

TOWN PLANNING BOARD

Minutes of 468th Meeting of the Metro Planning Committee held at 9:00 a.m. on 15.6.2012

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Professor S.C. Wong

Vice-chairman

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms. Julia M.K. Lau

Mr. Roger K.H. Luk

Mr. H.W. Cheung

Mr. Sunny L.K. Ho

Mr. Dominic K.K. Lam

Mr. Patrick H.T. Lau

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

Chief Engineer (Works), Home Affairs Department
Mr. Frankie Chou

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

Assistant Director (Hong Kong), Lands Department
Mr. Simon Wang

Deputy Director of Planning/District (Atg.)
Mr. T.K. Lee

Secretary

Absent with Apologies

Mr. Maurice W.M. Lee

Ms. Bonnie J.Y. Chan

Mr. Stephen H. B. Yau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

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 467th MPC Meeting held on 1.6.2012

[Open Meeting]

1. The draft minutes of the 467th MPC meeting held on 1.6.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) Amendment to Confirmed Minutes of 466th MPC meeting held on 18.5.2012

2. The secretary reported that planning application No. A/TW/432 was rejected by the Committee on 18.5.2012. The minutes were confirmed at the meeting on 1.6.2012 and sent to the applicant's agent on the same date. Subsequently, it was noted that there was a discrepancy in the minutes about the explanation on the difference between the rehearsal studio for performing arts and the audio-visual recording studio (the fourth sentence in paragraph 6 on page 7 of the confirmed minutes of 466th MPC meeting held on 18.5.2012 referred). To rectify the discrepancy, the Secretary proposed to amend the sentence to read as follows:

The *audio-visual recording studio*, ~~former was~~ an always permitted use under "I" zone, ~~while the latter~~ was mainly a production centre ~~and~~ *which* should attract less people than rehearsal studio.

Members had no objection to the proposed amendments and agreed that the applicant and the concerned government departments should be informed accordingly.

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/K5/718 Proposed Hotel (Guesthouse) in “Residential (Group A) 6” zone, 21 &
23 Nam Cheong Street, Cheung Sha Wan
(MPC Paper No.A/K5/718)

3. The Committee noted that the applicant’s representative requested on 1.6.2012 for deferment of the consideration of the application for two months in order to allow time for preparation of a traffic impact assessment to address the concerns of the Transport Department.

4. 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 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 the further information, and no further deferment would be granted unless under very special circumstances.

[Ms. Fannie F.L. Hung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

[Mr. Patrick Lau arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/373 Proposed Hotel in “Other Specified Uses” annotated “Business” zone,
26-38 Ta Chuen Ping Street, Kwai Chung
(MPC Paper No.A/KC/373C)

5. The Secretary reported that Environ Hong Kong Ltd. (Environ) and LLA Consultants Ltd. (LLA) were the consultants of the applicant. Mr. Patrick Lau and Mr. Dominic Lam who had current business dealings with LLA and Ms. Julia Lau who had current business dealings with Environ had declared interests in this item. As Mr. Lau, Mr. Lam and Ms. Lau had no direct involvement in the subject application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

6. With the aid of a powerpoint, Ms Fannie F.L. Hung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – while the Commissioner for Tourism supported the application, other concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, no public comment was received. For the further information received on 6.9.2011, a total of 12 comments were received. One private individual supported and 11 submitted by nine private individuals, one residential owners’ committee and one professional company objected to the application. The objection grounds were mainly related to the concerns on excessive scale,

setting undesirable precedent, cumulative sewerage and traffic impacts, health and safety risk to nearby residents, blocking of views and air ventilation by the proposed hotel, noise impact during construction period and air quality impact etc. For the further information received on 17.10.2011, two public comments were received. One submitted by a private individual supported the application while the other one submitted by a professional company raised concerns on excessive scale, setting undesirable precedent, cumulative sewerage and traffic impacts and imposing health and safety risk to nearby residents. As regards the further information received on 13.2.2012, three public comments were received. Two of them were submitted by private individuals who objected to the application and the remaining one submitted by a professional company questioned the methodology of the revised traffic impact assessment (TIA). For the last further information received on 20.4.2012, one public comment supporting the application was received. No local objection was received by the District Officer (Kwai Tsing); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12 of the Paper. As regards the adverse public comments, the departments concerned had been consulted and they had no adverse comments on the submitted TIA, Environmental Assessment, Chimney Emission Impact Assessment and no objection to the application from the traffic, environmental, air ventilation and public security points of view. In respect of excessive scale, the proposed wholesale conversion scheme would not increase the building height and bulk of the existing building.

7. In response to a Member's enquiry, Ms. Fannie F.L. Hung replied that the subject application was a wholesale conversion of an existing 29-storey industrial building. With reference to the section plan of the development as shown in Drawing A-12 of the Paper, she explained that the only changes of the existing building were the demolition of part of the floor plate of 4/F to allow higher headroom for 3/F for hotel lobby use and the converting of the entire 11/F as a refuge floor. In response to the Chairman's enquiry, Ms. Hung confirmed that the reduction in GFA of the proposed hotel when compared to the existing building was

due to the incorporation of the hotel lobby and the refuge floor. The same Member said while the proposed plot ratio (PR) of 19.4 was due to the bonus GFA granted previously by the Buildings Department, what the permissible PR of the site would be upon redevelopment. The Chairman responded that under the Outline Zoning Plan (OZP), the application site was subject to a maximum PR of 9.5 or the PR of the existing building, whichever was the greater. The proposed PR in the subject application would be subject to the approval of the Buildings Department.

8. Noting that there was an approval condition on the design and provision of vehicular access, car park and loading/unloading layout, another Member asked how this condition could be satisfied and whether the current layout in the submission could satisfy Transport Department (TD)'s requirement. Ms. Hung responded that the current carparking layout had been revised several times and the final layout in the application was considered acceptable by TD. At the building plans submission stage, any further changes of the vehicular access, car park and loading/unloading layout would be subject to TD's approval.

