

TOWN PLANNING BOARD

Minutes of 494th Meeting of the Metro Planning Committee held at 9:00 a.m. on 2.8.2013

Present

Director of Planning
Mr. K. K. Ling

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

Mr. Stephen H. B. Yau

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. W.B Lee

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

Assistant Director (Hong Kong), Lands Department
Ms. Doris M.Y. Chow

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

Secretary

Absent with Apologies

Mr. Maurice W.M. Lee

Mr. Laurence L.J. Li

Mr. Clarence W.C. Leung

Ms. Bonnie J.Y. Chan

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

In Attendance

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

Chief Town Planner/Town Planning Board
Mr. J.J. Austin

Town Planner/Town Planning Board
Mr. William W.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 493rd MPC Meeting held on 19.7.2013

[Open Meeting]

1. The draft minutes of the 493rd MPC meeting held on 19.7.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/H17/1 Application for Amendment to the Draft Shouson Hill & Repulse Bay Outline Zoning Plan No. S/H17/12 from “Residential (Group C) 3” to “Residential (Group C) 10” with a maximum building height of 187.82mPD and 3 storeys including carports, 3 Deep Water Bay Road (MPC Paper No. Y/H17/1)

3. The Secretary reported that on 24.7.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow sufficient time for preparation of a visual appraisal to demonstrate the visual effect of the application. This was the applicant’s first request for deferment.

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

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

[Ms. Jessica K.T. Lee, Town Planner/Hong Kong (TP/HK), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/414 Proposed Hotel in “Residential (Group A) 7” zone, 304 and 306 Queen's
Road West, Sai Ying Pun
(MPC Paper No. A/H3/414)

Presentation and Question Sessions

5. With the aid of a PowerPoint, Ms. Jessica K.T. Lee, TP/HK, 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 – departmental comments were set out in paragraph 8 of the Paper. Commissioner for Transport (C for T) had no comment on the application, but advised that the applicant should be forewarned that he reserved the right to impose necessary traffic management measures and there was no guarantee of loading/unloading space on public roads in the vicinity of the frontage of the subject location.

The District Officer (Central & Western) advised that the Central & Western District Council (C&WDC) had all along been very concerned about the potential adverse traffic impacts resulting from new hotel developments. In particular, the Traffic and Transport Committee of C&WDC had discussed the traffic issues brought about by hotels at its meeting on 20.6.2013. Other concerned departments had no objection to or adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, eight public comments were received from individuals and from Designing Hong Kong Limited. The commenters objected to the application mainly on the grounds that there were already a lot of hotels in Sai Ying Pun, which brought adverse traffic impact to the residents. It also lowered the standard of living. As the supply of residential units fell short of demand, the site should be used for residential development. In addition, the hotel development would greatly exceed the intended development intensity for residential development;
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 10 of the Paper which were summarized below :
 - (i) the subject application was for a proposed hotel development within the “Residential (Group A)” (“R(A)”) zone which was intended primarily for high-density residential developments. The site was located within an area predominantly residential in nature with commercial uses on ground floors. The proposed hotel was considered not incompatible with the surrounding developments in terms of land use. Concerned government departments consulted, including Director of Environmental Protection, C for T, Director of Drainage Services and Director of Fire Services, had no objection to or adverse comments on the proposed hotel development;

- (ii) despite the above, given the current shortfall in housing supply, residential sites should be developed for its zoned use unless the site was very conducive for hotel development or development for hotel would meet a specific planning objective. Considering that the site was zoned “R(A)” which was intended primarily for high-density residential development, the proposed hotel development would result in reduction of sites available for residential developments. The cumulative effect of changing residential land for non-residential uses would result in a reduction in the supply of housing land to meet the pressing housing demand in the territory. Besides, the applicant failed to provide justifications to demonstrate that the site was very conducive for hotel development or the proposed development would meet a specific planning objective. There was no strong justification to redevelop a site planned for residential use for hotel development in view of the current acute shortage of housing land;

- (iii) the applicant argued that there were similar hotel applications within “R(A)” zones in the Sai Ying Pun area approved by the Committee before. It should be noted that, at its recent meetings, the Committee had thorough discussions on the implications of approving applications for hotel developments on “R(A)” sites and agreed that, in view of the current shortage of housing land in meeting the pressing housing demand of the community, applications for non-residential uses including hotel and office in predominantly residential areas would in general not be supported unless with very strong justifications. While some hotel applications had been approved in the Sai Ying Pun area in the past, the current application should be assessed with reference to the latest planning circumstances and the prevailing need of the community for housing land. Reflecting the latest intention, two recent applications for hotel development within the “R(A)” zone on the Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) were rejected by the Committee on 21.6.2013 on the grounds that they

would affect the supply of housing land in meeting the pressing housing demand in the territory;

