

TOWN PLANNING BOARD

Minutes of 519th Meeting of the Metro Planning Committee held at 9:00 a.m. on 12.9.2014

Present

Director of Planning Mr K. K. Ling	Chairman
Mr Roger K.H. Luk	Vice-chairman
Professor P.P. Ho	
Mr Laurence L.J. Li	
Mr H.W. Cheung	
Dr Wilton W.T. Fok	
Ms Julia M.K. Lau	
Mr Clarence W.C. Leung	
Mr Patrick H.T. Lau	
Mr Stephen H. B. Yau	
Mr Francis T. K. Ip	
Assistant Commissioner for Transport (Urban), Transport Department Mr Wilson W. S. Pang	
Chief Engineer (Works), Home Affairs Department Mr Frankie W. P. Chou	

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

Assistant Director/Regional 1, Lands Department
Ms Doris M.Y. Chow

Deputy Director of Planning/District
Ms Christine K. C. Tse

Secretary

Absent with Apologies

Mr Dominic K. K. Lam

Ms Bonnie J. Y. Chan

Mr Sunny L. K. Ho

Mr Frankie W. C. Yeung

In Attendance

Assistant Director of Planning/Board
Miss Fiona S. Y. Lung

Chief Town Planner/Town Planning Board
Mr Louis K. H. Kau

Town Planner/Town Planning Board
Mr Dennis C. C. Tsang

Agenda Item 1

Confirmation of the Draft Minutes of the 518th MPC Meeting held on 22.8.2014

[Open Meeting]

1. The draft minutes of the 518th MPC meeting held on 22.8.2014 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 (Presentation and Question Sessions only)]

Y/H4/7 Application for Amendment to the Approved Central District Outline
Zoning Plan No. S/H4/14, to add a clause regarding gross floor area
exemption in the covering Notes of the OZP
(MPC Paper No. Y/H4/7)

3. Ms Ginger K. Y. Kiang, District Planning Officer/Hong Kong (DPO/HK), and Ms W. H. Ho, Senior Town Planner/Hong Kong (STP/HK), and Mr K. K. Sit, the applicant's representative, were invited to the meeting at this point.

4. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Ms Ginger K. Y. Kiang, DPO/HK, to brief Members on the background of the application.

Presentation and Question Sessions

5. With the aid of a PowerPoint presentation, Ms Ginger K. Y. Kiang, DPO/HK, presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) the application was to add the clause “Subject to planning application being approved by the Town Planning Board, the floor immediate above the ground floor of a building would be exempted from gross floor area (GFA) calculation where the ground floor of the building with minimum headroom of not less than 4.7m is being used for pedestrian and air circulation purposes” in the covering Notes of the approved Central District Outline Zoning Plan (OZP) No. S/H4/14;

Departmental Comments

- (b) the departmental comments were detailed in paragraph 8 of the Paper and highlighted as follows:
 - (i) the Secretary for Development commented that exemption from GFA calculation was a form of incentive and whether the proposal could be acceded to should be commensurate with the planning gains;
 - (ii) the Chief Building Surveyor/Hong Kong West, Buildings Department commented that there was no provision under the Buildings Ordinance (BO) to consider the granting of GFA exemption or bonus GFA according to the applicant’s proposal and the Building (Planning) Regulations 22 (B(P)R22) was not applicable as no dedication nor surrender of land for public passage was involved in the application; and
 - (iii) the Chief Architect/Central Management Division 2, Architectural Services Department commented that there were established mechanisms for assessing GFA exemption, which normally involved

consideration on the circumstances, justifications and merits of individual cases, among other factors. It was unusual to exempt a whole floor from GFA calculation on the broad basis proposed in the application.

Public Comments

- (c) during the first three weeks of the statutory publication period, one public comment from a member of the Central and Western District Council was received. The commenter objected to the application on the ground that the proposed clause was unclear in technical terms as to its targets and effects.