9. A Member said that for change of use of industrial building, such as from industrial use to residential use, would involve a different requirement on PR and hence some alteration of the building would be required. This Member asked whether there were clear planning guidelines on the permissible PR for the proposed change of use of existing industrial building. Moreover, from the typical floor layout, it was noted that half of each floor facing the street would be used as hotel rooms while half of the floor area would be used for banquet or other back-of-house (BOH) facilities which looked unreasonable. This Member said that the banquet or BOH area could possibly be converted to hotel room and asked whether there was any departmental comment on the floor layout. Ms. Hung replied that the proposed development intensity was acceptable from the planning perspective as the OZP allowed development at the application site up to existing PR. Regarding the floor layout, the applicant had to apply a licence for the hotel and satisfy the requirements from other relevant government departments such as buildings, fire safety etc. Moreover, converting the non-hotel-room portion to hotel rooms might not be able to meet the prescribed window requirement under the Buildings Ordinance (BO) as currently there was no window on that portion of the building. The Chairman supplemented that a hotel building could be treated as a non-domestic building under the BO. Therefore, the proposed PR of the development should be acceptable under BO subject to the approval from the Buildings

Department (BD). Another Member added that according to BO, a hotel building could be treated as a non-domestic building and subject to a maximum PR of 15. In the current case, the existing building was a non-domestic building and was allowed to be developed up to a PR of 15. As there was bonus GFA granted to the subject building upon surrendering an area to the Government for road use, the proposed PR of 19.4 should be acceptable subject to final advice from BD. For the floor layout, the rationale for not using a large portion of the building as hotel rooms was unclear. Whether that portion could be converted to hotel rooms would be subject to the provision of prescribed windows on that side of the building. The Chairman said that at the building plan submission stage, Buildings Department would scrutinize the proposed hotel layout and PlanD would be asked to provide comments on the hotel layout having regard to the proposal as submitted and approved by the Committee.

Deliberation Session

10. Mr. Ken Wong asked whether the number of proposed hotel rooms was 234 or 220. Ms. Hung clarified that the applicant originally proposed 234 hotel rooms. Subsequently, the applicant revised the number of hotel rooms to not exceeding 220.

11. A Member asked whether the Committee should focus on the land use or should await the clarification from the applicant on the proposed use of the non-hotel-room portion on each floor before considering approving the application in view of the potential abuse on the use of that portion of the building. The Chairman responded that Members should mainly focus on the proposed land use in considering the application. Should the case be approved, it would be clearly stated in the approval letter to the applicant that the application was approved “on the terms of the application as submitted to the Town Planning Board”. PlanD would vet the building plans against the approved scheme, including the number of hotel rooms. Moreover, the applicant had to satisfy the requirements of other government departments, such as Lands Department, BD and Fire Services Department, in addition to the planning requirements.

12. In response to a Member’s enquiry, Ms. Hung replied that Office of the Licensing Authority under Home Affairs Department was responsible for issuing a licence for hotel.

13. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.6.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the proposed development was subject to a maximum gross floor area (GFA) of 21,302.64m². Any floor space that was constructed or intended for use as back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations should be included in the GFA calculation;
- (b) the design and provision of vehicular access, car park and loading/unloading layout to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of fire service installations and water supply for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development and the proposed GFA exemption for back-of-house facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department to apply to the Redevelopment and Conversion of Industrial Buildings Team of the Lands Department for a special waiver under Practice Note Issue No. 1/2010 for conversion of an entire existing

industrial building. Lands Department would process the special waiver acting in its capacity as Landlord at its sole discretion. Any approval, if given, would be subject to such terms and conditions, including inter alia, payment of premium and administrative fee, as might be approved by the Lands Department;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department to appoint an Authorized Person to submit building plans for the proposed change in use/alteration works to demonstrate full compliance with the current provisions of the Buildings Ordinance. The applicant's attention was drawn to the requirements of prescribed windows under Building (Planning) Regulations 30 & 31 and Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-40 regarding the criteria for granting hotel concession;
- (d) 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 Escape for Firefighting and Rescue which was administered by the Buildings Department;
- (e) to note the comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department that as the building was originally approved by the Building Authority (BA) for non-domestic use, the applicant should submit documentary evidence showing that the BA had granted prior approval for the proposed use when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO). The proposed licence area should be physically connected and the siting of the proposal was considered acceptable from licensing point of view. Comments on the fire service installations provisions could not be offered at this stage due to insufficient information provided. The applicant's attention should be drawn to paragraph 4.28 of Code of Practice for Minimum Fire Service Installations and Equipment. The licensing requirements would be formulated after inspections by the Building Safety

Unit and Fire Safety Team of his office upon receipt of a licence application under HAGAO; and

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to improve the landscape quality of the area by maximizing the greening opportunity within available space of the application site upon conversion of the building and to explore the possibility of providing a podium garden.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/381 Proposed Hotel and Public Vehicle Park (excluding Container Vehicles)
in “Other Specified Uses” annotated “Business” zone, 75-87 Wo Yi Hop
Road, Kwai Chung
(MPC Paper No.A/KC/381A)

Presentation and Question Sessions

15. With the aid of a powerpoint, Ms. Fannie F.L. Hung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel and public vehicle park (excluding container vehicles);
- (c) departmental comments – while the Commissioner for Tourism supported the application, other concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment supporting the application was received. As for the further information, one public comment supporting the application was received.

The commenter opined that the proposed hotel would promote district economy, increase employment and improve people's livelihood. No local objection was received by the District Officer (Kwai Tsing); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11 of the Paper. The public comments in support of the application were noted.

16. In response to a Member's enquiry, Ms. Fannie Hung clarified that the proposed development was a wholesale conversion of an existing industrial building.

Deliberation Session

17. With reference to the lower ground floor plan in Drawing A-1 of the Paper, the Chairman asked if the proposed run-in/out for hotel adjacent to the run-in/out of the existing public car park was acceptable from the traffic perspective. Mr. David To responded in the affirmative as only limited number of vehicles would use the run-in/out of the hotel.

18. Referring to paragraph 9.1.1 (d) of the Paper, a Member asked if there would be any problem for this scheme to satisfy the Lands Department (LandsD)'s requirement given that a special waiver application for the proposed scheme had been turned down by the LandsD. Mr. Simon Wang responded that there might be some requirements under the special waiver that could not be complied with by the proposed scheme. Instead of a special waiver, the applicant could apply for a temporary waiver or lease modification for the development.

19. 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 15.6.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the design and provision of vehicular access, car park and loading/unloading layout to the satisfaction of the Commissioner for

Transport or of the TPB;

- (b) the provision of fire service installations and water supply for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development and the proposed gross floor area exemption for back-of-house facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department that the application for Special Waiver for a wholesale conversion of the building to hotel and fee-paying public car park use submitted by the applicant in October 2010 was turned down by the Redevelopment and Conversion of Industrial Buildings Team of Lands Department on 3.11.2011 since the proposed “fee-paying public car park” was not ancillary to the proposed hotel use. The applicant should apply to his office for a temporary waiver or lease modification. The temporary waiver or lease modification application would be considered by the Lands Department acting in the capacity as Landlord at its sole discretion. Any approval, if given, would be subject to such terms and conditions including, inter alia, payment of waiver fee/premium and administrative fee, as might be approved by the Lands Department;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that an Authorized Person should be appointed to submit building plans for the proposed change in use/alteration works to demonstrate full compliance with the current provisions of the Buildings

Ordinance;

- (d) 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 Escape for Firefighting and Rescue which was administered by Buildings Department;
- (e) to note the comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department that, as the building was originally approved by the Building Authority for non-domestic use, the applicant should submit documentary evidence showing that the Building Authority had granted prior approval for the proposed use when making an application under Hotel and Guesthouse Accommodation Ordinance (HAGAO); the proposed licence area should be physically connected; comments on the fire service installations provisions could not be offered at this stage due to insufficient information provided. The applicant's attention should be drawn to paragraph 4.28 of Code of Practice for Minimum Fire Service Installations and Equipment. The licensing requirements would be formulated after inspections by the Building Safety Unit and Fire Safety Team of his office upon receipt of a licence application under HAGAO; and
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to improve the landscape quality of the area by maximizing the greening opportunity within available space of the application site upon conversion of the building and to explore the possibility of providing a podium garden.

