

TOWN PLANNING BOARD

Minutes of 451st Meeting of the Metro Planning Committee held at 9:00 a.m. on 7.10.2011

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Professor S.C. Wong

Ms. L.P. Yau

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. David To

Assistant Director(2), Home Affairs Department
Mr. Frankie Chou

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mr. Ken Y.K. Wong

Assistant Director/Kowloon, Lands Department
Ms. Olga Lam

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

Secretary

Absent with Apologies

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor P.P. Ho

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 450th MPC Meeting held on 23.9.2011

[Open Meeting]

1. The draft minutes of the 450th MPC meeting held on 23.9.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

[Mr. Clarence W.C. Leung arrived to join the meeting at this point.]

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K16/1 Application for Amendment to the
Approved Lai Chi Kok Outline Zoning Plan No. S/K16/14
from “Residential (Group A)”
to “Government, Institution or Community”,
Community Centre at 38 Broadway,
Stage 2, Mei Foo Sun Chuen, Kowloon
(MPC Paper No. Y/K16/1)

3. The Committee noted that a letter dated 7.10.2011 from the applicant summarising the justifications of the subject rezoning proposal was tabled at the meeting.

Presentation and Question Sessions

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

Mr. Wilson W.S. Chan - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK)
Mr. Philip Y.L. Chum - Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK)
Miss Vicki Y.Y. Au - Planning Assistant/Tsuen Wan and West Kowloon (PA/TWK)

5. The following applicant’s representatives were also invited to the meeting at this point :

Mr. Wong Tat Tung

Mr. Lee Kwai Fung
Ms. Wong Yee Heung
Mr. Chan Wai Hung
Mr. Chan Kwok Hoi
Mr. Chan Wai Man
Ms. Starry Lee
Mr. Joe Chan

6. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Philip Y.L. Chum to brief Members on the background to the application. With the aid of a Powerpoint, Mr. Chum presented the application as detailed in the Paper and covered the following main points :

Background

- (a) the development of Stage 2 of Mei Foo Sun Chuen (MFSC) was completed in 1973. The Site was shown as community centre in the Occupation Permit (OP) issued by the Building Authority on 4.4.1973. It was currently owned by Broadway-Nassau Investments Limited and managed by its building manager. The subject community centre was mainly open to local organizations of MFSC providing voluntary services or community services to the residents of MFSC;
- (b) on 8.11.1985, the first Lai Chi Kok OZP No. S/K16/1, was gazetted, in which the whole MFSC was zoned “Residential (Group A)” (“R(A)”) so as to reflect the predominant residential use of the development . The subject community centre, as a facility serving MFSC development, was included in “R(A)” zone of MFSC;
- (c) when the building plans for a 20-storey residential building (with 112 flats) at the ex-Liquefied Petroleum Gas (the ex-LPG site) was approved by the Buildings Department (BD) on 4.12.2003, the residents of MFSC raised objection to the proposed residential development. The Incorporated Owners of Stage 8 of MFSC on 1.4.2004 submitted a rezoning request (No. Z/K16/2) to rezone the ex-LPG site at Stage 8 of MFSC from “R(A)” to

“Government, Institution or Community” (“G/IC”) on the grounds that the proposed residential building would overtax the already densely populated MFSC. The rezoning request was rejected by the Committee on 25.6.2004 on the grounds that no strong justifications had been provided, the need for GIC facilities had not been demonstrated and there was no plan/no programme for GIC uses on the site;

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

- (d) considering the grave concerns of MFSC residents on the possible development/redevelopment of other existing facilities in MFSC for higher intensity uses, the Planning Department (PlanD) in October 2004 sought advice/comments from the concerned government departments and local views on the suitability of rezoning the community centre and some private open space within the estate from “R(A)” to “G/IC” and “Open Space” (“O”) respectively. The Sham Shui Po District Office consulted the concerned SSP DC members and the Incorporated Owners of MFSC but no positive response was received. The preliminary proposal was eventually not further pursued;

Proposed Rezoning

- (e) the applicant proposed to rezone the application site from “R(A)” to “G/IC” to reflect the existing community centre use at the site and to put potential redevelopment of the site for residential or commercial use under control so that planning permission was required;

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

Departmental Comments

- (f) the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD) advised that the application site (N.K.I.L. 5087 s.B ss.4) was carved out from the parent lot (N.K.I.L. 5087) in 1969. According to the Land Registry records revealed that the site was held by Broadway-Nassau Investments Limited among the undivided shares of N.K.I.L. 5087 s.B ss.1,

ss.2, ss.3 and ss.4. Any development thereon should be in accordance with the layout shown on the plans approved by the then Director of Public Works on 20.10.1965 (“the layout plan”) and no alteration should be made without the prior written consent of the said Director (now the Director of Lands). The Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) advised that on the building plan of the subject community centre approved on 24.12.1971, the gross floor area of the subject community centre was 6,072sq.ft. (about 564.1m²). The District Officer (Sham Shui Po) advised that the community centre at the site, known as “孚佑堂”, was not under the ownership of Government but was under the management of Broadway-Nassau Investments Limited. Other concerned government departments had no objection/adverse comment;

Public Comments

- (g) during the first three weeks of the statutory publication period, 1,403 public comment were received of which 1,021 supported the application, three did not support the application, one indicating no objection, 375 had no comment and three were irrelevant;
- (h) the supportive comments included that the proposed rezoning could truly and more appropriately reflect the current use of the site as a community centre and clearly define the land use of the site; it could help maintain a good quality of living environment for residents in MFSC; there was insufficient facility for community activities at MFSC. As MFSC was very accessible, many residents of the surrounding areas were using community facilities at MFSC, the subject community centre must be retained for redevelopment of GIC facilities. Therefore, development restrictions should be imposed, to ensure that no redevelopment affecting other people would be allowed after the change of land use; the proposed rezoning could prevent encroachment on the interests of the local residents and avoid transfer of plot ratio for redevelopment; and the owner of the Site had publicly committed to the residents of MFSC that the subject community

centre would not be redeveloped;

- (i) three residents of MFSC did not support the application without stating any specific reason;
- (j) Broadway-Nassau Investments Limited, owner of the Site, had no objection to the application;

PlanD's Views

- (k) the Planning Department (PlanD)'s views – PlanD did not support the application to rezone the site to “G/IC” but based on the assessment made in para. 11 of the Paper, the site could be rezoned from “R(A)” to “Other Specified Use” (“OU”) annotated “Private Community Centre” to reflect its existing use as a private community centre serving the residents of MFSC;
- (l) the planning intention of “G/IC” zone was primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It was also intended to provide land for uses directly related to or in support of the work of the government, organisations providing social services to meet community needs, and other institutional establishments. The application site was privately owned and was mainly open to the local organizations of MFSC. Hence, the subject private community centre was clearly not a government use. According to the Broad Use Terms used in statutory plans, ‘Institution Use’ included office of charitable organizations, non-governmental organizations, professional institutes, District/Legislative Council Councillors, consulate/consular office and other non-profit making organizations (excluding religious institution, residential institution and organizations for provision of education) while ‘community centre’ use was subsumed in ‘Social Welfare Facility’. Based on the Definition of Terms, ‘Social Welfare Facility’ meant any place or premises used for rendering services to meet the welfare needs of people in the community as recommended by the Director of Social Welfare, and for providing community services to the general public. In view of the above, the subject private community centre

could not be categorized as “Institution” or “Community” use, since it primarily served the residents of MFSC rather than providing community facilities serving the general public. In this regard, rezoning of the Site from “R(A)” to “G/IC” was not appropriate; and

- (m) nevertheless, taking into account the specific nature of the subject private community centre, concerns of the residents of MFSC on the potential redevelopment of the site for residential or commercial use, no objection from the land owner of the site on the subject application and no adverse comment/objection from concerned departments, rezoning of the Site to an appropriate zone to reflect its existing use was considered not unacceptable. Given that the subject community centre was a private use, the site could be rezoned from “R(A)” to “OU” annotated “Private Community Centre” to reflect the existing use as a private community centre mainly serving the residents of MFSC.