Planning Department (PlanD)'s Views

- (d) PlanD did not support the application based on the assessments made in paragraph 10 of the Paper, which were summarised as follows:
 - (i) the application was to add a clause in the covering Notes of the Central District OZP to allow planning application for exempting the floor immediately above the ground floor (G/F) of a building from GFA calculation, provided that the G/F of the building with headroom of not less than 4.7m was used for pedestrian and air circulation purposes. However, no specific site or development proposal had been submitted by the applicant. The applicant also had not mentioned if dedication or surrender of the G/F for pedestrian and air circulation purposes would be involved;
 - (ii) the OZP indicated the broad land use zonings and major road networks within an area so as to govern development/redevelopment in accordance with the statutory restrictions. The Notes specified planning restrictions such as maximum plot ratio (PR), site coverage (SC), building height and other special requirements to reflect the planning intention and intended development restrictions. Under the BO, the control on development intensity such as maximum GFA, SC,

open space, lighting and ventilation was governed by the B(P)R and the granting of GFA concessions under the BO was governed by the B(P)R and various Practice Notes for Authorised Persons (PNAP) and Registered Structural Engineers issued by the Buildings Department (BD) as well as the Joint Practice Notes jointly issued by BD, Lands Department and PlanD. There was provision under the buildings regime to cater for development proposal with dedication of land/area on ground floor for use as public passage, even though the provision was different from the applicant's proposal. In general, PlanD would follow BD's practice in GFA calculation and granting GFA concession/exemption, subject to specific provisions in relevant statutory plans. Under this established mechanism, there was no strong justification for adding planning control on GFA exemption for development proposals, which would duplicate functions of the building regime; and

(iii) in the Central District OZP, there was generally no PR control for various zones except for a few specific sites. The maximum development intensity was thus governed by the BO and B(P)R. For the specific sites, PlanD would follow the established practice as mentioned in paragraph 5(d)(ii) above in vetting development proposal and building plans. Adding the proposed GFA exemption clause in the covering Notes of the Central District OZP was superfluous.

[Mr Ken Y. K. Wong, Mr Patrick H. T. Lau and Dr Wilton W. T. Fok arrived to join the meeting at this point]

6. The Chairman then invited Mr K. K. Sit to elaborate on the application. Mr Sit made the following main points:

(i) B(P)R22 had no relevance to the proposed GFA exemption clause under application. The concerns on GFA and PR exemption mentioned in paragraph 8 of the Paper were not applicable to the current proposal as the G/F would still be managed by the owner of the building and the G/F

would not be surrendered to the government. Similar to the case of the Hong Kong and Shanghai Banking Corporation Headquarters (HSBC HQ) in Central, the current proposal would provide incentive for owners of the buildings to release the G/F for pedestrian and air circulation; and

- (ii) even if the incorporation of the proposed GFA exemption clause to the covering Notes of the OZP was agreed by the Committee, owners of the buildings would still need to seek planning permission of the Town Planning Board (the Board) and each case would be assessed on individual merits. The purpose of adding the clause was to let owners of the buildings in the Central District know that they could enhance the pedestrian environment and air ventilation through opening up the G/F of the building.

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

7. In response to the Vice-chairman's question, Ms Ginger K. Y. Kiang, DPO/HK, said that the GFA exemption and bonus PR for dedication of the G/F of the HSBC HQ were governed by the B(P)R22 and PNAP APP-108 on 'Dedication of Land / Area for Use as Public Passage' issued by BD. In response to the Vice-chairman's question on the assessment criteria for the proposed planning application for GFA exemption, Mr K. K. Sit said that the applicant should demonstrate that at least half of the area of the G/F with street frontage would be open for pedestrian circulation and emergency vehicular access (EVA), and air ventilation.

8. In response to a Member's question, Ms Kiang said that as the Central District had a long history of development, there was no non-building area requirement on the Central District OZP for the existing developments to enhance air ventilation. However, some new developments had provided sky gardens and/or building setbacks for improvement in pedestrian and air ventilation.

9. As the applicant's representative had no further points to make and Members had no questions to raise, the Chairman informed him that the hearing procedures for the application had been completed and the Committee would deliberate on the application in his

absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representative and PlanD's representatives for attending the meeting. They all left the meeting at this point.

[Mr Francis T. K. Ip arrived to join the meeting at this point.]

Deliberation Session

10. A Member said that for the HSBC HQ case, both GFA exemption and bonus GFA were granted taking into consideration the planning gains for allowing pedestrian circulation between Queen's Road Central and Des Voeux Road. The Member said that whether there would be planning gains was an important consideration for the current application. As the provision of EVA was a statutory requirement, it was doubtful whether this could be considered as a planning gain. The incorporation of the proposed GFA exemption clause in the OZP was not supported. The Member also remarked that as there was no PR control on the Central District OZP, the development intensity of sites in Central would in effect be governed by B(P)R.

