

## **TOWN PLANNING BOARD**

### **Minutes of 417th Meeting of the Metro Planning Committee held at 9:00 a.m. on 23.4.2010**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. K.Y. Leung

Vice-chairman

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Ms. L.P. Yau

Assistant Commissioner for Transport (Urban),  
Transport Department  
Mr. H.L. Cheng

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

Assistant Director (Kowloon), Lands Department  
Mr. Gary Cheung

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

Secretary

**Absent with Apologies**

Mr. Raymond Y.M. Chan

Professor P.P. Ho

Professor Joseph H.W. Lee

Professor S.C. WONG

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

**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 416th MPC Meeting held on 9.4.2010

[Open Meeting]

1. The draft minutes of the 416th MPC meeting held on 9.4.2010 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Tsuen Wan and West Kowloon District**

[Mr. Wilson W.S. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Mr. C.K. Soh, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), and Mr. C.H. Mak, TP/TWK, were invited to the meeting at this point.]

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K20/4                      Application for Amendment to the Approved South West Kowloon  
Outline Zoning Plan (OZP) No. S/K20/24  
by Amending the Notes of the OZP  
for the “Residential (Group A) 2” zone,  
Site C (to be Known as KIL 11126) and  
Site D (to be Known as KIL 11129),  
Austin Road West, West Kowloon  
(MPC Paper No. Y/K20/4)

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

- Mr. Wilson W.S. Chan - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK)
- Mr. C.K. Soh - Senior Town Planner/ Tsuen Wan and West Kowloon (STP/TWK)
- Mr. C.H. Mak - Town Planner/Tsuen Wan and West Kowloon (TP/TWK)

4. The following applicant's representative was invited to the meeting at this point:

Ms. Ho Ka Po

5. The Chairperson extended a welcome. The Secretary reported that the application sites were located at West Rail Austin Station in West Kowloon, the property development upon which would be allocated to Mass Transit Railway Corporation Limited (MTRCL). Mr. H.L. Cheng, being an assistant to the Commissioner for Transport who was a Non-executive Director of MTRCL, had declared an interest in this item. The Committee agreed that Mr. Cheng should be invited to leave the meeting temporarily during the discussion of and determination on this application.

6. The Secretary also reported that the application sites would be jointly developed by MTRCL, Wheelock Properties Limited (WPL) and New World Development Company Limited (NWDCL). Mr. Roger Luk declared an interest under this item as he was an independent Non-executive Director of WPL. Members agreed that he should leave the meeting temporarily.

7. Mr. Clarence Leung said he was an executive officer of Hong Kong Spirit Ambassadors which was a non-Government organisation (NGO) and NWDCL was one of the donors of the organisation. A Member said that it was prudent for Mr. Leung to leave the meeting in order to avoid any public concern while another Member expressed that a donation to an NGO would not result in a conflict of interest if such donation was not subject to conditions. The Secretary explained that a Member had to declare interest based on the

‘sunshine test’ principle, that was, whether the interest would give rise to a public perception that the advice tendered by that Member to the TPB/Committee might have been biased or influenced by that interest and Members would decide if that Member should stay or withdraw from the meeting. Mr. Leung decided to withdraw from the meeting temporarily.

[Messrs. H.L. Cheng, Roger Luk and Clarence Leung left the meeting temporarily at this point.]

8. As a representative of LandsD, Mr. Gary Cheung asked if he was required to declare an interest in this item. The Secretary responded that as he was discharging his official duty, in accordance with the Board’s established practice, he could stay in the meeting. Members agreed.

9. The Chairperson explained the procedures of the hearing. She then invited Mr. C.K. Soh, STP/TWK to brief Members on the background of the application.

#### Presentation and Question Sessions

10. Mr. C.K. Soh, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

##### Background

- (a) the OZP zonings were based on the findings of the “West Kowloon Reclamation - Planning and Urban Design Report” undertaken by the then Territory Development Department. Site C and a small portion of Site D were previously zoned “Residential (Group A)1” (“R(A)1”) with a permissible domestic plot ratio (PR) of 6.5 and a non-domestic PR of 1.5 while the remaining portion of Site D was zoned “Government, Institution or Community” when the first draft South West Kowloon OZP No. S/K20/1 was gazetted in 1992. Site C and Site D were subsequently rezoned to “R(A)2” with a permissible domestic PR of 5.0 and a non-domestic PR of 1.0 in 1998;

[Ms. Julia Lau arrived to join the meeting at this point.]

- (b) under the merger deal of Kowloon-Canton Railway Corporation and Mass Transit Railway Corporation Limited (MTRCL) in August 2007, the Government had undertaken to grant Sites C and D to the MTRCL. In drafting the Conditions of Grant (C of G), the Planning Department (PlanD) had reviewed with MTRCL and concerned Government departments on the major development parameters of the proposed development. As a result of the review, development parameters including maximum GFA (i.e. equivalent to PR 4.01 at Site C and 4.63 at Site D) and maximum building heights (BH) (i.e. 98mPD at Site C and 116mPD at Site D) as well as the requirements of submission of Master Layout Plan (MLP), Landscape Master Plan (LMP) and Visual Impact Assessment (VIA) were drawn up and incorporated into the C of G;

#### The Proposal

- (c) the applicant proposed to amend the Notes of the OZP for the “R(A)2” zone to reduce the maximum total PR permitted at the Sites from 5.0 for domestic use and 1.0 for non-domestic use to PR 4.0 for domestic purpose only; specify that the calculation of exempted GFA should follow the new guidelines of Development Bureau (DEVB) and the Council for Sustainable Development to be promulgated in 2011 and should the new guidelines be not available by 2011, the maximum GFA to be exempted should not be more than 10% of the total GFA; require the submission of MLP for approval by the Board and the submission should be accompanied with an air ventilation assessment (AVA); impose a requirement for provision of two 20m wide air ventilation corridors subject to a maximum BH restriction of 20mPD at specified locations of the Sites (Drawing Z-1 of the Paper); and provide a minimum of 100 numbers of bicycle parking spaces;

#### Departmental Comments

- (d) Secretary for Financial Services and Treasury (SFST) had raised objection

to the application. The development rights of the Sites were sold to MTRCL as part of the Property Package in the context of the Railway Merger. He had, on behalf of the Government, undertaken to MTRCL that, amongst other things, the Government should not make any adverse changes to the Provisional Development Parameters;