7. The Chairman then invited the applicant to present his rezoning proposal. Mr. Wong made the following main points:

- (a) the subject private community centre “孚佑堂”, which was rarely found in private residential development had existed for about 40 years. It functioned as a centre for local residents to gather for activities. It had helped maintain a harmonious community and was a symbol of collective memories for the residents in MFSC. Moreover, its single-storey Chinese style architecture surrounded by residential towers had created special character in the locality;
- (b) with the approval of a set of building plans for a 20-storey residential building (with 112 flats) at the ex-LPG site at Stage 8 of MFSC which was under “Residential (Group A)” zone, residents in MFSC worried that the subject private community centre, which was also under R(A) zone, would be redeveloped into residential building without the need to go through the statutory planning process. Therefore, the Mei Foo Centre Concern Group was formed with an aim to protect the community centre and retain its

current use permanently. The subject application was to seek the Board's agreement to rezone the site to reflect the existing use of the community centre and to ensure that any development of the site into residential/commercial uses proposed by the developer would need to go through the planning application process;

- (c) the application was widely supported as evident by the consultation conducted by telephone and questionnaire. More than 1,000 comments from the residents in MFSC and in Manhattan Hill as well as local organisations such as Mei Foo Kai Fong Association, Mei Ching United Sports and Recreation Association, Mei Foo Business Association, Mei Foo Women Association and 2M Club supported the rezoning proposal. Even the developer, New World Development Company Limited had publicly indicated that it had no objection to the rezoning proposal. Moreover, the Sham Shui Po District Council passed a motion on 28.6.2011 to retain the community centre permanently; and
- (d) the purpose of the rezoning application was to demonstrate that the subject site was for community use and there should be planning control on any change of land use of the site. PlanD's suggestion was acceptable as it had struck a balance between the existing planning framework and the residents' wish to retain the community centre.

8. In response to a Member's enquiries on whether there was other similar case (i.e. private community centre located within a large residential development) and whether there was any transfer of plot ratio from the community centre site to the residential portion of MFSC, Mr. Wilson Chan, DPO/TWK, said that the subject community centre was a very special case as it was privately owned. In other residential developments, private recreational facilities were normally counted as "common area" shared by all individual land owners within the development. As regards the issue of plot ratio, the development of MFSC was approved as a whole in accordance with the provisions under the Buildings Ordinance. It also complied with the lease conditions which restricted development to a maximum height of 200 ft. (about 60m) above principal datum. Under the Lai Chi Kok Outline Zoning Plan, MFSC was under "Residential (Group A)" zone and subject to plot ratio restriction.

9. The same Member asked whether the owners of Stage 2 of MFSC would consider acquiring the private community centre. Mr. Wong Tat Tung replied that the residents had not discussed about this and the proposed rezoning should be able to achieve the purpose of retaining the use of the site as a private community centre. Moreover, the owner of the site, i.e. Broadway-Nassau Investments Limited, had indicated no objection to the subject rezoning proposal. As both the owner and users of the community centre had reached a consensus, he wished that the Board could agree to the proposed rezoning.

10. In response to a Member's enquiry, Mr. Wilson Chan replied that he had no information on other examples of "G/IC" zone covering privately owned land but was not operated by non-profit making organization.

11. In response to the Chairman's enquiry, Mr. Wilson Chan explained that the future use of the subject site would require the agreement of all the individual owners in Stage 2 of MFSC as the community centre site held undivided share in subsections 1 to 4 of N.K.I.L. 5087 s.B which included Stage 2 of MFSC. Hence, redevelopment of the community centre site would require the agreement from all individual owners of Stage 2 of MFSC. In response to the Chairman's question, Mr. Wong Tat Tung replied that only residents of MFSC and related organizations could apply for use of the subject community centre.

12. Ms. Starry Lee supplemented that although agreement from all individual owners in Stage 2 of MFSC would be required for redevelopment of the subject community centre, residents in MFSC were worried that the developer/the landowner would redevelop the subject site into other uses given that the site was zoned "R(A)" and there was a precedent case in Stage 8 of MFSC where the developer had proposed to build a residential development at the ex-LPG site.

13. Mr. Lee Kwai Fung said that the subject community centre was very important in serving the residents of MFSC. If it was changed to other use, residents of MFSC, particular the youth and the elderly would lose a valuable space for activities. Mr. Chan Kwok Hoi added that if the subject site could be rezoned to "G/IC", it would ease the worries of the residents given the incident of Stage 8 of MFSC.

14. Mr. Wong Tat Tung urged Members to take into account the sentiment of the residents of MFSC and agree to rezone the subject site to reflect its use as a private community centre, noting that the owner of the community centre site had no objection to the rezoning and PlanD had suggested an appropriate zoning for the site.

15. As the applicant's representatives had no further points to add and Members had no further questions to raise, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

16. A Member said that there was some concern to rezone privately-owned land to "G/IC". It was noted that the site was among the undivided share of the subsections of the lot covering Stage 2 of MFSC and hence the residents of Stage 2 of MFSC should have some control on the use of the application site. However, taking into account the concern of the residents, this Member agreed to rezone the site to "OU (Private Community Centre)".

17. A Member preferred acceding to the applicant's request to rezone the site to "G/IC" if the definition of GIC use could cover the subject community centre. However, as the applicant did not object to PlanD's proposal to rezone it to "OU (Private Community Centre)", this Member agreed that the "OU" zoning could be accepted for the subject site.

18. The Chairman said that the intention of s.12A application was to make provision to introduce uses that were not included in columns 1 and 2 of the respective zoning of a piece of land. In the subject case, the use of the premises was similar to that of the club house in a development which would not normally be provided with a different zoning. In fact, the change of use would be subject to agreement of MFSC Stage 2 owners. There was sufficient safeguard for the current community centre use. However, as the landowner of the community centre site had no objection to the proposed rezoning of his land to "G/IC" use, approving the application would not compromise the position of the current landowner.

19. The Secretary said that normally community centre was a government facility to serve the general public and it would be zoned “G/IC”. It was not common to have private community centre. Club house within a private residential development would be considered as ancillary use to the residential development. However, given the history of MFSC, a private community centre was developed as part of MFSC. As both the residents and the owner of the community centre site had no objection to the proposed rezoning having regard to the zoning convention, PlanD considered a specific zoning of “OU (Private Community Centre)” could better reflect the existing use of the site so as to ease the worries of the residents in MFSC. A Member had no objection to rezone the site to “OU” to reflect the current use but had concern on the annotation as community centre was normally not a private one.

20. In response to the Chairman’s enquiry, Ms. Olga Lam said that the subject community centre held about 1/2000 undivided shares in N.K.I.L. 5087 s.B ss.1, ss.2, ss.3 and ss.4. As the subsections were under multiple ownership, redevelopment of the site seemed impractical.

21. With reference to para. 11.4 of the Paper, a Member said that ‘Community Use’ under “G/IC” zone which only included community facility serving the general public would be quite restrictive. This Member asked if the subject private community centre could be regarded as ‘Community Use’. The Secretary explained that the planning intention of “G/IC” zone was to provide GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. The subject private community centre was only intended to serve the residents of MFSC but not the general public. It was more akin to a private club house of a residential development and hence could not be regarded as ‘Community Use’ under the “G/IC” zone.

22. Another Member opined that the owner of the community centre site had the flexibility to change the use of the community centre to any uses under the existing “R(A)” zone. Therefore, this Member considered that rezoning the site to reflect the existing private community centre use would help ease the worries of the residents.