[The Chairman thanked Ms. Fannie F.L. Hung, STP/TWK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting]

A/KC/389 Offensive Trade (Leather Production) in “Industrial” zone, Workshops
A&B, 20/F, Wing Loi Industrial Building, 8-14 Wing Lap Street, Kwai
Chung

(MPC Paper No.A/KC/389A)

21. The Committee noted that the applicant requested on 31.5.2012 for deferment of the consideration of the application for two months in order to allow time for preparation of additional information on sewage treatment in relation to leather production.

22. 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 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 the further information, and since a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Hong Kong District

Agenda Item 7

Section 16 Application

[Open Meeting]

A/H14/72 Proposed Minor Relaxation of Building Height Restriction from 346.05mPD to 348.95mPD in “Residential (Group C) 1” zone for part of the flat roof of Flat A, 7/F, Cameron House, 40 Magazine Gap Road, The Peak Area
(MPC Paper No.A/H14/72)

23. The Committee noted that the applicant’s representative requested on 29.5.2012 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from government departments.

24. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee 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 the further information, and no further deferment would be granted unless under very special circumstances.

[Miss Isabel Y. Yiu, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/252 Proposed Minor Relaxation of Building Height Restriction from 6 Storeys to 7 Storeys (Block A only) in “Government, Institution or Community” zone, 4 Welfare Road, Wong Chuk Hang
(MPC Paper No.A/H15/252A)

25. The Secretary reported that the application was submitted by Tung Wah Group of Hospitals (TWGHs). Ms. Bonnie Chan whose father was a member of TWGHs’ Advisory Board, had declared an interest in this item. The Committee noted that Ms. Chan had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

26. 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 minor relaxation of building height (BH) restriction from 6 storeys to 7 storeys (Block A only) of the TWGHs Jockey Club Rehabilitation Complex (JCRC) for the proposed extension of the Day Activity Centre and Hostel for Severely Mentally Handicapped (DAC cum HSMH) and a new Training Centre for Rehabilitation Personnel and Carers (TCRC) on the 6/F;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Social Welfare (DSW) supported the setting up of a DAC cum HSMH in view of the keen service demand and long waiting time. The new TCRC was supported having regard to its purpose to strengthen the service quality through provision of training to rehabilitation personnel and to provide supportive training to carers. Policy support from the Labour and Welfare Bureau (LWB) was given in July

2011 for entrusting the construction works to TWGHs. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that a BH increase of Block A, would create more visual impact than that of other blocks due to its visual prominent location. However, in view of the facts that none except Block A had extra load-bearing capacity for additional floors and the proposed BH restriction relaxation by one storey was not visually unacceptable, there was no objection to the application from an urban design point of view. Other government departments had no objection to or adverse comments on the application;

- (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 (Southern); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 11 of the Paper. The proposed relaxation of BH restriction was minor. After the proposed extension, the BH of Block A would be 7 storeys, i.e. increased by 7.8m from 44mPD to 51.8mPD providing additional 2,950m² GFA. While Block A would become the tallest within JCRC, it would only be taller than the existing tallest Block C by about 3.7m. Block A after the extension was considered not incompatible with the existing buildings within the JCRC and the adjacent G/IC developments varying from 1 to 6 storeys and would still provide visual and spatial relief to the surrounding high-rise developments. While the proposed development was situated in a prominent location and would have some visual impact on the surroundings, the impact was considered not unacceptable. To improve the visual aspect, the applicant had submitted a conceptual landscape proposal including a roof garden at Block A to enhance the landscape quality and greening effect of the proposed additional storeys. An approval condition requiring the submission and implementation of a landscape proposal had been recommended.

27. A Member asked about the justifications of imposing a building height (BH) restriction of 6 storeys for the application site. Miss Isabel Y. Yiu responded that there were two ways of stipulating BH restriction for existing government, institution or community (G/IC) buildings on statutory plan, i.e. making reference to mPD level or number of storeys. Generally, the latter was adopted for “G/IC” zone so as to accommodate the special design and purpose of the G/IC uses concerned. In reviewing the BH of the subject OZP, the TWGHs JCRC with five building blocks was an existing development. A BH restriction of six storeys was stipulated for the subject site taking into account the BHs of the existing blocks varying from two to six storeys.

28. With reference to the photomontage in Drawing A-8 of the paper, another Member asked about the BH of Block B which appeared higher than the tallest Block C. This Member also asked whether the floor-to-floor height of the proposed additional two storeys were higher than that of the existing Block A. Miss Yiu replied that the BH of Block B (6 storeys) was 47.7mPD which was slightly lower than Block C (6 storeys) at 48.1mPD. She added that the BH of existing Blocks A, D and E were 44.5mPD (5 storeys), 40.6mPD (5 storeys) and 38.6mPD (2 storeys) respectively. For Block A, the additional two storeys were put on top of the existing building. According to the applicant, the existing floor-to-floor height of Block A was 3.6m while that of the proposed additional storeys would be 3.9m.

Deliberation Session

29. A Member opined that as there appeared to have no concrete justification to support the proposed relaxation of BH, approving the application might give an impression that the original BH restriction was without solid basis. However, the Committee could consider approving the application based on merits, such as provision of additional greenery that could be viewed by the public and resulted in environmental improvement. In this regard, the Landscape Team of PlanD could help scrutinize the landscape proposal to be submitted by the applicant to ensure that the roof top greenery could be seen by the public. The Chairman said that an approval condition requesting the submission of landscape proposal had been recommended in the Paper to address this concern.

30. Another Member expressed support to the application and considered that the minor relaxation of BH would not affect the visual character and air ventilation of the area in

view of the much higher industrial and residential developments in the surroundings. In response to this Member's enquiry on the BH restriction for G/IC sites, the Chairman said that in view of the congested urban environment, the BH restrictions for G/IC sites were usually based on existing BHs to help reduce building bulk and urban heat island effect and thus improve air ventilation. If there was a standard design for the G/IC use such as school, then the BH restriction would follow the standard design which was 8 storeys in height. There was provision under the OZP for minor relaxation of BH for "G/IC" zone through the planning application system. For major increase in BH of "G/IC" site, PlanD would propose amendment to the OZP in accordance with the development scheme agreed by concerned departments and with the policy support of the relevant policy bureau.

