

## **TOWN PLANNING BOARD**

### **Minutes of 444th Meeting of the Metro Planning Committee held at 9:00 a.m. on 17.6.2011**

#### **Present**

Director of Planning Mr. Jimmy C.F. Leung	Chairman
Mr. K.Y. Leung	Vice-chairman
Mr. Felix W. Fong	
Mr. Maurice W.M. Lee	
Professor C.M. Hui	
Ms. Julia M.K. Lau	
Mr. Roger K.H. Luk	
Professor S.C. Wong	
Assistant Commissioner for Transport (Urban), Transport Department Mr. David To	
Assistant Director(2), Home Affairs Department Mr. Andrew Tsang	
Principal Environmental Protection Officer (Metro Assessment), Environmental Protection Department Mr. Ken Y.K. Wong	

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

Secretary

**Absent with Apologies**

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Dr. Winnie S.M. Tang

Professor P.P. Ho

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Ms. L.P. Yau

Assistant Director/Kowloon, Lands Department  
Ms. Olga Lam

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Miss H.Y. Chu

Town Planner/Town Planning Board  
Ms. Karen K.W. Chan

## **Agenda Item 1**

Confirmation of the Draft Minutes of the 443rd MPC Meeting held on 3.6.2011

[Open Meeting]

1. The draft minutes of the 443rd MPC meeting held on 3.6.2011 were confirmed without amendments.

## **Agenda Item 2**

Matters Arising

[Open Meeting]

- (i) Approval of Draft Outline Zoning Plans

2. The Secretary reported that on 31.5.2011, the Chief Executive in Council (CE in C) approved the following two draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) and the approval of the OZPs were notified in the Gazette on 10.6.2011 and 17.6.2011 respectively:

- (a) Kwai Chung OZP (to be renumbered as S/KC/25); and
- (b) Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP  
(to be renumbered as S/K15/19).

- (ii) Reference Back of Approved Outline Zoning Plans/Development Scheme Plan

3. The Secretary reported that on 31.5.2011, CE in C referred the following approved OZPs/Development Scheme Plan (DSP) to the Town Planning Board (the Board) for amendment under section 12(1)(b)(ii) of the Ordinance and the reference back of the OZPs/DSP was notified in the Gazette on 10.6.2011:

- (a) Sai Ying Pun and Sheung Wan OZP No. S/H3/25;
- (b) Urban Renewal Authority Staunton Street/Wing Lee Street DSP No. S/H3/URA1/2; and
- (c) Ho Man Tin OZP No. S/K7/20.

### **Tsuen Wan and West Kowloon District**

[Mr. Wilson W.S. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK) and Mr. Philip Y.L. Chum, STP/TWK, were invited to the meeting at this point.]

#### **Agenda Item 3**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/705                  Proposed Hotel  
                                in “Other Specified Uses” annotated “Business” zone,  
                                838 Lai Chi Kok Road, Kowloon  
                                (MPC Paper No. A/K5/705)

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

4.                  Mr. Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed wholesale conversion of an existing 22-storey industrial-office (I-O) building to a 22-storey hotel with 342 guestrooms at the application site;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, two public comments were received. One commenter, who was a tenant of the subject building, expressed concern on whether Cheung Yee Street with goods vehicles constantly occupying both sides of the street had additional capacity for traffic arising from the proposed hotel development. Approval of the application would

encourage similar applications in this location which was not appropriate for hotel development, and would jeopardize the area renowned as a business area. Another commenter, who was a Sham Shui Po District Councillor, expressed concern on whether the proposed provision of parking facilities, coach lay-bys and loading/unloading bays was adequate in view of the narrow street and a number of adjacent industrial/office buildings. This commenter suggested that more coach lay-bys and loading/unloading bays should be provided in the application site; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed hotel development was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone, which was to encourage development of new buildings or redevelopment/conversion of the whole buildings for commercial and clean industrial uses. The proposed plot ratio of not exceeding 12 and a building height of 78.832mPD were primarily reflecting the development parameters of the existing building, which did not contravene the development restrictions stipulated in the Cheung Sha Wan Outline Zoning Plan. The proposed hotel development was generally in line with the Town Planning Board Guidelines No. 22D for ‘Development within “OU(Business)” Zone’. The proposed hotel development was considered not incompatible with its surrounding land uses. It would serve as a transitional or buffer area separating the existing residential developments to its south and other I-O buildings near the site. The proposed in-situ conversion of the I-O building would not have significant adverse impacts on the environment, local traffic and provisions of infrastructure. Relevant government departments had no objection to or adverse comments on the application. To ensure that the proposed in-situ conversion would not result in an increase in the intensity and physical bulk of the existing building, an approval condition had been recommended in paragraph 12.2(a) of the Paper stipulating that the maximum gross floor area for the proposed hotel development i.e. 19,676.34m<sup>2</sup> should be inclusive of the area for the back-of-house facilities.

Regarding the local concerns on traffic impacts on the surrounding areas and location suitability, the Commissioner for Transport had no objection to the application.

5. In response to a Member's enquiry, Mr. Philip Y.L. Chum, STP/TWK, said that since 2003, 11 similar applications for hotel development which involved eight sites were approved with conditions by the Committee. Up to now, none of the hotel development had commenced.

#### Deliberation Session

6. 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 17.6.2015, 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 proposed hotel development was subject to a maximum gross floor area (GFA) of 19,676.34m<sup>2</sup>. Any floor space that was constructed or intended for use as back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations should be included in the GFA calculation;
- (b) the provision of parking facilities, loading/unloading spaces, lay-bys, vehicular access and internal driveway for the proposed hotel development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of the Fire Services or of the TPB;
- (d) the submission of a revised sewerage impact assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the implementation of the local sewerage upgrading/sewerage connection

works identified in the revised SIA in planning condition (d) above to the satisfaction of the Director of Drainage Services or of the TPB; and

- (f) the submission and implementation of the landscape proposal to the satisfaction of the Director of Planning or the TPB.

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

- (a) the approval of the application did not imply that the gross floor area exemption and/or bonus plot ratio included in the application would be granted by the Building Authority. The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval;
- (b) to apply to the District Lands Officer/Kowloon West, Lands Department for a temporary waiver or a lease modification for the proposed hotel use;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, BD that subject to compliance with the criteria under the Practice Notes for Authorized Persons - Application of the Buildings Ordinance and Regulations No. 40, the application for hotel concession under Building (Planning) Regulation 23A would be considered upon formal submission of building plans;
- (d) to consult the Chief Officer/Licensing Authority, Home Affairs Department on the licensing requirements for the proposed hotel;
- (e) to note the comments of the Director of Fire Services regarding the compliance of the Code of Practice for Means of Access for Firefighting and Rescue;

- (f) to note the comments from the Director of Food and Environmental Hygiene on the requirement of a licence/permit for conducting food business/other trade that required a licence/permit to operate under the relevant legislation enforceable by the Food and Environmental Hygiene Department; and
- (g) to prepare and submit the revised SIA as early as possible in view of the time required for the implementation of any required sewerage works and the applicant should bear the costs of improvement and upgrading works to the existing public sewerage system for handling additional discharge due to the proposed hotel development.

#### **Agenda Item 4**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K20/116              Proposed Comprehensive Residential and Commercial Development  
(Amendments to an Approved Master Layout Plan)  
in “Comprehensive Development Area” zone,  
West Rail Nam Cheong Station, West Kowloon Reclamation  
(MPC Paper No. A/K20/116)

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8.        The Secretary said that the application was submitted by the Kowloon-Canton Railway Corporation (KCRC) represented by Mass Transit Railway Corporation Limited (MTRCL) with Ove Arup & Partners Hong Kong Ltd. as the consultant. The following Members had declared interests on this item:

Mr. David To

- being an assistant to the Commissioner for Transport who was a non-executive director of MTRCL

Professor S.C. Wong

- having business dealings with Ove Arup & Partners Hong Kong Ltd.

9.        The Committee agreed that Mr. To's interest was direct and he should leave the meeting temporarily for this item. As Professor Wong had no direct involvement in the

subject application, the Committee agreed that the interest of Professor Wong was indirect and he could stay in the meeting.

[Mr. David To left the meeting temporarily at this point.]

### Presentation and Question Sessions

10. With the aid of a powerpoint presentation, Mr. Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

#### Background to the application

(a) the application site was the subject of five previous applications for comprehensive residential and commercial development. The latest application (No. A/K20/104) was approved by the Committee with conditions on 8.5.2009. Members of the then Committee noted the public concerns on the “wall effect” and considered that there were rooms to further improve the air ventilation effect by minor adjustment to the building form and the width of the air ventilation corridors to address their concerns. An approval condition requiring an improvement to the design and disposition of building blocks as well as the podium, with a view to improving the air ventilation of the area was therefore imposed on the application. The revised Master Layout Plan (MLP) was deposited on 27.7.2009;

#### The Proposal

(b) the applicant aimed to comply with the Sustainable Building Design Guidelines (SBD Guidelines) recently promulgated by the Government and to increase the supply of small and medium-sized flats, and to take the opportunity to make improvements to the scheme to meet rising community aspirations;

(c) as compared with the latest approved scheme under Application No.

A/K20/104, the revised scheme had included the following major amendments :

- (i) reduction in total Gross Floor Area (GFA) from 303,107m<sup>2</sup> to 245,360m<sup>2</sup>;
- (ii) reduction in total plot ratio (PR) from 6.6 to 5.31;
- (iii) deletion of two high-rise residential blocks and two low-rise residential blocks with domestic PR reduced from 6 to 4.645;
- (iv) reduction in the number of flats from 3,321 to 3,313;
- (v) changes in the building form of the high-rise residential blocks and increase the provision of small and medium-sized flats;
- (vi) deletion of one residents' clubhouse and relocation of another clubhouse with the GFA of the clubhouses reduced;
- (vii) increase in the non-domestic PR of the development from 0.6 to 0.66 due to the inclusion of 3,000m<sup>2</sup> of non-domestic GFA of a 24-hour covered pedestrian walkway;
- (viii) the podium still comprised three levels (excluding podium roof level). Parking spaces and loading/unloading bays would be accommodated at the 2-level basement carpark and part of the Podium Level P2;
- (ix) a maximum podium setback of about 25m from Sham Mong Road together with a stepped-podium design had been maintained for air circulation at street level and visual experience of pedestrians;
- (x) reduction in total car parking spaces (excluding motorcycle parking spaces) from 615 to 513;
- (xi) widening three visual corridors/breezeways proposed between the high-rise blocks of the proposed development from '30m, 20m and 22m' to '38m, 40m and 60m' respectively;
- (xii) introduction of two 40m-wide breezeways/visual corridors between the low-rise blocks; and
- (xiii) introduction of a breezeway/visual corridor of about 39m from the south-western boundary by deletion of residents' clubhouse I;

### Major Departmental Comments

- (d) the Commissioner for Transport (C for T) had no in-principle objection to the application and advised that the previous approval conditions regarding the provision of vehicular access arrangements; the design, provision and layout of the area designated for parking, loading/unloading facilities; the design, construction and maintenance of a grade-separated pedestrian walkway system between the proposed development and Fu Cheong Estate; the integration of the proposed development with the proposed footbridges at the junction of Sham Mong Road/Yen Chow Street West and Sham Mong Road/Tonkin Street West were still applicable. Besides, a new approval condition related to the design and construction of the improvement works at the junction of Sham Mong Road/Yen Chow Street West, as proposed by the applicant, should be added;
- (e) the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) had no in-principle objection to the revised MLP. He advised that compliance with SBD Guidelines would be further checked at general building plan submission stage based on the MLP scheme. He initially considered that the requirement under SBD Guidelines for building separation for the low-zone of the proposed development could be considered as complied with. For the greenery areas, he had no in-principle objection to accept the minimum 15% site coverage of greenery at pedestrian zone provided that the required greenery would be provided to the maximum feasible extent. He also had no in-principle objection to disregarding 100% of the floor space of aboveground ancillary carpark and loading/unloading bays for the proposed development from the GFA calculation;
- (f) the Director of Environmental Protection (DEP) had no adverse comments on the application from the noise point of view. As regards vehicular emission issue, DEP considered that the use of slant distance was not appropriate and not technically satisfactory for supporting the applicant's conclusion that the vehicular emission impact from the road traffic should

be insignificant. A proper quantitative air quality impact assessment was required. DEP suggested that should the application be approved, an approval condition regarding the submission of a quantitative air quality impact assessment be stipulated in the planning permission;

- (g) the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchsD) had no adverse comments on the application from the architectural and visual impact point of view and advised that the revised scheme appeared to be an improvement to the approved scheme, although the high-rise residential towers might still be quite tall in relation to its immediate context;
- (h) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that from the urban design perspective, the current scheme was an improvement as compared with the approved scheme. CTP/UD&L, PlanD also had no objection to the application from the landscape planning perspective and considered that should the application be approved, an approval condition regarding the submission and implementation of landscape master plan and tree preservation proposal should be stipulated in the planning permission;
- (i) during the statutory publication period, four public comments were received. The comments as detailed in paragraph 11 of the Paper were summarized as follows:
  - (i) one commenter, a Sham Shui Po (SSP) District Councillor, expressed his dissatisfaction with the maximum building height which remained at 181.7mPD. This commenter suggested that the PR should be further reduced and the building height should be reduced to 160mPD. Apart from the proposed three breezeways, the building gaps between T3 and T4, T5 and T6, T9, T10 and T11 should also be widened. Nevertheless, this commenter supported the provision of an open plaza of 1,000m<sup>2</sup> adjacent to Sham Mong Road and suggested providing another public open space fronting

West Kowloon Highway to allow residents in SSP and the public to enjoy the view of Victoria Harbour;

- (ii) another commenter considered that the number of parking spaces of 513 was excessive for a development above railway station and sufficient car parking spaces were available in Fu Cheong Estate. The proposed scheme breached the policy of “Encourage the Use of Mass Transit System”. Besides, no bicycle parking space was provided and this did not facilitate the policy of “Using Greener Transportation”. Provision of bicycle parking spaces would be in line with the development of cycle tracks throughout the area covered by South West Kowloon OZP;
  - (iii) two commenters were satisfied with the reduction of high-rise residential buildings from 11 blocks to 7 blocks. However, they considered that the 3-level podium was huge. As many residents of Fu Cheong Estate were elderly and the air ventilation on street level was important, the number of podium levels should be reduced. One commenter suggested that additional greenery coverage and public open space should be provided. Both commenters shared the view that carparking space provision was excessive for a development above railway station and the number of car parking spaces should be reduced; and
- (j) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper, which were summarized below :

*Development Intensity*

- (i) the maximum PR of 8 (domestic PR of 6.5 and non-domestic PR of 1.5) under the Notes of the “CDA” zone was confirmed by technical assessments. The latest PR proposed in the current application i.e. a total PR of 5.31 complied with the restrictions stipulated on the OZP;

- (ii) the current scheme was in fact a result of the need to comply with the SBD Guidelines and to increase the supply of small and medium-sized flats. A number of improvements had been proposed, including reduction in total GFA, deletion of two high-rise blocks, two low-rise blocks and clubhouse I, reduction in building height of two low-rise blocks, widening and addition of breezeways/visual corridors, decrease in average flat sizes, reduction in size and relocation of clubhouse II, introduction of additional urban window underneath the transfer plates of all high-rise blocks, adjustments of building disposition and building form for better air ventilation and visual permeability, and decrease in car parking spaces and loading/unloading bays. These were all welcomed improvements;

*Building Height*

- (iii) the applicant had explained that in order to maintain flat supply, the maximum building height of the high-rise blocks and low-rise blocks had to remain unchanged at 181.7mPD and 67.5mPD respectively. However, the applicant had taken the opportunity to reduce building height of two low-rise blocks from 67.5mPD to 61.1mPD. If a reasonable level of development intensity was to be achieved on the site, and given the elongated configuration of the site, the proposed building height of the high-rise blocks ranging from 169.7mPD to 181.7mPD would be an acceptable option. The maximum building height of 181.7mPD for the proposed development would not breach the ridgelines. Both CA/ASC, ArchSD and CTP/UD&L, PlanD had no adverse comments on the application;

*Podium Coverage and Height*

- (iv) the revised scheme had improved the design of the podium by deleting clubhouse I and relocating/reducing the size of clubhouse II, thereby lowering its podium height fronting Sham Mong Road from 34.3mPD to 20.3mPD and further stepped back the podium to enhance visual quality and air ventilation for the pedestrians.

