

TOWN PLANNING BOARD

Minutes of 526th Meeting of the Metro Planning Committee held at 9:00 a.m. on 2.1.2015

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Roger K.H. Luk

Vice-chairman

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H. B. Yau

Mr Frankie W.C. Yeung

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

Assistant Director (2), Home Affairs Department
Mr Eric Hui

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mr Colin Keung

Assistant Director /R1, Lands Department
Mr Simon Wang

Deputy Director of Planning/District
Ms Jacinta Woo

Secretary

Absent with Apologies

Professor P.P. Ho

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Mr Francis T.K. Ip

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Lily Y.M. Yam

Town Planner/Town Planning Board
Ms Vienna Y.K. Tong

Agenda Item 1

Confirmation of the Draft Minutes of the 525th MPC Meeting held on 12.12.2014

[Open Meeting]

1. The draft minutes of the 525th MPC meeting held on 12.12.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tsuen Wan and West Kowloon District

[Mr Philip Y.L. Chum, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/761 Shop and Services in “Other Specified Uses” annotated “Business (2)” zone, Workshops A5 and A6, G/F, Block A, Hong Kong Industrial Centre, 489-491 Castle Peak Road, Cheung Sha Wan, Kowloon
(MPC Paper No. A/K5/761)

3. The Secretary reported that Lawson David & Sung Surveyors Ltd. (Lawson) was the consultant of the applicant. Ms Bonnie J.Y. Chan had declared an interest in this item as she had current business dealings with Lawson. The Committee noted that Ms Chan had tendered apologies for being unable to attend the meeting.

4. The Secretary reported that a replacement page (page 4) of the MPC Paper was tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the 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 statutory publication period and no local objection was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper, The 'Shop and Services' use was considered generally in line with the planning intention of the "Other Specified Uses" annotated "Business 2" ("OU(Business)2"). The applied use was not incompatible with the other uses of the subject industrial building. It complied with the Town Planning Board Guidelines for Development within "OU(Business)" zone (TPB PG-No. 22D) in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent area. The application premises was the subject of three previous planning applications approved with conditions by the Committee (application No. A/K5/501 for 'Ancillary Office and Showroom' use at Workshop A5, application No. A/K5/719 for 'Shop and Services (Showroom)' use and application No. A/K5/752 for 'Shop and Services' use at Workshop A6). The current

application was submitted so that the premises comprising Workshop A5 and A6 could form a single unit entirely for 'Shop and Services' use. There was no major change in planning circumstances since the approval of the previous applications. The applied use was considered acceptable from land use planning point of view. As the application premises was already in operation as 'Shop and Services' use, it was suggested not to impose any time clause for commencement of development.

6. Members had no question on the application.

Deliberation Session

7. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of fire safety measures, including the provision of fire service installations and equipment in the subject premises and means of escape completely separated from the industrial portion, within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.7.2015; and
- (b) if the above planning condition is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the development at the subject premises;
- (b) to note the District Lands Officer/Kowloon West, Lands Department's comments on the requirement for application of a temporary waiver for the 'Shop and Services' use at the subject premises; and

- (c) to note the Director of Food and Environmental Hygiene’s comments for obtaining requisite licence for operating food business (if any) at the subject premises. ”

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

Agenda Items 4 and 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/425 Proposed Wholesale Conversion for Office, Eating Place, Shop and Services in “Industrial” zone, 77-81 Container Port Road, Kwai Chung, New Territories
(MPC Paper No. A/KC/425)

A/KC/426 Proposed Wholesale Conversion for Office, Eating Place, Shop and Services in “Industrial” zone, 38-42 Kwai Fung Crescent, Kwai Chung, New Territories
(MPC Paper No. A/KC/426)

9. The Committee noted that the two s.16 applications for office, eating place, shop and services were similar in nature and the application sites were located in proximity to each other and within the same zone (i.e. “Industrial”). The Committee agreed that the applications could be considered together.

10. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was one of the consultants of the applicant. Mr Patrick H.T. Lau had declared an interest in this item as he had current business dealings with Lanbase. Mr Clarence W.C. Leung had also declared an interest in this item as he had an office in Kwai Chung. Members noted that Mr Lau had no involvement in the applications and the office of Mr Leung had no direct view of the application sites. As the applicants had requested for deferment of consideration of the applications, the Committee agreed that they should be allowed to stay in the meeting.

11. The Committee noted that the applicants' representatives requested on 9.12.2014 for deferment of the consideration of the applications for two months so as to prepare responses to the departmental comments. This was the first time that the applicants requested for deferment of the applications.