31. Another Member expressed support to the application. This Member asked if it would be possible to provide more concrete guidelines on BH restriction for G/IC sites. The Secretary clarified that in the BH review, "G/IC" sites in addition to providing G/IC uses to serve the need of the district, its lower BH would help improve air ventilation in the built-up urban area. This intention had been stated in the explanatory statements of the OZPs. However, the demand for expansion of existing G/IC services to cater for the need of society was also relevant. According to the current practice, if there was a concrete proposal for redevelopment of a "G/IC" site of which policy support had been given, PlanD would propose amendment to the relevant OZP to facilitate the implementation of the scheme. For those "G/IC" sites without concrete proposal for redevelopment/expansion, PlanD could continue to liaise with the relevant parties, as appropriate, depending on the situation. The BH restriction of these sites would follow the existing BH of the G/IC buildings concerned for visual relief and air ventilation purpose in the congested urban area.

32. Another Member agreed that approval of the proposed minor relaxation of BH restriction should be based on positive impact of the scheme rather than it would not cause adverse impact. This Member considered that adding two storeys on top of the existing block in the JCRC might not be the best method for expansion and there would likely be technical difficulty for adding two additional floors and a roof garden on the existing building as the floor loading of the existing building might not be able to support the additional floors. For the BH issue of "G/IC" site, this Member considered that the existing BH should be adopted as it would be unreasonable and difficult to justify any higher BH restriction without a proposal. Miss Yiu responded that among the five blocks within JCRC, Block A was the only

one that could accommodate the additional floor loading. Given there was an imminent need to expand their services to meet society's demand, finding another site for the centre and construct a whole new building, involving a long lead time, was considered not feasible. In this regard, the applicant proposed in-situ expansion of the existing centre by adding two storeys at Block A. According to the applicant, part of the roof would be a garden and part of it would be used for growing vegetables. Another outdoor garden would be planned at the 6/F. There was difficulty to have vertical greening of the building block as it might affect the users of the rehabilitation centre. As for the height of parapet, it could not be too low due to safety concern. Therefore, greenery of the site might not be easily seen by the public from outside the building. Nevertheless, the applicant had pledged to undertake more greening at the site. An approval condition requiring the submission of landscape proposal was recommended to address this concern. A Member said parapet planter that would not affect the parapet height should be considered in the landscape proposal.

33. A Member strongly supported the proposal as there was a genuine need for more spaces in the rehabilitation centre. For BH of "G/IC" site, this Member considered that the current practice of stipulating the existing BH as restriction for "G/IC" site should be adopted. The Board could consider relaxation of BH restriction of each individual cases based on a concrete proposal subject to policy support. The Chairman supplemented that the current practice for keeping existing BH at "G/IC" site to help improve air ventilation and provide visual relief had been adopted since 2007 and should be followed. The Chairman then concluded that Members generally supported the application. Members agreed.

34. 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 15.6.2016, 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 Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in planning condition (a) above to the

satisfaction of the Director of Drainage Services or of the TPB;

- (c) 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; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Director of Social Welfare in paragraph 9.1.2 of the Paper regarding the building height of the proposed development;
- (b) to note the comments of the Director of Fire Services in paragraph 9.1.7 of the Paper regarding compliance with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue;
- (c) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department in paragraph 9.1.8 of the Paper regarding the verification of all existing slopes and retaining walls within or in the vicinity of the application site and implementation of appropriate slope remedial/upgrading works, if necessary; and
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraph 9.1.13 of the Paper regarding the provision of permanent plantings.

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

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H4/88 Proposed Government Use (Guardhouse and Underground Plant Room for Court of Final Appeal) in “Open Space” zone and an area shown as ‘Road’, Government land near the junction of Jackson Road and Des Voeux Road Central, and part of Chater Garden, Central
(MPC Paper No.A/H4/88)

36. The Secretary reported that the application was submitted by Architectural Services Department (ArchSD). Mr. Dominic Lam, Mr. Patrick Lau and Professor P. P. Ho who had current business dealings with ArchSD had declared interests in this item. As their interests were direct, the Committee agreed that they should leave the meeting temporarily.

[Mr. Dominic Lam, Mr. Patrick Lau and Professor P. P. Ho left the meeting temporarily at this point.]

Presentation and Question Sessions

37. 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 government use (guardhouse and underground plant room for the Court of Final Appeal);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (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 (Central & Western); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11 of the Paper.

38. Members had no question on the application.

Deliberation Session

39. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.6.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of exterior design of the proposed guardhouse structure to the satisfaction of the Antiquities and Monuments Office, Leisure and Cultural Services Department, or of the TPB; and
- (c) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

40. The Committee also agreed to advise the applicant to note the comments of the District Lands Officer/Hong Kong West & South, Lands Department and the Director of Leisure and Cultural Services regarding the necessary land application arrangement, the need to seek Transport Department's advice on temporary road closure arrangement, and the need to seek comment from MTR Corporation Limited prior to commencing works as stated in paragraphs 9.1.2 and 9.1.3 of the Paper.

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

Kowloon District

[Mr. Dominic Lam, Mr. Patrick Lau and Professor P. P. Ho returned to join the meeting at this point.]

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/294 Proposed School (Kindergarten cum Child Care Centre) in “Residential (Group C) 1” zone, 7 Kent Road, Kowloon Tong
(MPC Paper No.A/K18/294)

41. The Secretary reported that MVA Hong Kong Ltd. was the consultant of the applicant. Mr. Patrick Lau and Mr. Dominic Lam who had current business dealings with this company had declared interests in this item. As Mr. Lau and Mr. Lam had no direct involvement in the subject application, Members agreed that they could stay in the meeting.