23. The Chairman concluded that Members generally had no objection to rezone the site to reflect the private community centre use but had different views on the zoning and the

outstanding issue was to determine whether to zone the site to “G/IC” or “OU (Private Community Centre)”. A Member considered that it was more desirable to rezone the site to “OU (Private Community Centre)” to better reflect the existing community centre use given that both the owner of the subject site and the residents did not object to the proposal.

24. The Vice-Chairman also supported to rezone the site to “OU (Private Community Centre)”. He said that MFSC was a well-planned residential development with segregated vehicular and pedestrian traffic and the provision of community centre back in 1970s. The “OU (Private Community Centre)” zoning would recognise the good planning at that time and to clearly reflect the community centre which only served the private community of MFSC.

25. After further deliberation, the Committee decided not to agree to rezone the site from “Residential (Group A)” to “Government, Institution or Community”. Members then went through the reason as stated in paragraph 12.3(b) of the Paper and considered that it was appropriate. The reason was:

- the nature and operation of the subject community centre was not in line with the planning intention of “Government, Institution or Community” zone which was intended primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It was also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

26. However, the Committee partially agreed to the application by rezoning the site from “Residential (Group A)” to “Other Specified Use” annotated “Private Community Centre” to reflect its existing use as a private community centre serving the residents of Mei Foo Sun Chuen. Members also agreed that amendments to the approved Lai Chi Kok Outline Zoning Plan No. S/K16/14 should be submitted to the Committee for consideration prior to gazetting under section 5 of the Town Planning Ordinance.

[Mr. Philip Y.L. Chum, STP/TWK, was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/709 Proposed Minor Relaxation of Building Height Restriction
for a Proposed Church cum Kindergarten Development
in “Government, Institution or Community” zone,
4 Kwong Lee Road, Cheung Sha Wan
(MPC Paper No. A/K5/709)

Presentation and Question Sessions

27. 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 minor relaxation of building height (BH) restriction for a proposed church cum kindergarten development;
- (c) departmental comments –the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that given that the existing BH profile in the locality ranged from 15mPD to 85mPD, the proposed maximum BH of 44.38mPD was considered not incompatible with the surrounding developments. There were flat roofs and edge planters on various levels and their greening opportunities should be maximized. Therefore, should the application be approved by the TPB, an approval condition requiring submission and implementation of a landscape proposal was recommended. The Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) commented that from the photomontages provided in the submission, it appeared that the proposed church development might not be incompatible with the existing mid-rise and high-rise buildings in its immediate neighbourhood. Hence, there was no adverse comment on the application from the architectural and visual impact points of view. No

objection/adverse comments from other concerned government departments was received;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The minor relaxation of BH restriction to 8 storeys was to accommodate the proposed E&M facilities at the mezzanine floor of the 2nd level and an activities room (not more than 110m²) at the roof to provide more space for the church's functions as well as facilitate better use of outdoor space. The addition was very minor. The only noticeable change in the building profile was the activities room on the roof floor (R/F) which only occupied about 20% of the R/F. The increase in building bulk as a result was very minor. Considering the location of the site with nearby GIC buildings with BH restriction up to 8 storeys high (i.e. Buddhist Tai Hung College and Po Leung Kuk Sixth Form College) and the two adjacent high-rise public housing estates (Lei Cheng Uk Estate and So Uk Estate), the proposed 8-storey church building was considered not incompatible with the surrounding environment. In this respect, CA/ASC, ArchSD and CTP/UD&L, PlanD had no adverse comment on the application from visual and urban design perspectives respectively. The proposed minor relaxation of BH restriction would not bring about adverse environmental and traffic impacts on the surrounding areas. Government departments consulted including Environmental Protection Department and Transport Department had no adverse comment on the application. No public comment on the application was received during the statutory public inspection period.

28. Noting that there was no plot ratio restriction under the lease as stated in para. 2(b), a Member asked what the visual impact would be if the site coverage (SC) of the roof level was increased to 100% as compared to the currently proposed 20%. Mr. Philip Chum,

STP/TWK, replied that the addition of one whole storey might create greater visual impact. On the same Member's question on whether that increase would be considered as minor, the Secretary said that whether the increase was minor or not should not be determined by the percentage of increase. A relaxation of 2 storeys, i.e. from 6 storeys to 8 storeys might not be minor if high storey height was involved and if the site was located within a cluster of low rise buildings. The site context and impact the increase had on the surrounding environment had to be taken into consideration in determining whether the proposed relaxation was acceptable.

Deliberation Session

29. The Secretary said that the proposed increase of BH in the subject application was minor as the counting of the mezzanine floor as one storey was a technical requirement under the Buildings Ordinance and the activity room on the R/F only occupied 20% of the total floor area on the roof.

30. 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 7.10.2015, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

31. 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 administered by the Buildings Department; and

- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that greening opportunity should be explored and further maximized, and to enhance the streetscape, adequate space was highly recommended to be allowed for incorporating tree and shrub planting on the ground level.

[Mr. Frankie Chou left the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting]

A/K20/115 Proposed Temporary Minor Relaxation of Gross Floor Area Restriction
(from 41,000 m² to 45,100 m²) 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)

32. The Secretary reported 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 in this item. As the applicant had requested a deferral of consideration of the application, the Committee agreed that Mr. To could stay in the meeting.

33. The Committee noted that the applicant’s representative had requested on 23.9.2011 for deferment of the consideration of the application for two months in order to allow time to address comments from Transport Department and the public. The Secretary reported that the applicant had submitted further information after the last two deferments. As the current request for deferral was already the third time, the applicant should try to resolve the outstanding issue in the deferment period and no further deferment would be granted unless under very special circumstances.

34. 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 since a total of six months had been allowed, no further deferment would be granted unless under very special circumstances.

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

Hong Kong District

[Ms. Irene W.S. Lai, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/392 Proposed Office Development
with Eating Place, and Shop and Services Uses
in "Comprehensive Development Area (1)" zone,
14-30 King Wah Road, North Point
(MPC Paper No. A/H8/392)

35. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Mr. Raymond Chan who had current business dealings with Henderson had declared an interest in this item. The Committee agreed that Mr. Chan should be invited to leave the meeting temporarily.

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

36. The Secretary further reported that the following Members also declared interests in this application:

- Mr. Clarence Leung - being the director of a non-government organisation which had previously received a private donation from a family member of the Chairman of Henderson
- Professor S.C. Wong - having current business dealings with the consultant of the applicant, i.e. Ove Arup & Partners Hong Kong Ltd

Members agreed that Mr. Leung's interest was indirect and he could stay in the meeting. For Professor Wong, as he had no no direct involvement in the subject application, Members agreed that he could also stay in the meeting.

Presentation and Question Sessions

37. With the aid of a powerpoint, Ms. Irene W.S. Lai, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

Background

- (a) the site was rezoned to "Comprehensive Development Area (1)" in 2000 to encourage comprehensive development of the site. Since 2006, the applicant had submitted five planning applications (including this application) regarding this site. The current application was submitted in September 2008 and had been deferred for consideration twice by the Committee. On 7.11.2008, the application was deferred pending the endorsement of the planning brief (PB) of the subject site. On 12.2.2010, the Committee deferred a decision on the subject application pending the results of two related applications (No. A/H8/398 and 400);
- (b) on 4.9.2009, the Committee endorsed the PB for the site, with a maximum PR of 7.5 and 11 for the proposed residential development and office

development respectively and a maximum BH of 110mPD. A minor amendment to increase the greening ratio at ground level from 10% to 15% was endorsed by the Committee on 18.9.2009;

- (c) under the Outline Zoning Plan, the southern part was subject to a maximum building height (BH) of 165 metres above Principal Datum (mPD) and a maximum PR of 15 while the northern part was subject to a maximum BH of not exceeding the soffit level of Island Eastern Corridor;