CTP/UD&L, PlanD considered that the reduction in size of clubhouse II from the podium level to Level 2 of the podium helped visually reduce the podium bulk when viewing from Sham Mong Road;

*Air Ventilation and Visual Corridors*

(v) the revised scheme proposed the widening of three breezeways/air ventilation corridors from ‘30m-20m-22m’ wide in the approved scheme to ‘38m-40m-60m’ wide and addition of urban windows underneath the transfer plates of all high-rise blocks. Hence, the wind performance of the revised scheme in terms of velocity ratio would be improved by 11.8%, 18.2% and 4% at Fu Cheong Estate, Nam Cheong Estate and Sham Mong Road respectively. CTP/UD&L, PlanD also considered that the widening and addition of building gaps would help to enhance the visual/air ventilation corridors as well as increase permeability of the proposed development;

*Carparking Provision*

(vi) taking account of the location of the site which was above the West Rail Nam Cheong Station and the requirements of the development, C for T had no objection to the parking provision as proposed by the applicant;

*Sustainable Building Design*

(vii) CBS/K, BD considered that it was premature to advise if the proposed scheme had achieved full compliance with SBD Guidelines, he had no in-principle objection to the revised MLP scheme, as long as the general building plan submissions were based on the approved MLP. As regards the proposed greenery areas , CBS/K, BD had no in-principle objection to accept the minimum 15% site coverage of greenery at pedestrian zone provided that the required greenery would be provided to the maximum feasible extent. For the above-ground car parking facilities, he had no

in-principle objection to disregarding 100% of the floor space of aboveground ancillary carpark and loading/unloading bays for the proposed development from the GFA calculation in view of the geotechnical difficulties in providing a basement deeper than two storeys beside the existing station;

*Technical Aspects*

(viii) the technical assessments had demonstrated that the proposed development would not generate adverse environmental, air ventilation, visual, drainage and traffic impacts. All government departments consulted had no objection to or adverse comments on the application; and

*Public Comments*

(ix) the public comments relating to the reduction in PR, building height, size and height of the podium, air ventilation, car parking provision and greenery coverage aspects had been taken into account in assessing the current scheme. Concerned government departments including CTP/UD & L, PlanD, CA/ASC, ArchSD, C for T, CBS/K, BD had no adverse comments on the application.

[Mr. Felix W. Fong arrived to join the meeting at this point.]

11. Referring to a photomontage in Figure A1.11 of Vol. 2 of the Supplementary Planning Statement prepared by the applicant, a Member enquired whether the proposed development under application had intruded the 20% building-free zone of the ridgelines when viewing from the vantage point adopted from the preparation of the photomontage. Mr. Wilson W.S. Chan, DPO/TWK, replied that there was no such information at hand on whether the proposed development at the application site would breach the 20% building-free zone.

[Post meeting note: The photomontage on Figure A1.11 of Vol. 2 of the Supplementary Planning Statement indicated that the proposed development would partly fall within the 20% area immediately below the ridgeline. However, the vantage point adopted for the preparation

of the photomontage was one of the viewpoints used by the applicant to demonstrate the visual relationship between the proposed West Rail Nam Cheong Station development and its surroundings. It was not one of the seven designated strategic viewpoints for ridgeline preservation identified in the Urban Design Guidelines for Hong Kong. Therefore, the 20% building-free zone was not directly applicable in this situation.]

### Deliberation Session

12. A Member said that as compared to the previous approved scheme, the current scheme had significant improvements in terms of urban design and air ventilation. Hence, the current scheme could be supported. The above views were shared by other Members.

13. 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 17.6.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP) for the development scheme to incorporate the approval conditions as stipulated in conditions (b) to (k) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of vehicular access arrangements to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the design, provision and layout of the area designated for parking, loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the provision of fire service installations and water supply for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (e) the design, construction and maintenance of a grade-separated pedestrian

walkway system between the proposed development and Fu Cheong Estate, as proposed by the applicant, to the satisfaction of the Director of Highways or of the TPB;

- (f) the provision of a kindergarten to the satisfaction of the Secretary for Education or of the TPB;
- (g) the submission and implementation of a revised landscape master plan and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (h) the submission of an implementation programme of the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (i) the integration of the proposed development with the proposed footbridges at the junctions of Sham Mong Road/Yen Chow Street West and Sham Mong Road/Tonkin Street West to the satisfaction of the Director of Highways or of the TPB;
- (j) the design and construction of the improvement works at the junction of Sham Mong Road/Yen Chow Street West, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB; and
- (k) the submission of a quantitative air quality impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB.

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

- (a) to note that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in the Land Registry as soon as practicable;

- (b) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the BA and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (c) to seek agreement from the Chief Engineer/(Development)2, Water Supplies Department on the necessary diversion, protection and access arrangement for the existing watermains which were affected by the proposed development;
- (d) to consult the Commissioner for Transport regarding the design and implementation of the proposed public transport interchange (PTI) at Site 6;
- (e) to resolve the funding arrangement with the Commissioner for Transport for the relocation of the Nam Cheong Station PTI, the proposed co-location of Site 6 PTI (including its site modification works), the temporary PTI (including site modification works) for relocation of Nam Cheong Station PTI and during the modification period of the co-located Site 6 PTI, and the bus/green mini-bus bay/taxi stand improvement on Sham Mong Road outside Nam Cheong Station;
- (f) to make provision at early planning stage so that the basement structure would not be in conflict with the proposed planting, and make sure adequate soil depth would be reserved for tree planting;
- (g) to further improve the harsh built environment at the ground level, under-storey planting should be provided as much as possible at the open plaza and along the public streets where streetscape enhancement was

proposed; and

- (h) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by Buildings Department.

[The Chairman thanked Mr. Philip Y.L. Chum, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr. K.T. Ng, STP/TWK, was invited to the meeting at this point.]

## **Agenda Item 5**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/423      Proposed Comprehensive Residential and Commercial Development  
(Amendments to an Approved Master Layout Plan)  
in "Comprehensive Development Area" zone,  
Site TW5, West Rail Tsuen Wan West Station, Tsuen Wan  
(MPC Paper No. A/TW/423)

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15.      The Secretary said that the application was submitted by the Kowloon-Canton Railway Corporation (KCRC) represented by Mass Transit Railway Corporation Limited (MTRCL) with Ove Arup & Partners Hong Kong Ltd. as the consultant. The following Members had declared interests on this item:

Mr. David To

- being an assistant to the Commissioner for Transport who was a non-executive director of MTRCL

Professor S.C. Wong

- having business dealings with Ove Arup & Partners Hong Kong Ltd.

16.      The Committee agreed that Mr. To's interest was direct and he should not return to the meeting. As Professor Wong had no direct involvement in the subject application, the

Committee agreed that the interest of Professor Wong was indirect and he could stay in the meeting.

17. The Secretary reported that a petition was received from Mr. Chan Kam-lam, a Member of Tsuen Wan District Council (TW DC), Skyline Plaza Owners' Committee and Incorporated Owners' Committee of Clague Garden Estate. The petition was against the proposal of deleting hotel blocks and replacing it by three residential towers at the Cityside portion of Site TW5, which was immediately south of Skyline Plaza. The petitioners proposed that Tower C should be deleted and the building height of Tower D should be reduced to 12 storeys. Otherwise, the petitioners requested the Board to revert to the 10-storey hotel as in the approved scheme. The petition was tabled at the meeting for Members' information.

#### Presentation and Question Sessions

18. With the aid of a powerpoint presentation, Mr. K.T. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

#### Background to the application

- (a) the application was the subject of two previous applications for comprehensive residential and commercial development. The latest application (No. A/TW/357) was approved by the Committee with conditions on 29.4.2005;
- (b) in 2009, at the request of the Community Building, Planning and Development Committee of the TW DC, a quantitative air ventilation assessment (AVA) was conducted in respect of three "CDA" sites including the Site TW5 associated with the West Rail development and Tsuen Wan Town Lot 393 in Tsuen Wan District. On 11.5.2011, the said AVA Study was endorsed by the Tsuen Wan AVA Steering Group under the Community Building, Planning and Development Committee of the TW DC. The concerned AVA Study had recommended various improvement measures to the approved scheme under Application No.

A/TW/357 including the reduction in the dimensions and heights of the podium of the proposed developments; increasing the permeability of the podiums and/or introducing building gaps of the proposed developments at Site TW5;

- (c) on 31.5.2011, TW DC was consulted and passed a motion on the revised scheme. TW DC welcomed the proposed optimised design of Site TW5 that complied with the guidelines on “controlling inflated buildings” and increasing the supply of small and medium-sized flats. However, there were concerns on the deletion of hotel blocks and replacing it by three residential towers at the Cityside portion, which might have adverse impacts on air ventilation, visual quality and natural lighting penetration on the adjacent residential development i.e. Skyline Plaza. TW DC also considered that the distribution of residential flats at the Cityside portion should be adjusted to address the concerns of the local residents;

### The Proposal

- (d) to comply with the Sustainable Building Design Guidelines (SBD Guidelines) and the policy to increase the supply of small and medium-sized flats, the applicant sought amendments to the Master Layout Plan;
- (e) as compared with the latest approved scheme (Application No. A/TW/357), the revised scheme included the following major amendments:
  - (i) reduction in building height of Tower A and Tower B of the Cityside portion from ‘50 storeys and 52 storeys’ to ‘38 storeys and 40 storeys’;
  - (ii) two hotel blocks had been converted into three residential blocks with building height increased from ‘6 to 10 storeys’ to ‘12 to 28 storeys’;
  - (iii) reduction in absolute building height of nine towers at the Bayside portion from ‘152.35mPD to 193.85mPD’ to ‘151.55mPD to

- 186.75mPD' due to reduction in the height of the podium;
- (iv) change in built form of the proposed building blocks with wider building gaps and reduction in the bulk of the podium;
  - (v) for the developments at the Bayside portion, provision of three major breezeways/visual corridors of about 18m, 50m and 50m-wide for the towers at the waterfront, and provision of building gaps of about 15m and 5m-wide at the pair of towers T8/T9 and T6/T7 in the Bayside portion respectively;
  - (vi) for developments at the Bayside portion, reduction of podium portion to 5 storey with the height of the podium reduced to about 27.25mPD. Moreover, the podium had also been setback by 6m from the waterfront promenade;
  - (vii) for the developments at the Cityside portion, reduction of the podium portion to 3 storey with the height of the podium reduced to about 19.5mPD;
  - (viii) introduction of urban window of about 30m to 50m wide at the upper levels of the podium at the Bayside portion;
  - (ix) deletion of two proposed hotel blocks and replacing it by three residential towers (Towers C to E) at the Cityside portion. Hence, the non-domestic Gross Floor Area (GFA) of 20,470m<sup>2</sup> for hotel use was deleted and the domestic GFA increased from 226,600m<sup>2</sup> to 233,214m<sup>2</sup>;
  - (x) increase in the total number of residential units from 3,250 to 3,326;
  - (xi) reduction in commercial/ retail GFA of Bayside portion from 53,860m<sup>2</sup> to 40,000m<sup>2</sup>;
  - (xii) change in the location of the proposed kindergarten from Cityside portion to Bayside portion;
  - (xiii) increase in total private open space provision from 8,800m<sup>2</sup> to 9,332m<sup>2</sup>, within which, not less than 6,628m<sup>2</sup> and 2,704m<sup>2</sup> of private open space would be provided at Bayside portion and Cityside portion respectively. The proposed scheme had provided not less than 30% and 20% greenery site coverage for the Bayside and Cityside portions respectively in accordance with the SBD Guidelines;

- (xiv) reduction in the clubhouse's GFA from 8,400m<sup>2</sup> to 4,177.5m<sup>2</sup> (-50.3%) at the Bayside portion and clubhouse's GFA from 2,900m<sup>2</sup> to 2,644.6m<sup>2</sup> at the Cityside portion;
- (xv) reduction in the number of residential parking spaces from 396 to 323, commercial parking spaces from 261 to 172; overall total visitor carparking provision from 55 to 36;
- (xvi) increase in the number of motorcycle parking provision (from 37 to 54) and the number of loading/unloading bay for goods vehicles for residential use (from 11 to 14);
- (xvii) deletion of carparking spaces (5 nos.) and loading/unloading bays (5 nos.) for hotel use;
- (xviii) reduction in the re-provision of public car park at the Cityside portion (from 450 to 100), and the number of loading/unloading bay for goods vehicles for commercial/ retail uses (from 55 to 30); and
- (xix) deletion of driveway and footbridge (FB3) connecting the Bayside and Cityside portions;

#### Major Departmental Comments

- (f) the Commissioner for Transport (C for T) had no objection to the application subject to the condition that MTRCL would, at the detailed design stage, improve the geometry of the new slip road from Tsuen Wan Road at Tai Chung Road roundabout to Site TW5 and would satisfactorily address other technical issues such as the width of footbridge. C for T also advised that the previous approval conditions regarding the improvement works related to Tai Chung Road roundabout, the design and provision of vehicular access, pedestrian circulation system, carparking and loading/unloading facilities as well as the design, construction and maintenance of the proposed footbridges and the provision of footbridge connections were still valid. He further suggested that an approval condition on the submission of a revised traffic impact assessment and implementation of the road improvement works should be imposed;
- (g) the Chief Architect/Advisory and Statutory Compliance, Architectural

Services Department (CA/ASC, ArchSD) had no adverse comments on the application and considered that the revised scheme appeared to involve the reduction of the development scale/total GFA, general reduction of building height of both residential towers and podium, setting back of Towers T1 to T5, introduction of urban window and widening of breezeways/ visual corridors amongst towers, which might be considered to be an improvement to the approved scheme from a visual viewpoint;

- (h) the Chief Town Planner/Urban Design and Landscape, PlanD considered that the revised scheme was an improvement when compared with the approved scheme in urban design perspective. She suggested that an approval condition requesting the submission and implementation of the podium design should be imposed;
- (i) the Director of Environmental Protection commented that MTRCL had to demonstrate that the proposed noise mitigation measures under Tsuen Wan Bypass project would not be affected by the proposed change in layout of Site TW5 as the noise mitigation measures proposed under Tsuen Wan Bypass project might not be adequate for satisfying the Environmental Impact Assessment Ordinance (EIAO);
- (j) the Project Manager/New Territories North & West, Civil Engineering and Development Department advised that MTRCL was reminded to allow enough space between the seawater pump room for Tsuen Wan Town Hall and the developments at Bayside portion for the construction of the future cycle track proposed by CEDD outside the waterfront promenade and the alignment of the cycle track should be circulated to government departments for agreement;
- (k) the District Officer/Tsuen Wan advised that at the TW DC meeting held on 31.5.2011, the TW DC welcomed the optimized design of Site TW5 proposed by the Government which complied with the guidelines on ‘controlling inflated buildings’ and increased the supply of small and medium-sized flats, as well as requested the Government to further adjust

the distribution of residential flats under the developments at Cityside portion in response to local residents' needs. The advisory clause on consultation with the TW DC regarding the implementation aspect pertaining to the promenade abutting the application site, which was imposed under the previous approved application, was still valid;

#### Public Comments

- (I) during the statutory publication period, 88 public comments were received. One of the commenters supported the application on the grounds that it would facilitate air ventilation by less construction. The remaining 87 comments raised objection to the application mainly on the following grounds :

##### *Replacement of Two Hotel Blocks at the Cityside Portion*

- (i) the proposed deletion of two hotel blocks and replacing it by three residential towers at the Cityside portion would adversely affect the owners/ residents of Skyline Plaza in terms of air ventilation, natural lighting penetration, visual, spatial quality, traffic and noise level;
- (ii) the proposed deletion of hotel blocks had overthrown the Government's original proposal of providing new hotels in Tsuen Wan to meet the growing demand for hotel rooms;
- (iii) some commenters suggested to revert back to the previous approved scheme of constructing two towers at 50 and 52 storeys high respectively. Some other commenters suggested to either retain the original hotel development or to reduce the height of the three additional residential blocks at the Cityside portion. Besides, some commenters had suggested to reduce the height of Tower D and Tower E from 20 storeys and 28 storeys respectively to 8 storeys and 10 storeys respectively, with similar flat production;