11. A Member concurred that it was not appropriate to incorporate the GFA exemption clause in the Central District OZP as it was necessary to take a wider perspective than focussing on an individual site in order to determine whether there would be planning gain in a highly developed area.

12. After further deliberation, the Committee decided not to agree to 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) there is an established mechanism under the Buildings Ordinance to consider gross floor area (GFA) exemption for development proposals. It is not necessary to duplicate such a function by allowing planning application for GFA exemption under the Outline Zoning Plan (OZP); and
- (b) it is not necessary to add the proposed GFA exemption clause in the covering Notes of the Central District OZP given there is generally no plot

ratio restriction for various zones except specific sites.”

Tsuen Wan and West Kowloon District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/TW/8 Application for Amendment to the Approved Tsuen Wan Outline Zoning Plan No. S/TW/31, to rezone the application site from “Green Belt” to “Government, Institution or Community (10)”, Lots No. 613 RP (Part), 614 and 1229 in D.D. 453 and adjoining Government Land, Lo Wai, Tsuen Wan
(MPC Paper No. Y/TW/8A)

13. The Secretary reported that the application was submitted by Longest Profit (Hong Kong) Limited and CKM Asia Limited (CKM) and BMT Asia Pacific Limited (BMT) were two of the consultants of the applicant. The following Members had declared interests in this item:

Professor P.P. Ho - having current business dealings with CKM

Mr Dominic K. K. Lam } having current business dealings with BMT

Mr Patrick H. T. Lau }

14. Members noted that Mr Dominic K. K. Lam had tendered apologies for being unable to attend the meeting. The Committee noted that the applicant had requested for deferment of consideration of the application. As Professor P.P. Ho and Mr Patrick H. T. Lau had no involvement in this application, the Committee agreed that they could stay in the meeting.

15. The Secretary reported that the application had been deferred once for two months. Since the last deferment on 13.6.2014, the applicant had submitted a revised Traffic Impact Assessment. On 13.8.2014, the applicant wrote to the Town Planning Board to request for further deferment of consideration of the application for two months in order to

allow time for the applicant to liaise with relevant government departments including the Transport Department to resolve the concern on the potential traffic impact of the proposed columbarium.

16. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since it was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 5

Section 16 Application

[Open Meeting]

A/K1/244 Proposed Flat and Shop and Services/Eating Place Uses in “Commercial” Zone, No. 68, 68A, 70, 70A, 72, 72A, 72B and 72C Kimberley Road, Tsim Sha Tsui

(MPC Paper No. A/K1/244B)

17. The Secretary reported that the application was submitted by Cheer Capital Limited, a subsidiary of Henderson Land Development Company Limited (HLD) and Kenneth To & Associates Limited (KTA), CKM Asia Limited (CKM) and Mott MacDonald Hong Kong Limited (MM) were three of the consultants of the applicant. The following Members had declared interests in this item:

Mr Roger K. H. Luk - being a member of the Council of the Chinese University of Hong Kong (CUHK) which received donation from a family member of the Chairman of HLD

- Professor P. P. Ho - being an employee of CUHK which received donation from a family of the Chairman of HLD
- having current business dealings with CKM
- Mr Dominic K. K. Lam - having current business dealings with HLD, KTA and MM
- Dr Wilton W. T. Fok - being an employee of the University of Hong Kong which received donation from a family member of the Chairman of HLD
- Mr Clarence W.C. Leung - being the director of a non-government organisation that received a private donation from a family member of the Chairman of HLD
- Mr Patrick H. T. Lau - having current business dealings with HLD and KTA

18. Members noted that Mr Dominic K. K. Lam had tendered apologies for being unable to attend the meeting. The Committee noted that the applicant had requested for deferment of consideration of the application. The Committee agreed that as Mr Roger K. H. Luk, Professor P.P. Ho, Dr Wilton W. T. Fok and Mr Clarence W. C. Leung had no involvement in this application, they could stay in the meeting but Mr Patrick H. T. Lau, who had current business dealings with HLD, should refrain from participating in the discussion.