The Proposal

- (d) the proposed development consisted of a 30-storey office block (including three levels of basement carpark) with eating place, and shop and services uses at a BH of 123mPD at the southern part of the site. The proposed PR was 13.5 (based on the southern part) with a total gross floor areas (GFA) of 37,475.5m² for office and 122m² for eating place, shop and services uses. Sky gardens were proposed at 6/F and 16/F;
- (e) when compared to the endorsed PB, the proposed PR of 13.5 was 22.7% higher than the maximum PR of 11 in the PB. As regards BH, the proposed 123mPD in the subject scheme was higher than the maximum BH of 110mPD in the PB by 13m;
- (f) for the non-building area (NBA) requirements, 15m NBA along north-western boundary was required in the endorsed PB. The applicant had provided the same in the subject scheme. As for the south-western boundary, a 10m NBA and 2m ground level setback from the 10m NBA were required in the PB. In the subject scheme, the applicant had proposed 9m wide and 13.5m high setback along the south-western boundary and truncated G/F at the south-western corner. The PB required a 6m setback from King Wah Road while the applicant had provided a wider setback of 14.5m from the Road. Moreover, an additional 5m setback along north-eastern boundary, which was not required in the PB, was provided;
- (g) in the PB, not less than 10m wide at-grade public landscaped walkway

along the south-western boundary was required. However, the applicant had only provided 9m wide at-grade landscaped public passage (1,577m²) along the south-western boundary;

Departmental Comments

- (h) the District Lands Officer/Hong Kong East, Lands Department advised that lease modification would be required for the proposed development;
- (i) the Assistant Commissioner for Transport/Urban, Transport Department had no objection in-principle to the application, though a domestic development of the subject site, which had been approved by the Committee, would induce a less significant impact to the adjacent road network. The Traffic Impact Assessment for the application had demonstrated that junctions adjacent to the subject site were operated within capacities and the impact on major pedestrian pathways to and from the proposed development was considered acceptable;
- (j) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the proposed scheme was not acceptable as it had not complied with the requirements of the PB which were imposed having taking into account the site's waterfront location, public views, air ventilation, visual aspects, and district planning considerations. Comparing with the PB, the proposed scheme had not provided a 10m wide NBA along the south-western boundary of the site which served the function of visual and wind corridor. There was however no objection to the application from the landscape planning point of view;
- (k) on the air ventilation aspect, the CTP/UD&L, PlanD advised that the applicant's air ventilation assessment (AVA) should take into account the planned comprehensive redevelopment at the Oil Street "CDA" site to reflect the planned development context for more realistic simulations of wind performance. The AVA had not provided simulated results to demonstrate the air ventilation implications of the proposed scheme under the current application, in particular the effectiveness as an air path of the

proposed building gap separating the proposed development from the adjacent hotel. The applicant's AVA was not conclusive and had not provided simulated results to demonstrate that the proposed development was effective in air ventilation terms. As such, CTP/UD&L reserved her comments from air ventilation point of view;

- (l) no objection/adverse comment from other concerned government departments was received;

Public Comments

- (m) during the first three weeks of the statutory publication periods of the application and the further information of the application, a total of 2,770 public comments were received. Out of them, 42 supported the application; 2,716 objected to the application; and 12 provided comments without stating support or objection to the application. The supportive comments were submitted by members of the public while the opposing comments were submitted by two Legislative Councillors, 22 Eastern District Council (EDC) Members (including Eastern Branch of Democratic Alliance for Betterment and Progress of Hong Kong with 17 EDC Members), five Incorporated Owners' of nearby residential developments, one Management Office of nearby residential development, five concerned groups (i.e. Designing Hong Kong, Green Sense, Coalition concerning the development at King Wah Road, Coalition of neighbourhood planning (transliteration), and Youth Voice Association) and members of the public;

supportive

- (n) the supportive views included that the PR and BH of the proposed development were much lower than those allowed under the OZP and of the buildings in the surrounding areas. The proposed development was in line with the planning intention and compatible with the surrounding buildings; the proposed development had no podium design, and would improve the general environment and air ventilation and provide spacious at-grade open area, green area and access to the waterfront; and North Point was a rather old urban area with limited new office supply. New

developments would promote new image of Grade A office to the area. The proposed development would bring vibrancy and job opportunities to address the unemployment situation;

opposing

- (o) the common opposing views included that the proposed intensity was excessive and not acceptable; the proposed development did not comply with the Urban Design Guidelines in the HKPSG that taller buildings should be located inland with lower developments on the waterfront to avoid dominating the harbour and to increase permeability to the harbour. Moreover, the proposed development would ruin Hong Kong Island vista when viewed from the Kowloon side; the proposed office development would create wall effect and block the view, air ventilation and lighting in the area. The AVA submitted by the applicant did not truly reflect the adverse air ventilation impact resulting from the proposed development; the site is near to the waterfront and should be used for low-density development. Non-building areas should be maximized as far as practicable to enhance visual corridor. Protection of the Harbour Ordinance should be followed; the proposed office development would further aggravate the traffic condition in the area. Moreover, the traffic generated from the proposed development would increase traffic noise; the development parameters for the application site should follow the motions passed by the EDC at its meeting on 8.5.2008 requesting the adoption of a maximum PR of 3 and a maximum BH of 80mPD for the site; and the proposed development would give rise to lots of problems that were still remains unsolved. The application should not be considered before the developer was able to fix all the problems and respond to the concerns of nearby residents;

- (p) the Legislative Councillors/EDC Members considered that the proposed sky gardens and public passage did not help improve the adverse air ventilation due to the proposed office development; and the PR and BH at the site were higher than those of the “CDA” zones for the ex-North Point Estate site and ex- ex-Government Supplies Department depot site;

- (q) the concerned groups considered that further increase of density in the area was irresponsible given the use and capacity of roads and junctions, and plans for further developments such as ex-GSD site; the PR and BH should be lowered to 3 and 60m respectively, and a wind corridor of not less than 15m wide at the site should be proposed; the pedestrian flow estimation failed to take into account the future open space along the waterfront; and the proposed development and information provided failed to reflect the comments made by the HEC on 19.11.2008;
- (r) some members of the public considered that the proposed development should not be considered without a PB for the site; and instead of protecting the interest of the developer, the Government should safeguard the public interest and the living quality of the local residents;
- (s) District Officer (Eastern) had no comment on the application;

PlanD's Views

- (t) PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. While the proposed development intensity did not exceed the development restrictions as stipulated under the Notes for the "CDA(1)" zone, a PB was endorsed by the Committee to guide the development of the site on 4.9.2009. In the formulation of the development parameters under the PB, due regard had been given to the relevant planning considerations including the waterfront setting, surrounding land uses, the then HEC's Harbour Planning Guidelines and the comments of Government departments on the relevant technical aspects. EDC and the then HEC were consulted on the draft PB, and the views received had been duly considered by the Committee. In sum, the development parameters under the PB were established after going through a due process involving various stakeholders as well as the applicant and striking a proper balance among relevant factors and consultations;
- (u) this application was submitted by the applicant before the preparation and endorsement of the PB. The development parameters of the proposed

office development under the application were not in line with the endorsed PB, and were considered not acceptable. The proposed PR of 13.5 and BH of 123mPD were excessive as compared with the PR of 11 and BH of 110mPD in the endorsed PB. There was no strong justification for a departure of the development parameters which were endorsed after a due process;

- (v) the applicant had complied with the PB's requirements regarding the NBA along the north-western boundary of the site and setback from King Wah Road. Moreover, the applicant proposed a 5m setback along the north-eastern boundary as a breezeway gap. However, the applicant's public passageway of 9m wide and 13.5m high along the south-western boundary did not fully meet the PB's requirements of 10m wide NBA along south-western boundary and 2m ground level setback from the 10m NBA. With a headroom of 13.5m, the proposed public passageway could not achieve the visual openness offered by the 10m wide NBA under the PB;
- (w) the AVA had not taken the redevelopment of the Oil Street "CDA" site into account. Although the applicant had proposed a number of design features to facilitate air ventilation, there was insufficient information in the AVA to demonstrate the effectiveness of the proposed development including the building gap along the north-eastern boundary in air ventilation term; and
- (x) regarding the public concerns on development intensity, wall effect, and adverse visual and air ventilation impacts, PlanD shared the views that the proposed PR of 13.5 and BH of 123mPD were excessive as compared with the endorsed PB. There was insufficient information in the submitted AVA to demonstrate that the proposed development would not have adverse air ventilation impact on the surrounding areas.