Presentation and Question Sessions

42. With the aid of a powerpoint, Ms. S.H. Lam, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (kindergarten cum child care centre)
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T)

objected to the application because of the anticipated adverse traffic impact. Kent Road was very congested with pick-up/drop-off activities of students by private cars during school peak hours. It was common that school buses and private cars would station in front of the kindergartens before school peak hours, thereby impeding other pick-up/drop-off activities at roadside and obstructing traffic. There was grave concern that the junction of Kent Road and Somerset Road would be obstructed by the pick-up/drop-off activities generated by the proposed school. The proposed run-in/out right at the junction of Kent Road and Somerset Road was undesirable. The applicant had not put forward proposal to address the problem. The traffic impact assessment (TIA) submitted had not assessed the traffic impact of specific starting and ending time of each school session. The TIA did not reflect details of the existing kerbside conditions at Kent Road and Somerset Road. Kerbside activities, including picking-up/dropping-off of passengers and students and loading/unloading activities for vehicles and passengers waiting for coaches, were currently over-saturated. The forecasted key junctions' operational performance and road capacities in the TIA thus seemed inaccurate. The Commissioner of Police (C of P) objected to the application. The traffic congestion at school drop-off and pick-up times was already very serious at Kent Road which could not cope with another new kindergarten. Kent Road was also the only vehicular access route to Kowloon Tong Public Transport Interchange from both Waterloo Road and Cornwall Street. Since Kent Road and Somerset Road were already saturated during school peak hours, the proposed school would worsen the present traffic flow thereat. Moreover, in case of traffic accident, a higher likelihood of injury involving pedestrian was expected. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) commented that the school bus parking spaces and the corresponding car park swept paths were in conflict with the existing trees. He had reservation on the application from the landscape planning perspective due to conflict between the parking spaces and the existing trees. Other concerned government departments had no objection to or adverse comments on the application;

- (d) during the first three weeks of the statutory public inspection period, 41 comments were received from nearby residents, parents and operators of nearby schools, a Kowloon City District Council (KCDC) Member and members of the public. All comments objected to/made adverse comments on the application. The major views were summarized as follows:
- (i) Kowloon Tong garden Estate (KTGE) was primarily a low-density residential area and the proposed use was considered not in line with the planning intention of the area;
 - (ii) there were already too many schools including kindergartens in Kowloon Tong, which were more than sufficient to cater for the residents in the neighbourhood. It was unnecessary to have any extra school or kindergarten in the area;
 - (iii) the traffic along Kent Road was over-saturated. There were already 4 schools on this narrow road and Kent Road was also the access to the Kowloon Tong MTR station and to the Kowloon Tong public transport interchange. It was a high stress area and the proposed development would aggravate the already grave traffic situation at various times of the day, detrimental to inhabitants and road users of the area, and posing potential risk/danger to the safety of the pedestrians, especially students during the peak hours. Pick-up/drop-off of students of the proposed schools by private cars was expected, which would worsen the traffic condition;
 - (iv) the TIA submitted by the applicant had not addressed the traffic issues caused by the proposed school and some assumptions in the TIA were unrealistic. The proposed ingress/egress at the Y-junction of Kent Road and Somerset Road with sightline affected would further endanger the safety of other road users;
 - (v) the proposed development would give rise to air and noise pollution which would harm the health of the students and residents in the

vicinity. The infrastructure was required to be upgraded to cater for the increased population in the area;

- (vi) the approval of the application would set an undesirable precedent for other similar applications in the area, cumulative effect of which would affect the unique character of the residential neighbourhood in the vicinity; and
 - (vii) presence of too many schools in the area would lead to competition amongst the schools, and might lead to vicious cycle of schools running out of business, which was not fair to other school operators. The Government should protect the interests of other school investors;
- (e) the District Officer (Kowloon City) noted that PlanD had consulted the interested KCDC members, the Lung Tong Area Committee as well as the Owners' Committees, Mutual Aid Committees, management committees and residents of buildings near the site directly 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 Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper which were summarised below:
- (i) the proposed school was not entirely in line with the planning intention of the “Residential (Group C)1” (“R(C)1”) zone which was primarily for low-rise, low-density residential developments. Noting that there were schools, religious institutions, elderly homes and G/IC uses in the vicinity, the proposed school use was considered not incompatible with the surrounding land uses. The proposed development intensity was in line with the maximum permitted under “R(C)1” zone;

- (ii) in view of the high volume of traffic in KTGE and to avoid further aggravating the present traffic conditions in the area, the Board promulgated in March 2011 the revised Guidelines No. 23A requiring that any new application for kindergarten/child care centre use in KTGE area had to be supported by a TIA to examine possible traffic problems and to propose mitigation measures to tackle the problem. Although the TIA submitted by the applicant had concluded that the local road network would be able to support the proposed development without improvement being necessary, concerned departments considered that the traffic issue had not been satisfactorily addressed. Both C for T and C of P objected to the application due to anticipated adverse traffic impacts from the proposal as detailed in paragraph 42(c) above;
- (iii) C for T was also concerned that the TIA findings might not be accurate as detailed in paragraph 42(c) above. The TIA was unable to address the traffic issues as pointed out by C for T and C of P and hence did not comply with TPB PG-No. 23A on “Application for Kindergarten/Child Care Centre in KTGE under Section 16 of the Town Planning Ordinance”;
- (iv) CTP/UD&L, PlanD considered the proposed school use not incompatible with the landscape character of the locality. However, although the applicant had proposed to retain all the eight existing trees on site, it was found that the proposed coach parking spaces would affect six existing trees. Therefore, he had reservation on the application from landscape planning perspective; and
- (v) since the Board decided to add a new requirement in the TPB Guidelines No. 23 in March 2011 requiring the submission of TIA, only two applications for kindergarten/child care centres uses were approved on temporary basis. Approval of this application, which was not in compliance with the TPB PG-No.23A, would set an undesirable precedent for similar applications for kindergarten/child

care centre development in the area. The cumulative effect of approving such similar applications would aggravate the traffic congestion of the KTGE.

43. Members had no question on the application.

Deliberation Session

44. A Member opined that the traffic problem around the application site was difficult to solve in view of the many tour buses parked in the area in addition to the school buses. The main consideration of this case was the potential danger caused by the concentration of people and vehicles waiting in the area.

45. Another Member considered that the traffic condition around the application site had rendered the site not suitable for school use. This Member asked whether the Committee could reject cases in which the TIA conducted by the traffic consultant as submitted by the applicant concluded that there would be no significant traffic impact caused by the proposed development. Mr. David To responded that TD would provide advice on TIA submitted by the applicant for the Committee's consideration. Members could consider the TIA submitted by the applicant together with TD's views on the TIA to see whether TD's assessment was reasonable. In the subject case, the traffic condition of the surrounding area of the application site was very congested as there were many private cars and school buses waiting at kerbside for students even before school peak hours. The traffic consultant had not provided sufficient information in the TIA to reflect the existing kerbside conditions at Kent Road and Somerset Road which were currently over-saturated by the long-time waiting vehicles and passengers. Therefore, TD objected to the application because of the anticipated adverse traffic impact.