19. The Secretary also reported that the application had been deferred twice for a total of four months. Since the last deferment, the applicant had submitted further information including responses to departmental comments, revised Environmental Noise Impact Assessment and revised Environmental Air Impact Assessment. On 27.8.2014, the applicant wrote to the Town Planning Board to request for further deferment of consideration of the application for two months in order to allow time for preparation of further information to address the further comments of the Environmental Protection Department and to revise the Drainage and Sewerage Impact Assessment.

20. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since it was the third deferment and a total of six months had been allowed, 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.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/415 Proposed Minor Relaxation of Maximum Domestic Plot Ratio from 5 to 6 for Permitted Residential/Commerical Development in "Residential (Group A)" zone, Government Land at Hing Fong Road, Kwai Chung, New Territories

(MPC Paper No. A/KC/415)

Presentation and Question Sessions

21. The Secretary reported that the application was submitted by the Lands Department (LandsD). The following Members had declared interests in this item:

Ms Doris M. Y. Chow - being Assistant Director (Regional 1), LandsD

Mr Patrick H. T. Lau - having current business dealings with LandsD

22. The Committee agreed that as the interests of Ms Doris M. Y. Chow and Mr Patrick H. T. Lau were direct, they should be invited to leave the meeting temporarily on this

item.

[Ms Doris M.Y. Chow and Mr Patrick H. T. Lau left the meeting temporarily at this point.]

23. With the aid of a PowerPoint presentation, 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 minor relaxation of the maximum domestic plot ratio (PR) from 5 to 6 for permitted residential/commercial development in “Residential (Group A)” zone;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application. The Director of Environmental Protection (DEP) commented that the Noise Impact Assessment (NIA) and Sewerage Impact Assessment (SIA) would be required to be undertaken by the future developer. The Director of Drainage Services commented that the future developer would be required to divert, re-design and reconstruct the drainage system in the area as required under lease. The District Lands Officer/Tsuen Wan and Kwai Tsing (DLO/TW&KT), LandsD commented that to address departmental concerns, relevant clauses including the requirements for provision of landscaping, drainage diversion, NIA and SIA would be included in the lease conditions of the site;
- (d) during the first three weeks of the statutory publication period, a total of 36 public comments were received. Two comments supported the application and two objected to it mainly on grounds that there was insufficient public facilities in the area; the proposed development might have ‘wall-effect’ and adverse impact on air ventilation; no relevant surveys had been carried out to assess the environmental, visual, landscape or traffic impact; and the proposed development would have adverse

impact on the traffic flow around the area; 20 comments (in standard opinion form) did not provide any comments on the application; 10 suggested that more community facilities should be provided; one suggested that the site should be used for public housing; and the other suggested that the existing structure at the site be used as provisional accommodation for the subdivided unit residents; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The application would increase flat production to achieve the policy objective of increasing flat supply to meet the community's imminent demand for housing, which was in the public interest, in line with Government policy and had planning merits. There would be no significant changes in the building bulk resulting from the proposed increase in domestic PR. The proposed minor relaxation of domestic PR would not have significant adverse visual impact on the surrounding area and would not cause any significant air ventilation problem to the surrounding areas. Regarding the public comments on using the site for community facilities, there were sufficient community facilities in Kwai Chung according to the Hong Kong Planning Standards and Guidelines. The site covered a small area of about 810m² and might not be feasible to have a meaningful size of area on the ground floor for public use. Regarding the public concern on the high property price and high rental price, both were determined by various market factors. As regards the concern on no relevant surveys had been carried out, relevant technical assessments had been undertaken and included in the submission. DEP advised that the future developer would also be required to conduct the NIA and SIA under the lease conditions.

24. In response to the Chairman's question, Ms Fannie F. L. Hung said that the 10m setback required by DEP was only applicable to the residential block above the podium to minimise the potential air quality impact from Hing Fong Road.

25. In response to the Vice-chairman's question on whether granting a planning

permission to the current application would set a precedent for similar application for minor relaxation of PR in Kwai Tsing area, Ms Hung said that each application would be considered on individual merits and granting permission to the current application would not set a precedent for similar applications in the area. On the current application, the proposed BH was within the building height restriction of 90mPD under the OZP and it was expected that the proposed minor relaxation of PR would not have adverse visual and air ventilation impacts.