38. Members had no question on the application.

39. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the plot ratio and building height of the proposed office development exceeded the development parameters stipulated in the endorsed Planning Brief, which were formulated after due public consultation and consideration. The proposed scale of development was considered excessive having regard to the proximity of the site to the waterfront; and
- (b) the applicant had failed to demonstrate that the proposed development would not have adverse visual and air ventilation impacts on the surrounding areas.

[The Chairman thanked Ms. Irene W.S. Lai, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Mr. Raymond Chan returned to join the meeting at this point.]

[Ms. April K.Y. Kun, STP/HK, was invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/402 Proposed Office, Eating Place and Shop and Services
in "Residential (Group A)" zone, 2-4 Shelley Street, Sheung Wan
(MPC Paper No. A/H3/402)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed office, eating place and shop and services;
- (c) departmental comments – the Commissioner for Transport (C for T) had reservation on the proposed application from traffic viewpoint as the proposed development would generate considerable loading/unloading activities along the kerbside of Staunton Street, Old Bailey Street and Hollywood Road aggravating the existing traffic conditions on these roads with limited kerbsides space available for loading/unloading; temporary stacking of goods on the steep Shelley Street was not desirable; and the movement of goods and customers from Shelley Street to the proposed development would transverse the main pedestrian flow on the Mid-levels Escalator link and might hence interfere with the normal operation of the Mid-levels Escalator link, which was not desirable; the trip generation rates shown in the Traffic Impact Assessment (TIA) were low when compared with the rates in the Transport Planning and Design Manual (TPDM); the observed routing of goods delivery shown in the TIA was considered not realistic nor practical. Regarding the further information submitted by the applicant, it merely compared the Central Business District (CBD) and non-CBD office traffic without addressing the unique environment of Soho district and the accessibility issue. No objection/adverse comment from other concerned government departments was received;
- (d) the District Officer (Central & Western), advised that members of Central and Western District Council (C&WDC) were in general concerned about the development density in the district, including the likely impact of high-rise buildings on traffic flow, air ventilation and air quality. It was noted that the proposed use would involve redevelopment of the existing buildings into a new 22-storey building. The proposed uses might also bring additional pedestrian and traffic flow to the surrounding area;
- (e) during the first three weeks of the statutory publication periods of the application and the further information, a total of 44 public comments were

received. They objected to or expressed grave concerns on the application. The grounds of objection included that the proposed development would generate adverse impact on infrastructure and traffic flows. The new office building's entrance was just a few metres away from the Central-Mid-levels Escalator, which would cause conflicts between the normal users and restaurant/office patrons.. Besides, there was no vehicular street/emergency access to the proposed building; the proposal contravened the planning intention for residential use. The proposed building with a PR of 12 was in excess of a maximum PR of 10 for residential zoning. Approval of the application would set an undesirable precedent for other similar applications; the proposed development was incompatible with the surrounding land uses. The proposed high-rise commercial building would destroy the unique character of SoHo, i.e. low-rise tenement buildings intermixed with restaurants and shops on lower floors. The proposed development would be harmful to the tourism industry, business in the vicinity and benefit of the public; the SoHo area had already caused noise problem and affected the tranquil environment. The proposed development would worsen the problem and generate adverse environmental and glare impacts, as well as block the sunlight and wind. Besides, it would adversely affect the safety and health of the local residents; and there were already a lot of office/high-rise buildings in the surroundings and an additional office/high-rise development was not needed; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development for office, eating place and shop and services uses was considered not incompatible with the surrounding developments in terms of land use. In terms of building height, the proposed building of 119.63mPD was within the statutory height restriction of 130mPD. As for the proposed PR of 12, it was considered generally not incompatible with the surrounding residential and commercial/office developments. However, there was reservation on the application from traffic point of view, as advised by C for T, as the proposed development would generate

considerable loading/unloading activities on the surrounding roads, and the movement of goods and customers from Shelley Street to the site would transverse pedestrian flow on the Central-Mid-levels Escalator and interfere the normal operation of the Escalator. Moreover, the TIA submitted by the applicant was not satisfactory as the trip generation rates were low when compared with the rates adopted in the TPDM; and the suggested routing of goods delivery was considered not realistic nor practical. As such, the proposed office development could not meet the planning criteria (b) and (d) as laid down in TPB PG-No. 5 for “Application for Office Development in Residential (Group A) Zone under Section 16 of the Town Planning Ordinance” in that the loading/unloading facilities/arrangements were not to the satisfaction of the Transport Department and the proposed office development would cause congestion and disruption to the traffic and pedestrian flows of the locality. There were also adverse public comments against the application mainly on the grounds of excessive development intensity, traffic congestion, severe visual and environmental impacts, as well as hygiene and security problems. The District Officer (Central & Western) also advised that C&WDC had general concern on the development density in the district.

41. Members had no question on the application.

Deliberation Session

42. A Member said that while there was no objection to reject the application, it seemed that the only way to resolve the traffic concern was to amalgamate the smaller lots to form a bigger development. The Chairman explained that under the “Residential (Group A)” zone, residential development would be allowed up to a PR of 8 for a class A site while office development could be allowed up to a PR of 15 under the Building (Planning) Regulations or in the case a PR of 12. The building bulk of a residential development would be relatively smaller. On the other hand, the demand for loading/unloading for office development was higher than that for residential development and hence the applied use would further aggravate the congested traffic condition. Mr. David To explained that the site had no road access and hence the loading/unloading activities would likely take place at Old Bailey Street

which was steep and narrow and this was undesirable in traffic terms. The loading/unloading demand for residential development would be lower than that of an office development and hence was more desirable at the subject location.

43. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the applicant failed to demonstrate that the proposed development, in particular the loading/unloading activities and movement of goods and customers generated, would not cause adverse impacts on the local traffic condition and interfere with the main pedestrian flow on the Mid-levels Escalator; and
- (b) the proposed office development could not meet the planning criteria as laid down in the Town Planning Board Guidelines No. 5 on Application for Office Development in “Residential (Group A)” Zone under section 16 of the Town Planning Ordinance in that the loading/unloading facilities/arrangement were not to the satisfaction of the Transport Department and the proposed office development would cause congestion and disruption to the traffic and pedestrian flows of the locality.

[The Chairman thanked Ms. April K.Y. Kun, STP/HK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting]

A/H3/404 Proposed Hotel (Conversion of Existing Office Building)
in “Residential (Group A) 7” zone,
202-204 Des Voeux Road West, Sai Ying Pun
(MPC Paper No. A/H3/404)

44. The Committee noted that the applicant’s representative requested on 4.10.2011

for deferment of the consideration of the application by one meeting to 21.10.2011 in order to allow time to fine-tune the architectural scheme.

45. 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 at the next meeting on 21.10.2011. The Committee also agreed to advise the applicant that one week was allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/H14/69 Proposed Access Road for Residential Development
in “Green Belt” zone,
Government Land adjacent to 47 Barker Road, The Peak Area
(MPC Paper No. A/H14/69)

46. The Committee noted that the applicant’s representative requested on 23.9.2011 for deferment of the consideration of the application by one meeting to 21.10.2011 in order to allow time to address departmental comments and concerns.