- (e) Chief Estate Surveyor/Railway Development, Lands Department (CES/RD, LandsD) objected to the application. MTRCL had accepted the Binding Basic Terms Offers for the said lots with premium reflecting the development restrictions on 12.3.2010. The Government was bound to execute the C of G of the lots with MTRCL within 3 months from the date of receipt of the Acceptance Letter. The proposed C of G of the lots were processed with reference to the existing OZP and taking into account the comments received from departments. The new restrictions proposed by the applicant were not covered by the said C of G. If accepted, the said restrictions would hinder the Grantee to design and construct the development of the lots under lease;
- (f) Secretary for the Environment (SEN) advised that the Council for Sustainable Development launched its public engagement exercise on “Building Design to Foster a Quality and Sustainable Built Environment” (the Study) on 20.6.2009. The over four-month public engagement ended on 31.10.2009. The Council was now considering the public views collected and aimed to submit its report and recommendations to the Government by mid 2010;
- (g) the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) commented that the proposed provision of 100 bicycle parking spaces within the Sites was not supported as the Sites and the area would not be served by cycle track networks;
- (h) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that the applicant had not provided sufficient information to demonstrate how the proposed domestic PR of 4.0

would be the optimal development intensity for this prominent site. There was insufficient information to demonstrate that the introduction of the two 20m wide air ventilation corridors at the specified locations would improve air ventilation in the area. Regarding the Urban Climatic Map raised by the applicant, the concerned Urban Climatic Map and Standards for Wind Environment Feasibility Study commissioned by the PlanD was under way. The Working Paper 1A on the draft Urban Climatic Analysis Map had been uploaded to the PlanD website, whilst other deliverables, including the draft Urban Climatic Planning Recommendation Plan, the wind standards and refinement of the air ventilation assessment system, were under preparation. Public engagement would be conducted before finalizing the study recommendations;

#### Public Comments

- (i) during the first three weeks of the statutory public inspection period, 22 public comments were received. 21 comments were mainly submitted by the general public or individual Yau Tsing Mong residents. They either supported the application, objected to “screen like” buildings at the Sites or expressed concern on air ventilation/development intensity. The major grounds of support or areas of concern included there was a need for sustainable development in Hong Kong; any additional “screen-like” buildings in Hong Kong would aggravate the problem of poor air ventilation and adversely affect the dispersion of air pollutants; to avoid “wall effect”, buildings near the waterfront area should be lower than those in inland area; the development intensity of the Sites should be reduced or else the living quality of the residents in the area would be adversely affected; introduction of breezeways and air paths could help improve air ventilation in the area; and to strive for better ventilation in Hong Kong was the responsibility of the Board;
- (j) the remaining comment was submitted by MTRCL which objected to the introduction of new development parameters/restrictions for the Sites as proposed in the application. The reasons included the development

parameters in the current OZP were supportive of strategic planning intentions towards sustainable development; there was a need to optimise use of scarce land resource along the railway to meet housing demand; and it was unreasonable to change GFA concessions before any new policy was adopted by Government. No local objection was received by the District Officer (Yau Tsim Mong);

Planning Department (PlanD)'s views

- (k) PlanD did not support the application based on the assessment made in paragraph 11 of the Paper;
- (l) the layout of the OZP was established after the completion of various technical studies undertaken by the Government and the OZP had also gone through the statutory plan making procedures. The residential use and maximum development intensity of the Sites were confirmed by technical assessments and acceptable in environmental and traffic terms;
- (m) in determining the optimal development intensity of the Sites, the site context should be viewed as a whole. The Sites were located to the east of the West Kowloon Terminus (WKT) of Express Rail Link (XRL) and to the north of the West Kowloon Cultural District (WKCD). The WKT had been restricted to maximum BH of 90, 100 and 115mPD while the part of WKCD facing WKT and the Sites was restricted to 70mPD. To respect public views to the ridgelines and waterfront location of the Sites, and to maintain a stepped BH profile in the vicinity, the maximum BH at the Sites had been capped at 98mPD (Site C) and 116mPD (Site D) respectively in the C of G. To avoid excessive building mass with the BH limit, the maximum domestic GFA of Site C (50,476m<sup>2</sup>) and Site D (68,640m<sup>2</sup>) had also been lowered to levels equivalent to PR 4.01 and 4.63 respectively in the C of G which were below the maximum domestic PR of 5.0 as stipulated in the OZP. It was considered inappropriate to adopt the proposed PR 4 by the applicant which had been put forward without any basis or assessment;

- (n) the proposed 20m wide air ventilation corridors at the Sites were considered arbitrary and without any technical support. The existing roads running east-west and north-south had already served the function of view/breeze corridors for the vicinity. The proposed air ventilation corridors bisecting the Sites would seriously fragment the sites and undermine design flexibility, resulting in sub-optimal layout. In the submission of MLP, LMP and VIA as required in the C of G, air ventilation and other site planning and urban design considerations would be assessed in details by PlanD and concerned departments;
- (o) the report and recommendations of the Study covering GFA concession issue were expected to be submitted by the Council of Sustainable Development to the Government by mid-2010. It would be premature to single out the Sites to introduce a cap prior to the adoption of any new policy to change the current practice of granting GFA concessions; and
- (p) the Sites and the vicinity area were not planned to be served by cycle track networks. The proposal to provide 100 bicycle parking spaces within the Sites was not supported by Transport Department.