- (iv) the applicant claimed that the site area was less than 140m² and hotel development would yield a much better efficiency ratio than residential development. From the land use viewpoint, the retention of the site for residential development was in line with the planning intention of the site and could help meet the pressing housing demand of the community. Despite its relatively small size, the site was capable of residential development, and the efficiency rate of the residential floor area would depend on the actual design of the building;
- (v) despite the applicant's claim that the traffic and pedestrian traffic impacts generated by the proposed hotel was insignificant and adequate kerbspace was available for the hotel pick-up/drop-off and loading/unloading activities, Commissioner for Transport stated that there was no guarantee of loading/unloading space on public roads in the vicinity of the frontage of the subject location. In addition, C&WDC had raised grave concerns on the potential adverse traffic impacts generated by new hotel developments in the district; and
- (vi) a total of eight public comments were received raising objection to the application. PlanD shared the commenters' concerns on affecting housing land supply.

[Mr. Dominic K.K. Lam arrived to join the meeting at this point.]

6. Members had no question on the application.

Deliberation Session

7. A Member noted that the applicant had included in the submission the Metro Planning Committee minutes for two applications for hotel development in the same OZP

which were approved by the Committee in 2008 and 2009. The Member considered that it was necessary to state clearly that there was a change in the Board's policy in considering applications for hotel use within "R(A)" zone in view of the change in planning circumstances. In response, the Chairman said that as the proposed hotel development was located in a predominantly residential area and the applicant failed to provide justifications to demonstrate that the site was very conducive for hotel development, it should be rejected as its approval would result in the reduction of sites for residential developments which would affect the supply of housing land. The Board had rejected similar applications for the same reason in the last few months. Ms. Jessica Lee added that two similar applications in the same OZP were rejected by the Committee (No. A/H3/411 and A/H3/412) in June 2013, as shown in Appendix II of the Paper.

8. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the application site was located in a predominantly residential neighbourhood. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand in the territory;
- (b) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land; and
- (c) the applicant failed to provide justifications to demonstrate that the application site was conducive for hotel development.

[The Chairman thanked Ms. Jessica K.T. Lee, TP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Kowloon District

[Miss Fiona S.Y. Lung, District Planning Officer/Kowloon (DPO/K) and Miss Karen F.Y. Wong, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the Approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/19
(MPC Paper No. 14/13)

Presentation and Question Sessions

9. With the aid of a PowerPoint, Ms. Karen F.Y. Wong, STP/K, presented the proposed amendments to the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) as detailed in the Paper :

Proposed Amendments to the OZP

- (a) the proposed amendments mainly related to rezoning of a site at Ko Chiu Road for subsidized housing development, a site at Lei Yue Mun Path for residential development, a site near the roundabout of Lei Yue Mun Path for a social welfare block, and the rezoning of 4 ventilation buildings and the MTR Yau Tong Station to reflect their existing uses;

Amendment Item A: Rezoning of an area at the junction of Pik Wan Road / Ko Chiu Road from “Government, Institution or Community” to “Residential (Group A)” with stipulation of building height restriction

- (b) it was proposed to rezone a piece of vacant government land with an area of about 7,200m² comprising natural and man-made slopes in upper Yau Tong from “Government, Institution or Community” (“G/IC”) to “Residential

(Group A)6” (“R(A)6”). A major part of the site (5,000m²) had no designated use while the remaining area (2,200m²) had been reserved for clinic use with no definite development programme. Food and Health Bureau had no objection to release the site for other uses but requested another suitable reserve site in the vicinity for clinic use for long-term planning purpose;

- (c) the proposed plot ratio (PR) restriction for the site would tally with the restrictions for the current “R(A)” zone, i.e. a maximum domestic PR of 7.5 and a maximum total PR of 9 for a composite development. A maximum building height (BH) restriction of 150mPD (about 30 storeys and 89m), which was similar to the existing BH of surrounding developments, was proposed for the “R(A)” site. Housing Department (HD) considered the site suitable for subsidized housing development, which was compatible with the surrounding land use character. It was estimated that the proposed development which was scheduled for completion in 2019/20 could provide about 660 flats with an estimated population of 2,030 persons;

Visual Aspect

- (d) as the site was located in a high-rise residential neighbourhood with BHs ranging from 120mPD to 168mPD, the proposed BH restriction of 150mPD would not impose significant visual impacts on the local character of the area;