47. 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 at the next meeting on 21.10.2011. The Committee also agreed to advise the applicant that one week was allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Miss Isabel Y. Yiu, STP/HK, was invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H19/65 Proposed Public Utility Installation (Telecommunication Lines and Earth Electrode System) in “Coastal Protection Area” zone, a piece of Government Land at Sha Shek Tan, Chung Hom Kok
(MPC Paper No. A/H19/65)

Presentation and Question Sessions

48. With the aid of a powerpoint, Miss Isabel Y. Yiu, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (telecommunications lines and earth electrode system);
- (c) departmental comments –the Director of Environmental Protection (DEP) advised that the project proponent obtained the permission to apply directly for an environmental permit for the project under the Environmental Impact Assessment Ordinance (EIAO) on 1.8.2011. The potential environmental impacts arising from the cable laying works, including landscape and visual impacts on the Sha Shek Tan, ecological and water quality impacts due to the marine works, construction dust and noise impacts, etc. had been addressed in the Project Profile submitted by the applicant under the EIAO. No objection/adverse comment from concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, one public comment from Designing Hong Kong Limited was received. The commenter considered that the proposed reinstatement was inappropriate in this sensitive “Coastal Protection Area” (“CPA”). The rusting manhole cover was a blight. It was suggested to build a small pier to house the cable

and allow the public to use the pier to access their boats and navigate the nearby waters. The District Officer (Southern) had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed cable and earth electrode system formed part of an essential infrastructure project to cope with the rising public demand for high speed internet access services and to maintain Hong Kong as the telecommunications hub in the Asia-Pacific region. The proposed cable and electrode system installation fell within the fringe of the “CPA” zone and would be built underground. The area of excavation would be confined to that necessary for construction and the works area would be backfilled and reinstated to its original status after the construction. Suitable mitigation measures including protection of the excavated sand, protection against oil leakage and safety measures to protect the public would be provided at the construction stage by the applicant. The small-scale excavation works for laying the cable underground and drilling for installation of earth electrodes would not have adverse impacts on the existing landscape and scenic quality of the area.

49. Members had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.10.2015, 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.

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

- (a) to note the comments of the District Lands Officer/Hong Kong West and

South, Lands Department in paragraph 8.1.1 of the Paper regarding the requirement of the Foreshore and Seabed (Reclamations) Ordinance and to sort out the implementation details of the Cable System and to take up a licence or other appropriate form of documentation; and

- (b) to note the comments of the Director of Environmental Protection (DEP) in paragraph 8.1.3 of the Paper regarding the need to submit a detailed environmental monitoring and audit programme and a review report of geophysical survey results to DEP for approval prior to application for an environmental permit under the Environmental Impact Assessment Ordinance.

[The Chairman thanked Miss Isabel Y. Yiu, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Mr. Louis K.H. Kau, STP/HK, was invited to the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H25/12 Renewal of Planning Approval for Temporary Exhibition Hall
for Motor Vehicles for a Period of 5 Years in "Open Space" zone,
Basement Level B1 of the Car Park Complex,
Hong Kong Convention and Exhibition Centre,
1 Harbour Road, Wan Chai
(MPC Paper No. A/H25/12)

Presentation and Question Sessions

52. Mr. Louis K.H. Kau, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the renewal of planning approval for temporary exhibition hall for motor vehicles for a period of 5 years;

- (c) departmental comments – the Chief Building Surveyor/Hong Kong East & Heritage Section, Buildings Department (CBS/HKE&H, BD) advised that he had no objection to the application subject to the continuation of the approval conditions (c) to (f) of the planning application No. A/H25/10 regarding mainly on the number of visitors allowed in the car parking area, the installation of a mechanical monitoring system to control the number of visitors and the employment of an Authorized Person to conduct audit checks on the monitoring system and the monitoring reports on the number of visitors to the car parking area of the application premises on a bi-monthly basis. The Commissioner for Transport, Transport Department (C for T, TD) had no objection to the application subject to the approval period be limited to 2 years instead of 5 years sought. The approval period should not be so long as 5 years because the demand for parking arising from the major events in the Hong Kong Convention and Exhibition Centre (HKCEC) might change during the course of time, particularly if the economy turned strong, plus the current redevelopment of China Resources Building would likely suspend the use of some of its parking spaces during the construction period which was uncertain at the present moment. Therefore, it was recommended that the existing approval period of 2 years should be adopted so that Government could have a better control of supply and demand of the public car park in the interest of the public. The Secretary for Commerce and Economic Development also advised that Hong Kong Trade Development Council had been consulted on the application and suggested that the approval period should be 2 years instead of 5 years given that parking demand might change with the passage of time. No objection/adverse comment from other concerned government departments was received;

- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and a member of the public. The former objected to the fifth extension of the

planning application and considered that flexibility was required for the application premises to be converted back to car park in response to demand as the waterfront was subject to ongoing development. The latter objected to the planning application mainly on the grounds of traffic congestion, air pollution and less car parking spaces would be made available. The District Officer (Wan Chai) had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The temporary exhibition hall for motor vehicles had been in operation since 2003. In terms of use, the temporary exhibition hall for motor vehicles was considered not incompatible with the surrounding developments, including the HKCEC which was located immediately next to it. There had not been any material change in planning circumstance since the granting of the last planning approval of A/H/25/10 on 18.12.2009. The previous planning approval (A/H25/10) was subject to a number of approval conditions, inter alia, the installation of a mechanical monitoring system and the provision of the means of escape (MoE) and fire service installations (FSIs) so as to control the number of visitors and to ensure safety. Since the granting of the planning approval (A/H25/10), the applicant had installed a mechanical monitoring system to control the number of visitors and provided the necessary MoE and FSIs to the satisfaction of both BD and Fire Services Department. BD had also confirmed that the applicant had submitted audit reports on the number of visitors every two months and no non-compliance had ever been found. To ensure that the applicant would continue to comply with the fire safety requirements, it was recommended to impose similar approval conditions (c) to (f) of A/H25/10 as suggested by CBS/HKE&H, BD so as to control the number of visitors at the application premises. Based on the parking demand study, the proposal would not have adverse impact on the availability of the car parking spaces in the area. However, in view of the possible changes in the future demand for car parking spaces in the area, it was recommended that the approval period should be shortened from 5

years to 2 years, as suggested by C for T. The application complied with the planning criteria as set out in the TPB PG-No. 34B on “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development”.

53. Members had no question on the application.

Deliberation Session

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years from 19.12.2011 to 18.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no motor shows or car fairs or any related events should be undertaken at the premises;
- (b) the number of cars to be parked at the car parking area of the application premises should not exceed 345 at any time;
- (c) the number of visitors allowed at the car parking area of the application premises should not exceed 300 at any time;
- (d) to employ an independent professional to monitor the mechanical monitoring system to control the number of visitors to the car parking area of the application premises and prepare monitoring reports on a monthly basis;
- (e) to employ an Authorized Person to conduct audit checks on the monitoring system and the monitoring reports on the number of visitors to the car parking area of the application premises on a bi-monthly basis;
- (f) in relation to (e) above, to submit the audit reports every two months highlighting any non-compliance on the number of visitors to the car

parking area of the application premises to the satisfaction of the Director of Buildings or of the TPB; and

- (g) if any of the above planning conditions (a) to (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) to note the comments of the Director of Fire Services on compliance of the fire engineering report approved by Fire Services Department; implementation of the endorsed fire safety management plan; and maintenance of the fire service installation/equipment in an efficient working order at all times; and
- (b) to note the comments of the Director of Environmental Protection that the operator should switch on vehicle engines only when necessary and switch off the engines immediate after use to minimise air pollutants in the proposed exhibition hall, and reference should be made to the Practice Note on “Control of Air Pollution in Car Park” (ProPECC No. 2/96).