*Development Intensity*

- (iv) in comparison with the developments nearby, it was considered that the development intensity and population density at the Cityside portion were extremely high, which would create “wall effect” and affect the air ventilation of the area. According to the original scheme under Application No. A/TW/280, which was approved by the Board on 14.1.2000, only two residential blocks of 55 storeys would be developed at the Cityside portion. In view of this, it was suggested to retain the original scheme of erecting two residential blocks at the Cityside portion;

*Building Height, Air Ventilation, “Wall Effect” and Visual Impacts*

- (v) there was not enough breezeway / wind corridor at the Bayside portion (there was only one wide breezeway / corridor between Tower 3/Tower 4 and Tower 7/Tower 8). It was suggested to widen the building gaps between Tower 1/Tower 2 and Tower 4/Tower 5;
- (vi) the proposed development at Site TW5 was a “wall effect” development which would have adverse impacts on the nearby buildings in terms of air ventilation, visual quality and air quality. Although the proposed scheme had slightly reduced the building height and introduced breezeway / visual corridor, the problem of “wall effect” still could not be resolved;
- (vii) if the application was approved, it would be against the principle of not constructing tall buildings at waterfront so as to protect the view of Victoria Harbour. Tsuen Wan Bay area was also part of Victoria Harbour. Hence, the proposed development at the Site TW5 would not only seriously affect the sea view of Tsuen Wan bay area but also the view of Victoria Harbour;

*Request for the Provision of Government, Institution and Community Facilities*

- (viii) some commenters suggested the Board to consider converting the Cityside portion to government, institution and community (GIC)

purpose (such as elderly centre, activity centre for teenagers, public library and swimming pool) as the residential development at the Bayside portion of the Site TW5 and the future developments at the Sites TW6 and TW7 would result in an increase in population and hence would generate additional pressure to the existing community/institutional facilities provision in the area; and

*Carparking Provision*

- (ix) the proposed construction was actually built upon the MTR Station. Many people would and should use public transport instead of using private cars. Excessive provision of private car parks was not consistent with the recent government policy and the number of carpark provision should be reduced;
- (m) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper, which were summarized below:

*Development Intensity*

- (i) the proposed overall PR of 5.19 was in line with the development restrictions for the subject “CDA(3)” zone stipulated in the Tsuen Wan OZP. Taking into account the site characteristics, technical feasibility and the enabling works that had been completed and the background of the Site TW 5, it was considered that the proposed revised scheme had balanced public aspirations and various social, economic, environmental, housing and land resource consideration;

*Building Height*

- (ii) as compared with the approved scheme No. A/TW/357, the building height of Towers A and B of the Cityside portion had been reduced from 50 storeys and 52 storeys respectively to 38 storeys and 40 storeys respectively. Stepped height profile had been adopted for the three new residential towers (Towers C to E) at the Cityside portion. If a reasonable level of development intensity was to be

achieved on the Site TW 5, and given the various site development constraints (including the existing West Rail Tsuen Wan West Station and public transport interchange facilities as well as the close proximity to seawall leading to complicated basement construction), the proposed building height ranging from 64mPD to 186.75mPD had demonstrated improvement over the previously approved scheme under Application No. A/TW/357. Both CA/ASC, ArchSD and CTP/UD&L, PlanD had no adverse comments on the application;

*Podium Coverage and Height*

- (iii) the revised scheme had improved the design of podium by reducing of height of Bayside podium by about 3.3m and that of the Cityside podium by about 13.65m, introduction of an urban window of about 30m to 50m wide, and setting back the Bayside podium by 6m from the waterfront promenade. Terraced levels had been incorporated at the podium of both Bayside and Cityside to break down the scale of the development as viewed from street level and public waterfront promenade. Vertical greening would also be introduced to soften the edge of the proposed development. CTP/UD& L, PlanD had no further comments on the updated visual impact assessment submitted by the applicant. An approval condition stipulating the requirement on the submission and implementation of podium design had been recommended in paragraph 13.2(i) of the Paper;

*Air Ventilation*

- (iv) three breezeways along the waterfront to enhance air ventilation were proposed by the applicant. Besides, building gaps of 5m to 15m were also introduced in the pair Towers T8/T9 and T6/T7 at the Bayside portion. The wind performance of the revised scheme in terms of velocity ratio would be improved by about 5% as compared with the approved scheme under Application No. A/TW/357;

*Carparking Provision and Traffic*

- (v) C for T had no objection to the proposed parking and loading/unloading facilities. To address C for T's concern on transport measures and traffic impact assessment, relevant approval conditions had been recommended in paragraphs 13.2 (b), (c), (d) and (p) of the Paper;

*Provision of Kindergarten*

- (vi) to address the concern of the Secretary for Education (S for E), an approval condition on the provision of a kindergarten in the development to S for E's satisfaction had been recommended in paragraph 13.2(o) of the Paper;

*Provision of Waterfront Promenade*

- (vii) according to the latest agreement between the MTRCL and the Leisure and Cultural Services Department (LCSD), MTRCL would only be responsible for design and construction, while LCSD would be responsible for the future maintenance and management of the promenade along the Tsuen Wan Waterfront abutting the Site TW 5. In this regard, an approval condition on the design and construction of a promenade had been recommended in paragraph 13.2 (m) of the Paper;

*Project Interface Issue*

- (viii) to address the Project Manager/New Territories North & West, Civil Engineering and Development Department (PM/NTN&W, CEDD)'s concerns on the interface issues between the proposed development and the CEDD's Tsuen Wan Bypass and cycle track projects along the waterfront promenade, an approval condition regarding the project interface issue had been recommended in paragraph 13.2(n);

*Sustainable Building Design*

- (ix) the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department (CBS/NTE2&R, BD) had no in-principle

objection to the revised scheme. For the above-ground carpark facilities at the Bayside portion, in view of the geotechnical difficulties in providing a basement deeper than two storeys beside the existing station, CBS/NTE2&R, BD had no in-principle objection to disregarding 100% of the floor space of above-ground ancillary carpark for the property development from the GFA calculation;

#### *Technical Aspects*

- (x) the technical assessments had demonstrated that the proposed residential and commercial development would not generate adverse environmental, air ventilation, visual, drainage and traffic impacts. All government departments including C for T, DEP, and CTP/UD&L, PlanD had no objection to the application;

#### *The Concerns of the TW DC*

- (xi) TW DC's motion that in response to the needs of local residents, the Government was requested to further adjust the distribution of residential flats for the developments at Cityside portion. The request was mainly related to the visual impact of the three residential towers (proposed to replace the two hotel blocks in the approved scheme) on Skyline Plaza. As indicated in Drawing A-15 of the Paper, the nearest residential block i.e Tower C affecting the view of Skyline Plaza had a building height of 64mPD as compared to the building height of 60.6mPD of the hotel block in the approved scheme. As the distance between the Skyline Plaza and Tower C was about 75m and the building height of Tower C had only increased by about 3.4m while viewing from the Skyline Plaza, the visual impact was not significant. Moreover, the subject three residential blocks had been proposed with a stepping height concept (from 64mPD (Tower C) to 115mPD (Tower E)) in order to improve the design and visual quality of the Cityside portion. Also, the previous high-rise blocks (Tower A and Tower B) within the Cityside portion had been greatly reduced from '187.5mPD -

193.1mPD' to the currently proposed '146mPD - 152mPD'. On the other hand, the building height of the nine towers at Bayside portion had been reduced from '152.35mPD - 193.85mPD' to '151.55mPD - 186.75mPD'. The resulting overall development height under the revised scheme was more compatible with the surrounding areas. On the whole, the revised scheme had struck a proper balance of various community concerns (e.g. wider building gap and decrease of development intensity, etc.) on the project as well as the Administration's policy to provide more small to medium-sized flats to meet community needs;

*The Concerns of the Harbourfront Commission's Task Force on Harbourfront Development in Kwoloon, Tsuen Wan and Kwai Tsing*

- (xii) the HC Task Force had commented that, given its waterfront location, Site TW5 offered a very good opportunity for an active zone. The proponent was urged to increase the 6m set back of the development from the waterfront, and to review the stepped design of the set back as this might make it difficult to have outdoor seating. The HC Task Force had recommended that the development to include food and beverage at the ground floor facing the waterfront (which would cater for outdoor seating) and to revise the landscape plan to include areas for outdoor seating. It was considered that the HC Task Force's concern could be taken into account by the applicant to fine-tune the design of the podium and the waterfront promenade at the subsequent detailed design stage of the proposed development. To address the concern of the HC Task Force, an advisory clause requesting the applicant to consult HC Task Force on the detailed design of the podium as well as the waterfront promenade had been recommended in paragraph 13.2 (p) of the Paper;

*Public Comments*

- (xiii) the public comments relating to the proposed development intensity, building height, air ventilation and visual impacts and carparking

provision aspects had been taken into account in assessing the current scheme. Concerned government departments including CA/ASC, ArchSD, CTP/UD&L, PlanD and C for T had no adverse comments on the application. As regards the public comments relating to the deletion of hotel blocks in the revised scheme, the demand for hotels at Tsuen Wan was currently met by L'Hotel and Panda Hotel. Further, changing the two hotels into residential use would reduce traffic generation as well as provision of more small to medium-sized flats to meet public demand; and

(xiv) as regards the public comment on the provision of GIC facilities to meet the needs to be generated from the future residents at the Sites TW5, TW6 and TW7 or to serve the residents in Tsuen Wan. It should be noted that community facilities in the Tsuen Wan District had been adequately served as per the requirements set out in the Hong Kong Planning Standards and Guidelines. Besides, under the approved development schemes for Sites TW6 and TW7, a public indoor recreation centre/leisure centre would be provided at the Site TW6 and a 30-classroom primary school together with a residential care home for the elderly would be provided at the Site TW7. Also, there was no specific requirement from concerned departments and the provision of premises-based community facilities was generally adequate to meet future needs of the district.

19. In response to a Member's enquiry on the strong local objections to the deletion of hotel developments and its replacement by three residential blocks at the Cityside portion, Mr. Wilson W.S. Chan, DPO/TWK, responded that the local concerns were mainly related to the visual impact of the three proposed residential towers on Skyline Plaza. As indicated in Drawing A-15 of the Paper, the distance between the Skyline Plaza and the nearest proposed residential block i.e. Tower C was about 75m and the building height of Tower C had only increased by about 3.4m as compared to the hotel block in the approved scheme. Hence, the visual impact on Skyline Plaza was not significant. Moreover, the subject three residential blocks had been proposed with a stepping height concept, which was a great improvement in terms of design and visual quality of the developments at Cityside portion. The resulting

overall building height under the revised scheme was more compatible with the surrounding areas.

[Professor S.C. Wong left the meeting temporarily at this point.]

### Deliberation Session

20. The Secretary said that the HC Task Force had been consulted and had tendered their comments on the detailed design of the podium and the waterfront promenade. To address the concern of the HC Task Force, an advisory clause had been recommended in the Paper suggesting the applicant to consult HC Task Force on the detailed design of the podium as well as the waterfront promenade. Similar concerns were also raised by CTP/UD & L, PlanD and DLCS and approval conditions to address these concerns had been recommended in paragraphs 13.2(i) and 13(m) of the Paper. Since the concern of the HC Task Force was very explicit and could be adequately addressed by the approval conditions, the advisory clause as stated in paragraph 13.2(p) of the Paper could be amended and read as ‘to note the comments of the Harbourfront Commission Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing in revising/drawing up the design of the podium as well as the waterfront promenade’. Members agreed.

21. 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 17.6.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised MLP to incorporate the approval conditions as stipulated in conditions (c), (d), (f), (g), (h), (i), (j), (m) and (o) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the implementation of improvement works related to the Tai Chung Road Roundabout, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;

- (c) the design and provision of vehicular access, pedestrian circulation system, car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design, construction and maintenance of the proposed footbridges (FB 1, 2 and 7) and the provision of footbridge connections (FB 5 to 6), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the implementation of the improvement measures identified in the approved drainage and sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the design and provision of mitigation measures against traffic noise to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB;
- (h) the submission and implementation of a revised development programme indicating the timing and phasing of the comprehensive development to the satisfaction of the Director of Planning or of the TPB;
- (i) the submission and implementation of the podium design to the satisfaction of the Director of Planning or of the TPB;
- (j) the provision of emergency vehicular access, water supplies for fire-fighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB;
- (k) the submission of detailed site formation plans to the satisfaction of the Director of Water Supplies or of the TPB;
- (l) the diversion of existing water mains affected by the proposed development

to the satisfaction of the Director of Water Supplies or of the TPB;

- (m) the design and construction of the proposed promenade along the Tsuen Wan waterfront abutting the application site, and excluding the land within the proposed Tsuen Wan Park Phase 2, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (n) the submission of a revised consolidated interface report on the interface issues between the proposed development and the proposed Tsuen Wan Road upgrading and implementation of the measures identified therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (o) the provision of a kindergarten to the satisfaction of the Secretary for Education or of the TPB; and
- (p) the submission of a revised traffic impact assessment, and implementation of the road improvement works identified therein, to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) to note that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department direct to obtain the necessary approval.

If the building design elements and the GFA concession were not approved/granted by the BA and major changes to the current scheme were required, a fresh planning application to the Board might be required;

- (c) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department regarding the general building plan submission for the proposed development, the compliance with the Sustainable Building Design Guidelines, the proposed 100% GFA concession for above-ground ancillary carpark, the proposed clubhouse GFA and the Key Development Parameters at Table 4.1 of the Planning Statement;
- (d) to liaise with the Director of Fire Services on the compliance with the height restriction for the proposed kindergarten;
- (e) to liaise with the Director of Highways on application for an Expressway Works Permit for works within the expressway boundary of Tsuen Wan Road;
- (f) to liaise with the Director of Water Supplies on the measures for protection of water intake structures and facilities and Water Works Reserve of the Water Supplies Department;
- (g) to consult the Tsuen Wan District Council regarding the implementation aspect pertaining to the promenade abutting the application site;
- (h) to note the comments of the Chief Estate Surveyor/Railway Development, Lands Department regarding the application for land grant of the proposed development after the approval of the subject planning application and for the proposed public promenade abutting the Bayside portion, the applicant should seek prior agreement from the Leisure and Cultural Services Department or other relevant Government departments regarding the proposed hand-over of management and maintenance responsibility of the promenade to the Government;

- (i) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department regarding the proposed footbridge connections with the surrounding developments;
- (j) to note the comments of the Government Property Agency (GPA) regarding the request for at least 2-month advance written notice to GPA prior to handing over of the Tsuen Wan Transport Complex;
- (k) to note the comments of the Secretary for Education regarding the provision of a kindergarten to serve the proposed development;
- (l) to note the comments of the Director of Electrical and Mechanical Services regarding the existing underground town gas transmission pipes running along Tsuen Wan Road, and that the applicant should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of the existing and planned gas pipes routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the pipelines during the design and construction stages of the development, and that the project proponent/consultant should also note the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes";
- (m) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department on the submission of the proposed footbridges and driveway to the Advisory Committee on Appearances of Bridges and Associated Structures for consideration;
- (n) to note the comments of the Project Manager/New Territories North and West, Civil Engineering and Development Department (PM/NTN&W, CEDD) regarding the CEDD's cycle track between Tsuen Wan and Tuen Mun project that:
  - (i) the applicant should liaise with CEDD regarding the design of the

waterfront promenade. The lease conditions with plan should be circulated to CEDD for comments when available; and

- (ii) the applicant should be reminded to allow enough space between the seawater pump room for Tsuen Wan Town Hall and the Bayside development for the construction of the future cycle track and the end points should match with the cycle track proposed by CEDD outside the promenade and the alignment of the cycle track should be circulated to the Leisure and Cultural Services Department (LCSD), Transport Department (TD) and Highways Department (HyD) for agreement. Besides, the application boundary should be agreed by the Lands Department, CEDD, LCSD, TD and HyD; and
- (o) to note the comments of the Harbourfront Commission Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing in revising/drawing up the design of the podium as well as the waterfront promenade.

[The Chairman thanked Mr. Wilson W.S. Chan, DPO/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr. David To and Professor S.C. Wong returned to join the meeting at this point.]

[Mr. Andrew Tsang left the meeting at this point.]