46. A Member asked whether the suggested rejection reason in paragraph 12.1(a) of the Paper could be revised to clearly state that it was not possible to allow school use in view of the severe traffic problem in the area. The Chairman responded that it might be prudent not to be so definitive as there might be cases that the applicant could provide a satisfactory TIA with mitigation measures. Mr. David To added that if there were improved traffic arrangements such as accommodating all pick-up/drop-off activities within the school site, particularly for those schools already in operation, it was possible to allow school use in the

locality. Therefore, each case should be considered on its individual merits. The Chairman suggested to delete “possible” in the proposed rejection reason in paragraph 12.1(a) of the Paper so as to convey to the applicant that there were adverse traffic impacts. Another Member considered that it was very difficult to mitigate the traffic condition as Kent Road was a major access to the Railway Station and the area. The Chairman further proposed that the rejection reason in paragraph 12.1(a) should make reference to the location, i.e. the junction of Kent Road and Somerset Road. Another Member said that there could be road safety problem to students in view of the busy traffic. A Member also said the traffic was busy in view of its junction location with shuttle buses connecting to and taxi dropping passengers for Kowloon Tong Station while another Member commented that the pedestrian walkway was very narrow in the area.

47. Noting that there were two similar applications approved on a temporary basis previously, the Vice-chairman asked if it was possible to remind the two applicants concerned to apply early for renewal of their applications to ensure timely processing of the applications so as to minimize possible impact on students. Ms. Lam responded that there were Town Planning Board (TPB) Guidelines on renewal of planning approval requesting applicant to submit renewal application a few months before the expiry of the planning permission. For these two temporary cases, PlanD could remind the applicants to submit their renewal applications earlier. The Chairman suggested to remind the applicants at least three months before the expiry and draw their attention to the revised TPB Guidelines No. 23A.

48. The Chairman concluded that Members generally agreed to reject the subject application.

49. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and agreed that they should be suitably amended to reflect Members’ views as expressed at the meeting. After further deliberation, the Committee decided to reject the application. The reasons were :

- (a) the proposed development sited at the junction of Kent Road and Somerset Road and near Kowloon Tong MTR Station with busy traffic could not comply with the Town Planning Board Guidelines No. 23A in that adverse traffic impacts were anticipated and no effective traffic

mitigation measures were proposed to mitigate the impacts;

- (b) six existing trees would be affected by the proposed coach parking spaces; and
- (c) the approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such similar applications would aggravate the traffic condition of the Kowloon Tong Garden Estate.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/107 Proposed Sports Training Centre and Residential Development and Minor Relaxation of Building Height Restriction from 10 Storeys to 12 Storeys in “Government, Institution or Community” zone, 25 Man Fuk Road, Ho Man Tin
(MPC Paper No.A/K7/107A)

50. The Secretary reported that BMT Asia Pacific Ltd. (BMT) and MVA Hong Kong Ltd. (MVA) were the consultants of the applicant. Mr. Patrick Lau and Mr. Dominic Lam who had current business dealings with both BMT and MVA had declared interests in this item. As Mr. Lau and Mr. Lam had no direct involvement in the subject application, the Committee agreed that they could stay in the meeting.

51. Mr. Simon Wang who was an alumnus of New Method College had declared an interest in this item. As his interest was remote, Members agreed that he could stay in the meeting.

Presentation and Question Sessions

52. With the aid of a powerpoint, Ms. S.H. Lam, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed sports training centre ('place of recreation, sports or culture') and residential ('flat') development and minor relaxation of building height (BH) restriction from 10 storeys to 12 storeys highlighting that the proposed development comprised two separate 10-storey blocks above a common 2-storey podium. The gross floor areas (GFA) of the sports training centre amounted to 51% of the total GFA and the residential portion occupied 49% of the total GFA. The BH of the residential block was 66.65mPD with floor-to-floor height of 3.5m whereas the building height of the GIC block was 72.65mPD with floor-to-floor height ranging from 4m to 5.5m;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Secretary for Home Affairs (SHA) supported the application from a sports development angle. The applicant would lease the sports training centre to the Hong Kong Billiard Sports Control Council Company Limited (HKBSCCL), the Hong Kong Fencing Association (HKFA) and the Hong Kong Sports Association for the Mentally Handicapped (HKSAM) (i.e. the nominated National Sports Associations (NSAs)) at a nominal rent and offer a long term tenancy up to 25 years (renewable). The applicant would be responsible for the construction of the proposed sports training centre. Home Affairs Bureau (HAB)'s advice would be sought on inviting suitable replacement NSAs. Moreover, the applicant would set up a fund in an amount equivalent to the total management fees payable by all the nominated NSAs over a 12-month period, in order to help the NSAs pay their management fees in case they faced financial difficulties. The Secretary for Education (SED) had no comment on the application as the size of the application site was too small for a 24-classroom primary school and they would not use it for school development. The Development Opportunities Office, Development Bureau (DOO, DEVB) considered that the proposed development had the merit of optimising land resources taking account of the site planning

constraints. The development would increase private housing supply and promote sports development. The Land Development Advisory Committee (LDAC) generally supported the project. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the BH of 66.65mPD for the residential block was not considered unacceptable, having taken into account the existing and planned building heights (about 90mPD and 100mPD respectively) of the residential neighbourhood to the west of the subject site along Man Fuk Road. However, the floor to floor height of 3.5m was on a high side. As such, there was still room to reduce the overall BH and hence the building bulk of the residential block. The proposed building height of 72.65mPD for the sports training centre block would be excessive comparing to the adjacent G/IC developments (below 50mPD in height and subject to a building height restriction of 8 storeys) within the G/IC belt along Princess Margaret Road. As such, there was no design merit to justify the development proposal from urban design perspective, the approval of which might set an undesirable precedent for further uplifting of the height band of the low rise G/IC belt. Other government departments had no objection to or adverse comments on the application;

- (d) during the first three weeks of the statutory public inspection period, a total of 365 comments were received with 98 comments (from individuals and the Incorporated Owners of Princess Terrace) objecting, 256 comments (from individuals, the Principal of Mary Rose School, Po Leung Kuk Yu Lee Mo Fan Memorial School and the HKSAM) supporting/having no objection, and 11 comments expressing views. The public comments were summarised as follows:

Supportive/ no objection

- (i) the proposed sports training centre would provide support and training facility for the youths and those intellectually disabled athletes to develop their interest in sports in a comprehensive way. They could live a healthy life and establish their confidence, value

and goal, integrating into the community;

- (ii) society was in short of government recreational and sports facilities, especially those for the mentally disabled. The proposed development could assist in the sustainability of sports associations having limited resources;
- (iii) the impact from the proposed 18 domestic units on the residential property market in the same district was minimal;
- (iv) large additional resources were not required to build the sports training centre by making good use of the closed school site;
- (v) the proposed development would re-vitalise the local area and had insignificant impact on the neighbouring area;
- (vi) the idea behind the development project was innovative and the architectural design of the proposed development was compatible with its surrounding environment;
- (vii) it was beneficial to Hong Kong citizens as the applicant would pay for the costs of the whole project and other expenses out of the proceeds of sale of the residential units;