Air Ventilation Aspect

- (e) the site had an open setting with high-rise developments at least 60m away. Given the prevailing wind directions, the existing open areas, local roads and low-rise developments around the site could serve as ventilation spaces for the area. Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had no adverse comments on the rezoning proposal;

Environmental and Tree Preservation Aspects

- (f) concerned departments had no objection to the proposed housing development. The Director of Environmental Protection (DEP) advised that noise mitigation measures might be required at the detailed design stage. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the site was generally covered with common exotic and native plantation trees. CTP/UD&L, PlanD suggested that trees in good condition should be preserved and dense tree groups within the site should be maintained as far as possible;

Traffic and Infrastructure Aspects

- (g) the site was located within a well developed district and provided with vehicular access. It was well served with public transport and the MTR Yau Tong Station. Concerned government departments confirmed that there were no insurmountable traffic and infrastructure problems regarding the proposed rezoning;
- (h) the future subsidized housing development would be guided by a planning brief which would set out the requirements for tree preservation, air ventilation and other technical requirements;

Amendment Item B1: Rezoning of an area at Lei Yue Mun Path from “G/IC”, “Green Belt” and area shown as ‘Road’ to “R(A)6” for Proposed Residential Development (Plans 4A and 4B of the Paper)

- (i) it was proposed to rezone an area (3,221m²) currently occupied by two temporary open air car parks from “G/IC” (92%), “Green Belt” (“GB”) (3%) and area shown as ‘Road’ (5%) to “R(A)6” for high-density residential development. The site had been reserved for a multi-storey car park development with no definite development programme. Commissioner for Transport had no objection to release the site for other uses provided that sufficient public vehicle parking spaces could be provided within the future proposed development. The site was located at the fringe of the residential area of upper Yau Tong and the Yau Tong Industrial Area (YTIA);

Rezoning Proposal

- (j) the proposed PR restriction for the site would follow that for the “R(A)” zone, i.e. a maximum domestic PR of 7.5 and a maximum total PR of 9 for composite development. It was also proposed to stipulate a BH restriction of 100mPD and a requirement of 200 public car parking spaces for the “R(A)6” site. To enhance the visual permeability and air ventilation in the locality, a 10m-wide building gap above 20mPD across the site was proposed;

Amendment Item B2: Rezoning of an area at Lei Yue Mun Path from “G/IC” to area shown as ‘Road’ (Plans 4A, 4D and 4E of the Paper)

- (k) a site (3,372m²) covering the Lei Yue Mun Path, a coach drop-off area and a taxi/minibus stand was proposed to be rezoned from “G/IC” (97%) and “GB” (3%) to area shown as ‘Road’. The current open-air design would be maintained as it was complementary to the waterfront setting and would enhance the entrance features to Lei Yue Mun village;

Amendment Item C: Rezoning of an area near the roundabout of Lei Yue Mun Path from “GB”, “R(A)” and “Village Type Development” to “G/IC” for development of Social Welfare Block (Plan 4A, 4F and 4G of the Paper)

- (l) it was proposed to rezone a piece of formed government land (2,349m²) to the immediate north of the proposed “R(A)6” site from “GB” (51%), “R(A)” (28%) and “Village Type Development” (21%) to “G/IC” for development of a social welfare block to provide more social welfare facilities in the area. The proposed development would be subject to a BH restriction of 80mPD;

Assessments on the Proposed Residential Development and Social Welfare Block at Lei Yue Mun Path

Visual Aspect

- (m) as the BH restriction to the west of the proposed rezoning sites was 120mPD stepping up to 140mPD at the centre of Yau Tong Industrial Area while the existing BH of Lei Yue Mun Estate to the north ranged from

126mPD to 151mPD, the proposed BH restrictions of 100mPD for the “R(A)6” zone and 80mPD for the “G/IC” zone would maintain the stepped height profile in the east-west and south-north directions;

Air Ventilation Aspect

- (n) as the annual prevailing winds of the area were mainly from the east and north-east and the summer prevailing winds from the east and south, a 10m-wide building gap above 20mPD aligning with the prevailing wind direction was proposed for the “R(A)6” site;

Environmental Aspect

- (o) although DEP advised that a 15m setback and a 10m high (2 to 3 storeys) podium for the “R(A)6” site might be required to mitigate traffic noise impact, as it was required to provide 200 public car parking spaces at the site, there was opportunity to incorporate a noise tolerant carpark building as an alternative noise mitigation measures. DEP had no objection to the proposal provided that relevant clauses on noise mitigation measures were incorporated into the land lease;