**Agenda Item 6**

**Section 16 Application**

[Open Meeting]

A/TW/421      Proposed Shop and Services (Temporary Motor-vehicle Showroom) and Temporary Minor Relaxation of Non-domestic Gross Floor Area Restriction For a Period of 3 Years in “Residential (Group A) 6” zone, Portion of Car Park at Level 6, Discovery Park, 398 Castle Peak Road, Tsuen Wan (TWTL 361)  
(MPC Paper No. A/TW/421B)

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23.      The Secretary said that on 26.5.2011, the applicant’s representative had requested the Committee to defer the consideration of the application for two months in order to allow time for the applicant to prepare further information in response to the comments raised by Transport Department.

24.      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 for its 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.

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

## **Agenda Item 7**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/424              Proposed Temporary Information Technology and  
Telecommunications Industries for a Period of 5 Years  
in “Comprehensive Development Area (3)” zone,  
1/F (Portion) and 3/F, Asia Tone i-centre,  
1 Wang Wo Tsai Street, Tsuen Wan (TWTL 363)  
(MPC Paper No. A/TW/424)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary information technology and telecommunications industries (ITTI) for a period of five years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received. The commenter, who acted on behalf of the Incorporated Owners of Fortune Commercial Building to the immediate north of the application site, raised strong objection to the application as many draught fans and air-conditioners had been installed at the roof of the subject building which generated huge amount of noise. The commenter worried that noise problem would persist and affect the tenants/owners of Fortune Commercial Building; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

The proposed information technology and telecommunications industries (ITTI) use was located in a purpose-built godown building. The 4/F to 6/F of the subject building had been converted for ITTI purpose which was a permitted use under “Industrial” zone before the subject site was rezoned to “Comprehensive Development Area (3)” (“CDA(3)”) zone, while other floors of the subject building were used for office and warehouse purposes. The proposed ITTI use was considered compatible with other uses within the subject building as well as the surrounding industrial developments. The proposed ITTI use, which was relatively clean in nature, would generally induce less environmental and traffic impact as compared with other industrial uses. Concerned government departments including the Director of Environmental Protection, Commissioner for Transport and Director of Fire Services had no objection to the application. Since the intended comprehensive redevelopment at the subject “CDA(3)” zone would take time to materialize, there was no objection to using existing industrial premises for other compatible uses in the interim. However, in order not to affect the implementation of the “CDA(3)” zone, a temporary approval period of three years was recommended. Renewal of the temporary approval could be considered at the end of the three years, at which time the implementation programme of the “CDA(3)” zone would be more certain. As regards the public comment on the noise problem caused by the roof-top devices of the subject building, an advisory clause requiring the applicant to liaise with the owners/tenants of Fortune Commercial Building to address their concerns on the noise nuisance generated by the air conditioning system had been recommended in paragraph 12.2 of the Paper.

26. Members had no question on the application.

#### Deliberation Session

27. In response to the Chairman’s enquiry regarding a public concern on noise problem, Mr. K.T. Ng, STP/TWK, replied that as there were industrial activities in the area, it was difficult to judge whether the noise problem mentioned by the commenter was solely

generated by the draught fans and air-conditioners installed at the roof of the subject building. He also added that in order not to affect the implementation of the “CDA(3)” zone, a shorter period of three years, instead of five years as sought, had been recommended.

28. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.6.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations and water supplies for firefighting proposals in the application premises within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 17.12.2011;
- (b) in relation to (a) above, the implementation of fire service installations and water supplies for firefighting proposals in the application premises within 9 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 17.3.2012; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified dates, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department for a waiver to permit the proposed use at the application premises;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the applicant was required to submit building plans to the Building Authority for approval and consent under the Buildings Ordinance should there be any alteration and addition works in the area under application; and

- (c) to liaise with the owners/tenants of Fortune Commercial Building to address their concerns on the noise nuisance generated by the air conditioning system for the proposed use.

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

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

## **Agenda Item 8**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K2/197              Proposed Hotel (Guesthouse)  
                        in "Residential (Group A)" zone,  
                        3/F, Booman House, 37U Jordan Road, Yau Ma Tei  
                        (MPC Paper No. A/K2/197)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed hotel (guesthouse) on 3/F of an existing building;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the

application based on the assessments set out in paragraph 10 of the Paper. The proposed hotel (guesthouse) was considered not incompatible with the surrounding land uses which were predominantly mixed commercial/residential in nature. There were existing hotel developments and approved planning applications for hotel/guesthouse developments in the vicinity. The application premises could be accessed by a lift at ground floor exclusively serving the non-domestic floors on 2/F to 4/F of the subject building while there were two other lifts exclusively serving the flats at upper floors. It was envisaged that the proposed hotel (guestrooms) with the provision of a separate lift access would not adversely affect the residents at upper floors of the subject building. Concerned government departments including the Commissioner of Police, Director of Fire Services, Chief Building Surveyor/ Kowloon, Buildings Department, Commissioner for Transport and Chief Engineer/Mainland South, Drainage Services Department had no adverse comments on the proposed hotel (guesthouse).

31. Members had no question on the application.

#### Deliberation Session

32. 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 17.6.2015, 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 fire service installations and equipment 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; and
- (c) the implementation of the local sewerage upgrading/sewerage connection

works identified in the SIA in planning condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the Director of Fire Services that fire service installations and equipment should be provided in accordance with the current Code of Practice for Minimum Fire Service Installations and Equipment. These included but were not limited to pressurization of staircases, sprinkler system and smoke extraction system;
- (b) to consult the Chief Officer/Licensing Authority, Home Affairs Department on the licensing requirements for the proposed hotel(guesthouse);
- (c) to note the comments of the Director of Environmental Protection that the applicant should prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works; and
- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that in applying for approval of building plans, the Authorized Person of the applicant had to demonstrate compliance with the Buildings Ordinance including the followings :
  - (i) Building (Planning) Regulation (B(P)R) 20 on site coverage calculation upon inclusion of the domestic site coverage for the proposed guesthouse;
  - (ii) B(P)R 21 on plot ratio calculation upon inclusion of the domestic gross floor area for the proposed guesthouse;
  - (iii) B(P)R 25 on the provision of open space for domestic use;
  - (iv) B(P)R 30 on the provision of prescribed windows for domestic use;

- (v) B(P)R 36 on the provision of window for rooms containing soil fitments;
- (vi) B(P)R 72 on the design of building to be planned for use by persons with a disability; and
- (vii) Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations such that the sanitary fitments provision would be sufficient upon the intended change in use.

[The Chairman thanked Mr. C.K. Soh, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting]

- A/K20/115      Proposed Temporary Minor Relaxation of Gross Floor Area Restriction (from 41,000m<sup>2</sup> to 45,100m<sup>2</sup>) for the "Commercial (2)" zone for a Period of 5 Years  
to Facilitate the Proposed Temporary Retail Development in "Commercial (2)" zone,  
UG/F (Part), Olympian City One,  
11 Hoi Fai Road, West Kowloon Reclamation  
(MPC Paper No. A/K20/115)
- 

34.      The Secretary said that the application was submitted by Mass Transit Railway Corporation Ltd. (MTRCL). Mr. David To, being an assistant to the Commissioner for Transport, who was a non-executive director of MTRCL, had declared an interest on this item. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Mr. To could stay in the meeting.

35. The Secretary said that on 3.6.2011, the applicant's representative had requested the Committee to defer consideration of the application for two months in order to allow time for the applicant to address further comments from Transport Department.

36. 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 for its 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.

[Mr. Y.S. Lee, STP/TWK, was invited to the meeting at this point.]

## **Agenda Item 10**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/364              Proposed Hotel cum Shop and Services and Eating Place  
                        in "Other Specified Uses" annotated "Business" zone,  
                        100-110 Kwai Cheong Road, Kwai Chung (KCTL 134)  
                        (MPC Paper No. A/KC/364B)

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### **Presentation and Question Sessions**

37. Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed wholesale conversion of an existing 12-storey industrial building to a hotel cum shop and services and eating place at the application site;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication periods of the application and further information, 273 public comments were received objecting to the application mainly on the grounds that the proposed hotel development would displace the existing manufacturing work in the industrial building resulting in possible loss of employment; the location was not attractive to tourists; the proposal was not financially viable and the proposed hotel development would generate adverse traffic and environmental impact on the surrounding area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed hotel development cum shop and services and eating place was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone in that development or redevelopment/conversion of whole buildings for commercial and clean industrial uses were encouraged. The proposed PR of 9.5 and building height of 55.229mPD were primarily reflecting the development parameters of the existing building, which did not contravene the development restrictions stipulated in the Kwai Chung Outline Zoning Plan. The proposed hotel development cum shop and services and eating place was in line with the Town Planning Board Guidelines No. 22D for ‘Development within “OU(Business)” Zone’. The proposed hotel development cum shop and services and eating place together with the Kowloon Commerce Centre, located in the vicinity, would serve as a catalyst in transforming the subject industrial area within the “OU(Business)” zone to cater for less-polluting business uses. The proposed hotel development would not create adverse environmental, sewerage, drainage and traffic impacts on the surrounding area. Concerned government departments had no adverse comments on the application. To ensure that the proposed hotel development would not result in an increase in the intensity and physical bulk of the existing

building, an approval condition had been recommended in paragraph 12.2(a) of the Paper stipulating that the maximum gross floor area for the proposed hotel development i.e. 25,833.084m<sup>2</sup> should be inclusive of the area for the back-of-house facilities. As regards the public comments objecting to the application due to loss of manufacturing jobs, the proposed hotel with 564 hotel rooms, eating places and shop and services would equally generate employment opportunities, though of different types. As for the local concern on the possible environmental and traffic impacts, the Director of Environmental Protection, Commissioner for Transport and Commissioner of Police had no objection to the application.

38. A Member pointed out that in the layout plans submitted by the applicant, the proposed eating place and hotel guestrooms were located on the same floor. This Member enquired whether there were special requirements on fire safety for this kind of disposition. In response, Mr. Y.S. Lee, STP/TWK, said that the applicant would be required to appoint an Authorized Person to submit building plans for the proposed development to fully comply with the provisions of the Buildings Ordinance. Upon receipt of formal submission of general building plans, detailed fire service installations would be formulated by the Director of Fire Services. Moreover, to address the Director of Fire Services' concern on fire safety aspect, an approval condition had been recommended in paragraph 12.2(c) of the Paper stipulating the requirement for the provision of fire service installations and equipment.

#### Deliberation Session

39. 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 17.6.2015, 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 proposed development was subject to a maximum gross floor area (GFA) of 25,833.084m<sup>2</sup>. Any floor space that was constructed or intended for use as back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations should be included in the

GFA calculation;

- (b) the submission and implementation of vehicular access, carparking and loading/unloading layout to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of fire service installations and equipment to the satisfaction of the Director of Fire 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.

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

- (a) the approval of the application did not imply that the gross floor area exemption and/or bonus plot ratio included in the application would be granted by the Building Authority. The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval;
- (b) to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department for a lease modification or a temporary waiver for the proposed hotel use;
- (c) to note the comments of the Director of Environmental Protection that hotel development was normally provided with central air conditioning system and the applicant/Authorized Persons should be able to select a proper location for fresh-air intake during detailed design stage to avoid exposing future occupants under unacceptable environmental nuisances/impact;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, BD that an Authorized Person should be appointed to submit building plans for the proposed change in use/alteration works to demonstrate full compliance with the current provisions of the Buildings Ordinance;

- (e) to consult the Chief Officer/Licensing Authority, Home Affairs Department on the licensing requirements for the proposed hotel use;
- ‘
- (f) to note the comments of the Director of Fire Services that the arrangement on emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue, which was administrated by the BD. Detailed fire service requirements would be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that fresh water from Government mains should not be used for watering plant nurseries or landscape features purposes except with the consent of the Water Authority. Consent to use fresh water from the mains for such purposes might be given on concessionary supply basis if an alternative supply was impracticable and evidence to that effect was offered to and accepted by the Water Authority. Such permission would be withdrawn if in the opinion of the Water Authority the supply situation required it; and
- (h) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department to maximize the greening opportunity and adopt appropriate design treatment upon conversion to reduce visual bulkiness of the existing 4-level podium structure, and to increase the planting area on the garden deck as well as incorporating roof garden on the roof level and vertical greening on the existing 4-level podium structure.

## **Agenda Item 11**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/368           Shop and Services (Property Agency)  
                     in “Industrial” zone,  
                     Portion of Workshop B, G/F, Effort Industrial Building,  
                     2-8 Kung Yip Street, Kwai Chung  
                     (MPC Paper No. A/KC/368)

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### **Presentation and Question Sessions**

41.           Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (property agency) with a total floor area of about 20.53m<sup>2</sup> on the ground floor of an existing industrial building;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The “Industrial” (“I”) zone was intended to reserve land primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within “I” zone might be permitted on application to the Board based on individual merits and the planning assessment criteria outlined in the Town Planning Board Guidelines No. 25D for ‘Use/Development within “I” Zone’. In this connection, the

Director-General of Trade and Industry had no adverse comments on changing the industrial floor space into commercial use under the application. The ‘Shop and Services’ use was considered not incompatible with the uses of the subject industrial building, which was mainly used for industrial uses and warehouses. The proposed use, with an area of about 20.53m<sup>2</sup>, was not excessive in scale, and would unlikely generate adverse traffic, environmental or infrastructural impacts on the surrounding areas. Concerned government departments had no objection to the application. The aggregate commercial floor area for shop and services use previously approved by the Committee on the G/F of the subject industrial building was 121.14m<sup>2</sup>. Should the Committee approve the application, the aggregate commercial floor area would be 141.67m<sup>2</sup>, which was less than the maximum permissible commercial floor area of 460m<sup>2</sup> on the G/F of an industrial building with a sprinkler system. In this regard, the Director of Fire Services had no objection to the application. In order not to jeopardize the long-term planning intention of industrial use for the application premises, should the Committee approve the application, a shorter period of three years, instead of a permanent basis as sought, had been recommended.

42. Members had no question on the application.

#### Deliberation Session

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.6.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations proposal and the implementation of fire service installations in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 17.12.2011; 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.

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

- (a) prior planning permission should have been obtained before commencing the proposed use at the application premises;
- (b) to apply to the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department for a temporary waiver for the applied use at the application premises;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the compliance with the provisions of the Buildings Ordinance (BO), in particular: (i) the application premises should be separated from the remaining of the building with fire resistance period of not less than 2 hours; and (ii) an Authorised Person should be appointed to coordinate building works except exempted works as defined in the s.41 of BO;
- (d) to note the comments of the Director of Fire Services that a means of escape which was completely separated from the industrial portion should be available; and fire service installations (FSIs) should be provided to his satisfaction. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plans and regarding matters in relation to fire resisting construction requirements for the application premises, the applicant should comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the Buildings Department; and
- (e) to note the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ issued by the Town Planning Board for further information on the fulfillment of the approval conditions herein.

[The Chairman thanked Mr. Y.S. Lee, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting]

A/KC/369              Proposed Hotel and Flats with Shop and Services  
(Retail/Commercial) Uses (Master Layout Plan Submission)  
in "Comprehensive Development Area" zone,  
No. 1-7 Cheung Wing Road, Kwai Chung  
(MPC Paper No. A/KC/369)

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45.              The Secretary said that on 31.5.2011, the applicant's representative had requested the Committee to defer consideration of the application for six weeks in order to allow time for the applicant to address the comments from concerned government departments.

46.              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 for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that six weeks were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

## **Hong Kong District**

[Ms. Brenda K.Y. Au, District Planning Officer/Hong Kong (DPO/HK), and Ms. April K.Y. Kun, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

### **Agenda Item 13**

[Open Meeting]

Proposed Amendments to the Approved Urban Renewal Authority Staunton Street /  
Wing Lee Street Development Scheme Plan No. S/H3/URA1/2  
and the Approved Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/25  
(MPC Paper No. 6/11)

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47. The Secretary reported that the following Members had declared interest on this item:

- |   |  |
|---|--|
| Mr. Jimmy Leung<br>as the Director of Planning                | - being non-executive director of URA  |
| Mr. Maurice W.M. Lee  | - being a former non-executive director of URA with the term of office ended on 30.11.2008             |
| Mr. Raymond Y.M. Chan   | - being a Member of the Home Purchase Allowance (HPA) Appeals Committee                                |
| Ms. Olga Lam<br>as the Assistant Director of Lands Department | - being an assistant to the Director of Lands who was a non-executive director of URA                  |
| Mr. Andrew Tsang<br>as the Assistant Director of Home Affairs | - being an assistant to the Director of Home Affairs who was a non-executive director of URA           |
| Professor P.P. Ho   | having current business dealings with URA<br>] his spouse owned flats in Third Street and Kui Yan Lane |
| Ms. Maggie M.K. Chan  | being a Member of the HPA Appeals Committee<br>] office was in Wing Wo Street, Sheung Wan              |
| Mr. Clarence W.C. Leung                                       | - his mother owned a flat in Sai Ying Pun  |
| Mr. Roger K.H. Luk  | - being a council member of St. Paul's College from 1992   |

48. The Committee noted that Mr. Raymond Y.M. Chan, Ms. Olga Lam, Professor P.P. Ho, Mr. Clarence W.C. Leung, and Ms. Maggie M.K. Chan had tendered apologies for being unable to attend the meeting. Mr. Andrew Tsang had left the meeting and Mr. Maurice W.M. Lee had yet to arrive the meeting. As St. Paul's College was at a distance from the sites subject to the proposed amendments, the Committee agreed that the interest of Mr. Roger K.H. Luk was indirect and he could stay in the meeting.