11. The Chairperson then invited the applicant's representative to give a presentation of the proposed amendments. Ms. Ho Ka Po then presented the following main points of the application with the aid of a powerpoint and a video:

- (a) to the immediate west of the application Sites were the future station of Express Rail link and further west was the Kowloon Station where many high-rise buildings were located. To the east of the Sites were areas around Jordan Road where low-rise tenement buildings were found. The prevailing sea breeze to the inland area mainly blew through the site of XRL and Austin Station towards Ferry Street and Hoi Wang Road and then the West Kowloon area. Although there were wider roads in the newly reclaimed area in West Kowloon, the narrow internal streets also played important roles in air ventilation. Therefore, amendments to the Notes of the "R(A)"

zone to incorporate air ventilation corridors within the application sites to improve air ventilation and visual permeability were suggested;

- (b) based on the MTRCL's layout for the Sites, the future developments would be in the form of "screen-like" building with only some minor gaps. The buildings lying obliquely at the site would be in two groups of three-block buildings. It would be desirable if the building blocks could be slimmer allowing better air ventilation design. The reduction of PR would help achieve a better layout of the Sites;
- (c) the proposed PR of 4.01 for Site C and PR of 4.63 for Site D had not included the "inflated" GFA which might increase the PR of the Sites. The exempted GFA should follow the new guidelines of the Council for Sustainable Development and the Development Bureau. Moreover, there should be a 15m separation between building blocks;
- (d) there were concerns on whether residents in Jordan area and concerned District Council's members had been consulted. MTRCL had invited expression of interest hastily with only limited information regarding the development parameters of the site disclosed. No public consultation had been conducted, thus causing suspicion of transfer of advantage between the Government and MTRCL. The current planning system only required the submission of MLP to the TPB for sites zoned "Comprehensive Development Area", but not for sites zoned "Residential". Therefore, the public would not be consulted on the layout of the future development on the site. The proposed amendments to the Notes were made so that public consultation would be conducted on the proposed development schemes for the Sites under statutory planning system;
- (e) the existing traffic condition of Jordan area was very congested. With the proposed developments at the Sites completed, the traffic condition would be worsened. The "wall-like" development blocks at the Sites would block the air ventilation corridor and affect the whole Jordan area;

- (f) consideration should be made to retain the Government Offices block in Canton Road at Site D as its demolition would result in a large amount of construction waste affecting the environment;
- (g) it would be desirable to incorporate bicycle parking spaces at the Sites so as to promote cycling as recreation or a means of short-haul transport; and
- (h) land resources in Hong Kong should not only be used for the construction of residential development. The city needed space and air ventilation. The high property price of the future residential development at the Sites would not benefit the general public. It would be undesirable to meet the shortage of flat supply in a hasty way. Detailed planning to avoid “wall-like” building and adverse air ventilation impact was more important. It was proposed that 2 building blocks should be erected on Site C and 1 block on Site D so as to allow more space between blocks and ensure better air ventilation.

12. A Member considered that it was a good intention to improve air ventilation in the dense built-up area asked whether the building gaps proposed in the subject application were necessary. Mr. C.K. Soh, STP/TWK replied that according to MTRCL’s indicative layout and conceptual design for the Sites, the openings between buildings and the space between the podium and the building blocks above would help enhance air ventilation and pedestrian level wind environment, though the final design was yet to be determined. Mr. Soh said that there should be scope for MTRCL to further improve the design of the development to be erected at the Sites. The proposed scheme would be subject to a stepped BH restriction with the maximum BH at 116mPD which was much lower than the adjacent residential development at Kowloon Station with a maximum BH of about 250mPD although not a statutory planning requirement. The requirements under the lease for submission of MLP, LMP and VIA under the C of G would allow PlanD and other relevant Government departments to assess the future development scheme in detail. The Chairperson supplemented that there was control on gaps between buildings under the Buildings Ordinance but such control was not for the purpose of air ventilation. The issue on building gaps was also covered in the public engagement exercise of the Study conducted by the Council of Sustainable Development but no recommendation was available at this stage.

13. Regarding a similar application (No. Y/K20/1) mentioned in paragraph 6 of the Paper, Ms. Ho Ka Po said that Green Sense had once been criticized for being late in submitting an application for a site to the south of The Long Beach which was already under construction, resulting in blockage of the only air ventilation corridor for the area. This application was thus submitted at an earlier stage. The Chairperson explained that the site under application No. Y/K20/1 was not the only space left for air ventilation in South West Kowloon as there were two open space sites located to the north and further south of The Long Beach which could allow air ventilation. The Secretary supplemented that a 10m wide non-building area had also been provided between The Long Beach and the site to its south.

14. In view of the growing popularity of cycling activity in many other cities, a Member asked if the proposed 100 bicycle parking spaces were required at the application sites which were located adjacent to the West Kowloon Cultural District. Consideration could be given to encourage cycling as a kind of recreational activity in the WKCD. Mr. Soh responded that there was no cycle track network connecting the Sites with the adjacent land uses and the surrounding road network was not suitable for cycling. Transport Department did not support the bicycle parking proposal. Mr. Soh considered that it might be more appropriate to consider the provision of cycling facilities in the overall planning of the WKCD.

15. As the applicant's representative had no further points to raise and there were no further questions from Members, the Chairperson informed her that the hearing procedures for the application had been completed and the Committee would 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 and PlanD's representatives for attending the hearing. They all left the meeting at this point.

#### Deliberation Session

16. A Member considered that there were insufficient justifications to the proposed amendments of the Notes of the OZP and this Member was confident that the future development at the application sites could achieve the air ventilation effect. In response to the enquiry from the same Member on reason (c) in paragraph 12.1 of the Paper, the Chairperson

explained that the public engagement exercise of the Study had been ongoing for two years, with substantial analysis on the issue of exempted GFA. Thorough public consultation had been conducted to collect public views which would be submitted to the Government for consideration later this year. As no recommendations had been made on the desirable cap for exempted GFA for buildings for ventilation purpose, the stipulation of a 10% cap of exempted GFA had no basis.

17. In response to another Member's enquiry, the Chairperson explained that the Sites was zoned "R(A)" and there was no provision under this zoning to require MTRCL to submit the development scheme to the Board for consideration. The Secretary supplemented that the zoning of the two Sites had gone through the statutory plan-making process where public consultation had been conducted under the Town Planning Ordinance. The relevant OZP had finally been approved by the Chief Executive in Council. Against this background, the Sites were proposed to be granted to MTRCL based on certain development parameters in accordance with the provisions under the OZP. There would be significant implications if the development parameters of the Sites were amended at this late stage.

18. A Member asked how the developer would be affected by the incorporation of new requirements on the exempted GFA under the Buildings Ordinance. The Chairperson explained that if the recommendations on the total exempted GFA were incorporated in the Buildings Ordinance or effected through building plans approval mechanism, the developer would have to follow in his submission of building plans unless the building plans were approved before the amendments to Buildings Ordinance took effect.

19. A Member considered that though cycling activity should be encouraged, it might only be a useful transport means in areas like Tseung Kwan O where residents would park their bicycles at the MTR Station. However, as there was no cycle track network at Austin Station, it would not be appropriate to provide bicycle parking facilities.

20. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided not to agree to the application for the proposed amendments to the Notes of the OZP and the reasons were :

- (a) the layout of the Outline Zoning Plan (OZP) was established after the completion of various technical studies undertaken by the Government and the OZP had gone through all the necessary statutory plan-making procedures with no objection received at that time. The use and maximum development intensity control of the Sites under the OZP were considered appropriate and acceptable in environmental, infrastructure and traffic terms;
- (b) view/breeze corridors had been designated at appropriate locations on the OZP for South West Kowloon. The proposed non-building areas were not justified and would exert undue constraint to the development on the application sites, resulting in sub-optimal layout;
- (c) it was premature to impose a 10% cap on the total exempted gross floor area (GFA) for the application sites before the completion of the ongoing review on the matter by the Council on Sustainable Development and the adoption of any new policy on GFA concessions. Moreover, there was no substantiation on how the proposed 10% cap was derived; and
- (d) the Sites and its vicinity areas would not be served by cycle track network and hence the proposed provision of 100 bicycle parking spaces within the Sites was not justified.

[Messrs. H.L. Cheng and Roger Luk returned to join the meeting at this point.]

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

**Agenda Item 4**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/691            Proposed Shop and Services (Fast Food Shop)  
                         in “Other Specified Uses” annotated “Business” zone,  
                         Unit 3A1, G/F, Cheung Lung Industrial Building,  
                         10 Cheung Yee Street, Cheung Sha Wan  
                         (MPC Paper No. A/K5/691)

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**Presentation and Question Sessions**

21.            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 Premises formed part of a previous planning application No. A/K5/624 for shop and services submitted by a different applicant approved with conditions by the Committee on 15.12.2006. The previous applicant had fulfilled the approval conditions of Application No. A/K5/624 regarding the provision of fire service installations. According to the previously approved scheme, Unit 3A (formerly including Unit 3A1) was for electrical-cum-repairing shop only. As the current premises i.e. Unit 3A1 was occupied by a fast food shop, the applicant therefore submitted the current application;
- (b) the shop and services (fast food shop);
- (c) departmental comments – District Lands Officer/Kowloon West, Lands Department advised that the current application did not comply with the Conditions of Sale nor the current waiver covering the premises, a fresh waiver application was required. Director of Fire Services (D of FS) advised that Cheung Lung Industrial Building was subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on ground level. The applied use i.e. fast food shop was not considered as

commercial use and should not be counted under the aggregate commercial floor area. He had no in-principle objection to the application provided that the fast food shop under application should only be licensed and operated as ‘food factory’. Operation or licence given to a ‘general restaurant’ or ‘light refreshment restaurant’ at the premises would not be accepted. No objection or adverse comment had been received from concerned Government departments;

- (d) during the statutory publication period, seven public comments were received from the management company, Incorporated Owners, four owners and one tenant of the subject industrial building objecting to the application. The grounds of objection were that the sewage released by the fast food shop use under application would overload the sewerage capacity of the building; there was no refuse collection facilities in the building and the waste and refuse of the fast food shop use under application would adversely affect the environmental hygiene of the building and the area; the fast food shop use under application would increase traffic and pedestrian flows and aggravate the already congested traffic and pedestrian circulation in the area; and the smell of the food and spice from the fast food shop use under application would cause inconvenience to the owners of the building, and the oily fume would pollute the air. No local objection was received by District Office (Sham Shui Po); 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 shop and services (fast food shop) use under application was considered generally in line with the planning intention of the “Other Specified Uses (Business)” (“OU(B)”) zone. It complied with the Town Planning Board Guidelines for Development within “OU(B)” Zone (TPB PG-No. 22D) in that it would not generate significant adverse impacts on the developments within the subject building and the adjacent areas. According to D of FS, Cheung Lung Industrial Building was subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on ground floor but the limit did not apply to fast food shop under the

current application. In this connection, D of FS had no objection to the application. The fast food shop use was not incompatible with the uses of the subject industrial building which mainly comprised offices ancillary to industrial and trading firms on the upper floors. There had been no material change in planning circumstances since approval of the previous application (Applications No. A/K5/624) on 15.12.2006. The applicant had fulfilled the approval conditions of the previous application and the provision of fire service installations was considered acceptable by the D of FS. Regarding the public comments objecting to the application on traffic/pedestrian circulation, environmental hygiene and sewerage/waste management grounds, the existing fast food shop was relatively small in size. Government departments consulted had not indicated any record of public complaint and had no in-principle objection to/no comment on the application from traffic, environment, drainage, building safety, environmental hygiene and fire safety aspects.

22. In response to a Member's enquiry, Mr. P.C. Mok replied that the small scale fast food shop with an area of about 40m<sup>2</sup> would not cause any sewerage and waste problems. Concerned Government departments had not raised any adverse comments on those aspects.

[Mr. Clarence Leung returned to join the meeting at this point.]

### Deliberation Session

23. 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 in the subject premises within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.10.2010; 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.

24. The Committee also agreed to advise the applicant :

- (a) to note that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD)'s comments that to apply for the temporary waiver to permit the applied use;
- (c) to note the Chief Building Surveyor/Kowloon, Buildings Department's comments that to ensure the change in use of the application premises would comply with the Buildings Ordinance, in particular, the provision of means of escape, fire resisting construction, access and facilities for persons with a disability and the staircase leading to Cheung Lai Street;
- (d) to note the Director of Food and Environmental Hygiene's comments that to apply for a food licence for the fast food shop under application; and
- (e) to note the DLO/KW, LandsD's and Director of Fire Services's comments that there should be no seating accommodation and no food consumption within the application premises; the fast food shop under application should only be licensed and operated as 'food factory'; a fast food shop licensed and operated as a 'general restaurant' or 'light refreshment restaurant' would not be accepted.

**Agenda Item 5**

**Section 16 Application**

[Open Meeting]

A/TW/410                      Proposed Shop and Services in “Industrial” zone,  
Hale Weal Industrial Building,  
22-28 Tai Chung Road, Tsuen Wan  
(TWTL 332)  
(MPC Paper No. A/TW/410)

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25.            The Committee noted that the applicant’s representative requested on 15.4.2010 for deferment of the consideration of the application for two months in order to allow time to address the comments of Transport Department.