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

Hong Kong District

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/77 Proposed Minor Relaxation of Development 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” zone, The Peak Galleria, 118 Peak Road, Hong Kong
(MPC Paper No. A/H14/77)

13. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was the consultant of the applicant. Mr Patrick H.T. Lau had declared an interest in this item as he had current business dealings with Lanbase. As the applicant had requested for a deferment of consideration of the application, and Mr Lau had no involvement in the application, the Committee agreed that he should be allowed to stay in the meeting.

14. The Committee noted that the applicant's representative requested on 5.12.2014 for deferment of the consideration of the application for two months to allow adequate time for the applicant to provide further responses to address the outstanding departmental comments on the application. This was the second time that the applicant requested for deferment of the application.

15. 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. 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 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/79 Proposed Hotel in "Residential (Group C) 2" zone, 27 Lugard Road, The Peak Area, Hong Kong
(MPC Paper No. A/H14/79)

16. The Secretary reported that on 5.12.2014, the applicant's representative wrote to the Secretary of the Board requesting the Board to defer making a decision on the application for one month pending submission of further information to resolve departmental comments. On 24.12.2014, the applicant submitted further information in response to departmental comments and public concerns on traffic and environmental aspects. On 31.12.2014, the Secretary, under the delegated authority of the Board, accepted the further information as it did not result in a material change to the nature of the application but decided not to exempt it from the publication and recounting requirements.

17. After deliberation, the Committee agreed that no discussion on the request for deferral would be required at this meeting.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/80 Proposed Upgrading of Existing Access Road (including Widening and associated Geotechnical Works) for Residential Development in “Green Belt” zone, Government land adjoining 46 Stubbs Road, Hong Kong
(MPC Paper No. A/H14/80)

18. The Secretary reported that Rider Levett Bucknall Development Consultants Ltd. (Rider) was one of the consultants of the applicant. Mr Dominic K.K. Lam had declared an interest in this item as he had current business dealings with Rider. As the applicant had requested for a deferment of consideration of the application and Mr Lam had no involvement in the application, the Committee agreed that he should be allowed to stay in the meeting.

19. The Committee noted that the applicant’s representative requested on 3.12.2014 for deferment of the consideration of the application for two months in order to allow more time to prepare a Geotechnical Planning Review Report for the application in response to the comments of the concerned department. This was the first time that the applicant requested for deferment of the application.

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. 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 Josephine Lo, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/400 Proposed Office, Eating Place, Shop and Services in “Residential (Group A)” zone, 155-167 Queen’s Road East, Wan Chai, Hong Kong
(MPC Paper No. A/H5/400A)

21. The Secretary reported that replacement pages (pages 12 and 13) of the MPC Paper revising Buildings Department’s comments were tabled at the meeting.

22. The Secretary reported that Townland Consultants Ltd. (Townland), LLA Consultancy Ltd. (LLA) and Hyder Consulting Ltd. (Hyder) were the consultants of the applicant. The following Members had declared interests in this item:

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| Mr Dominic K.K. Lam | - having current business dealings with Townland, LLA and Hyder |
| Professor P.P. Ho | - having current business dealings with Townland |
| Mr Patrick H.T. Lau | - having current business dealings with LLA |
| Mr K.K. Ling
(Director of Planning) | - owning a flat on Queen’s Road East |
| Ms Julia M.K. Lau | - owning two flats on Star Street |
| Mr Laurence L.J. Li | - co-owning a flat near St. Francis Street with his spouse |
| Mr Clarence W.C. Leung | - co-owning a property on Queen’s Road East |
| Mr Stephen H.B. Yau | - office locating in Southorn Centre |

23. The Committee noted that Mr K.K. Ling and Professor P.P. Ho had tendered apologies for being unable to attend the meeting. As Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had no involvement in the application, and the properties of Ms Julia M.K. Lau and Mr Laurence L.J. Li, and the office of Mr Stephen H.B. Yau had no direct view on the application site, the Committee agreed that they should be allowed to stay in the meeting. As for Mr Clarence W.C. Leung, since his premises currently under construction was on the opposite side of the application site, the Committee considered that the interest of Mr Leung was direct and agreed that he should be invited to leave the meeting temporarily.