Conservation/Tree Preservation Aspect

- (p) only common trees were found scattered in the slopes within the proposed social welfare block development, CTP/UD&L, PlanD advised that existing trees of good landscape value and condition should be preserved;

Traffic and Infrastructure Aspects

- (q) as the proposed “R(A)6” and “G/IC” sites were located within a well developed area accessible by major road links and were in close proximity to the MTR Yau Tong Station and other public transport services, concerned government departments had no adverse comment on the rezoning proposals. Transport Department (TD) supported the provision of 200 public car parking spaces;

Provision of government, institution and community (GIC) Facilities and Open Space

- (r) the rezoning proposal would not have adverse impact on the GIC facilities and open space provision within the OZP. Open space and most of the GIC facilities had been sufficiently provided in the OZP;

Other Rezoning Proposals (Amendment Items D1 to D5)

- (s) to reflect the existing ventilation buildings of the MTR Tsueng Kwan O Extension and the Eastern Harbour Crossing as well as the MTR Yau Tong Station, it was proposed to rezone these sites to “Other Specified Uses” annotated “Ventilation Building” (“OU(Ventilation Building)”) and “OU(Station)” respectively;

Proposed Amendments to the Notes and Explanatory Statement of the OZP

- (t) the Notes for the “R(A)” and “G/IC” were also amended to incorporate the BH restrictions, and requirements for the provision of public car parking spaces and building gaps. Other technical amendments to the Notes were also incorporated;
- (u) opportunity had also been taken to update the Explanatory Statement (ES) of the OZP to reflect the latest status and planning circumstances;

Consultation

- (v) On 8.1.2013, the Kwun Tong District Council (KTDC) was consulted on the proposed rezoning of the “G/IC” sites at Ko Chiu Road and at Lei Yue Mun Path under Amendment Items A and B1 respectively. The KTDC gave in-principle support to the rezoning proposals, and requested departments concerned to take follow-up actions for provision of community facilities; and
- (w) the KTDC and the Harbourfront Commission would be consulted on the amendments during the exhibition period of the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP under section 5 of the Ordinance.

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

10. In response to a Member's query on the compatibility between the existing industrial uses at the YTIA and the proposed residential uses which were in close proximity, Miss Fiona Lung said that the YTIA and the waterfront area nearby were already zoned "Residential (Group E)" and "Comprehensive Development Area" respectively and the planning intention was to facilitate gradual transformation of the industrial area to non-industrial uses. A few residential developments had already been built in this area. The same Member enquired whether the proposed amendments had taken into account the tourism development in Lei Yue Mun, especially the temporary provision of public car parks to serve the tourists during the construction of the proposed residential site. In response, Miss Fiona Lung said that KTDC was consulted and DC members had raised concerns on the future parking demand for tourists. To address DC's members' concern, the number of public car parking spaces to be provided in the proposed residential site was increased from 100 to 200 spaces. Together with the ancillary car parks for the residential development, there would be about 250 car parking spaces in the future development. Regarding the provision of temporary car parks, Lands Department and TD could be requested to help identify vacant government land nearby to serve the interim parking need during the construction of the residential development. The arrangement was considered acceptable by DC members.

11. In response to a Member's enquiry on the BH of the existing Lei Yue Mun Municipal Services Building and its compatibility with the proposed social welfare block, Miss Fiona Lung said that the height of the Lei Yue Mun Municipal Services Building was 39mPD while the BH restriction for the proposed "G/IC" site was 80mPD. The proposed BH would be sufficient to accommodate the social welfare facilities required by SWD while at the same time would maintain a stepped BH profile from its north (i.e. Lei Yue Mun Estate with existing BH from 126mPD to 151mPD) descending to the harbourfront (i.e. the municipal services building of 39mPD). A Member raised concern on the design of the proposed residential development and social welfare block as well as the overall environment at Lei Yue Mun Path which seemed quite congested. In response, Miss Fiona Lung said that the visual and air ventilation impact generated by the proposed amendments had been examined and were considered acceptable. Besides, a 10m-wide building gap above 20mPD was proposed within the "R(A)6" site to enhance wind permeability.

12. A Member suggested that the area under amendment Item B2 at the entrance of Lei Yue Mun Village should be designed into a plaza to enhance the attraction of Lei Yue Mun. In response, Miss Fiona Lung said that there was currently an archway at the entrance of Lei Yue Mun Village and Member's suggestion to enhance the attractiveness of Lei Yue Mun would be conveyed to concerned departments for further consideration.