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

[The Chairperson thanked Mr. P.C. Mok, STP/TWK, for his attendance to answer Members’ enquiries. Mr. Mok left the meeting at this point.]

[Mr. David C.M. Lam, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

**Hong Kong District**

**Agenda Item 6**

**Section 16 Application**

[Open Meeting]

A/H11/95                      Proposed Minor Relaxation of Building Height Restriction  
from 160mPD to 176.975mPD in “Residential (Group A)” zone,  
16-18 Bonham Road, Hong Kong  
(MPC Paper No. A/H11/95)

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27.                      The Committee noted that the applicant’s representative requested on 9.4.2010 for deferment of the consideration of the application to 28.5.2010 in order to allow time for the applicant to make further improvements to the scheme.

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

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H17/122                      Proposed School (Tutorial School)  
in “Residential (Group B)” zone,  
Shop G209, The Repulse Bay,  
109 Repulse Bay Road, Hong Kong  
(MPC Paper No. A/H17/122)

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**Presentation and Question Sessions**

29. 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 school (tutorial school) highlighting that the application premises with a gross floor area of 90m<sup>2</sup> was on the 1/F of an existing shopping arcade which was the commercial portion of a residential/commercial development;
- (c) departmental comments – concerned Government departments had no objection/adverse comments;
- (d) during the first three weeks of the statutory public inspection period, which ended on 7.4.2010, 3 public comments were received. Two comments were submitted by the Repulse Bay Apartments Management Office and The Repulse Bay Management Office respectively, while a comment was submitted by a member of the Southern District Area Committee. All comments supported the application. No local objection was received by the District Officer (Southern); 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 tutorial school was on the 1/F of the existing shopping arcade and was not incompatible with the other uses within the same development. A similar application for kindergarten use in another unit on the same floor was approved by the Committee on 28.1.2000 and the kindergarten was still in operation. The proposed tutorial school was segregated from the residential portion of the residential/commercial development and with access through the shopping arcade. It was not expected that the proposed school would cause any significant disturbance to the residents. The proposed school was small in scale with a maximum capacity of 20 students and 6 teachers. It would unlikely cause any significant adverse impacts on the area. Concerned Government departments had no

objection to the application. Therefore, the application was considered generally in line with the criteria laid down in the TPB Guidelines No. 40 on Application for Tutorial School.

30. Members had no question on the application.

### Deliberation Session

31. 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 23.4.2014, 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 before operation of the use.

32. The Committee also agreed to advise the applicant to note the comment of the Secretary of Education regarding the need for compliance with the Education Ordinance and Education Regulations.

[The Chairperson thanked Mr. David C.M. Lam, STP/HK, for his attendance to answer Members' enquiries. Mr. Lam left the meeting at this point.]

[Mr. Tom C.K Yip, STP/HK, was invited to the meeting at this point.]

### **Agenda Item 8**

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H6/67                      Proposed Church and Office Development  
in "Government, Institution or Community" zone,  
119 Leighton Road, Causeway Bay  
(MPC Paper No. A/H6/67)

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33. The Secretary reported that Dr. Peter K.S. Pun who was the ex-Director of Planning Department (PlanD) was one of the Consultants of the applicant. The Chairperson and the Secretary declared interests in this item as they had both worked with Dr. Pun in PlanD but were not close friends. Dr. Winnie Tang declared an interest in this item as she also knew Dr. Pun. The Committee agreed that the Chairperson, Dr. Tang and the Secretary could stay in the meeting as their interests were indirect in the case.

#### Presentation and Question Sessions

34. 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 highlighting that five sets of building plans for a proposed church redevelopment at the site were approved by the Building Authority between February 2009 and February 2010. According to the latest set of building plans approved on 12.2.2010, the proposed church redevelopment had 25 storeys (121.95mPD) and a total GFA of 8,950m<sup>2</sup> similar to the development parameters in the subject application. In processing the building plans, the Authorized Persons (AP) had confirmed that the proposed church development would be entirely for church-related uses, which were always permitted in the “G/IC” zone. As such, no statutory planning objection could be raised by PlanD to the proposed church development in the building plans submission stage;
- (b) the current application involved the proposed church and office development with a total plot ratio of 14.81 and a building height of 121.95mPD. Of the total GFA of 8,950m<sup>2</sup>, 2,994m<sup>2</sup> (33.4%) was for general office use on 15/F to 23/F and the remaining 5,956m<sup>2</sup> (66.6%) was for church-related uses;
- (c) the applicant claimed that upon redevelopment, the church intended to expand its community services and social engagement programmes. The office space would be leased out at reasonable market rent to companies or individuals who shared the same mission as that of the church so as to

provide steady income to support the expansion of community services. The applicant also claimed that the proposed development complied with Town Planning Board (TPB) Guidelines for Application for Development/Redevelopment within “G/IC” zone for Uses other than GIC Uses under s.16 of the Town Planning Ordinance (TPB PG-No. 16) in that the non-GIC use would only take up about one-third of the total GFA of the development and the proposed development would not affect the long-term provision of GIC facilities in the district. Regarding the visual impact, building plans approved had been obtained and the church building was already under construction. The application was only to make use of a number of storeys of the church building for office use and no additional floors would be involved;

- (d) departmental comments – Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support this application as there was insufficient justification for providing a high-density office cum church development at this densely developed location. “G/IC” sites provided breathing space and visual relief in the built-up environment. Proliferation of high-rise/high-density G/IC developments would result in cumulative loss of the much-needed breathing space and visual relief in the densely developed area. No objection/adverse comments from other concerned Government departments were received;
  
- (e) during the first three weeks of the statutory public inspection period, six public comments were received. Two of them supported the application and the remaining four objected to or have reservation on the application. For those supporting the application, they considered that the proposed development would provide more space to serve different groups of the community. The proposed office use would provide a steady rental income to support the church’s community services. Given its good accessibility by public transport, the proposed development would enable a wider catchment of young people to be served. For those objecting to the application, they considered that the subject “G/IC” site should be used for

church-related uses and the proposed development would create wall effect and the building height and office floor space should be reduced. The proposed increase in floor space would significantly increase the traffic and overload the narrow streets in the area, and the design of the drop-off area would affect the traffic flow, thus aggravate the existing traffic congestion situation;

- (f) District Officer (Wan Chai) advised that a resident in the vicinity had lodged complaint against the light pollution caused by the spot lights of the then China Congregational Church at the subject location in May 2008. The proposed building height of the new building (i.e. 121.95m) was much higher than that of the original church. Hence, it was likely that the nearby Owner's Committees/Mutual Aid Committees/Management Companies would have strong views on the redevelopment on various grounds e.g. traffic impact, light/noise pollution and environmental issues; and
- (g) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. Having regard to the planning intention of the “G/IC” zone and its function as breathing space and visual relief in densely built-up area, any floor space for non-GIC use should be fully justified. The proposed office use to generate revenue to support the Church's social services and community engagement programmes was a financial consideration and should not take precedence over the planning intention of the “G/IC” zone. There was no strong planning justification to support the provision of commercial office space at the subject site. The approval of the application would set an undesirable precedent for similar application in respect of other “G/IC” sites in the Causeway Bay OZP.