[The Chairman thanked Mr. Louis K.H. Kau, STP/HK, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

Kowloon District

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/241 Proposed Minor Relaxation of Building Height Restriction
from 80mPD to 86mPD for Permitted Residential Use
in “Residential (Group B)” zone, 204 Argyle Street, Kowloon
(KIL No. 11125)
(MPC Paper No. A/K10/241)

Presentation and Question Sessions

56. Ms. Jessica H.F. Chu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction from 80mpd to 86mpd for permitted residential use;
- (c) departmental comments –the District Lands Officer/Kowloon West, Lands Department advised that as stipulated in the Conditions of Sale (“the Conditions”), any building or structure should not exceed the maximum height of 80mPD, the proposed building height would contravene the aforesaid lease condition and was not acceptable under the Conditions. The Chief Architect/Advisory and Statutory Compliance, Architectural Services Department advised that the proposed residential development was quite higher than the buildings in its immediate neighbourhood. In order to avoid inducing greater height difference between the proposed development and the surrounding development with a lower height profile, the applicant should keep the exceeded building height as low as possible. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that there was insufficient merit to justify the proposed minor relaxation of building height restriction from urban design perspective. The design merits for justifying the proposed

minor relaxation of building height restriction could hardly be observed from the visual materials, in particular the photomontages provided in the submission. On the air ventilation aspect, although the applicant stated that the proposed sky garden, by allowing northeast and east wind penetration, could remedy the potential blockage caused by the building design under the approved building plans scheme and benefit the ventilation condition at the adjacent Tin Kwong Road Recreation Ground, the information provided in the air ventilation assessment (AVA) was incomplete which rendered the results and findings sceptical. There was some reservation on the application from landscape planning perspective as there was no landscape merit for the proposed sky garden. The existing trees were not indicated on plans and tree survey was not provided. It was likely that the proposed building footprint would be in conflict with the existing trees, requiring removal of all of them. No objection/adverse comment from other concerned government departments was received;

- (d) during the first three weeks of the statutory publication period, a total of 30 comments were received. Commenters included the Headmaster of Pooi To Primary School, a member of the Kowloon City District Council, the Chairperson of the Owners Committee of the Carlton Mansion, the Owners Committee of the Wai Tak House and 26 individuals. 29 of them objected to the application for the reasons of environmental problems including the wall effect of tall buildings, affecting air ventilation, obstructing natural light penetration, affecting the low-rise and single-block residential character of the area, creating traffic noise and bad air quality from the proposed development, and cavities beneath the subject site might cause settlement, cracks and potential danger to human life; and the MPC should consider the subject application with the same considerations as those for the similar cases for minor relaxation of building height restriction of 80mPD in “R(B)” zone on Ho Man Tin Outline Zoning Plan. The remaining commenter, the Kowloon City Baptist Church, had no comment on the application;
- (e) the District Officer (Kowloon City), Home Affairs Department advised that

the Kowloon City District Council Members, the Chairman of Lung Tong Area Committee as well as the Owners Committee/Mutual Aid Committees/management committees and residents of buildings near to the subject site on the planning application were consulted on the application. The Board should take into the account all the comments gathered in the consultation exercise in the decision making process; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The applicant proposed to relax the building height restriction from 80mPD to a maximum of 86mPD (i.e. 6m or +7.5%) for a residential development for incorporating a sky garden with clear height of 4.5m and associated mandatory features of 1.5m on the 2/F. By comparing the currently proposed scheme with the scheme in the approved building plans (GBP scheme), the applicant claimed that the design merits of the proposed scheme were mainly to help breaking down the building mass to allow better visual permeability and air ventilation, and to create a more interesting skyline by adopting a stepped height profile. However, the increase in visual permeability and air ventilation were not well demonstrated. Since design merits for justifying the proposed minor relaxation of building height restriction could hardly be observed from the visual materials submitted, in particular the photomontages, and the information provided in the AVA was incomplete, the CTP/UD&L considered that there were insufficient merits to justify the proposed minor relaxation of building height restriction from urban design perspective. Both the residential towers of the current proposed scheme and the approved GBP scheme were designed in a “straight row” layout. The slightly stepped profile by reducing one residential storey at both ends of the proposed scheme was not obvious enough to reduce the building mass of 6 residential towers. In addition, the applicant had not demonstrated that alternative design options had been explored to break the wall effect of the building mass. Instead, another “straight row” design similar to the GBP scheme was adopted. Moreover, the proposed sky garden was similar to a common podium garden normally located above the lobby for

the residential towers. From landscape planning perspective, there was also some reservation on the application. The applicant had not provided a tree survey and proposed treatment of existing trees to demonstrate that the proposed building footprint would not be in conflict with those mature trees which were valuable landscape resources. The application site was zoned “R(B)” and located in a low to medium-density residential area. Apart from the exceptional case of the nearby residential developments, the height of the existing buildings in the surrounding area was below 50mPD and subject to a maximum building height restriction of 80mPD. Given the importance of maintaining the integrity of a building height profile for the area, minor relaxation of building height should be supported by strong justifications with urban design and landscape merits. Approval of the application would set an undesirable precedent for other similar applications within the “R(B)” zone.

57. Members had no question on the application.

Deliberation Session

58. The Vice-Chairman did not support the application. He said the currently proposed scheme in a “straight row” layout was similar to the GBP scheme which had a wall effect. There was no design merit in the proposed scheme to mitigate the wall effect and the sky garden provided at a low level did not help improve the visual effect of the development. The air ventilation data provided could not support the proposed scheme. This kind of design should not be encouraged.

59. Another Member asked why the GBP scheme of a wall-effect development was approved by the Building Authority. The Chairman explained that the GBP Scheme was approved in January 2011 before the Sustainable Building Design Guidelines, which had requirement on building separation, took effect on 1 April 2011.

60. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) there were insufficient urban design and landscape merits in the submission for the proposed relaxation of the building height restriction; and
- (b) the approval of the application would set an undesirable precedent for other similar applications within the “Residential (Group B)” zone.

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/657 Proposed Conversion of an Existing Industrial Building to Hotel Use
in “Other Specified Uses” annotated “Business” zone,
101 Wai Yip Street, Kwun Tong
(MPC Paper No. A/K14/657)

61. The Secretary reported that the application was related to Sun Hung Kai Properties Limited (SHK). Mr. Raymond Chan and Mr. Felix Fong who had current business dealings with SHK had declared interests in this item. Ms. Julia Lau who was formerly employed by SHK from November 1994 to November 2008 had also declared an interest in this item. Members agreed that they should leave the meeting temporarily.

[Mr. Raymond Chan, Mr. Felix Fong and Ms. Julia Lau left the meeting temporarily at this point.]

Presentation and Question Sessions

62. 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 conversion of an existing industrial building to hotel use;
- (c) departmental comments – the Commissioner for Tourism supported the subject application as the proposed development would increase the number of hotel rooms, broaden the range of accommodations for visitors, and support the rapid development of convention and exhibition, tourism and hotel industries. No objection/adverse comment from concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, two public comments were received. One commenter supported the application without providing any reason. The other commenter had raised objection to the application for the reason that the traffic to be generated from the proposed hotel development would aggravate the traffic congestion along Wai Yip Street. During the first three weeks of the statutory public inspection period of the further information, three public comments were received. The first commenter supported the application and the second commenter had no objection to the application. The third commenter had commented that in order to help the expatriate employees find their accommodations in Kwun Tong area, it was imperative to increase the provision of hotel accommodation. The District Officer (Kwun Tong) had no comment; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed hotel was generally in line with the planning intention of the “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 hotel was for an in-situ conversion of an existing industrial building with a plot ratio of 12 and a building height of 75.1mPD which did not exceed the restrictions on the Kwun Tong (South) Outline Zoning Plan. The Committee had so far

approved 21 applications for hotel development in the Kwun Tong Business Area, one of which, namely the Newton Place Hotel was just located to the further southeast of the application site. Also, it was noted that the C for Tourism supported the current application. The proposed hotel was generally in line with the Town Planning Board Guidelines (TPB PG-No. 22D) for “OU (Business)” zone in that it was compatible with the surrounding land uses; it would help improve the existing urban environment and serve as a catalyst in phasing out the current industrial uses within the “OU (Business)” zone. In support of the application, the applicant had submitted relevant technical assessments including environmental review, drainage and sewerage impact assessment and traffic impact assessment (TIA) to demonstrate that the proposed hotel development would not have any adverse environmental, sewerage and traffic impacts on the surrounding area. All concerned government departments had no adverse comments on or no objection to the application. Regarding the public comment on the adverse traffic impact, the applicant had responded that according to the TIA, the traffic trips generated by the proposed development were considered not significant and the proposed development would not have adverse traffic impact on the surrounding area. The Commissioner for Transport had no comment on the TIA and the applicant’s response to the public comment regarding the possible traffic congestion problem.