Deliberation Session

26. 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 12.9.2018, 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 inclusion of the landscaping requirements in the lease conditions of the sale site to the satisfaction of the Director of Planning or of the TPB;
- (b) the inclusion of the requirements for undertaking noise impact assessment and sewerage impact assessment in the lease conditions of the sale site to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (c) the inclusion of the requirements for providing fire service installations and water supplies for fire-fighting in the lease conditions of the sale site to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the concerns of the Chief Architect/Central Management Division 2, Architectural Services Department on the sustainable building design;
- (b) to note the comments of the Chief Engineer/Mainland South Division,

Drainage Services Department that the future developer shall be required under lease to undertake the diversion, re-design and re-construction of the drainage system in the area; and

- (c) to note the comments of the Director of Fire Services that the emergency vehicular access shall be provided in accordance with the Code of Practice for Fire Safety in Buildings published by the Buildings Department.”

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

[The Chairman left the meeting due to other engagement, and the Vice-chairman took over the chairmanship at this point. Ms Doris M. Y. Chow returned to join the meeting at this point.]

[Mr Derek P. K. Tse, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Hong Kong District

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H12/28 Proposed Vehicular Access for Residential Development in "Green Belt" zone, Government Land adjacent to 17 Bowen Road, Mid-levels East, Hong Kong

(MPC Paper No. A/H12/28C)

Presentation and Question Sessions

28. The Secretary reported that the application was submitted by Sydney Fung & Son Limited with Lanbase Surveyors Limited (Lanbase) as the consultant of the applicant. Mr

Patrick H. T. Lau had declared an interest in this item as he had business dealings with Lanbase and was involved in the application. The Committee noted that Mr Lau had already left the meeting temporarily.

29. With the aid of a PowerPoint presentation, Mr Derek P. K. Tse, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the house (proposed vehicular access);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper and highlighted as follows:
 - (i) the Commissioner for Transport had reservation on the application as the interface between pedestrians and vehicles at Bowen Road was envisaged; and it was not known how an unobstructed pedestrian cum vehicular path would be maintained along Bowen Road during the construction stage of the proposed vehicular access;
 - (ii) the Chief Highway Engineer/Hong Kong, Highways Department commented that the proposed works would significantly affect slope features Nos.11SW-D/DT26 and 11SW-B/DT2 maintained by his office and the existing slope protection facilities might be affected; and it was not clear whether the proposed works would have impact on the aqueduct which was a declared monument;
 - (iii) the Director of Environmental Protection commented that there were inadequacies in the Environmental Assessment Report including the impacts on water quality and waste assessment aspects; the proposed development was a Designated Project under the Environmental Impact Assessment Ordinance and the applicant was required to obtain an Environmental Permit prior to commencement of construction of the project;

- (iv) the Chief Engineer/Development (2), Water Supplies Department (WSD) commented that as the proposed vehicular access might encroach on the Bowen Road aqueduct, the applicant was required to submit an impact assessment of the proposed vehicular access on the structural integrity of the aqueduct and the water mains, including the existing water mains and the proposed water mains replacement and rehabilitation works;
- (v) the Director of Leisure and Cultural Services did not support the application as the venues of the 54 compensatory trees proposed by the applicant had already been reserved for tree planting for other projects or the proposed tree planting was not blending in well with the existing landscape design and venue operation need. The proposed removal of the existing trees had not been supported by sound justifications and the proposed tree felling or compensatory tree planting had not been agreed by concerned government departments;
- (vi) the Chief Town Planner/Urban Design & Landscape, Planning Department (PlanD) objected to the application as the site formation and construction works would inevitably affect the extensive natural slope and require substantial clearance of vegetation; the adverse landscape impacts arising from the proposed vehicular access was unclear and insufficient; the proposal would cause significant change and disturbances to the existing landscape character and resources of the “Green Belt” (“GB”) zone; and the visual impact of the proposal on the declared monument remained unascertained;
- (vii) the Director of Agriculture, Fisheries and Conservation had reservation on the application as the proposed vehicular access would require extensive clearance of trees and undergrowth in the “GB” zone and a total of 108 trees of diverse native species would have to be felled; and