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

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

Presentation and Question Sessions

24. With the aid of a PowerPoint presentation, Ms Josephine Lo, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed commercial development (including office, eating place and shop and services);

[Dr Wilton W.T. Fok arrived to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper, which were summarised as follows:
 - (i) District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD) commented that there was no lease provision requiring any setback/dedication for public passage;
 - (ii) the Commissioner for Transport, Transport Department (C for T, TD) had no comment on using the loading/unloading (L/UL) facilities in

the existing Hopewell Centre (HC) for the proposed development as proposed by the applicant, but a mechanism to always allow the proposed development to use the L/UL facilities in HC should be formulated. Otherwise, he would have reservation on the application in case of nil provision of L/UL facilities. He also considered the use of part of the proposed public passage at the application site, i.e. 4m-wide frontage of the site from the southern footpath of Queen's Road East (QRE), and the associated lay-by extension along the northern boundary of the site essential as they could enhance the pedestrian movement at QRE. Nevertheless, he reserved his comment on the future footpath abutting the application site and the pedestrian facilities at the public passage upon receipt of the detailed design in the future building plans submission;

- (iii) the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department (CBS/HKE&H, BD) reserved her comments until building plan submission stage in view of the absence of details for the proposed exemption of gross floor area (GFA). She also reserved comments on the GFA implication on HC that might be induced by the proposed shared use arrangement;
 - (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no in-principle objection to the application, but advised the applicant to further increase the width of the proposed public passage immediately abutting QRE to enhance the pedestrian environment; and to explore the scope in increasing the headroom of the dedicated passage so as to create a more inviting covered piazza to passers-by; and
 - (v) other departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, 997 comments were received, with 943 comments in support of the applications, and 13 comments not indicating whether they supported or objected to the

application. Amongst these supportive comments, 872 did not give reasons, while others were mainly on the grounds that the proposed widening of walkway would facilitate pedestrian flow and enhance pedestrian safety in the area; the proposed development would facilitate urban redevelopment and improve the environment of old urban area, enhance the commercial development in Wan Chai South, alleviate shortage of office space in Wan Chai area, provide more job opportunities, provide eating places and retail shops for the residents and employees in the area; and the visual impact resulting from the proposed development was limited. The remaining 41 comments, including those from Kennedy Road Protection Group, Designing Hong Kong limited, Central & Western Concern Group, 關注基層住屋聯席, 灣仔基層住屋組, residents in Kennedy Road and individual members of the public, objected to the application. The objecting views were summarised as follows:

- (i) the proposed development was not in line with the planning intention of “Residential (Group A)” (“R(A)”) zone and would reduce the housing land supply in the area; the requirements for public open space applicable to developments within “R(A)” zone had been ignored; and the Town Planning Board Guidelines for Application for Office Development in “R(A)” Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 5) was outdated;
- (ii) the proposed Plot Ratio (PR) of 18 was unprecedented and was in breach of the maximum PR for “R(A)” zone, i.e. 8 to 10 under the Building (Planning) Regulations;
- (iii) the proposed site coverage (SC) of almost 100% was unacceptable; set back should be incorporated into the proposed development to improve ventilation and provide relief from the wall effect; and the building height (BH) of the proposed development was too high;

- (iv) footpath along the southern side of QRE was not overly congested; and the purpose of the public passage was to create access to the commercial premises;
 - (v) the proposed development would generate more traffic impact and no traffic impact assessment (TIA) had been provided; there was strong demand for car parking spaces in the area, but no parking space would be provided within the proposed development; the extended lay-by would result in increased vehicular traffic and illegal parking; and no consultation with the public and district council regarding the proposed conversion of the footpath into an extended lay-by;
 - (vi) the proposed development would be connected with HC and would completely block air ventilation at the back lane; and the existing lay-by in front of HC was a source of environmental pollution as it was usually occupied by vehicles with idling engines; and
 - (vii) more greening and provision of a public garden on rooftop should be considered.
- (e) the PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed commercial development was not incompatible with its immediate surroundings in terms of land use and development character. While sites planned for residential use should generally be retained for residential development due to acute shortage of housing land, the application site was conducive for commercial development in view of its unique location within a commercial cluster. The proposed public passage could offer a better walking environment and alternative route for pedestrians in the area. The resultant building bulk of the proposed commercial development with a PR of 18 was not considered unacceptable, noting that the overall BH of 94.85mPD was within the statutory BHR of 100mPD stipulated on the Outline Zoning Plan (OZP) and the building bulk of the nearby commercial developments. The proposed commercial development complied with the relevant assessment criteria specified in the TPB PG-No. 5. Relevant

departments, including TD, HyD, BD and LandsD had no objection to the proposed public passage and extension of the lay-by. With regard to the public concerns on land use compatibility, housing land supply, development intensity, building design, essentiality of the public passage, as well as possible traffic, environmental, air ventilation and daylight impact of the proposed commercial development, the planning assessments and the comments of government departments above were relevant.