63. Members had no question on the application.

Deliberation Session

64. 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 7.10.2015, 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 parking facilities, loading/unloading spaces,

lay-bys, vehicular access and internal driveway for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;

- (b) the design and provision of water supply for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission of a sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the sewerage impact assessment in condition (c) above to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to apply to the District Lands Officer/Kowloon East for lease modification or a temporary/special waiver for the proposed hotel use;
- (b) to note the comments of the Director of Fire Services that 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 administered by the Buildings Department (BD);
- (c) to note the comments of the Chief Building Surveyor/Kowloon, BD that :
 - (i) subject to compliance with the criteria under PNAP APP-40, the application for hotel concession including exemption of back-of-house facilities from gross floor area calculation under Building (Planning) Regulation 23A would be considered upon

formal submission of building plans;

- (ii) according to the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47, the Building Authority (BA) had no power to give retrospective approval or consent for any unauthorized building works; and
 - (iii) the applicant should be advised to appoint an Authorized Person to submit building plans for the proposed change of use/alteration works to the BA to demonstrate full compliance with the Buildings Ordinance; and
- (d) to consult the Chief Officer/Licensing Authority of Home Affairs Department on the licensing requirements for the proposed hotel.

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

[Mr. Raymond Chan, Mr. Felix Fong and Ms. Julia Lau returned to join the meeting at this point.]

[Ms. S.H. Lam, STP/K, was invited to the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/287 Proposed Place of Recreation, Sports or Culture and Eating Place Uses
in "Open Space" zone and an area shown as 'Road',
A Site at Junction Road near Tung Tau Tsuen Road, Kowloon City
(MPC Paper No. A/K18/287)

Presentation and Question Sessions

66. Ms. S.H. Lam, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the Stone Houses were historic buildings proposed to be revitalized under Batch II of Revitalizing Historic Buildings Through Partnership Scheme launched by the Development Bureau in 2009. The applicant was selected to take forward the revitalization of the Stone Houses in 2010. The applicant proposed to revitalise and preserve the Stone Houses, which were Grade 3 historic buildings, for beneficial adaptive reuse, and at the same time provide leisure and passive recreation facilities for the public. The Stone Houses and the two annex blocks would accommodate a themed cafeteria, a tourist centre, an interpretation area, a multi-functional room and other supporting facilities. A public open space would also be provided.;
- (b) the proposed place of recreation, sports or culture and eating place uses;
- (c) departmental comments – the Executive Secretary, Antiquities and Monuments Offices, Leisure and Cultural Services Department had no objection to the application. He advised that the Heritage Impact Assessment (HIA) of this project was supported by the Antiquities Advisory Board in the meeting on 15.6.2011 and endorsed by AMO on 8.7.2011. Any improvement works to be carried out in the future would have to comply with the endorsed HIA. The Commissioner for Heritage, Development Bureau also supported the application. The Commissioner for Tourism supported the development proposal from tourism perspective as the proposal to revitalize the Stone Houses would help inject new life into these buildings, thereby enhancing their appeal to visitors. Upon revitalization, it also had a potential to bundle with the tourist attractions in the proximity. No objection/adverse comment from concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, 7 comments from the general public were received. One commenter supported the

application on the grounds that the proposed Scheme could revitalize historic buildings, provide recreational/cultural facilities to the public and avoid the wastage of the valuable land resources. The remaining six commenters provided opinions/suggestions regarding the proposal, including requesting for retention of existing trees, addition of sports, recreational and leisure facilities, provision of sufficient supporting facilities including wireless internet access and facilities for elderly and disabled, affordable eating places, toilets and rain shelters for visitors and passers-by, and enhancement of the use of the site as learning and gathering places for the youth and the public;

- (e) the District Officer (Kowloon City), Home Affairs Department advised that it was noted that Planning Department (PlanD) had consulted the interested Kowloon City District Council members, the Chairman of Lung Tong Area Committee as well as the Owners' Committees, Mutual Aid Committees, management committees and residents of buildings near to the site concerned direct regarding this planning application. PlanD and the Board should take into account all the comments gathered in the consultation exercise in the decision-making process; and

- (f) the PlanD's views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The site fell mainly within an area zoned “Open Space” (“O”) on the Outline Zoning Plan. Although the proposed development would reduce the area planned for public open space use, it should be noted that there was surplus in the public open space provision in the Kowloon Tong area and Kowloon City District. Moreover, not less than 2,332m² (about 81%) of the site area would be retained for public open space use. In this regard, no significant impact on open space provision was anticipated. The proposed development, with its cultural (an interpretation area to display the history of Ho Kar Yuen and Kowloon City) and recreational (public open space of 2,332m²) elements, was generally in line with the planning intention of the “O” zone which was intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well

as the general public. The application site was surrounded mainly by schools to its immediate north northwest and south, and public parks to the further west, northwest and southwest; and some residential developments including Mei Tung Estate to its east. The proposed place of recreation, sports or culture and eating place uses on the application site was not incompatible with the surrounding Government, Institution or Community, open space and residential uses. Implementation of the proposal would improve the general environment of the area and preserve the buildings which were of historic conservation value. The proposed two 1-storey annex blocks (with a total area of 204.6m²) to accommodate the supporting public facilities, such as toilet and E&M facilities, were small in scale. The proposed multi-functional room within an annex block formed an integral part of the Revitalization Scheme. The scale of the proposed buildings was acceptable in this context. The proposal would not have significant adverse impacts on visual, landscape, traffic and environmental aspects on the surrounding areas. Although some of the existing trees on site would be affected, the mature trees would be retained and compensatory planting had been proposed to alleviate the landscape impact. The proposed non-provision of parking and loading/ unloading facilities was acceptable to the Commissioner for Transport. Moreover, no adverse public comments on the application was received.

67. Members had no question on the application.

Deliberation Session

68. 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 7.10.2015, 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 of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;

- (b) the implementation of the approved landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of quarterly tree monitoring report to the satisfaction of the Director of Planning or of the TPB upon the commencement of site works and until the satisfactory implementation of the landscape and tree preservation proposal;
- (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 of a drainage assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the implementation of mitigation measures/upgrading works identified in the drainage assessment in approval condition (e) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the submission of a sewerage assessment to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (h) the implementation of mitigation measures/upgrading works identified in the sewerage assessment in approval condition (g) above to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department regarding any proposed tree felling and transplanting on the site, and to note the comments of the Director of Leisure and Cultural Services on tree preservation/planting and greening provisions;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings

Department (BD) regarding compliance with PNAP APP-151 on granting of gross floor area concessions;

- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) regarding submission of assessments on existing sewerage and drainage systems to DSD/Environmental Protection Department for consideration before submission of general building plans to BD; and
- (d) to note the comments of the Chief Engineer/Development, Water Supplies Department regarding the need to obtain consent from the Water Authority to use fresh water from the Government mains for watering plant nurseries or landscape features purposes.

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

Agenda Item 15

Any Other Business

70. There being no other business, the meeting closed at 11:40 a.m..