- (viii) the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department commented that the proposed vehicular access would encroach on the 21-Arch Section of the Bowen Aqueduct, which was a declared monument under the Antiquities and Monuments Ordinance (Cap.53). As the design of the proposed vehicular access in connection with the interface of the monument was not presented in the application, the impact on the monument could not be anticipated in full extent; indirect impacts such as vibration, settlements and tilting by the construction were likely to be imposed on the monument; the construction of the proposed vehicular access would impose adverse impacts on the landscape of the monument and the nearby area; after the construction of the proposed vehicular access, the traffic load would increase and there might have adverse impacts on the structure of the aqueduct; and some roots of those trees (particularly T305) proposed to be felled were embedded in the structure of the aqueduct. If permission of tree felling was granted, specifications/method statements on such tree felling and the related protection measure(s) for the monument should be submitted to AMO for further assessment on the possible heritage impact.
- (d) during the first three weeks of the statutory publication period, a total of 567 public comments were received, one supported while the remaining objected to the application mainly on grounds that the “GB” zone should be retained as Bowen Road was a popular hiking trail and the area would also act as a green buffer separating the urban area to the north; the proposal would adversely affect the declared monument, involve tree felling, adversely affect the visual and amenity of the area, generate environmental pollution/nuisance to the residents and walkers/joggers of the area, adversely affect the ecology, increase the traffic at Bowen Road and adversely affect the road safety, result in a degradation of recreation value of Bowen Road and affect the slope safety; the application was not in the public interest; and approval of the application would set undesirable

precedent for similar applications in the area; and

- (e) PlanD's views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper, which were summarised as follows:
 - (i) the planning intention of the “GB” zone was primarily for the conservation of the existing natural environment on the urban fringe and to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities for public purpose. There was a general presumption against development in “GB” zone. There was no strong planning justification to utilise the piece of Government land for private purpose and hence deviate from the planning intention;
 - (ii) the proposed development did not meet the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within “GB” Zone’ in that the proposal would involve extensive clearance of existing natural vegetation thus affecting the existing natural landscape and would have adverse visual impacts on the surrounding environment; the proposed vehicular access covering an area of 1,700m², which required felling 108 trees to serve one house of 1,000m², was excessive; there was insufficient information to demonstrate that the proposal would not have adverse environmental effects; and no strong planning ground was provided to justify the proposal;
 - (iii) there was insufficient information to demonstrate that the proposed vehicular access would not affect the use of Bowen Road by the pedestrians;
 - (iv) there was insufficient information to demonstrate that the proposal would not have adverse impacts on the declared monument;

- (v) it was premature at this stage to draw conclusion that the proposed vehicular access would not have any unacceptable or insurmountable environmental impacts;
- (vi) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the natural environment and the general amenity of the area; and
- (vii) a total of 566 public comments objected to the application mainly on grounds of possible adverse impacts on natural vegetation, visual amenity, environmental quality, ecology, road safety and slope safety, as well as the concerns on preservation of the declared monument and degradation of recreation value of Bowen Road.

30. In response to the Vice-chairman’s question, Mr Derek P. K. Tse, STP/HK, said that the declared monument might be affected as part of the proposed vehicular access would encroach on it. In response to the Vice-chairman’s further question, Mr Tse said that the applicant had considered reducing the width of the vehicular access to 4.5m but that would require the submission of a fresh planning application.

Deliberation Session

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

- “(a) the proposed vehicular access is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for conservation of the existing natural environment amid the built-up areas or at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. There is a general presumption against development in “GB” zone. There is no

strong justification for a departure from the planning intention;

- (b) part of the proposed vehicular access may encroach onto the location of the adjoining declared monument. There is insufficient information to demonstrate that the proposal would not have adverse impacts on the declared monument;
- (c) there is insufficient information to demonstrate that the proposed vehicular access would not affect the use of Bowen Road by the pedestrians;
- (d) the proposed vehicular access does not meet the Town Planning Board Guidelines No.10 for ‘Application for Development within “GB” zone’ in that the proposal involves extensive clearance of existing natural vegetation, the scale of the proposed vehicular access is excessive and there is insufficient information to demonstrate that the proposal would not have adverse environmental effects; and
- (e) the approval of the application would set an undesirable precedent for other similar development applications within the “GB” zone. The cumulative effect of approving such proposals will result in a general degradation of the environment in the area.”