35. A Member asked whether the applicant had explained why the floor areas originally intended for church use at the building plans submission were changed to office use. Mr. Tom C.K. Yip replied that in the building plans submission stage, the AP had confirmed with PlanD that the proposed church development would be entirely used for church-related purposes. In the current planning application, the applicant claimed that the

proposed office use would be required to provide a steady income to support the provision of community services and social engagement programmes of the church.

36. A Member asked if any similar cases had been approved by the Board. Mr. Yip responded that there was no similar application for office use within the "G/IC" zone in the Causeway Bay area approved by the Board. Regarding the approved similar applications as quoted by the applicant, the four proposed composite developments with GIC and office uses at 36 Hennessy Road, Wan Chai (Application No. A/H5/201), 3 Lockhart Road, Wan Chai (A/H5/168), Pak Fuk Road, Quarry Bay (A/H8/198) and 56 Bute Street, Mongkok (A/H3/256) were all approved between October 1989 and April 1994 before the TPB Guidelines No. 16 regarding application within "G/IC" zone was promulgated by the Board in January 1999. The subject application should not be bound by the previous decisions but should be considered in accordance with the extant TPB Guidelines, in particular the function of the "G/IC" site as breathing space in built-up areas. The remaining three applications in respect of 37 Bute Street, Mongkok (A/K3/363), 330 Cheung Sha Wan Road (A/K5/487) and 63 Tai Yip Street, Kowloon Bay (A/K13/113) were approved between January 1996 and November 2000. They all involved in-situ conversion of certain floor space for office use, without increasing the building height of the existing buildings. As such, these applications were not directly comparable to the subject application. The Chairperson said that the TPB Guidelines No. 16 on application within "G/IC" zone was promulgated by the Board in 1999 in response to the increasing number of application for non-G/IC use in "G/IC" zone in the 1980's and 1990's .

37. Noting that 9 storeys of the church building was originally intended for church-related use in the approved building plans, a Member asked, with the proposed change to office use, where such floor space would be accommodated. Mr. Yip replied that the applicant had not provided information in that aspect. In response to the same Member's enquiry, Mr. Yip said the applicant had claimed that the income generated from renting out the office spaces would be used for the Church's community services and social engagement programmes, without indicating whether such income would be used to subsidize the maintenance cost of the Church.

38. A Member asked if this case would be the first one to be rejected. Mr. Yip replied that he had no information on the number of rejected cases but this case would not be the first

one to be rejected. The Chairperson said that there were a number of applications for non-G/IC use within “G/IC” zone which were rejected by the Board since the promulgation of the TPB Guidelines No. 16.

### Deliberation Session

39. The Chairperson said that the applicant had no strong planning justifications to support the proposed development and the need for financial support to the Church’s community services was not a relevant planning consideration.

40. A Member said that the high density commercial development in the surrounding areas would have generated a demand for G/IC use and the proposal for office use within “G/IC” site should not be supported, in view of the inadequate G/IC space for community and social services. The Chairperson said that in land use planning for an area, “G/IC” sites would be reserved on the OZP and NGO could apply to the Government for the use of these G/IC sites.

41. Another Member opined that G/IC sites were generally allocated to NGO with concessionary land premium. It might not be appropriate for the operator to change the originally intended G/IC use to other commercial use. The Secretary explained that the subject site was not allocated under concessionary premium but was governed by a virtually unrestricted lease.

42. A Member considered that there was insufficient planning justification from the applicant and the precedent cases regarding the similar approved applications quoted by the applicant could not be apply directly to this case as they were approved before the promulgation of the TPB Guidelines No. 16. Other Members agreed.

43. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and agreed to refine the reason to appropriately reflect the Committee’s deliberation. After further deliberation, the Committee decided to reject the application and the reasons were:

- (a) according to the relevant Town Planning Board Guidelines No. 16, the

planning intention of “Government, Institution or Community” sites was for provision of Government, institution or community facilities and to serve as a breathing space and visual relief for the high-density environment. Any floor area for non-Government, institution or community uses had to be fully justified. There was no strong planning justification to support the proposed office use in the subject development; and

- (b) the precedent cases quoted by the applicant were approved before the promulgation of the TPB Guidelines No. 16. The approval of the application would set an undesirable precedent for similar applications, the approval of which would result in cumulative loss of the much needed breathing space and visual relief in the dense built-up areas.

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting]

A/H8/400

Proposed Office Development

with Eating Place, and Shop and Services Uses

in “Comprehensive Development Area (1)” zone,

14-30 King Wah Road, North Point

(Inland Lot 7016 s.B, s.C, RP and Portion of Extension to RP)

(MPC Paper No. A/H8/400)

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44. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Mr. Raymond Chan, having current business dealings with Henderson, had declared an interest in this item. The Committee noted that Mr. Chan had tendered apologies for not attending the meeting.

45. The Committee noted that Mr. Clarence Leung was an executive officer of Hong Kong Spirit Ambassadors which was a non-Government organisation (NGO) and Henderson was one of the donors of the NGO. As this item was related to deferral of consideration of the application, the Committee agreed that Mr. Leung could stay in the meeting.

46. The Committee noted that the applicant's representative requested on 8.4.2010 for deferment of the consideration of the application pending the outcome of the review of application No. A/H8/398 for a proposed residential development at the same site as it could materially affect the applicant's office scheme proposed under the subject application.

47. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the Board's decision on the review application No. A/H8/398.