49. The Committee agreed that the interest of the Chairman was considered direct and he should leave the meeting temporarily for this item. As the Chairman had to withdraw from the meeting, the Committee also agreed that the Vice-chairman should chair the meeting for this item. The Vice-chairman chaired the meeting at this point.

[Mr. Jimmy C.F. Leung left the meeting temporarily at this point.]

50. The Secretary reported that on 16.6.2011, a letter from Mr. Ian Brownlee of Masterplan Limited, who claimed to represent land owners within the “Comprehensive Development Area” (“CDA”) zone of the development scheme plan (DSP) area, who were directly affected by the consideration of the subject Paper, was received. The letter was tabled at the meeting for Members’ information and DPO/HK would respond to the points set out in the letter.

#### Presentation and Question Sessions

51. With the aid of a powerpoint presentation, Ms. April K.Y. Kun, STP/HK, presented the proposed amendments and covered the following aspects as detailed in the Paper :

#### Background

- (a) the approved DSP covered the area bounded by Staunton Street, Bridges Street, Wing Lee Street, Wa In Fong East and Aberdeen Street. The area was zoned “CDA” on the DSP and comprised three sites, i.e. Sites A, B and C. The buildings at Wing Lee Street within Site A were of Chinese tenement style with Art Deco influence and were quite special in terms of

their rather uniform design and contextual setting on a terrace. The buildings at No.17 and 19 Shing Wong Street, built in the same period, formed an integral part of the cluster. Within Site A was the Bridges Street Market site, which was the old site of America Congregational Mission Preaching Hall where Dr. Sun Yat-sen lived and received baptism in 1883. The existing market building was constructed and commenced operation in 1953. The market was a reinforced concrete frame construction built in the International Modernist style. It was the first of its kind built in Hong Kong's urban areas after World War II;

The URA's application

- (b) on 27.2.2009, URA submitted an application No. A/H3/387 for proposed comprehensive residential and commercial development with the provision of government, institution and community facilities and public open space in the “CDA” zone. For Sites A, B and C, three residential blocks of 6, 13 and 28 storeys with lower floors accommodating commercial/retail uses were proposed respectively;
- (c) on 29.1.2010, URA submitted further information to reduce the plot ratio (PR) of the scheme to 3.9 by revising the development on Site C to a 20-storey building. A common public view on URA’s revised proposal was that the tenement buildings at Wing Lee Street (Site A) were regarded as historically valuable and deserved conservation. On 17.3.2010, URA further submitted a letter to the Town Planning Board (the Board) suggesting a “complete conservation” approach, to preserve the tenement buildings at Wing Lee Street. URA also proposed the Board to consider excising Site A from the DSP;
- (d) on 19.3.2010, the Metro Planning Committee (the Committee), in considering URA’s application No. A/H3/387, agreed that the preservation of all the tenement buildings at Wing Lee Street (Site A) was the right direction, and the development parameters and layout for Sites B and C (i.e. a 13-storey and a 20-storey residential block respectively with lower floors

accommodating commercial/retail uses) were acceptable. Besides, MPC requested URA to explain clearly to the affected owners and tenants the implication of the alternative concept on them. To assist the Board's consideration of the matter, URA was also requested to provide information on the structural conditions of the existing buildings at Wing Lee Street and the cost involved in rehabilitation;

- (e) well before the Committee considered URA's application No. A/H3/387, MPC considered applications (No. A/H3/388 and No. Y/H3/5) on 29.1.2010. Both applications were submitted by some owners of Site C. Application No. A/H3/388 proposed no amendments to URA's proposals in respect of Sites A and B, while the existing buildings at Site C were to be retained and subject to a maximum of 7 storeys. Application No. Y/H3/5 proposed to incorporate Site C into the OZP and rezone it as "R(C)" with maximum PR of 5 and maximum building height of 12 storeys. Both applications were rejected by the Committee due to that the proposed development was not in line with the planning intention of the "CDA" zone, the implementability of the proposed development was doubtful as well as other reasons. The Board considered and rejected the review application No. A/H3/388 on 5.11.2010 for the same reasons. An appeal against the Board's decision to reject application No. A/H3/388 was received on 18.1.2011 and the hearing of appeal was being arranged;

#### Site A

- (f) on 7.1.2011, the Board considered the information submitted by URA. In deliberating on whether and how the buildings at Wing Lee Street should be preserved under a "complete conservation" approach, the Board took into account the following major aspects:

##### *Terrace Ambience and Social Value*

- (i) the buildings should be preserved because of their social value or the existing character/ambience of Wing Lee Street, rather than the building per se. In view of the diverse views on preservation of tenement buildings at Wing Lee Street among local residents, the

general public, preservationists and the media, there was a need for the Board to strike a balance between public aspiration for preservation and the resource implications on the concerned owners who were responsible for the repairing works. It was also important to ensure flexibility in the zoning mechanism for future development and to allow better use of the scarce land resources. The Board should focus on the land use planning for the area. Whether the tenement buildings at Wing Lee Street would need to be preserved was within the ambit of the Antiquities Advisory Board (AAB);

*Building Conditions and Rehabilitation/Maintenance Costs*

- (ii) based on the Building Condition Report submitted by URA, the internal conditions of the flats were worse than the exterior and accessible common internal areas. Although there was no imminent danger, major structural strengthening and alteration works would be required if they were to be safe and fit for modern day uses/other adaptive re-use. The estimated short-term and medium-term rehabilitation costs were about \$0.4M and \$1M respectively for a single building, and subsequent repair works of comparable scale would be required every 5 or 10 years under the two approaches respectively in similar order of costs plus inflation;

*Implications on the Owners and Tenants*

- (iii) it was noted that given some owners wished to preserve their buildings on their own and were reluctant to sell their properties to URA, the Development Bureau (DEVB) had indicated that it was inappropriate to invoke the Lands Resumption Ordinance. Besides, URA had already offered to concerned owners the option to sell their properties to URA in Site A until the excision of Wing Lee Street from the approved DSP. For the owners who would choose to retain their properties, they could accept URA's offer to subsidize half of the rehabilitation/maintenance costs with a cap. Individual owners in hardship could also obtain loans and/or cash subsidy, or

technical assistance under various rehabilitation and loan schemes managed by the Buildings Department and Hong Kong Housing Society. For the domestic tenants residing in properties acquired by URA, they would be either rehoused or compensated according to URA's prevailing policy. For those domestic tenants in the unacquired properties within Site A, they might also apply to URA for an allowance to help improve their living conditions. As such, the owners' and tenants' interests had been taken care of;

- (g) the Board came to the view that a "complete preservation" approach with all tenement buildings at Wing Lee Street be preserved would involve substantial financial cost and not a good use of land resources. Besides, according to the established practice, the Board would not designate a preservation zoning for buildings which were not declared monuments/graded historic buildings. The Board noted that if the planning intention was to preserve only the existing character and ambience, flexibility should be provided in the zoning mechanism to cater for future planning and development needs, such as flexibility for certain extent of redevelopment while retaining sufficient planning control through the planning permission mechanism;
- (h) noting that the Bridges Street Market would become the only area left in Site A if the Wing Lee Street area was excised from the DSP, and DEVB was considering the possibility of preserving the market for adaptive re-use under its Revitalizing Historic Buildings through Partnership Scheme, the Board also considered the excision of the market site from the DSP;
- (i) the Board agreed that the intention should be to preserve the existing character and ambience of Wing Lee Street, the whole of Site A, including Wing Lee Street and the Bridges Street Market should be excised from the DSP, and the "CDA" zoning was a possible zoning mechanism for the Wing Lee Street area while the Bridges Street Market would be covered by an appropriate zoning separately;

Proposed Amendments to the DSP

- (j) the proposed amendments to the matters shown on the Plan, Notes and Explanatory Statement (ES) of the draft URA Staunton Street/Wing Lee Street DSP No. S/H3/URA1/2A were to take forward the Board's decision on 7.1.2011 to excise Site A (covering the Wing Lee Street area and the Bridges Street Market) from the DSP. The excised area should be incorporated back into the Sai Ying Pun and Sheung Wan OZP with appropriate zonings to maintain planning control;

Proposed Amendments to the OZP in relation to Incorporation of Site A into the OZP

*Wing Lee Street Area*

- (k) having regard to the Board's intention to preserve the existing character and ambience of Wing Lee Street, and to provide suitable flexibility in the zoning mechanism while retaining appropriate planning control over development/redevelopment, it was proposed to zone the Wing Lee Street area to "CDA". The planning intention for the "CDA" zone was to preserve the existing character and ambience of the Wing Lee Street area. The zoning was to facilitate appropriate planning control over the development mix, scale, design and layout of development. Any development/redevelopment for residential and/or commercial uses should be planned in a comprehensive manner. Residential use and ground floor shop and services use in an existing building were always permitted. Any new development or redevelopment, except alteration and/or modification to an existing building and new structure(s) for facilities that were ancillary and directly related to the always permitted uses, required permission from the Board under section 16 of the Ordinance;

- (l) a building height restriction of 4 storeys was proposed mainly to reflect and contain the existing building height (i.e. 3 to 4 storeys) of the tenement buildings. The proposed building height could also ensure any development/redevelopment, including addition, alteration and/or

modification to the existing buildings, would meet the planning intention for preserving existing character and ambience of the Wing Lee Street area. A minor relaxation clause on the building height restriction was also incorporated into the Notes of the OZP;

*Bridges Street Market Site*

(m) on 15.6.2011, AAB endorsed the proposed grading (Grade 3) for the Bridges Street Market at its meeting and DEVB was working on the launching of adaptive re-use of this site under its Revitalising Historic Buildings through Partnership Scheme. In order to facilitate the launching of the Revitalization Scheme, it was proposed to zone the market site as “Other Specified Uses” (“OU”) annotated “Historical Site Preserved for Cultural and Recreational Uses”. The planning intention for the “OU (Historical Site Preserved for Cultural and Recreational Uses)” zone was to preserve and revitalize the existing Bridges Street Market site for cultural and recreational uses, with supporting shop and services use. Any new development, except alteration and/or modification to an existing building and new structure(s) for facilities that were ancillary and directly related to the always permitted uses, required permission from the Board under section 16 of the Ordinance. Besides, a building height restriction of three storeys was proposed to reflect the existing building height of the market. A minor relaxation clause on the building height restriction was also incorporated into the Notes. In addition, it was proposed to mention in the ES that reference should be made to the heritage preservation principles as stated in the Conservation Guidelines to be set out by the Antiquities and Monuments Office (AMO) for any development;

*Other Amendments*

- (n) to preserve the existing streetscape of Wing Lee Street and Shing Wong Street and to prevent them from being built over, Wing Lee Street and Shing Wong Street together with the adjoining major streets including Staunton Street, Aberdeen Street and Bridges Street, were proposed to be shown as ‘Road’ on the Sai Ying Pun and Sheung Wan OZP. Shing Wong Street should be reinstated after the demolition of the existing refuse collection point next to the Bridges Street Market;

Other Proposed Amendments to the OZP

- (o) opportunity was also taken to recommend other zoning amendments as summarised below:
- (i) to amend the Notes for “Residential (Group A)15” (“R(A)15”) zone, which covered Kau Yan School and Lechler Court site by imposing an overall cap of the maximum gross floor area (GFA) at 12,958m<sup>2</sup> with a GFA of not less than 6,385m<sup>2</sup> for GIC facilities to reflect the actual GFA of the latest development;
- (ii) to rectify the discrepancy between the lot boundary and the zoning boundary of Hollywood House at 27-29 Hollywood Road and reflect the planning intention for commercial development in the locality by rezoning the concerned ‘Road’ area to “Commercial” ;
- (iii) to amend the Notes for “R(A)4” zone which covered two existing residential towers, Yuk Ming Towers at 200-208 Third Street, by specifying a maximum GFA of 17,242m<sup>2</sup> in the Notes, of which not less than 1,136m<sup>2</sup> should be provided for GIC facilities; and
- (iv) to amend the Notes for “R(A)17” zone which covered an existing residential development, Tung Shing Terrace at 39 Bridges Street, by specifying a maximum GFA of 10,139m<sup>2</sup> in the Notes, of which not less than 248m<sup>2</sup> should be provided for GIC facilities;

Proposed Amendments to the Notes of the OZP

- (p) the proposed amendments to the Notes of the OZP included the following:
- (i) a new set of Notes for the “CDA” zone for the Wing Lee Street area and a new set of Notes for the “OU” annotated “Historical Site Preserved for Cultural and Recreational Uses” zone covering the Bridges Street Market site were proposed to be incorporated in the OZP; and
  - (ii) the Notes for the “R(A)15”, “R(A)4” and “R(A)17” zones of the OZP were proposed to be revised;

Departmental Consultation and Public Consultation

- (q) the proposed amendments had been circulated to relevant government bureaux/departments for comments. Most departments did not have objection to or adverse comments on the proposed amendments. The comments of the Urban Renewal Unit and Commissioner for Heritage of DEVB, AMO of Leisure and Cultural Services Department, Environmental Protection Department, and District Officer (Central & Western) had been incorporated, where appropriate; and
- (r) upon agreement of the Committee, the proposed amendments to the OZP would be published under section 5 of the Town Planning Ordinance (the Ordinance) for public inspection. The Central & Western District Council would be consulted on the amendments before or during the exhibition period of the draft URA Staunton Street/Wing Lee Street DSP No. S/H3/URA1/2A (to be renumbered to S/H3/URA1/3 upon exhibition) and Sai Ying Pun and Sheung Wan OZP No. S/H3/25A (to be renumbered to S/H5/26 upon exhibition) depending on the meeting schedule of the District Council.

52. Ms. Brenda K.Y. Au, DPO/HK, summarized briefly the main points of the letter from Masterplan Limited dated 16.6.2011 which was tabled for Members' information as follows:

- (a) the letter requested the Committee not to proceed with the recommendation in the Paper as it was based on inadequate information and did not consider the implications for the whole DSP area;
- (b) some owners of Site C previously submitted s.16 application (No. A/H3/388) and s.12A application (No. Y/H3/5) which were rejected by the Board. Subsequently, the applicants lodged a Town Planning Appeal No. 2/2011 relating to the Board's decision to reject application No. A/H3/388. It was considered that information of the two applications should be provided for the Board's consideration of the proposal set out in the Paper;
- (c) on 4.5.2011, Masterplan Limited wrote to DEVB copied to the Board and URA enquiring about the progress with the review of the DSP area and requested a full consultation with the owners. The reply from DEVB dated 9.5.2011 referred Masterplan Limited's letter to the Board. On 26.5.2011, the Secretariat of the Board wrote to Masterplan Limited indicating that the Board had not yet received any proposed amendments to the said DSP and PlanD was taking actions on the subject matter. However, there was no reply from PlanD. It was pointed out in the Paper that the Board had made consideration on the information submitted by URA on 7.1.2011 which was well before the replies were made and therefore the information provided in the letters from DEVB and the Secretariat of the Board was incorrect. The Board's discussion on 7.1.2011 was also not disclosed to the property owners or the public; and
- (d) the Paper recommended to excise Site A from the DSP but no consideration had been given to the viability of the remaining portion of the scheme area. The owners considered that the same approach could also be applied to excise Sites B and C from the DSP.