[The Vice-chairman thanked Mr Derek P. K. Tse, STP/HK, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

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

Agenda Item 8

Section 16 Application

[Open Meeting]

A/H14/77 Proposed Minor Relaxation of Gross Floor Area and Building Height Restrictions for Temporary Place of Entertainment (Zipline Facility – Flightlinez) on Roof Floor (part) of The Peak Galleria for a Period of 5 Years in "Other Specified Uses" annotated "Commercial Complex cum Public Transport Terminus, Public Open Space, Government and Community Facilities and Public Car Park" zone, The Peak Galleria, 118 Peak Road, Hong Kong
(MPC Paper No. A/H14/77)

32. The Secretary reported that the application was submitted by Greenheart Hong Kong Limited with Lanbase Surveyors Limited (Lanbase) as the consultant of the applicant. Mr Patrick H. T. Lau had declared an interest in this item as he had business dealings with Lanbase. The Committee agreed that as Mr Lau had no involvement in the subject application, he could stay in the meeting.

33. The Secretary reported that the applicant requested on 29.8.2014 for deferment of the consideration of the application for two months in order to allow time for the applicant to provide responses to address departmental comments on the application. This was the first time that the applicant requested for deferment.

34. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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.

[Mr Clarence W. C. Leung left the meeting temporarily at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting]

A/H5/400 Section 16 Application No. A/H5/400 (Request for Deferral)
Proposed Commercial Development (including Office, Eating Place, and
Shop and Services) in "Residential (Group A)" zone, 155-167 Queen's
Road East, Wan Chai, Hong Kong
(MPC Paper No. A/H5/400)

35. The Secretary reported that the application was submitted by Eldridge Investments Limited with Townland Consultants Limited (Townland) as one of the consultants of the applicant. Professor P. P. Ho and Mr Dominic K. K. Lam had declared interests in this item as they had current business dealings with Townland. The Committee noted that Mr Lam had tendered apologies for being unable to attend the meeting. The Committee agreed that as Professor Ho had no involvement in this application, he could stay in the meeting.

36. The Secretary reported that the applicant requested on 29.8.2014 for deferment of the consideration of the application for two months in order to allow time for the applicant to discuss with relevant government departments and to address their comments on the application. This was the first time that the applicant requested for deferment.

37. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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.

Agenda Item 10

Section 12A Application

[Open Meeting]

Y/K13/2 Application for Amendment to the draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan No. S/K13/28, to rezone the application site from “Open Space” to “Government, Institution or Community (2)” subject to a Maximum Building Height of 6 Storeys, New Horizons Building, 2 Kwun Tong Road, Kowloon Bay, Kowloon
(MPC Paper No. Y/K13/2)

38. The Secretary reported that the applicant requested on 29.8.2014 for deferment of the consideration of the application for two months in order to allow time for the applicant to liaise with and prepare a detailed response to government departments. This was the first time that the applicant requested for deferment.

39. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. 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.

[Mr Clarence W. C. Leung returned to join 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 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/292 Proposed Shop and Services in "Other Specified Uses" annotated "Business" zone, G/F (part), Block 1, Yip On Factory Estate, Wang Hoi Road, Kowloon Bay, Kowloon
(MPC Paper No. A/K13/292)

Presentation and Question Sessions

40. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item:

Mr K.K. Ling (the - being a member of the Strategic Planning Committee Chairman) as the (SPC) and the Building Committee (BC) of HKHA Director of Planning

Mr Frankie Chou as the Chief Engineer of the Home Affairs Department - being an alternate member for the Director of Home Affairs who was a member of the SPC and the Subsidised Housing Committee of HKHA

Ms Doris M. Y. Chow as the Assistant Director of the Lands Department - being an alternate member for the Director of Lands who was a member of HKHA

Professor P. P. Ho - being a member of the BC of HKHA

Mr Dominic K. K. Lam - having current business dealings with HKHA

Mr Patrick H. T. Lau - having current business dealings with HKHA

Ms Julia M. K. Lau - being a member of HKHA and the Commercial Properties Committee and the Tender Committee of HKHA

41. Members noted that Mr K. K. Ling, the Chairman, had left the meeting and Mr

Dominic K. K. Lam had tendered apologies for being unable to attend the meeting. The Committee agreed that as the interests of Mr Frankie Chou, Ms Doris M. Y. Chow, Professor P. P. Ho, Mr Patrick H. T. Lau and Ms Julia M. K. Lau were direct, they should be invited to leave the meeting temporarily on this item.

[Mr Frankie Chou and Mr Patrick H. T. Lau left the meeting at this point. Ms Doris M. Y. Chow, Professor P. P. Ho, and Ms Julia M. K. Lau left the meeting temporarily at this point.]

