views to relevant District Council which would be consulted on the PB according to current practice.

67. A Member asked why ‘recyclable collection centre’ and ‘petrol filling station’ were included as column 2 uses of the Notes for the “CDA” zone. Mr. Eric C.K. Yue replied that the planning intention of the subject “CDA” zone was intended for residential and commercial uses and ‘recyclable collection centre’ and ‘petrol filling station’ were not suitable use in the “CDA” zone. Planning permission would be required for the two uses within the “CDA” zone. The Secretary clarified that ‘recyclable collection centre’ referred to community-based collection centre for the collection of recyclable materials from the local residents.

68. A Member supported the proposed greening ratio of 30%. He asked if greening on the roof and walls of buildings would all be counted into the 30% greening ratio. Mr. Eric

C.K. Yue responded that the overall greening ratio was 30% which included 20% of greening at ground level and 10% greening at different levels including ground, podium or roof level and vertical greening.

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

69. Another Member asked if the draft PB had addressed the difficulty in implementation of the subject “CDA” zone as expressed by some of the land owners in the hearing of the objections. Mr. Eric C.K. Yue explained that PlanD had all along maintained close contact with the land owners in the “CDA” zone. The draft PB was intended to provide guidance for the future MLP submission of the “CDA” site.

Deliberation Session

70. After further deliberation, the Committee decided to :

- (a) endorse the draft Planning Brief (PB) to serve as a guide to facilitate the preparation of Master Layout Plan for Yau Tong Bay “CDA” zone for submission to the Board in the manner as required under the Notes of the OZP for the “CDA” zone; and
- (b) agree that the draft PB was suitable for consultation with the Kwun Tong District Council and Harbour-front Enhancement Committee. Views collected should be reported to the Committee for consideration prior to promulgation of the PB.

[The Chairperson thanked Mr. Eric C.K. Yue, DPO/K and Miss Helen L.M. So, STP/K, for their attendance to answer Members’ enquiries. Mr. Yue and Miss So left the meeting at this point.]

Agenda Item 11

Any Other Business

71. There being no other business, the meeting was closed at 12:40 p.m..