25. The Vice-chairman asked DPO to elaborate on the comments made by CTP/UD&L on the proposed public passage on page 15 of the Paper. In response, Ms Josephine Lo, STP/HK explained that the proposed building setback and dedication on G/F were intended to facilitate pedestrian connectivity of the area and enhance the pedestrian environment, for which the applicant intended to claim bonus PR and SC under Building (Planning) Regulation (B(P)R) 22. As the applicant proposed to convert part of the existing public footpath to a public lay-by, there was a need to set back the building at ground level to re-provision the pedestrian walkway within the application site. The net increase in area for the public passage would be less than 278m² as claimed by the applicant. As such, CTP/UD&L suggested the applicant to provide more area for the proposed public passage.

Pedestrian Connection and Dedicated Area

26. The Vice-chairman enquired whether the usefulness of the public passage would hinge on the implementation of the proposed subway from the application site to the Wan Chai MTR Station via The Avenue. In response, Ms Lo, STP/HK said that C for T advised that only part of the proposed dedicated area, i.e. the 4m-wide frontage of the site from the southern footpath of QRE (i.e. about 118m²), was considered essential for enhancing pedestrian movement at QRE. The applicant intended to connect the dedicated area with The Avenue via the future pedestrian subway underneath QRE, which was proposed by the applicant to address Wan Chai District Council (WCDC)'s request made in 2008. The subway was originally designed to connect The Avenue and HC, rather than the application site, and the relevant lease modification for The Avenue to receive a subway leading from HC has already been executed. The proposed subway leading from the application site to The Avenue would require another lease modification. Noting that The Avenue was now under multiple ownership, if there was any difficulty in processing the lease modification in

future and the proposed subway could not be connected with the application site, it could still be connected with HC and then with the application site via the existing Plaza Area at HC. The proposed subway, however, did not form part of the application. C for T advised that the location of the public passage was significant as it would provide an ingress/egress to the future subway and connectivity for both Plaza Area at HC and the proposed development for pedestrians. Mr W.B. Lee, Assistant Commissioner for Transport (Urban), Transport Department (AC for T/Urban, TD) supplemented that only part of the proposed public passage i.e. 4m-wide frontage of the site (about 118m²) and the associated lay-by extension were essential as they could enhance pedestrian movement.

Shared Use of Internal Transport Facilities

27. In this connection, Mr Laurence L. J. Li declared an interest in matters related to The Avenue as he was the non-Executive Director of the Board of the Urban Renewal Authority (URA) and The Avenue was one of URA's project. As the application was not directly related to The Avenue, the Committee agreed that Mr Li should be allowed to stay in the meeting.

28. The Vice-chairman raised concern on the proposed shared use of L/UL facilities at HC and asked whether there were any precedent case of similar arrangement. In response, Ms Lo, STP/HK said that the applicant had sought in-principle agreement from the landowner of HC on using the L/UL facilities thereat to serve the proposed commercial development on a permanent basis. There would be connection to HC on 2/F to 9/F from the proposed development. Ms Lo continued to say that there was a similar proposal of shared use of the internal transport facilities amongst two developments in an application (No. A/K14/684) for wholesale conversion of two existing industrial-office buildings at Hung To Road, Kwun Tong for commercial and hotel uses approved by the Board on 25.4.2014. The internal transport facilities of the proposed hotel development would be provided in the adjacent commercial development. The proposal could be enforced through lease modification as well as the building plan submission mechanism under the Buildings Ordinance. For the subject application, an approval condition on the provision of L/UL facilities for the proposed development had been recommended.

29. A Member raised concern on the traffic impact of the proposed commercial use and the cumulative traffic impacts on the surrounding area. In response, Ms Lo, STP/HK said that the applicant had submitted a Traffic Impact Assessment (TIA) and pedestrian traffic assessment. The existing/under construction/planned commercial developments in the area were taken into account in the TIA, which concluded that the proposed development would not induce adverse traffic impact on the local road network and was acceptable. Mr W.B. Lee, AC for T/Urban, TD supplemented that the TIA with assessments on both traffic and pedestrian movement was acceptable.