42. With the aid of a PowerPoint presentation, 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;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period. No local objection was received by the District Officer (Kwun Tong), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed ‘Shop and Services’ use at the subject premises was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone to allow greater flexibility in the use of the existing industrial or industrial/office (I-O) buildings; the proposed use also complied with the Town Planning Board Guidelines No. 22D (TPB PG-No.22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent areas; government departments consulted including the Fire Services Department,

Buildings Department and Transport Department had no objection to or no adverse comment on the application; and no public comment against the application was received.

43. Members had no question on the application.

Deliberation Session

44. 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 12.9.2016, 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 the proposal for fire safety measures, including the provision of means of escape completely separated from the industrial portion and fire service installations in the application premises, before operation of the use, to the satisfaction of the Director of Fire Services or of the TPB; and
- “(b) if the above planning condition is not complied with before operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to comply with the Code of Practice for Fire Safety in Buildings 2011 which is administered by the Buildings Department; and
- “(b) to note the comments of the Director of Fire Services that attention should also be drawn to the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises.”

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

[Ms Doris M. Y. Chow, Professor P. P. Ho and Ms Julia M. K. Lau returned to join the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/703 Proposed Shop and Services (Bank) and Office (involving Direct Provision of Customer Services) in “Other Specified Uses” annotated “Business” zone, Units B1, B2 and B3 (Portion) on G/F and whole floor (excluding common area) on 1/F, Camelpaint Buildings Block 1, 62 Hoi Yuen Road, Kwun Tong, Kowloon
(MPC Paper No. A/K14/703A)

46. The Secretary reported that the application was submitted by Topgate Development Limited and Always Beyond Limited, with Raymond Chan Surveyors Limited (RC) as the consultant of the applicants. Mr Dominic K. K. Lam had declared an interest in this item as he had current business dealings with RC. The Committee noted that Mr Lam had tendered apologies for being unable to attend the meeting.

47. The Secretary reported that the application had been deferred once for two months. Since the last deferment on 25.7.2014, the applicant had provided further information on fire safety aspect but the Fire Services Department (FSD) still had concerns on the application from fire safety point of view. On 2.9.2014, the applicants wrote to the Town Planning Board to request further deferment of consideration of the application for two months in order to allow additional time to address the comments of FSD.

48. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since it was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/704 Proposed Shop and Services in "Other Specified Uses" annotated "Business" zone, Portion of Factory B (Units B1 & B2) on Ground Floor, Mai Hing Industrial Building, Nos. 16-18 Hing Yip Street, Kwun Tong, Kowloon

(MPC Paper No. A/K14/704)

Presentation and Question Sessions

49. With the aid of a PowerPoint presentation, 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 shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse

comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment from the Chairman of Kwun Tong Central Area Committee was received supporting the application without giving any grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed ‘Shop and Services’ use at the subject premises was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone to allow greater flexibility in the use of the existing industrial or industrial/office (I-O) buildings; the proposed use at the subject premises complied with the Town Planning Board Guidelines No. 22D for Development within the “OU(B)” zone (TPB PG-No.22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. Relevant government departments consulted including the Fire Services Department, Buildings Department and Transport Department had no objection to or no comment on the application.

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 12.9.2016, 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 the proposal for 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 TPB before operation of the use; and

- (b) if the above planning condition is not complied with before the operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or temporary waiver for the proposed ‘Shop and Services’ use at the application premises (Premises);
- (b) to note the comments of the Director of Fire Services to comply with the Code of Practice for Fire Safety in Buildings 2011 administrated by the Buildings Department, and to observe the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises; and
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that the applicant should engage an Authorised Person to assess the feasibility of the proposal and implement the proposed change in use/alterations and additions works in compliance with the Buildings Ordinance (BO), including (but not limited to), adequate means of escape should be provided, access and facilities for persons with a disability should be provided, the Premises should be separated from the remaining portion of the building by fire barriers, adequate provision of sanitary fittings and fittings, and structural justifications for any solid partition walls to be erected inside the Premises; for unauthorised building works (UBW) erected on private lands/buildings, enforcement action may be taken by the Building Authority to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary and that the granting of any planning approval should not be construed as an acceptance of any UBW on the Premises under the BO; and detailed comments under

the BO can only be formulated at the building plan submission stage.”

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

Agenda Item 14

Any Other Business

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