Objecting comments

- (viii) the building height of the sports training centre was higher than the existing school building by 10m that it would block air ventilation and existing view of the surrounding residential blocks;
- (ix) if the applicant could not reach agreement with the three NSAs to accommodate their facilities in the development, the training facilities would become the luxurious club house for private residential apartments and the 18 residential units would turn into an

ultra tall, high- density residential project;

- (x) the sports training centre only accommodated three NSAs and was not open to the public. The applicant did not have the genuine intention to promote sports;
 - (xi) the increase in number of residents and vehicles arising from the development would put further strain on Man Fuk Road during rush hours, and would aggravate traffic congestion and pedestrian safety;
 - (xii) the site should be used for sports venue for public use operated by the Leisure and Cultural Services Department (LCSD) so as to address the shortfall of sports facilities in the area;
 - (xiii) the site should be developed for old aged welfare facilities for the aging population at Waterloo Hill;
 - (xiv) the curtain wall design of the proposed development would affect drivers and cause death of birds; and
 - (xv) the closure of the school would affect the existing students;
- (e) the District Officer (Kowloon City) noted that PlanD had consulted the interested Kowloon City District Council Members, Ho Man Tin Area Committee as well as the Owners Committee/Mutual Aid Committees/management committees of buildings near to the application site on the planning application. The Board should take into account all the comments gathered in the consultation exercise in the decision making process. Should the application be eventually approved, the applicant should take appropriate measures to address the residents' concern; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 11 of the Paper. According to the applicant, the floor-to-floor height of 4m to 5.5m of the sports

training centre was required to meet functional need and international design standards of the sports venue. To minimize the possible visual impact along Princess Margaret Road, the applicant proposed to add vertical greening/planting for the common podium. For the residential block, the floor-to-floor height of 3.5m was on a high side and there was room to reduce the overall BH of the residential block. An approval condition requiring the applicant to submit a revised scheme to enhance the building design was thus recommended. For the public comments on the blocking of view from neighbouring areas and the façade decoration of the building, CA/ASC, ArchSD and CTP/UD&L, PlanD had no objection to/adverse comments on these aspects from the visual and urban design perspectives. Regarding the public comment on air ventilation, CTP/UD&L, PlanD considered that given the width of Princess Margaret Road and the presence of Sheung Shing Street Park to the opposite of the site, significant impact on air ventilation was not expected. As the applicant had accepted the tenancy agreement proposed by HAB, the NSAs could operate without disruption for at least 25 years and it was unlikely that the sports training centre block would be left idle under the tenancy agreement. With only 18 domestic units proposed, the likely traffic, infrastructural and environmental impacts on the surrounding areas were minimal. Regarding utilising the site for social welfare facilities, the Director of Social Welfare (DSW) did not further pursue their proposal at the application site. Other government land/premises could be identified for provision of the required facilities. The closure of the school on site would not affect the existing students as the school operator had halted student intake from 2007/2008 to allow sufficient time for existing students to complete their secondary school curriculum before end of 2012.

53. Noting that the proposed relaxation of BH restriction was to accommodate three NSAs, a Member asked whether it was possible to have two NSAs only and how the three NSAs were selected. Ms. Lam responded that there was no information in the planning application on how the three NSAs were selected. For the three nominated NSAs, they were currently renting LCSD's premises for training and other private premises for storage. It would be more desirable for these NSAs to have their own training centres.

54. A Member asked how the nominal rent for the nominated NSAs would be determined and whether it had to be agreed by HAB. Ms. Lam replied that there was no such information in the application. However, HAB had requested a long-term tenancy for the NSAs and the setting up of a management fund by the applicant. HAB would continue to liaise with the applicant on the detailed arrangement for the NSAs including the rental level taking into account the financial condition of the NSAs.

55. In response to a Member's enquiry, Ms. Lam replied that the application site was held by a single owner and NMC Limited was the consultant of the applicant. As regards the current lease of the application site, the site was restricted for school use with not more than 32 classrooms. Lease modifications would be required for the proposed uses under application.

56. A Member asked whether HAB would be involved in the setting up of the management fund and whether there was any similar precedent cases. Ms. Lam responded that there was no such information on how the management fund would be set up but HAB had been liaising directly with the applicant on the proposal and would sort out the detailed arrangement at a later stage. She also had no information on whether the subject case was a precedent case. For Members' information, she said that Lands Department would not stipulate the details of the tenancy agreement between the applicant and the NSAs in the lease, but consideration would be given to include a suitable clause in the lease to enable HAB to assume a supervising role in the project.

57. A Member asked about the ownership of the sports training centre portion of the development after the flats were sold to individual owners. This Member also asked what the applicant's responsibility would be in the future and whether the applicant had provided information on the operating cost of the sports training centre. Ms. Lam replied that there was no information on the ownership arrangement of the training centre after the completion of the project. The applicant had to set up a management fund in an amount equivalent to 12-month management fees of the NSAs and in case the NSAs had financial difficulties, the fund would help pay the management fees. The applicant had agreed to pay the capital cost for the sports training centre and whether the cost would be totally recovered by the revenue from the sale of flats was not mentioned in the application. The same Member had doubts on

whether the management fund amounting to 12-month management fee and the nominal rent charged would be sufficient to support the operation cost of the NSAs. If there was a financial loss eventually, who would be responsible for maintaining the NSAs. The Chairman said that the NSA portion of the project was owned by the current owner. In response to the same Member's question on the users of the sports hall at B2/F, Ms. Lam replied that the multi-purpose sports training hall at B2/F would be used by all the three NSAs. The floor-to-floor height was 5.5m in order to accommodate the requirements of various kinds of sports.

58. In response to another Member's enquiries, Ms. Lam said that the applicant had claimed that the sale of flats would support the construction cost of the sports training centre but did not indicate whether the residential flats would be for sale or rental to help fund the operating cost of the sports training centre. As regards the same Member's question on the large flat size, Ms. Lam said that it was the applicant's own decision.

59. A Member enquired whether the landowner could sell the sports training centre portion noting that the residential flats could be sold. Ms. Lam replied that it would depend on how the lease for the development was drawn up. The same Member said if there was no demand from the NSAs, the landowner would be able to sell the sports training centre portion for private club. Ms. Lam responded that it would depend on the requirements as laid down in the future lease conditions. The Secretary explained that at the current stage, there were no details on the operation and management of the sports training centre of the subject development. However, HAB had agreed with the applicant on the broad direction of the proposed sports training centre including the tenancy terms, nominal rent and management fee which had been clearly stated in paragraph 9.1.8 of the Paper. If any of the nominated NSAs decided to terminate its lease at the sports training centre, agreement from HAB was required for any replacement sports organizations. As regards the detailed implementation of the proposed development including the operation and management aspects, HAB would work out the details with the applicant in the next stage.