13. In response to a Member's enquiry on the previous planning proposals for Lei Yue Mun Village, Miss Fiona Lung said that the previous planning proposals were mainly concerned with the development of a public promenade along the waterfront and an area had been rezoned to "Open Space" to facilitate the implementation of the Lei Yue Mun Waterfront Enhancement Project. The Commissioner of Tourism had been liaising with the shop operators and residents on the detailed design of the proposal.

14. Noting CTP/UD&L, PlanD's suggestion to preserve trees with good conditions in the proposed "R(A)" site at Ko Chiu Road and the proposed "G/IC" site at Lei Yue Mun Path, a Member asked whether a study to assess the feasibility of preserving the trees at the two sites had been conducted.

15. In response, Miss Fiona Lung said that according to DAFC, the trees found at the two sites were common species and were not large in size. Notwithstanding this, the project proponent would be requested to examine the possibility of preserving the existing trees. For the subsidized housing site, HD would need to conduct a design study to prepare a scheme for the proposed subsidized housing development scheme and the issue of tree preservation and compensatory planting would be dealt with at that stage. The requirements for tree preservation would be incorporated into the planning brief. It should be noted that part of the amendment sites was originally zoned "G/IC" and the felling of trees was unavoidable if the sites had to be formed for GIC development.

16. In response to a Member's concern on the traffic circulation arrangements in the Lei Yue Mun area, Miss Fiona Lung said that TD had no comments on this aspect when they were consulted on the proposed zoning amendments. Nevertheless, PlanD would liaise closely with TD with regard to the traffic issues that might arise in the future development in YTIA and tourism development in Lei Yue Mun.

17. After deliberation, the Committee decided to :
- (a) agree to the proposed amendments to the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/19 and the Notes and that the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/19A at Attachment I (to be renumbered to S/K15/20 upon exhibition) and its Notes at Attachment II were suitable for exhibition under section 5 of the Ordinance; and
 - (b) adopt the revised ES at Attachment III for the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/19A as an expression of the planning intentions and objectives of the Board for the various land use zonings of the OZP, and was suitable for exhibition together with the OZP and its Notes.

[The Chairman thanked Miss Fiona S.Y. Lung, DPO/K and Miss Karen F.Y. Wong, STP/K, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Mr. Richard Y.L. Siu, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/213 Proposed Shop and Services (Bank/Retail Shop/Real Estate Agency) in
"Other Specified Uses" annotated "Business" zone, Workshop C, G/F,
Midas Plaza, 1 Tai Yau Street, San Po Kong
(MPC Paper No. A/K11/213)

Presentation and Question Sessions

18. With the aid of a PowerPoint, Mr. Richard Y.L. Siu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (bank/retail shop/real estate agency);
- (c) departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 10 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Wong Tai Sin);
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper.

19. Members had no question on the application.

Deliberation Session

20. 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 2.8.2015, 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 fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the application premises to the satisfaction of the Director of Fire Services or of the Town Planning Board before operation of the use; and
- (b) if the above planning condition was not complied with before the operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

21. The Committee also agreed to advise the applicant of the following :
- (a) to note the comments of the District Lands Officer/Kowloon East, Lands Department (LandsD) that there was no guarantee at this stage that the lease modification would be approved. If the application for lease modification was approved by LandsD in the capacity as landlord at his sole discretion, it would be subject to those terms and conditions including the payment of premium as appropriate as imposed by LandsD;
 - (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that:
 - (i) all building works should be in compliance with the Buildings Ordinance (BO);
 - (ii) the applicant was advised to appoint an Authorized Person to ensure full compliance with the BO including the provisions of means of escape, fire resisting constructions and access and facilities for persons with a disability, etc; and
 - (iii) for unauthorized building works (UBW) erected on leased land/private buildings, enforcement action might be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application premises under the BO; and
 - (c) to note the comments of the Director of Fire Services that:
 - (i) regarding matters related to fire resisting construction of the application premises, the applicant should comply with the Code of Practice for Fire Safety in Buildings which was administered by the BD; and

- (ii) the applicant's attention should be drawn to the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises.

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/K18/304 Temporary School (Kindergarten) for a Period of 3 Years in
"Residential (Group C) 1" zone, 2 Essex Crescent, Kowloon Tong
(MPC Paper No. A/K18/304)

22. The Secretary reported that Lanbase Surveyors Ltd. was the consultant of the applicant. Mr. Patrick Lau, who had current business dealings with Lanbase Surveyors Ltd, had declared an interest in this item. As the case was for deferral, the Committee agreed that Mr. Lau could stay in the meeting.