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/404            Proposed Hotel in "Residential (Group A)" zone,  
                         11-13 Lin Fa Kung Street West,  
                         Tai Hang  
                         (MPC Paper No. A/H8/404)

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#### **Presentation and Question Sessions**

48. Mr. Tom C.K Yip, STP/HK, reported that a replacement page on page 5 of the Paper revising "an occupation permit" to be read as "a copy of the occupation permit" was tabled at the meeting.

49. 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 highlighting that there were 17 similar applications for hotel developments within the "Residential (Group A)" zones in North Point, with 14 applications approved and 3 applications rejected by the Committee;

- (b) the proposed 25-storey hotel (101.1mPD) with 50 guest rooms accounting for a PR of 12;
- (c) departmental comments – the Commissioner for Tourism supported the application as the proposed hotel development would enhance the provision of new hotel rooms, broaden the range of accommodation for the visitors, and support the rapid development of the convention and exhibition, tourism and hotel industries. Other concerned Government departments had no objection/adverse comments;
- (d) during the first three weeks of the statutory public inspection period, four public comments were received. One commenter supported the application on condition that the traffic impact of the proposed development could be satisfactorily addressed. The remaining three objected to the application for reasons that the proposed hotel would generate environmental nuisances and additional traffic and adversely affect the tranquil residential neighbourhood and security in the Lin Fa Kung area; and the proposed high-rise development was incompatible with the adjacent low-rise Lin Fa Temple. District Officer (Wan Chai) advised that the traffic condition of Tai Hang had been one of the main concerns of the residents. As the Metro Park Hotel had already caused traffic problems at Tung Lo Wan Road, the residents of Tai Hang would likely be concerned that the proposed hotel would further aggravate the problems; 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 application site was located within the Lin Fa Kung area, which was predominantly residential in character and intermixed with some commercial and GIC uses and open spaces. The proposed hotel use was considered not incompatible with the surrounding land uses. The site was not subject to PR restriction under the OZP. The proposed hotel with a plot ratio of 12 was considered not unacceptable in terms of the development intensity as compared with the surrounding developments with PR ranging from 3 to 12.8. Two similar planning applications (No. A/H8/388 and 389) for hotel

developments in the vicinity with plot ratio of 12.35 and 12 were approved by the Committee in March 2008. In terms of BH, the proposed hotel with a BH of 101.1mPD/25 storeys was considered not incompatible with the surrounding developments with BHs ranging from 3 to 36 storeys/17mPD to 103mPD. Moreover, the proposed building height was below the maximum BH of 120mPD stipulated for the subject "R(A)" zone under the OZP. Both the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department and Chief Town Planner/Urban Design and Landscape, PlanD had no adverse comment on the proposed development from the urban design perspective. Regarding the commenters' concerns on adverse impacts on the residential neighbourhood and incompatibility with Lin Fa Temple, the proposed hotel was considered not incompatible with the surrounding residential developments in terms of use and development intensity, and was considered compatible with Lin Fa Temple which was a tourist attraction. Regarding the concerns on adverse environmental and traffic impacts, Transport Department and Environmental Protection Department had no adverse comments on the application from the traffic and environmental protection perspectives.

50. Members had no question on the application.

#### Deliberation Session

51. 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 23.4.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;

- (c) the implementation of sewerage upgrading identified in the SIA in condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

52. The Committee also agreed to advise the applicant :

- (a) that the approval of the application did not imply that the proposed non-domestic plot ratio and site coverage of the proposed hotel development based on a class B site classification and gross floor area (GFA) concession including the 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. In addition, if GFA concession, in particular the non-domestic plot ratio and site coverage of the development, was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (b) to note the comments of the District Lands Officer/Hong Kong East, Lands Department in paragraph 8.1.1 of the Paper regarding the need for application for removal of the non-offensive trade clause under lease;
- (c) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department in paragraph 8.1.2 of the Paper regarding the licensing requirements for hotel use;
- (d) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department in paragraph 8.1.4 of the Paper regarding the compliance with Building (Planning) Regulation in terms of site classification and provision of access and facilities for the disabled;

- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraph 8.1.5 of the Paper regarding the provision of landscape planting in the proposed development;
- (f) to note the comment of the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department in paragraph 8.1.10 of the Paper regarding the need to consult AMO of works proposals that might affect the structural integrity of Lin Fa Temple; and
- (g) 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 Mr. Tom C.K Yip, STP/HK, for his attendance to answer Members' enquiries. Mr. Yip left the meeting at this point.]

### **Kowloon District**

#### **Agenda Item 11**

##### **Section 12A Application**

[Open Meeting]

Y/K18/5                      Application for Amendment to the  
Approved Kowloon Tong Outline Zoning Plan No. S/K18/16  
from "Residential (Group C) 1"  
to "Other Specified Uses" annotated "Hotel" and  
an area shown as 'Road',  
3, 5 and 7 Kent Road, Kowloon Tong  
(NKILs 865, 866 and 867)  
(MPC Paper No. Y/K18/5)

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53.            The Secretary reported that Mr. Raymond Chan, being the director of Raymond Chan Surveyors Ltd. which was one of the consultants of the applicant, had declared an

interest on this application. The Committee noted that Mr. Chan had tendered apologies for not attending the meeting.

54. The Committee noted that the applicant's representative requested on 26.3.2010 for deferment of the consideration of the application for three months in order to allow time to address departmental comments.

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

[Ms. Caroline T.Y. Tang, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/269            Proposed Minor Relaxation of Building Height Restriction  
of 1 Storey for Proposed Extension of the Hong Kong Baptist Hospital  
in "Government, Institution or Community (7)" zone,  
330 (Block D) Junction Road, Kowloon Tong  
(NKIL 5907)  
(MPC Paper No. A/K18/269)

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56. The Committee noted that Mr. Clarence Leung and Ms. Julia Lau had declared interests in this item as they lived near the application site. As they could not view the application site from their flats, the Committee agreed that their interests were indirect and they could stay in the meeting.

57. The Committee also noted that Mr. Laurence Li had declared an interest in this item as he was an Honorary Member of the Court of Hong Kong Baptist University which was the supreme advisory body of the University. As there was no known relationship between HKBU and Hong Kong Baptist Hospital (HKBH) and Mr. Li was not involved in the extension project of HKBH, the Committee agreed that he could stay in the meeting.