53. Ms. Au then made the following responses to the letter from Masterplan Limited:

- (a) the planning applications quoted in para. 1.1. of Masterplan Limited's letter were related to the development proposals previously submitted by some owners of Site C, i.e. Applications No. A/H3/388 and Y/H3/5. In considering Application No. A/H3/388, which proposed no amendments to URA's proposals in respect of Sites A and B while the existing buildings at Site C were to be retained, the Committee considered that the applicants had not proposed any mechanism/means to ensure that their proposal was agreeable to other owners not involved in the application. After discussion, the Committee decided to reject the application based on the reasons that the proposed development was not in line with the planning intention of "CDA" zone; no technical assessments had been submitted; and the implementability of the proposed development was doubtful. Application No. Y/H3/5 which proposed to incorporate Site C into the OZP and rezone it as "R(C)" was also rejected by MPC. The planning history of Site C and the development proposals submitted by the owners had been incorporated in the relevant MPC or TPB papers and duly considered by MPC and the Board at previous meetings; and
- (b) in considering URA's application No. A/H3/387 on 19.3.2010, apart from agreeing that the preservation of all the tenement buildings at Wing Lee Street (Site A) was the right direction, MPC also agreed that the development parameters and layout for Sites B and C (i.e. a 13-storey and a 20-storey residential block respectively with lower floors accommodating commercial/retail uses) proposed by URA were acceptable;
- (c) on 14.6.2011, PlanD had replied and informed Masterplan Limited that the CE in C referred the approved URA Staunton Street/Wing Lee Street DSP and the approved Sai Ying Pun & Sheung Wan OZP to the Board for amendment under section 12(1)(b)(ii) of the Ordinance on 31.5.2011. The reference back of the two approved plans was notified in the gazette on 10.6.2011 under section 12(2) of the Ordinance. A press release was issued by the Board's Secretariat on the same day. PlanD also informed

Masterplan Limited that proposed amendments to the approved plans would be submitted to the Board for consideration shortly; and

- (d) should the Committee agree to the proposed amendments to the said plans, they would be exhibited under section 5 of the Ordinance. During the exhibition period, any person might make representation to the Board in respect of the amendment to the approved plans. PlanD would consult the Central and Western District Council on the amendments before or during the exhibition period of the draft plans depending on the meeting schedule of the District Council. Hence, there would be adequate channels for Masterplan Limited and its clients to express their views in relation to the proposed amendments to the DSP and OZP.

54. Ms. Brenda Au also said that three replacement pages amending paragraph 5.1.4 of the Paper, the Notes and ES for “OU” annotated “Historical Site Preserved for Cultural and Recreational Uses” zone were tabled at the meeting for Members’ information. The amendments were to reflect the latest decision by AAB endorsing the proposed grading (Grade 3) for the Bridges Street Market at its meeting on 15.6.2011. The Bridges Street Market site was the old site of American Congregational Mission Preaching Hall where Dr. Sun lived and received baptism, and hence in addition to the market building, the site itself had its historical value.

55. In response to the Vice-Chairman’s enquiry, Ms. Au said that Town Planning Board Paper No. 8701 considered by the Board on 7.1.2011 was prepared by PlanD to seek Members’ agreement to request the Chief Executive in Council to refer the approved URA Staunton Street/Wing Lee Street DSP, and the Sai Ying Pun and Sheung Wan OZP to the Town Planning Board under section 12(1)(b)(ii) of the Town Planning Ordinance for amendment. As it involved the seeking of the Executive Council’s decision, the reference back paper was under confidential cover and was not disclosed to public.

56. The Secretary added that according to the Board’s practice, reference back papers would be kept under confidential cover. The main reason was that the reference back papers might contain information on the proposed amendments to OZPs involving control of development restrictions. Any pre-mature release of information on development

restrictions to be incorporated into the OZP might defeat the whole purpose of development control. In any event, publication of the proposed amendments to the OZP would be made under section 5 of the Ordinance for public representation, which was a statutory channel to solicit public views.

Deliberation Session

57. In response to a Member's query regarding paragraph 1.5 of Masterplan Limited's letter, Ms. Brenda K.Y. Au, DPO/HK, said that on 7.1.2011, the Board considered the information submitted by URA to the Board.

58. Regarding the point raised in the Masterplan Limited's letter that the Board was not provided with the information on the development proposals submitted by the owners of Site C, a Member said that the Board was fully aware of the information as the subject issues had been thoroughly discussed in several TPB meetings.

59. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Urban Renewal Authority (URA) Staunton Street/Wing Lee Street Development Scheme Plan (DSP) and that the Amendment DSP No. S/H3/URA1/2A at Attachment III-A of the Paper (to be renumbered as S/H3/URA1/3 upon exhibition) and its Notes at Attachment III-B of the Paper were suitable for exhibition under section 5 of the Ordinance;
- (b) adopt the revised Explanatory Statement (ES) at Attachment III-C of the Paper for the DSP as an expression of the planning intentions and objectives of the Board for the "Comprehensive Development Area" zone on the DSP and the revised ES would be published together with the DSP;
- (c) agree to the proposed amendments to the approved Sai Ying Pun & Sheung Wan OZP and that the Amendment OZP No. S/H3/25A at Attachment IV-A of the Paper (to be renumbered as S/H3/26 upon exhibition) and its Notes at Attachment IV-B of the Paper were suitable for

exhibition under section 5 of the Ordinance; and

- (d) adopt the revised ES at Attachment IV-C of the Paper for the Sai Ying Pun & Sheung Wan OZP as an expression of the Board's planning intentions and objectives for the various land use zones on the OZP and the revised ES would be published together with the OZP.

[The Vice-Chairman thanked Ms. Brenda K.Y. Au, DPO/HK, and Ms. April K.Y. Kun, STP/HK, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Mr. Jimmy C.F. returned to join the meeting at this point.]

[Ms. Kitty S.T. Lam, STP/HK, was invited to the meeting at this point.]

#### **Agenda Item 14**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/68              Proposed Minor Relaxation of Plot Ratio Restriction from 0.5 to 0.55  
                        for House Development in "Residential (Group C) 2" zone,  
                        77 Peak Road, The Peak Area  
                        (MPC Paper No. A/H14/68)

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

60.        With the aid of a powerpoint presentation, Ms. Kitty S.T. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

##### **Background to the application**

- (a) the application site was the subject of two previous applications (No. A/H14/52 and No. A/H14/54) for minor relaxation of plot ratio (PR) for house development on the application site. The former application (No.

A/H14/52) for minor relaxation of PR from 0.5 to 0.6 was rejected by the Committee on 23.3.2007. The latter application (No. A/H14/54) for minor relaxation of PR from 0.5 to 0.55 was approved with conditions by the Committee on 16.11.2007 ;

### The Proposal

- (b) the planning application was for proposed minor relaxation of PR restriction from 0.5 to 0.55 for house development. The proposed relaxation of PR was to accommodate the bonus plot ratio to be claimed by the applicant for dedication of area within the owner's lot for road widening purposes under Building (Planning) Regulation 22(2);
- (c) as compared to the approved scheme (Application No. A/H14/54), there was no change in respect of the development parameters including site area, PR, total gross floor area (GFA) and building height (in terms of number of storeys). The major amendments included the followings:
  - (i) increase in number of houses from 7 to 8;
  - (ii) decrease in average unit size from 560m<sup>2</sup> to 490.05m<sup>2</sup>;
  - (iii) decrease in overall building height of the house development from '393.2mPD to 405.7mPD' to '386mPD to 403.5mPD';
  - (iv) changes in disposition of building blocks; and
  - (v) increase in the number of trees preserved;

### Departmental Comments

- (d) the Commissioner for Transport (C for T) supported the applicant's road widening proposal and had no adverse comment on the application from the traffic engineering point of view as the traffic impact generated by the proposed house development was insignificant. C for T also advised that back in the 1960s, the Transport Department (TD) had already prepared a road widening scheme as a long-term improvement measure to the traffic conditions in the area. In the past decades, TD had been requesting,

whenever opportunities arose, developers of private lots to set back their lot boundaries to make room for future road widening. The applicant's road widening proposal was essential to Peak Road's widening improvement. Other concerned government departments had no objection to or adverse comments on the application;

#### Public Comments

- (e) during the statutory publication period, 24 public comments were received. Amongst the comments received, 11 of them supported the application, 8 raised objection to the application, 4 commenters had no objection to the application, and 1 had no adverse comments on the application. Their comments as detailed in paragraph 9 of the Paper were summarized below:

##### *Supportive Comments*

- (i) as compared to the previous approved scheme, the current scheme was an improvement as it would have less visual impact on the surrounding area; increase greenery and improve visual permeability; reduced air/noise pollution and improved road safety due to road/footpath widening, and was compatible with the surrounding area;

##### *Objection/Adverse Comments*

- (ii) the objecting comments were mainly from the owners/residents of the adjacent Stewart Terrace. The commenters considered that the proposed development would overload the transport infrastructure; affect the environment, view and visual amenity, and bring about construction noise and loss of mature trees. The commenters were particularly concerned about the existing right-of-way, which served as an access to the three garages at 77 Peak Road, was not suitable for Emergency Vehicular Access (EVA) purpose as it was steep and narrow. The proposed EVA through Stewart Terrace would affect their rights as it would have considerable impact on the redevelopment potential of Stewart Terrace. In addition, the

proposal had not conducted any ecological survey on the rare butterfly population and plant life in the area. The applicant also had not undertaken relevant impact assessments on environmental, traffic, landscape, drainage, sewerage aspects and risk assessment; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper, which were summarized below:
  - (i) the need to widen Peak Road on road safety and traffic circulation grounds was confirmed by C for T. The voluntary set back and surrender of portion of the application site would facilitate early implementation of the road widening scheme. C for T supported the applicant's road widening proposal and confirmed that it was essential to Peak Road's widening improvement. The proposed minor relaxation of PR from 0.5 to 0.55 was to accommodate the bonus PR to be claimed by the applicant for dedication of area within the owner's lot for road widening purposes under Building (Planning) Regulation 22 (2) (B(P)R 22(2));
  - (ii) as compared with the previous approved scheme, major development parameters including site area, PR, total GFA and building height (in terms of number of storeys) were the same as the approved scheme. Building plans for granting bonus PR under B(P)R22(2) were in line with the approved scheme and were approved by the Building Authority on 13.8.2008;
  - (iii) from the landscaping perspective, the number of trees proposed to be preserved had increased from 119 to 133, out of the total of 203 existing trees. Concerned government departments, including the Director of Agriculture, Fisheries and Conservation (DAFC), Chief Architects/Advisory and Statutory Compliance, Architectural Services Department and Chief Town Planner/Urban Design and

Landscape, Planning Department, had no adverse comments on the application and considered that the tree felling and transplanting proposals were acceptable;

- (iv) as regards the public concern that the proposed development would overload the transport infrastructure, the applicant proposed to reduce the number of residential units from 12 (in the existing development) to 8. Hence, adverse traffic impact on the area arising from the development was not envisaged. C for T had no objection to the application and considered that there would be no increase in vehicle trip generation;
- (v) as regards the public concern over construction noise, the Director of Environmental Protection (DEP) advised that environmental impacts during the construction stage were subject to statutory control under various pollution control ordinances. For the comment requesting for ecological and other impact assessments including sewerage and drainage, DAFC had advised that the site was not an ecologically important habitat for butterflies and birds. To address the concerns from the Director of Drainage Services and DEP, approval conditions requiring the submission of sewerage impact assessment and drainage impact assessment had been recommended in paragraph 11 (e) to (g) of the Paper ; and
- (vi) as regards the right of way through Stewart Terrace and issues concerning road safety, C for T had no objection to the proposed run-in/out at Stewart Terrace. The applicant had also submitted lease plan and extract of the lease modification letter to demonstrate his right of way through Stewart Terrace. The District Lands Officer/Hong Kong West and South, Lands Department also confirmed that the applicant's lease entitlement for the said right of way was not only restricted to access to three existing garages within the application site. For the concern on the impact on redevelopment potential of Stewart Terrace, the issue was related to

property value which fell outside the purview of the Board.

61. Members had no question on the application.

#### Deliberation Session

62. The Secretary drew Members' attention that a letter dated 7.6.2011 from a private individual, who had also submitted public comment during the statutory publication period, was received by the Secretariat of the Board on 8.6.2011. The main points of the letter were - i) it would be quite wrong for the Board to give any consideration or weight to letters of "support" for this application as it was believed that the letters of "support" were submitted by the subsidiary company of the applicant; ii) the letters and emails of "support" were submitted by unidentified persons, with scribbled and illegible signatures and no identifiable addresses. It was suspected that these letters of "support" had been generated or sponsored by the applicant itself or its agent and were not worthy of any consideration by the Board; and iii) it was suggested that the Board should be very careful not to give weight to purported letters of support from anonymous parties since the true provenance of "support" was highly doubtful.

63. The Secretary said that the letter was submitted after the expiration of the statutory publication period for comments on the application. Hence, the letter should be treated as 'not having been made' and was not included in the Paper prepared by PlanD. According to the Town Planning Board Guidelines No. 30 on 'Publication of Applications for Amendment of Plan, Planning Permission and Review and Submission of Comments on Various Applications under the Town Planning Ordinance', the Board would primarily consider the nature and substance of the public comments, rather than the number of supporting comments received. Members noted.

64. 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 17.6.2015, 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 surrender of land and implementation of road widening works of Peak Road to a width of 7.3m to 7.9m and provision of 2m footpath adjoining the application site, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission of detailed design of the proposed road widening scheme to demonstrate technical feasibility of the scheme and structural integrity of the existing masonry wall to the satisfaction of the Director of Highways or of the TPB;
- (c) the submission and implementation of a Landscape Master Plan with a tree preservation proposal, and provision of bi-monthly tree monitoring reports to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (e) the submission and implementation of a drainage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the submission of a sewerage impact assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (g) the implementation of a SIA to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administrated by Buildings Department;
- (b) to note the comments of Chief Highway Engineer/Hong Kong, Highways

Department that the structural design of the structure for the proposed footpath widening should be in accordance with the Structural Design Manual for Highways and Railways, pursuant to Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) 92;

- (c) to note the comments of Chief Buildings Surveyor/Hong Kong West, Buildings Department that any bonus plot ratio claimed under Building (Planning) Regulation 22(2) would only be considered upon formal submission of building plans when the details of the surrender were clearly marked on plans;
- (d) to note the comments of Chief Engineer/Development (2), Water Supplies Department and to comply with the “Conditions for Working within Water Gathering Grounds” during construction;
- (e) to note the comments of Antiquities and Monuments Office that special care should be exercised and adequate protective measures be implemented to avoid making any damages to the Chinese Archway of Ho Tung Garden, which was a proposed monument, during the course of development and no adverse impact would be posed on the structure during and after the course of development. The applicant should submit the proposed protective measures during and after the course of development to the Antiquities and Monuments Office for consideration prior to the commencement of any works at the application site. Consideration should be given to use alternative access for construction vehicles;
- (f) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department and explore the opportunities in providing greenery to screen and soften the retaining stilt structures within the development and along site boundary adjoining the adjacent buildings as far as practicable; to review the proposal for tree preservation by transplanting with detailed assessment of the updated tree condition; to provide method statement for tree preservation during construction stage; and to provide a minimum of 1.2m soil depth with adequate soil volume for all tree

- plantings;
- (g) to note the comments of Chief Architect/Advisory and Statutory Compliance, Architectural Services Department and consider appropriate architectural treatment to the retaining wall or fence wall, if any, along the south boundary of the site abutting the road; and
- (h) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required.

## **Agenda Item 15**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/175              Shop and Services (Bank)  
                        in “Other Specified Uses” annotated “Business” zone,  
                        Rear Section of Portion A,  
                        Lower Ground Floor, Hop Shi Factory Building,  
                        29-31 Lee Chung Street, Chai Wan  
                        (MPC Paper No. A/H20/175)

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66.         The Secretary said that the application was submitted by Bank of China (Hong Kong) Limited with Ove Arup & Partners (Hong Kong) Ltd. as the consultant. Professor S.C. Wong, having business dealings with Ove Arup & Partners Hong Kong Ltd., had declared an interest on this item. As Professor Wong had no direct involvement in the subject application, the Committee agreed that the interest of Professor Wong was indirect

and he could stay in the meeting.