23. The Secretary reported that the applicant requested on 29.7.2013 to defer consideration of the application for two months in order to allow time for the applicant to prepare response to the departmental comments. This was the applicant's first request for deferment.

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.

[Ms. S.H. Lam, Senior Town Planner/Kowloon (STP/K), and Mr. Chan Kit Fung and Mr. Chu Hing Lim, Senior Inspectors (SIPs) of Hong Kong Police Force (HKPF) were invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/108 Proposed School (Tutorial School) in “Residential (Group B)” zone,
G/F, Block A, 268, 268A, 268B, 270, 270A, 270B & 270C, Prince
Edward Road West, Ho Man Tin
(MPC Paper No. A/K7/108)

Presentation and Question Sessions

25. The Chairman welcomed Mr. Chan Kit Fung and Mr. Chu Hing Lim, SIPs of the Enforcement and Control Division, Traffic Kowloon West of the HKPF, to join the meeting to provide professional advice for the application. With the aid of a PowerPoint, Ms. S.H. Lam presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (tutorial school) with 5 classrooms accommodating 28 students, 5 teachers and 2 receptionists;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Commissioner of Police (C of P) objected to the application. The student picking-up/dropping-off activities in the vicinity during peak hours on Saturdays and Sundays had caused serious illegal roadside parking. Drivers usually waited for 1 to 2 hours to pick up students. At the same time, mini-vans and school buses also fought for parking spots in the same area. This had resulted in double or triple parking on roads which blocked the entrances to the residential buildings in the vicinity and endangered pedestrian safety. Residents’ cars could not

enter/exit their buildings. These picking-up/dropping-off activities had also caused traffic congestion in the local road network and traffic accidents. The traffic entailed by the proposed school might further aggravate the current situation. The District Officer (Kowloon City), Home Affairs Department (DO(KC), HAD) noted that both the local residents and the concerned KCDC members had all along been concerned about the traffic congestion problem at the Prince Edward Road West (PERW), and advised the Board to consider their views/comments gathered in the consultation exercise;

- (d) during the first three weeks of the statutory publication period, a total of 37 public comments were received, including a Kowloon City District Council (KCDC) member, the management office of a nearby residential development, the Incorporated Owners of a nearby residential development, residents of the subject building, nearby residents and members of the public. One comment suggested that parents should use public transport to pick up children and the remaining 36 comments raising objection to the application mainly on the following grounds:
 - (i) the residential neighbourhood was now flooded with tutorial schools. This had already created a serious traffic problem disturbing the neighbourhood and residents' daily lives;
 - (ii) the student picking-up/dropping-off activities in the vicinity during peak hours on Saturdays and Sundays had caused serious illegal roadside parking. Double or triple parking on roads were common, blocking the vehicular access to the residential buildings in the vicinity and endangering pedestrians. These picking-up/dropping-off activities had also caused traffic congestion and accidents in local roads. The residents even called police for help. A new tutorial school would aggravate the traffic congestion problem. The neighbourhood had been turned into a serious bottleneck for the entire district;

- (iii) the surrounding area was primarily for low-density residential use but not for commercial use. The tutorial schools attracted many students and parents/domestic helpers making the area as congested as a commercial area. The influx of students and parents/domestic helpers waiting for picking up the students would create disturbance to the nearby residents as well as air, noise, security and hygiene problems. As the buildings in the area were old and might not have adequate fire installations, students might be subject to fire risk. The signboards of tutorial schools would create glare pollution. The area did not need more tutorial school. Opportunity of other business (e.g. food shop and convenient store) in the area would be deprived; and
 - (iv) the operation of tutorial school would create difficulty in building management. It might also create responsibility and insurance problem in case of accident in the school.
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper which were summarized below:
- (i) the proposed tutorial school was not totally in line with the planning intention of the “R(B)” zone which was for medium-density residential developments where commercial uses serving the residential neighbourhood might be permitted on application to the Board. There were schools, kindergartens, primary/secondary schools and children learning centres in the vicinity with some of them approved by the Committee. While the proposed tutorial school was considered not totally incompatible with the existing surrounding land uses, further increase in tutorial schools in this medium-density residential neighbourhood might lead to further degradation of the neighbourhood and was not encouraged;