#### Presentation and Question Sessions

58. Ms. Caroline T.Y. Tang, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applicant sought planning permission for proposed minor relaxation of the building height restriction from 10 storeys excluding basement floor(s) to 11 storeys excluding basement floor(s) to facilitate the proposed extension of the HKBH by converting a portion of the E&M plant rooms on the roof floor into meeting rooms, staff resting area and staff café, including provision of some E&M plant rooms on the upper roof floor of the subject hospital block (Block D) at the application site. The existing absolute building height of Block D would remain unchanged;
- (c) departmental comments – no objection/adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period and no local objection 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 made in paragraph 10 of the Paper. Technically, the proposed increase in building height by 1 storey and 4.8m (from 70mPD to 74.8mPD at main roof level) was due to a change from a non-accountable E&M floor to an accountable hospital-related use floor

with E&M facilities. The change would not increase the overall existing building height of 78.25mPD (including rooftop structures) as all these changes would be accommodated within the existing building envelope. The proposed uses and facilities were ancillary in nature and intended to improve the support and amenity facilities for the hospital staff, with no infrastructure implication. In terms of visual impact, the proposed additional storey and E&M plant rooms on the rooftop would be hidden by the existing architectural features and be accommodated in the overall existing building height or envelop. Both the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department and the Chief Town Planner/Urban Design and Landscape, Planning Department had no adverse comments. There was also no public comment received;

59. In response to a Member's question, Ms. Caroline T.Y. Tang replied that Block D was completed in April 2008.

#### 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 23.4.2014, 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 water supplies for firefighting 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) 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) the Lands Department should be consulted on the lease matters relating to the proposed development; and

- (c) the applicant should note the requirements under the Air Pollution Control (Furnaces, Oven and Chimney) (Installation and Alteration) Regulations that prior approval was required for chimney alterations.

[The Chairperson thanked Ms. Caroline T.Y. Tang, STP/K, for her attendance to answer Members' enquiries. Ms. Tang left the meeting at this point.]

[Mr. Edmond S.P. Chiu, STP/K, was invited to the meeting at this point.]

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K15/94                      Proposed Commercial Development with  
Public Vehicle Park (excluding container vehicle)  
in "Commercial" zone and area shown as 'Road',  
NKIL 6195,  
Cha Kwo Ling Road, Kwun Tong  
(MPC Paper No. A/K15/94)

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62.            The Secretary reported that the application was submitted by District Lands Office/Kowloon East, Lands Department and Mr. Gary Cheung as a representative of Lands Department, had declared an interest in this item. The Committee agreed that Mr. Cheung should leave the meeting temporarily.

[Mr. Gary Cheung left the meeting temporarily at this point.]

#### **Presentation and Question Sessions**

63.            Mr. Edmond S.P. Chiu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the application site had

been on the “List of Sites for Sales by Application” for the period from September 2000 to March 2001 and from March 2006 to March 2011. The site was the subject of a s.16 application (No. A/K15/44) for the proposed commercial development with public car park approved by the Committee on 3.4.1998. Since then, the applicant had applied to the Board for the renewal of the planning permission three times. The boundary of the application site of the previous applications and the current application remained the same;

- (b) the proposed development comprised a maximum gross floor area (GFA) of 58,536m<sup>2</sup> (PR of 12) and a maximum building height of 130mPD. The application site was mainly zoned “Commercial” (“C”) (about 3,515m<sup>2</sup>), partly on an area shown as ‘Road’ (about 1,363m<sup>2</sup>) on the OZP. According to the Notes of the OZP for “C” zone, the proposed commercial development with public vehicle park (excluding container vehicle) did not require planning permission from the Board. However, for the application site falling within an area shown as ‘Road’, planning permission from the Board was required;

[Dr. Winnie Tang left the meeting at this point.]

- (c) departmental comments – District Officer/Kwun Tong advised that a number of new office buildings had recently been completed in Kwun Tong Business Area and Kowloon Bay which would cause heavier traffic in Lei Yue Mun Road and within the Kwun Tong Business Area. Assistant Commissioner for Transport/Urban, TD had no objection to the application and considered that the proposed public vehicle park had no adverse traffic impacts on the area. Other concerned Government departments had no objection/adverse comments;
- (d) during the first three weeks of the statutory public inspection period, two public comments were received. Both commenters objected to the proposed vehicle park because the capacity of parking spaces in the vicinity had not yet fully utilized and the proposed vehicle park would accentuate

the traffic problem in the area. One commenter opined that developments such as hotel, commercial building and open space would be compatible with the adjoining uses, while the other commenter opined that the site could be used as public transport terminus for bus and mini-bus or for open space and recreational uses; 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 commercial development with public vehicle park (excluding container vehicle) was in line with the planning intention of “C” zone. Part of the area shown as ‘Road’ was originally reserved for the development of a cul-de-sac and a staircase landing area for a footbridge (about 863m<sup>2</sup>) and part of the area was reserved for road development (about 500m<sup>2</sup>). TD had confirmed that the footbridge landing area and the cul-de-sac were no longer required and the area shown as ‘Road’ along Cha Kwo Ling Road would not be required. The development intensity of the proposed development, which complied with the maximum PR as stipulated in the draft OZP, was considered acceptable. The maximum building height of 130mPD was also considered appropriate and comparable with the maximum building height of 130mPD for the “Other Specified Uses” annotated “Business” sites to the west of the application site. The proposed development would not cause adverse traffic, infrastructure, environmental, water supply and drainage impacts on the developments in the neighbourhood. Although the commenters objected to the proposed public vehicle park development, TD had confirmed that there was a demand for a public vehicle park in the area and the proposed public vehicle park would have no adverse traffic impacts on the area.

64. Members had no question on the application.

#### Deliberation Session

65. 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 23.4.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the design and provision of parking facilities, loading/unloading spaces and manoeuvring space for the proposed commercial development with the public vehicle park to the satisfaction of the Commissioner for Transport or of the TPB.

[The Chairperson thanked Mr. Edmond S.P. Chiu, STP/K, for his attendance to answer Members' enquiries. Mr. Chiu left the meeting at this point.]

[Mr. Gary Cheung returned to join the meeting at this point.]

### **Hong Kong District**

#### **Agenda Item 14**

[Closed Meeting]

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

#### **Agenda Item 15**

[Closed Meeting]

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

#### **Agenda Item 16**

Any Other Business

68. There being no other business, the meeting was closed at 1:45 p.m..