60. In response to the Vice-chairman's enquiries, Ms. Lam said that according to the applicant, the landowner acquired the application site from the market. She believed that the landowner had paid market value to buy the land for school use. As regards the Vice-chairman's question on the demand for "G/IC" site in the district, Ms. Lam said that

there was no requirement for site-based G/IC facilities in Ho Man Tin and the social welfare facilities requested by DSW could be accommodated in G/IC buildings or podium levels of residential buildings as they were premises-based G/IC uses. No government departments had requested to retain the application site for G/IC uses.

61. A Member asked whether the Education Bureau (EDB) had considered making use of the subject application site for the extension of the adjacent Hong Kong College of Technology (HKCT) so as to allow better utilization of this piece of land. Ms. Lam explained that HKCT had applied to EDB to use a few floors of New Method College for temporary classrooms after the College ceased operation. However, HKCT had to liaise with EDB or the owner of the application site if there was an intention to use the site on a long term basis.

62. In response to another Member's question, Mr. Simon Wang replied that generally speaking, land premium would need to be paid for lease modifications.

Deliberation Session

63. The Chairman said that the subject scheme had gone through a long discussion between the applicant and the Government. The subject proposal which involved the dedication of over 50% of total GFA of a private development for G/IC uses provided at a nominal rent would benefit the community.

64. A Member opined that EDB should seriously consider making use of the vacant school site for the expansion of tertiary educational institute noting that the adjacent HKCT was searching land for extension. Although this application scheme was innovative, there were many aspects that needed to be followed up. In view of the potential high operation cost of the sports training centre, the applicant should provide more information on the budget of the operation cost of the development so as to facilitate the Board's consideration. The Chairman noted EDB's view on the application and there was no information on whether EDB had considered the use of vacant school site for expansion of educational institutes. However, Members should focus on whether the proposed development was acceptable from the land use planning perspective and whether there were any related technical concerns. On the aspect of implementation, the applicant had to liaise with HAB and apply for lease modification.

65. A Member expressed in-principle support to the proposal. However, this Member had concerns on the proposed minor relaxation of BH restriction from 10 storeys to 12 storeys as there was no information on whether the number of NSAs could be reduced from three to two. It might be possible to accommodate the same scheme without increasing the BH. Noting CTP/UD&L, PlanD's comments on the impact of the higher BH on the integrity of the G/IC belt along Princess Margaret Road, this Member was concerned about the necessity to relax the BH restriction. The Chairman said that the proposed increase of BH restriction by 2 storeys was minor in terms of air ventilation impact. On the visual impact, the residential portion of 66.65mPD was not unacceptable considering that the adjacent residential buildings at Man Fuk Road were about 89mPD as shown on Plan A-4 of the Paper. For the G/IC portion, higher floor-to-floor heights were required to meet the standard of various sports training venue. As regards the number of NSAs accommodated, less organization would be able to benefit from the project proposal if the number of NSAs was reduced from three to two.

66. A Member did not support the application. This Member considered that the original planning intention of developing G/IC uses at "G/IC" site should be adhered to. The subject proposal was packaged as a G/IC use, with just over 50% of the total GFA for sports training centre use and 49% of the total GFA for residential development. It would set an undesirable precedent for other G/IC site owners to follow. Considering the revenue generated from the sale of flats and the construction cost of the sports training centre, the subject development would yield a high financial return. However, there was a lack of information on the detailed implementation arrangement and the lease conditions were yet to be finalized, it was hard to ensure the implementation of the G/IC portion. The approval of the application would encourage more similar cases for non-G/IC development packaged as G/IC uses at "G/IC" site. It would contravene the original planning intention of the G/IC zoning. The Chairman responded that the subject application site was acquired by the landowner at market value. Unless the Government would resume the land or the landowner would surrender the land to the Government voluntarily, the land would be left being underutilised. The proposed development would provide incentive for the landowner to use half of the total GFA for G/IC uses, which would benefit the community.

67. Another Member supported the application in-principle as private landowners

had their development rights. It would be difficult to expect private owners to develop G/IC uses which were normally non profit-making. The subject proposal was a solution to the problem. Moreover, the landowner would need to pay premium at the lease modification stage. This Member said that the role of HAB to safeguard proper sports training facilities would be provided in the project was very important and asked whether advice or approval would need to be sought for any replacement NSAs in the sports training centre. Ms. Lam replied that according to HAB's comment in paragraph 9.1.8 of the Paper, any replacement sports organizations had to be approved by HAB.

68. A Member opined that the subject case indicated that when the landowner decided not to continue the school use, it would be difficult to find an alternative use for the site. It was difficult to strike a balance between the private landowner's right and the community's interest. This Member said that the landowner would likely surrender the sports training centre portion to the Government after the residential flats were sold. The role of HAB would be very important to ensure that the subject G/IC site would be utilized for the benefit of the community.

69. The Chairman said that it was not possible to impose a planning condition to request the applicant to surrender the NSA portion to the Government unless the applicant was willing to do so voluntarily. HAB had a responsibility to safeguard proper implementation of the sports training facilities. With the involvement of HAB, there should be sufficient control on the proposed development.

70. The Chairman concluded that Members generally supported the application with one dissenting view. Members agreed.

71. 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 15.6.2016, 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 maximum building height for the sports training centre block should not exceed 72.65mPD;

- (b) the submission of a revised scheme to enhance the design of the proposed development including reducing the building height of the residential block to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of vehicular access, car parking spaces and loading/unloading bays to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Kowloon West, Lands Department that if the application was approved, the lot owner would need to apply for a lease modification for the proposed use. If the application for the lease modification was approved by the Lands Department acting in the capacity as landlord at their discretion, it would be subject to the terms and conditions including, among others, charging of premium and fee, as imposed by the Lands Department;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that detailed comments on the compliance with the provisions of the Buildings Ordinance would be provided upon submission of building plans. Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 on Building Design to Foster a Quality and Sustainable Built Environment and PNAP APP-152 on Sustainable Design Guidelines were applicable to the proposed development;

- (c) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (d) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should take into consideration the stability of the four slope features located within or adjacent to the proposed development during construction;
- (e) to note the comments of the Director of Fire Services that detailed fire services requirements would be formulated upon receipt of formal submission of general building plans. The applicant should also be reminded that the arrangement of emergency vehicular access should comply with Part VI of the 'Code of Practice for Means of Access for Firefighting and Recue' which was administered by the Buildings Department; and
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should consider providing greening, especially tree planting, at the ground level. Greening opportunities should also be maximized at various roof levels with sufficient soil depth and volume allowed.

[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 12

Any Other Business

73. There being no other business, the meeting closed at 12:00 noon.