- (ii) although the proposed tutorial school partly complied with the Town Planning Board Guidelines No. 40 for “Application for Tutorial School under Section 16 of the Town Planning Ordinance” (TPG PG-No. 40) in that it could be accessed directly from PERW without the need to route through common areas of the subject residential development, it did not comply with the guidelines in the following aspects:
- a. although Commissioner for Transport had no objection to the application because of the small scale of the tutorial school and the anticipated insignificant traffic impact, C of P, who was the daily traffic policing authority, objected to the application as the traffic entailed by the proposed school and the student picking-up/dropping-off activities might further aggravate the problems of traffic congestion and traffic accidents in local roads. C of P stated that the student picking-up/dropping-off activities in the vicinity during peak hours on Saturdays and Sundays had caused serious illegal roadside parking as drivers waited on-street to pick up students and mini-vans and school buses fought for parking spots in the same area. This had resulted in double or triple parking on roads which blocked the entrances to the residential buildings in the vicinity and endangered pedestrian safety; and
 - b. DO(KC) advised that both the local residents and the concerned KCDC members had all along been concerned about the traffic congestion problem along the PERW. During the public inspection period, 36 public comments were received objecting the application mainly on grounds of aggravation of the problems of illegal roadside parking, traffic congestion, traffic accidents and pedestrian safety on nearby roads, as well as blockage of the entrances to the residential buildings in the vicinity and turning the

neighbourhood into a serious bottleneck; and

- (iii) since 2000, there had been 35 similar planning applications for tutorial school use under “R(B)” zone in the Boundary Street/PERW West neighbourhood, with 28 of them being approved and 7 of them being rejected. The main reasons for approval included that those tutorial schools were considered not incompatible with the existing uses within the same building or the surrounding areas and were not expected to impose adverse impact on the surrounding area. All 7 rejected applications involved premises that could only be accessed via common areas of the buildings such as communal rear lanes. They were rejected on grounds of insufficient information to demonstrate no nuisance from the tutorial schools to the existing residential premises within the same development, and setting of undesirable precedent for other similar applications which had no separate access to the application premises from public roads.

26. Mr. Chu Hing Lim, SIP of the HKPF, said that there were already a number of tutorial schools/learning centres in the vicinity which had attracted many vehicles. The drivers usually parked their cars nearby while waiting to pick up the students, causing traffic congestion and obstruction. The proposed tutorial school, with students ranging from 3 years old to 14 years old, would inevitably attract a lot of vehicular traffic with picking-up/dropping-off activities that would aggravate the traffic problem. Designating a ‘No Stopping’ zone at the PERW near the application site would be a deterrent to illegal parking activities and facilitate the Police to carry out enforcement action.

27. Mr. W.B. Lee (Transport Department (TD)) said that the proposed tutorial school, in view of its small size and the non provision of parking facilities, would generate very little amount of traffic. The junction of PERW and Waterloo Road had adequate capacity and no adverse traffic problem was anticipated if only picking-up/dropping-off activities were carried out. He pointed out that the traffic problem in the area was caused by vehicles parked along roadside waiting to pick up students. He said that parking on public roads was an offence and the Police could carry out enforcement action even if the area was not a ‘No Stopping’ zone. In this regard, Mr. Lee considered it unnecessary to designate the section of

PERW under concern as a 'No Stopping' zone.

28. A Member commented that the Government should consider taking appropriate action such as designating a 'No Stopping' zone if there was traffic problem in this part of PERW. But if the traffic problem was caused by the tutorial schools in the area and the traffic problem could not be solved by traffic management measures, the Board might need to consider rejecting planning applications for tutorial schools, which would add to the traffic problem in the area. In response to the same Member's enquiry, Ms. S.H. Lam said that not all tutorial schools/learning centres in the vicinity had obtained planning permission and those with planning permission were granted on a permanent basis. In response to the Chairman's enquiry, Ms. S.H. Lam said that there were other tutorial schools and learning centres for arts and music in the same building and in buildings nearby. However, she did not have the exact number in hand.

29. In response to a Member's enquiry on the difficulties the Police had in carrying out enforcement action against the illegal parking activities, Mr. Chu Hing Lim said that although the Police could prosecute drivers for illegal parking, this would cause disputes and confrontation as drivers did not expect that they would be prosecuted for waiting along roads which were not designated as 'No Stopping' zone. The designation of 'No Stopping' zone at this part of PERW would serve as a warning to drivers and facilitate the Police's enforcement action.

Deliberation Session

30. The Chairman said that the proposed tutorial school was acceptable from the land use point of view as it complied with the TPG PG-No. 40 in that the proposed entrance to the tutorial school was separate from that of the domestic portion of the building. The only problem was the traffic management problem raised by C of P.