67. Mr. Felix W. Fong had also declared an interest on this item as he had business dealing with the applicant. The Committee considered that his interest was direct and Mr. Fong was invited to leave the meeting temporarily.

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

#### Presentation and Question Sessions

68. Ms. Kitty S.T. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the application premises was the subject of a previous application (No. A/H20/153) which was approved with conditions by the Board on 7.7.2006. However, planning permission was revoked as the applicant had failed to fully comply with the condition regarding provision of fire service installations before the operation of the bank use;
- (b) the ‘Shop and Services (Bank)’ use with a total floor area of about 555m<sup>2</sup> on the lower ground floor of an existing industrial building;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, four public comments were received. All the comments supported the application as the commenters considered that the bank would provide convenience to the companies, residents and workers in the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The ‘Shop and Services (Bank)’ use was in line with the planning intention

of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone which was to allow greater flexibility in the use of the existing industrial buildings for both commercial and clean industrial uses. Similar applications for ‘Shop and Services’ use had been approved for other ground floor units in the same building and in other industrial buildings in the vicinity. The bank provided supporting activities to the businesses and workers in the area. Bank use was considered not incompatible with the uses in the same building, which mainly included workshops, offices and non-polluting industrial uses. It was also considered not incompatible with the surrounding developments. The bank complied with the relevant considerations in the Town Planning Board Guidelines No. 22D for ‘Development within “OU(Business)” Zone’ in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject industrial building and the adjacent area. To address the Director of Fire Services’ concerns, approval conditions requiring the applicant to provide fire service installations had been recommended in paragraph 12.2(a) of the Paper. Given the last planning approval (Application No. A/H20/153) was revoked due to non-compliance with the approval condition on fire service installations, a shorter compliance period was proposed to ensure early and satisfactory provision of fire service installations.

69. Members had no question on the application.

#### Deliberation Session

70. 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 provision of means of escape separated from the industrial portion and fire service installations in the subject premises within three months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 17.9.2011; 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.

71. 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 lease modification or a waiver to permit applied use at the application premises;
- (b) to note the comments of Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department regarding building plan submission for any building works in connection with the use under application for approval and provision of means of escape in case of fire and disability facilities under the Buildings Ordinance; and
- (c) to note the comments of Director of Fire Services regarding the separation of the bank and industrial occupancies and to observe the ‘Guidance Notes on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ issued by the TPB.

[The Chairman thanked Ms. Kitty S.T. Lam, STP/HK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

[Mr. Felix W. Fong returned to join the meeting at this point.]

## **Agenda Item 16**

### **Section 16 Application**

[Open Meeting]

A/H19/64              Proposed Minor Relaxation of Site Coverage Restriction  
                          to not more than 35% for Permitted Residential Development  
                          in “Residential (Group C)” zone,  
                          16 and 18 Cape Road, Chung Hom Kok  
                          (MPC Paper No. A/H19/64A)

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72.              The Secretary said that the application was submitted by Well Harbour Holdings Limited with Ove Arup & Partners Hong Kong Ltd. as the consultant. Professor S.C. Wong, having business dealings with Ove Arup & Partners Hong Kong Ltd., had declared an interest on this item. As the applicant had requested the Committee to defer consideration of the application, the Committee agreed that Professor Wong could stay in the meeting.

73.              The Committee noted that on 2.6.2011, the applicant’s representative had requested the Committee to defer consideration of the application for one month in order to allow time for the applicant to prepare supplementary information to address further comments from relevant government departments.

74.              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 for its 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.

[Mr. Maurice W.M. Lee arrived to join the meeting at this point.]

**Agenda Item 17**

**Section 16 Application**

[Open Meeting]

A/H5/392              Proposed Hotel in “Residential (Group A)” zone,  
                          5-9 (odd numbers), Hing Wan Street, Wan Chai  
                          (MPC Paper No. A/H5/392)

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75.              The Secretary said that on 2.6.2011, the applicant had requested the Committee to defer consideration of the application for two months in order to allow time for the applicant to address departmental comments on the application.

76.              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 for its 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.

**Kowloon District**

**Agenda Item 18**

**Section 12A Application**

[Open Meeting]

Y/K18/6              Application for Amendment to the  
                          Approved Kowloon Tong Outline Zoning Plan No. S/K18/16  
                          from “Government, Institution or Community (3)”  
                          to “Government, Institution or Community (6)” and  
                          “Residential (Group C) 9”,  
                          45-47 Grampian Road, Kowloon City (NKIL 1382)  
                          (MPC Paper No. Y/K18/6A)

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77. The Secretary said that on 1.6.2011, the applicant's representative had requested the Committee to defer consideration of the application for two months in order to allow time for the applicant to address the comments from government departments.

78. 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 for its consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a maximum of two months were allowed for preparation of the submission of further information. Since it was the second deferment of the application and the Committee had allowed a total of 4 months on preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

[Ms. Jessica H.F. Chu, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

## **Agenda Item 19**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K22/11              Proposed Residential Development including a Pier (Landing Steps),  
                            Eating Place and Shop and Services uses  
                            (Proposed Amendments to an Approved Scheme)  
                            in "Commercial (2)" zone, 1-5 Kai Hing Road, Kowloon Bay  
                            (NKILs No. 5805, 5806 and 5982)  
                            (MPC Paper No. A/K22/11)

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79. The Secretary said that the application was submitted by a subsidiary of Wheelock Properties Ltd. with Ove Arup & Partners Hong Kong Ltd. as consultant. The following Members had declared interests on this item-

Mr. Roger K.H. Luk

- previous independent non-executive director of Wheelock Properties Ltd.

Professor S.C. Wong - having business dealings with Ove Arup & Partners Hong Kong Ltd.

80. The Committee considered that Mr. Luk's interest was direct and he should leave the meeting temporarily. As Professor Wong had no direct involvement in the subject application, the Committee agreed that the interest of Professor Wong was indirect and he could stay in the meeting.

[Mr. Roger K.H. Luk left the meeting temporarily at this point.]

#### Presentation and Question Sessions

81. With the aid of a powerpoint presentation, Ms. Jessica H.F. Chu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

#### Background to the application

(a) the application site was the subject of a previous application (No. A/K22/9) for residential development including a pier (landing steps), eating place and shop and services uses which was approved with conditions by the Committee on 10.9.2010;

#### The Proposal

(b) the proposed residential development including a pier (landing steps), eating place and shop and services uses;

(c) as compared with the approved scheme under Application No. A/K22/9, the applicant stated that there was no change in respect of the development parameters including site area, plot ratio (PR), total gross floor area (GFA). The major amendments include the following:

- (i) change in the disposition and form of residential blocks which were the subject of environmental mitigation measures;
- (ii) change in the internal layout and disposition of premises which were

- the subject of environmental mitigation measures;
- (iii) increase in the number of residential blocks from 5 to 6 and retail block from 1 to 2;
  - (iv) increase in the average flat size from 84m<sup>2</sup> to 97.5m<sup>2</sup>;
  - (v) decrease in the maximum number of units from not more than 911 to not more than 784;
  - (vi) increase in the number of loading/unloading bay from 7 to 8;
  - (vii) change in the location of private open space which was not the subject of environmental mitigation measures; and
  - (viii) widening of two air ventilation or visual corridors from 10m to 15m (change in orientation of one corridor from SE to ESE);
- (d) same as the previous approved scheme, the current scheme would provide a 20m-wide waterfront promenade with landing steps and berthing facilities along harbourfront side of the application site. The waterfront promenade excluding the landing steps would be surrendered to the Government. The applicant would construct and manage the waterfront promenade (including the seawall) for public use round the clock before surrender it to the Government upon request;
- (e) as for the landing steps, the proposed landing steps including its seawall and berthing facilities would be operated, managed and maintained in association with the commercial uses fronting the waterfront promenade. The future residents would not bear the maintenance cost of the landing steps. The opening hours of the landing steps and berthing facilities to the public would be from 7am to 10pm;
- (f) most parts of the premises at G/F adjacent to the waterfront promenade were setback by about 1.5m in general with 6m clear headroom. Landscaping planting along setback area, including the whole length of the façade near Tower 1 would soften the interface with the promenade;

Major Departmental Comments

- (g) the District Lands Officer/Kowloon East, Lands Department had no objection to the application and advised that the applicant had proposed to construct and manage a 20m-wide waterfront promenade for public use round the clock until surrendering it to the Government. If this proposal was acceptable, the area had to be carved out of the application site before assignment of any undivided share of the lot. According to the applicant's submission, the landing steps and berthing facilities would be operated, managed and maintained in association with the commercial uses fronting the waterfront promenade. The opening hours for public usage would be from 7am to 10pm. Since the applicant intended to retain ownership of such area, the issue on monitoring the public usage had to be sort out by the applicant and relevant government departments at a later stage;
- (h) the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had no objection to the application and advised that the approved scheme (Application No. A/K22/9) was marginally better than the current scheme in respect of the building disposition and its potential visual impacts on the adjacent waterfront promenade. However, the current scheme was not considered unacceptable from the urban design perspective taken into account that- i) the proposed building height was 100mPD which complied with the building height restriction stipulated in the Kai Tak Outline Zoning Plan and would be in coherence with the planned building height profile for the area; ii) two of the building gaps had been widened to 15m and together with the 9m-wide building gap in the southwestern fringe and the sky garden at Tower 4 and Tower 5 of the central tower cluster, the visual impacts and visual permeability were similar to that of the approved scheme; iii) a 1.5 setback was proposed at the G/F of Tower 1 from the waterfront and shrubs of 1.5m to 3m tall would be planted along the setback area ;
- (i) the Harbour Unit of the Development Bureau advised that the Harbourfront Commission's Kai Tak Task Force (Kai Tak Task Force) discussed the current scheme at its meeting on 31.3.2011, Members of the Kai Tak Task Force had no objection to the scheme and opined that there were

improvement on aspects such as air ventilation and visual permeability;

- (j) the Director of Environmental Protection (DEP) had no in-principle objection to the application subject to retaining the approval conditions in the previous scheme. As regards the traffic noise impact, the applicant had undertaken to provide noise mitigation measures such as provision of 6mm window panes and air conditioning as last resort to those affected flats. As such, he had no objection to the application from technical noise assessment viewpoint, and the previous approval condition regarding submission and implementation of traffic noise mitigation measures should be retained. Nevertheless, DEP raised concern on the practicality and implementation of the proposed noise mitigation measures of single aspect building design, extensive use of fixed glazing and the maintenance/cleaning of fixed windows;
- (k) the Director of Leisure and Cultural Services (DLCS) had no adverse comments on the application but noted that no buffer area between retail/food and beverage premises and the waterfront promenade was provided. A 1.5m buffer area was required to avoid any possible conflicts between shop operators and the promenade uses;

#### Public Comments

- (l) during the statutory publication period, 16 public comments were received. 14 comments gave support to the application, one comment raised objection and one submitted comments to the application. The comments detailed in paragraph 9 of the Paper were summarized below:

#### *Supportive Comments*

- (i) as compared to the previous scheme (Application No. A/K22/9), the revised scheme was an improvement in terms of air ventilation, visual and traffic noise mitigation;
- (ii) the proposal included a waterfront promenade for leisure use would

help to complete the continuous promenade planned for Kai Tak Development. The provision of a waterfront promenade would allow people to access to and enjoy the harbour, and would be beneficial to the future development of the local district;

- (iii) the proposed development would create a new landmark to the harbourfront area of the local district;
- (iv) the proposed residential development was more compatible with the surrounding area as the proposed density of the residential development was far below that of the commercial developments permissible under the Kai Tak OZP;
- (v) the phasing out of the incompatible warehouse and industrial uses and replaced by commercial and residential developments would bring in a more diverse and compatible land uses for the local district;

*Opposing Views*

- (vi) the application should be treated as a fresh application as the number of blocks (which was a major development parameter) had been increased;
- (vii) the application for a residential development was against the planning intention of “C” zone. Removal of commercial facilities reduced supporting facilities for cruise terminal and affected the supply of valuable office space. This might be harmful to the tourism industry. With reduced job opportunities, the Kai Tak district would become less sustainable and might become another jobless district;
- (viii) the proposed roof level of 100mPD should be unacceptable as buffers had not been provided for railings, antennae and other building services;

- (ix) the locations of loading/unloading spaces, the refuge floor and sky garden within the development and the decorative paving might not be appropriate. Access to promenade was not specified by the applicant;
- (x) the Hoi Bun Road Park was not frequented by visitors and should not be treated as a representative vantage point. Visual impact from north and northeast of the site, e.g. Upper Ngau Tau Kok Estate and Crocodile Hill, should also be assessed;
- (xi) comments from the Director of Fire Services who was the controlling authority of dangerous goods on the hazard assessment of the dangerous goods warehouse nearby should be sought;
- (xii) comparing to the previous scheme, the current scheme was a worse scheme as less landscaping was provided at the periphery of the site, more bulky due to the increase in number of blocks and more energy use with more building services;
- (xiii) it should be clarified as to how the reduction of number of flats could alleviate the visual impact of the industrial buildings adjoining the residential development;

*Comments*

- (xiv) the Kwun Tong PCWA, which was zoned “Open Space” on the Kai Tak OZP for waterfront promenade development, should be relocated as soon as possible;
- (xv) according to the application, the proposed landing steps would be constructed on existing land and would not involve any reclamation. In the circumstances, the Society for Protection of Harbour stated that they were not lodging any objection to the application, but pointed out that any proposed reclamation necessitated by the

application had to comply with the Protection of the Harbour Ordinance; and

- (m) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper, which were summarized below:
  - (i) the current scheme maintained the same major development parameters including PR, building height, site coverage restrictions and the floor uses of the tower block as compared with that of the previous approved scheme (No. A/K22/9). The essential design features such as the podium-free and basement carpark design, sky garden/refuge floor at the central tower cluster as well as three tower clusters with three air/ventilation corridors were also maintained;
  - (ii) as in the previous scheme, the applicant would provide a 20m-wide waterfront promenade with an area of about 3,786m<sup>2</sup> within the application site and surrendered it to the Government upon Government's request. The applicant undertook to landscape, manage and maintain the waterfront promenade at his own expense and open to public for enjoyment until it was surrendered. The proposed landing steps with an area of 35m<sup>2</sup> at the waterfront promenade would be built by the applicant and operated/managed/maintained in association with the proposed retail uses. As indicated by the applicant, the future residents would not bear the maintenance cost of the landing steps including its seawall. The opening hours of the landing steps for berthing use by the public would be from 7am to 10pm;
  - (iii) the major amendments proposed in the current scheme were the changes in disposition/ form of the residential blocks as a result of widening and reorientation of the two corridors between the tower clusters; addition of one residential block to the western tower cluster, revision of the disposition, layout, size and the number of

residential units; and the split of a single retail block at the SE corner of the application site into two. Other changes included addition of one loading/unloading bay for the additional residential block and changes in location/layout of the open space, which were consequential to the changes in disposition/form of building blocks and increase in number of residential block;

*Change in Disposition/Form of Blocks and Number of Residential Block*

- (iv) the current scheme was in fact a response to a requirement in the previous scheme regarding the need to explore the opportunities to further improve the air /visual permeability and widen the building separation as far as possible, two corridors between the two clusters were widened from 10m to 15m with one of them realigned from SE to ESE. This inevitably changed the disposition/form of the residential towers. It was noted from the Drawing A-5 of the Paper that the incorporation of two widened corridors would impose more constraints to the application site and limited the space available for tower development. The addition of a residential tower T1 abutting the public waterfront promenade could fully utilize the space available for tower development;
- (v) from the air ventilation perspective, the widened wind corridors aligned with the annual dominant wind would improve the wind condition at the surrounding focus areas especially at Lam Chak Street. From the visual impact perspective, the widened and realigned building gaps could allow a better view from future waterfront promenade which was to the ESE of the application site. According to the applicant's visual impact assessment, the visual impacts and visual permeability were similar to that of the approved scheme;
- (vi) regarding the concern over the disposition of Tower T1 was visually imposing on the future 20m-wide waterfront promenade, the applicant had proposed a number of measures (including most parts

of the premises at G/F adjacent to the waterfront promenade were setback by 1.5m with 6m clear headroom) to mitigate the impact and enhanced the interface between the development and waterfront promenade ;

- (vii) concerned government departments including the Director of Architecture Services, DEP, DLCS, CTP/UD&L, PlanD had no adverse comments on the changes in disposition/form and number of residential blocks. Harbourfront Commission's Task Force on Kai Tak Development considered that there were improvements on aspects such as air ventilation and visual permeability;