31. A Member noted that it was quite common for drivers to park their vehicles near tutorial schools to wait for the students, causing traffic congestion and obstruction problems. The Member noted that there were quite a number of tutorial schools/learning centers in the vicinity of the application site and the traffic problem was severe.

32. Noting that not all tutorial schools/learning centres in the vicinity of the application premises were operating with planning permission, a Member was concerned that it might be unfair to the applicant if the subject application was rejected while other tutorial schools without planning permission could continue with their operation. In response, the Chairman said that there was no evidence to prove that tutorial schools/learning centres operating without planning permission were unauthorized use. The Secretary explained that those tutorial schools/learning centres might be existing uses which could be tolerated under the Ordinance. According to the covering Notes of the OZP, 'existing use' of any land or building means a use in existence before the publication of the first statutory plan covering the land or building which had continued since it came into existence. Since there was no information on when those tutorial schools or learning centres commenced operation, they could not be regarded as unauthorized use.

33. The Vice Chairman said that it was not for the Board to decide whether a 'No Stopping' zone should be designated along PERW. Besides, designation of 'No Stopping' zone would affect loading/unloading activities in the area and hence should be considered carefully by relevant government departments. He continued to say that while C for T had no objection to the application in view of the very little amount of traffic flow generated by the proposed tutorial school, the Police raised objection from the operational point of view due to the traffic problem caused by illegal parking. He also noted that there were many local objections to the proposed tutorial school. In this regard, he did not support the application. However, noting that there was already traffic problem in the area, TD should be requested to review the traffic situation and to propose traffic mitigation measures to improve the overall traffic condition in the area.

34. A Member considered that the subject application did not fully comply with TPG PG-No. 40 as one of the assessment criteria specified that the views of the public would be taken into account by the Board in consideration of the application. The Member said that the subject application should be rejected and no planning permission should be granted to future similar applications in the vicinity in view of C of P's reservations and local concerns. Moreover, relevant government departments, i.e. Lands Department and Buildings Department should be requested to take enforcement action against those unauthorized tutorial schools/learning centres in the vicinity.

35. Mr. W.B. Lee (TD) said that TD had examined closely the traffic situation in the area and concluded that the problem was mainly on traffic management which could only be handled by strict enforcement action by the Police. The designation of 'No Stopping' zone was not a proper way to address the problem. The proper way to solving the problem was for the Police to carry out enforcement action. He noted that the illegal parking problem in some areas such as Central had reduced significantly after the Police strengthened their enforcement action. In this regard, there was no strong justification for TD to designate a 'No Stopping' zone in the vicinity of the application site.

36. The Chairman considered that it might not be appropriate for the Board to freeze the granting of planning approval for tutorial schools in the area as suggested by a Member as more detailed consideration had to be undertaken before making such a decision. For the subject application, the main concern was on traffic management.

37. In view of the disturbance created by the existing tutorial schools/learning centres on the nearby residents, a Member considered that the application should be rejected. Moreover, designating a 'No Stopping' zone in the vicinity of the application site would only shift the illegal parking problem to the surrounding area. In view of the large amount of tutorial schools/learning centres in the district, a comprehensive study to assess the overall traffic problem was required.

38. The Vice Chairman said that designating 'No Stopping' zone was only one of the traffic management measures and the control on land use could be a way to address the adverse traffic impact. The Committee should have an overall consideration on the proposed use under application instead of just focusing on the designation of 'No Stopping' zone. Besides, it might not be appropriate to require the Police to strengthen enforcement action which would have public resources implications, so as to create a suitable environment for the tutorial schools/learning centres.

39. The Chairman concluded that Members generally did not support the approval of the application due to the strong local objections and that the approval of the tutorial school would aggravate the existing traffic congestion in the area.

40. After deliberation, the Committee decided to reject the application. Members

then went through the reasons for rejection as stated in paragraph 12.2 of the Paper and considered that they were appropriate. The reasons were :

- (a) the application was not acceptable as it would aggravate the existing traffic congestion on the section of Prince Edward Road West near the application site during tutorial school peak hours; and
- (b) the traffic congestion problem on Prince Edward Road West near the application site during tutorial school peak hours was already serious. The approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would aggravate the traffic congestion in this part of the Prince Edward Road West.

[The Chairman thanked Ms. S. H. Lam, STP/K and Mr. Chan Kit Fung and Mr. Chu Hing Lim, SIPs of HKPF for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 9

Any Other Business

41. There being no other business, the meeting closed at 10:40 a.m..