*Change in Unit Size and Number of Units*

- (viii) according to the applicant, units facing Kai Hing Road and Kwun Tong Bypass would be subject to traffic noise and visual impacts, which were avoided/minimized in the reoriented building blocks. As such, the tower clusters would have less building frontage available for habitable rooms and therefore the number of units was reduced. With the combination of re-orientation of the tower blocks, reduction in number of units facing the carriageways and incorporation of noise mitigation measures, a higher noise compliance rate could be achieved. Concerned government departments had no objection to the reduction in number of flats;

*Change in Number of Retail Blocks*

- (ix) according to the applicant, the single retail block was split into two which would allow the retail frontage spans over a longer distance along the boundary abutting the waterfront promenade. In response to DLCS' comments, the applicant had undertaken to operate the retail/food and beverage activities within the shop area to avoid any possible conflicts between shop operation and the promenade use. Concerned government departments had no adverse comments on the increase in the number of the retail block;

*Landscape Aspects*

- (x) the current scheme had maximized the uncovered greening coverage from 17% to 19% while keeping the total greening coverage unchanged at 25%. CTP/UD&L, PlanD had no objection to it. An approval condition requiring the submission and implementation of landscaping plan including green coverage plan had been recommended in paragraph 11.2(d) of the Paper;

*Technical Aspects*

- (xi) the submitted environmental impact assessment, traffic impact assessment, drainage and sewerage impact assessment and hazard impact assessment concluded that the proposed amendments would not generate any significant adverse impacts on the surrounding areas and the infrastructure network. Relevant government departments including the Commissioner for Transport, the Director of Electrical and Mechanical Services and DEP had no objection to or no adverse comments on the applicant's technical submission;
- (xii) as regards the concern raised by DEP on the practicality and implementation of single aspect building design and extensive use of fixed glazing as well as and the maintenance/cleaning of fixed windows, the implementation of the single aspect building and fixed glazing would be incorporated in the building plans for Government's approval. According to the Applicant's submission in Appendix Ia of the Paper, the Deed of Mutual Covenant for the residents would specify that the lockable fixed windows were to be opened for window cleaning/maintenance purpose only;

*Responses to Public Comments*

- (xiii) the Notes for "C(2)" provided the flexibility for the applicant to seek planning permission for residential development with lower density of PR 5 provided that all the environmental concerns had been properly addressed;

- (xiv) the proposed building height of 100mPD (main roof level) was in compliance with the building height restriction stipulated on the Kai Tak OZP;
- (xv) C for T and DFS had no particular comments on the locations of loading/unloading spaces and refuge floor and the decorative paving of the EVA within development. Details of the design would be further considered at the building plan submission stage;
- (xvi) as regards the suggestion to assess the visual impacts at Upper Ngau Tau Kok Estate and Crocodile Hill, emphasis had been given on protecting public views, particularly those easily accessible and popular to the public or tourists, rather than private views. Visual impact assessment should primarily assess the impact on sensitive public viewers from the most affected viewing points;
- (xvii) regarding the access to the promenade, the applicant had proposed in the previous scheme to allow public to access it from Hoi Bun Road. Should the application be approved, the same advisory clause under the previous approval to require the applicant to liaise with DLCS on the provision of public access from Hoi Bun Road would be included;
- (xviii) as demonstrated by the air ventilation assessment, the sky garden was intended to improve the air ventilation at a lower level;
- (xix) regarding the comments on less landscaping at the site periphery under the current scheme, it should be noted that the uncovered greening area had been increased from 17% to 19% while the total greening coverage would remain unchanged at 25%. The applicant would be advised to explore the opportunities for vertical greening and tree planting along the site boundary abutting the waterfront promenade;

- (xx) DFS was consulted on the hazard assessment of the dangerous goods warehouse nearby for both the previous scheme and the current scheme and had no comments. DEP and DEMS also had no adverse comments on the hazard assessment;
- (xxi) as regards the increase in number of blocks and reduction of flat number, the applicant explained that units facing Kai Hing Road and Kwun Tong Bypass would be subject to traffic noise and visual impacts, were avoided/minimized in the re-reoriented building blocks. As such, the tower clusters would have less building frontage available for habitable rooms and therefore the number of units was reduced; and
- (xxii) as regards the comments that the proposed development under the current scheme was more bulky due to the increase in number of blocks which would consume more energy use, concerned government departments including DEP, DLCS, DArchS and CTP/UD&L, PlanD had no adverse comments on the changes in disposition/form and number of the residential blocks.

82. Members had no question on the application.

#### Deliberation Session

83. 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 17.6.2015, 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 the public waterfront promenade to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (b) the surrender of the public waterfront promenade, as proposed by the

applicant, to the Government upon request, and before being called for surrender, the waterfront promenade would be managed and maintained by the applicant and open for public enjoyment;

- (c) the public usage of the landing steps for local vessels to the satisfaction of the Director of Marine or of the TPB;
- (d) the submission and implementation of a landscape master plan, including green coverage plan, and the visual mitigation measures to further enhance the interface between the proposed development and the future waterfront promenade to the satisfaction of the Director of Planning or of the TPB;
- (e) the design and implementation of mitigation measures for the proposed development in relation to the traffic noise to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) no pre-sale/sale of the proposed development and population intake should be allowed prior to the relocation of the chlorine transhipment dock;
- (g) no pre-sale/sale of the proposed development and population intake should be allowed prior to the decommissioning of the Kwun Tong Public Cargo Working Area or the provision of buffer distance between the application site and the Kwun Tong Public Cargo Working Area to the satisfaction of the Director of Environmental Protection or of the TPB;
- (h) no pre-sale/sale of the proposed development and population intake should be allowed prior to the submission of an odour impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (i) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) in connection with the approval conditions (f) and (g), the applicant should be fully aware of the risks about possible delays of the chlorine transhipment dock relocation programme or the decommissioning of the Kwun Tong Public Cargo Working Area which were not under the applicant's control but would directly affect the proposed development;
- (b) to note the comments from the District Lands Officer/Kowloon East regarding the need to submit a lease modification for the three lots by way of land exchange in order to implement the proposed development, and that the lease modification would only be processed when the programme of the hinge factors including removal of the chlorine transhipment dock and Kwun Tong Public Cargo Working Area or others was clear/certain;
- (c) to liaise with the District Lands Officer/Kowloon East regarding the management and maintenance responsibility of the landing steps at the lease modification stage;
- (d) to note that the approval of the application did not imply that the proposed building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the BA and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (e) to liaise with the Project Manager/Kowloon, Civil Engineering and Development Department to ensure that the proposed development including the landing steps would not affect the future implementation of the possible environmentally friendly transport system along the proposed waterfront promenade as delineated on the Kai Tak Outline Zoning Plan;
- (f) to note the comments from Chief Engineer/Mainland South, Drainage

Services Department regarding the foul drainage connection and the provision of proper grease trap/tank for any shop to be used for food processing;

- (g) to note the comments from Chief Town Planner/Urban Design and Landscape, Planning Department regarding the need to facilitate future growth of the trees on site, to explore the opportunities for vertical greening and tree planting along the boundary abutting the waterfront promenade and to increase the greening provision at the public waterfront promenade at the detailed design stage;
- (h) to liaise with the Director of Leisure and Cultural Services regarding the provision of public access from Hoi Bun Road as well as the construction and handing over programme of the public waterfront promenade; and
- (i) to note the comments from the Director of Fire Services to observe the arrangement on emergency vehicular access as stipulated in Part VI of the Code of Practice for Means of Access for Fire fighting and Rescue administered by the Building Authority.

[The Chairman thanked Ms. Jessica H.F. Chu, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Mr. Roger K.H. Luk returned to join the meeting at this point.]

[Mr. Richard Y.L. Siu, STP/K, was invited to the meeting at this point.]

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/273              Proposed Shop and Services  
in “Other Specified Uses” annotated “Business” zone,  
Workshop 1, Ground Floor, Kenning Industrial Building,  
19 Wang Hoi Road, Kowloon Bay  
(MPC Paper No. A/K13/273)

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### **Presentation and Question Sessions**

85.              Mr. Richard Y.L. Siu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed ‘Shop and Services’ use with a total floor area of about 84.414m<sup>2</sup> on the ground floor of an existing industrial building;
- (c) departmental comments – concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The “Other Specified Uses” annotated “Business” (“OU(Business)”) zone was intended for general business uses. It allowed for greater flexibility in the use of the existing industrial or Industrial- Office buildings provided that the use would not result in adverse fire safety and environmental impacts. Similar applications for ‘Shop and Services’ use had been approved for G/F units and other industrial buildings in the area. The proposed ‘Shop and Services’ use at the application premises was

considered generally in line with the planning intention of “OU(Business)” zone. It complied with the Town Planning Board Guidelines No. 22D for ‘Development within the “OU(Business)” Zone’ in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. Relevant government departments had no objection to or adverse comments on the application. The total commercial floor area for the ‘Shop and Services’ use approved by the Committee was 259.662m<sup>2</sup>. Should the Committee approve the application, the total commercial floor area would be 344.076m<sup>2</sup> which was within the maximum permissible limit of 460m<sup>2</sup> on the G/F of an industrial building with a sprinkler system. In this regard, the Director of Fire Services had no objection to the application.

86. Members had no question on the application.

#### Deliberation Session

87. 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 17.6.2013, 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 fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises, before operation of the use to the satisfaction of the Director of Fire Services or of the TPB; 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.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver or lease modification for the proposed use;
- (b) to appoint an Authorised Person to submit building plans for the proposed change in use/conversion works to demonstrate compliance with the Buildings Ordinance, in particular :
  - (i) the provision of 2 hours fire resisting separation wall between the application premises and the remaining portion of existing workshop on G/F in accordance with paragraph 8.1 of the Code of Practice for Fire Resisting Construction 1996 and Building (Construction) Regulation 90; and
  - (ii) the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the applicant's attention was drawn to the Practice Note for Authorised Persons- Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the Building Authority had no powers to give retrospective approval or consent for any unauthorised building works; and
- (d) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the Buildings Department.

[The Chairman thanked Mr. Richard Y.L. Siu, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr. Silas K.M. Liu, STP/K, was invited to the meeting at this point.]

## **Agenda Item 21**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/652      Proposed Shop and Services  
in “Other Specified Uses” annotated “Business” zone,  
Portion 2, G/F, Wing Tai Centre (Front Block),  
12 Hing Yip Street, Kwun Tong  
(MPC Paper No. A/K14/652)

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89.      The Secretary said that the application was submitted by Smart Max Enterprise Limited represented by Traces Ltd.. Ms. Julia M.K. Lau had declared an interest on this item as she was a shareholder of Traces Ltd.. The Committee agreed that the interest of Ms. Lau was direct and she should leave the meeting temporarily.

[Ms. Julia M.K. Lau left the meeting at this point.]

### **Presentation and Question Sessions**

90.      Mr. Silas K.M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services with a total floor area of 37.805m<sup>2</sup> on the ground floor of an existing industrial building;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received supporting the application without providing any reason; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

The “Other Specified Uses” annotated “Business” (“OU(Business)”) zone was intended for general business uses. It allowed for greater flexibility in the use of the existing industrial or Industrial- Office buildings provided that the use would not result in adverse fire safety and environmental impacts. The proposed ‘Shop and Services’ use at the application premises was considered in line with the planning intention of the “OU(Business)” zone. It also complied with the Town Planning Board Guidelines No. 22D for ‘Development within the “OU(Business)” Zone’ in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. Relevant government departments had no objection to or adverse comments on the application. There was no similar application for ‘Shop and Services’ use approved on the G/F of the subject building. Should the Committee approve the application, the total commercial floor area would be 37.805m<sup>2</sup> which was within the maximum permissible limit of 460m<sup>2</sup> on the G/F of an industrial building with a sprinkler system. In this regard, the Director of Fire Services had no objection to the application

91. Members had no question on the application.

#### Deliberation Session

92. 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 17.6.2013, 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 fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the application premises, before operation of the use to the satisfaction of the Director of Fire Services or of the TPB; 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.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or a waiver for the proposed shop and services use at the application premises;
- (b) to appoint an Authorized Person to submit building plans for the proposed change of use to demonstrate compliance with the Buildings Ordinance, in particular :
- (i) it was noted that the escape routes for the remaining portion of the premises on the G/F might be obstructed by the proposed works. Clarification on the escape routes under Building (Planning) Regulation (B(P)R) 41(1) was required;
  - (ii) provision of 2-hour fire resisting separation wall/slab between the application premises and the remaining portion of the premises in accordance with paragraph 8.1 of the Code of Practice for Fire Resisting Construction 1996 and Building (Construction) Regulation 90; and
  - (iii) provision of access and facilities for persons with a disability under B(P)R 72 and Design Manual: Barrier Free Access 2008;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that all unauthorised building works/structures should be removed and granting of the planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in future; and

- (d) to note the comments of the Director of Fire Services that the applicant should :
- (i) provide an additional hose reel to serve Portion 1 on the G/F of the subject industrial building; and
  - (ii) observe the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures of Commercial Uses in Industrial Premises’ issued by the TPB.

[The Chairman thanked Mr. Silas K.M. Liu, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

## **Agenda Item 22**

### Section 16 Application

[Open Meeting]

A/K15/96              Proposed Comprehensive Development including Residential, Commercial, Hotel and Government, Institution or Community Uses, and Minor Relaxation of Building Height and Plot Ratio Restrictions in “Comprehensive Development Area” zone, Various Yau Tong Marine Lots and Adjoining Government Land at Yau Tong Bay, Yau Tong  
(MPC Paper No. A/K15/96E)

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94. The Secretary said that the application was submitted by Main Wealth Development Ltd. with Ove Arup & Partners Hong Kong Ltd. as the consultant. As Main Wealth Development Ltd. was a joint venture of owners of Yau Tong Marine Lots comprising Sun Hung Kai Properties Ltd. (SHK), Henderson Land Development Ltd. (Henderson), Hang Lung Properties Ltd., Swire Properties Ltd., Wheelock Properties Ltd., Central Development Ltd., Moreland Ltd., and Fu Fai Enterprises Ltd., the following Members had declared interests on this item:

- |                         |   |
|-------------------------|---|
| Mr. Raymond Y.M. Chan   | - having current business dealings with SHK, Henderson and Swire Properties Ltd.  |
| Mr. Felix W. Fong       | - having current business dealings with SHK   |
| Mr. Roger K.H. Luk      | - being an independent Non-executive Director of Wheelock Properties Ltd.   |
| Ms. Julia M.K. Lau      | - previous employee of SHK  |
| Mr. Clarence W.C. Leung | - being the director of a NGO that had recently received a private donation from a family member of the Chairman of Henderson |
| Professor S.C. Wong     | - having current business dealings with Ove Arup & Partners Hong Kong Ltd.  |

95. The Secretary said that as the applicant has requested the Committee to defer consideration of the application, the concerned Members could stay in the meeting.

96. The Committee noted that on 31.5.2011, the applicant's representative requested the Committee to defer consideration of the application for a further period of two months in order to allow time for the applicant to address the comments from various government departments.

97. The Secretary said that it would be the sixth deferral requested by the applicant since the submission of the planning application on 26.3.2010. However, in view of the large-scale and complexity of the comprehensive redevelopment and the applicant was in active discussions with various government departments to resolve the outstanding issues, Members could consider whether the application should be deferred. If the Committee decided not to defer the application, it would be submitted to the Committee for consideration at the next meeting.

98. A Member said that in view of the complexity of the comprehensive redevelopment involved, the application could be deferred to allow more time for the applicant to address the outstanding issues. The view was also shared by other Members.

99. After further 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 for its

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.

### **Agenda Item 23**

#### Section 16 Application

[Open Meeting]

A/K7/103              Proposed Educational Institution in “Residential (Group E)” zone,  
                          81 Chung Hau Street, Ho Man Tin  
                          (MPC Paper No. A/K7/103)

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100.         The Secretary said that on 2.6.2011, the applicant’s representative had requested the Committee to defer consideration of the application for one month in order to allow time for the applicant to address departmental comments.

101.         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 for its 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.

### **Agenda Item 24**

#### Any Other Business

[Open Meeting]

102.         There being no other business, the meeting closed at 12 noon.