Urban Greening

30. A Member asked whether the proposed scheme could enhance urban greening. Ms Lo, STP/HK explained that as the public passage on G/F had to be kept clear for pedestrian movement, a vertical green wall on G/F at the western boundary of the site was proposed. Greenery would also be provided at various levels of the development (at-grade, deck on 5/F and roof) and an approval condition on the submission and implementation of a landscape proposal was recommended.

Building Mass

31. In response to a Member's enquiry, the Chairman said that the proposed PR of 18, including the bonus PR of about 3 claimed by the applicant, would be subject to the decision of the BA in the building plans submission stage.

32. A Member was concerned about the massing of the proposed commercial development with a PR of 18 and asked whether its impacts on aspects such as air ventilation and urban design etc. had been assessed. This Member was also concerned that the applicant's dedication proposal in return for bonus PR might set a precedent and asked whether there were any similar cases in the area, and whether there would be columns at the public passage. Ms Lo, STP/HK said that whilst the scale of the proposed commercial development was larger than that of a residential development from visual and urban design perspectives, it was not incompatible with the nearby commercial developments in view of its unique location within a commercial cluster. Ms Lo further said that there were similar approved applications in the area. For example, an additional PR of 0.3 was claimed for G/F public open space at Wu Chung House in 1993, additional PR of 0.4 for G/F public open

space at QRE Plaza in 2007, and additional PR of 0.8 for dedicating part of the site for provision of a corner splay at Shun Feng International Centre in 1994 in order to allow better visibility for vehicle users and pedestrians. At present, there was no detailed information on the design of the public passage which would be considered at the building plans submission stage.

33. The Vice-chairman sought clarification on the rationale and justifications for the applicant's dedication proposal. In response, Ms Lo, STP/HK advised that the applicant proposed to extend the existing lay-by fronting HC for general public use, taking into account that the existing one was not adequate to provide loading and unloading facilities resulting in traffic congestion in the area. TD considered that part of the proposed public passage (about 118m²) and the associated lay-by extension essential as they would enhance street environment and connectivity for pedestrians to HC, HCII under construction, the application site, and The Avenue.

Deliberation Session

34. The Chairman suggested that the consideration of the application could focus on the following two aspects: (i) whether the proposed change of use from residential to commercial development at the site was appropriate; and (ii) should the application be approved, whether the details for implementation of the proposal could be scrutinised under the approval conditions.

35. A Member said that although land designated for residential use should be retained for meeting the housing demand as far as possible in view of the Government's current housing policy, the application site was located in the commercial cluster in the QRE area where the proposed commercial use was not incompatible with the surrounding uses. Regarding the proposed PR 18 of the development, the Chairman drew Members' attention that bonus PR claimed for dedication would be subject to the approval of the Building Authority. A Member supported the proposed use and pointed out that granting of bonus PR in return for dedication was not uncommon. The Vice-chairman had no objection to the commercial development but was concerned on how the proposed transport arrangement including the shared use of L/UL facilities in HC could be implemented.

36. A Member was of the view that any proposed commercial development would inevitably cause some traffic impact on the road network in the area. Under the current application, the proposed lay-by would be for general public use and for use of the proposed development. Another Member stated that the proposed lay-by would provide an opportunity for future widening of QRE. Members noted from TD that the existing and proposed lay-by would have a total length of 40m for public use. The existing lay-by was now heavily used by taxis, private vehicles, lorries, buses, and minibuses, and a longer lay-by would help alleviate traffic flow problem. Nevertheless, the management and enforcement of the relevant government departments were necessary in ensuring smooth traffic flow. Members also noted that TD had no objection to the nil provision of L/UL facilities within the proposed development subject to ensuring the L/UL facilities in HC would be made available for use by the proposed development.

37. A Member raised concern on the bulk of the proposed development which would be built with almost 100% SC in the lower floors. This Member wondered whether requirements such as a 4m-setback of the building or non-building area, a 6m-headroom on G/F or column free design at the public passage could be imposed to help create a more open and inviting open area for passers-by. A Member doubted the applicant's proposal of increasing urban greening at the site as the existing open area fronting the site would be covered. This Member preferred the setting back at ground level of the proposed development to provide more greening opportunities. Members noted that an approval condition relating to the design, provision, management and maintenance of the public passage had been recommended by PlanD in the MPC paper.

[Mr. Frankie W.C. Yeung arrived to join the meeting at this point.]

38. The Chairman summed up Members' views that there was no objection to the proposed commercial development which was not incompatible with the surrounding uses in the commercial cluster of the QRE area. Members also considered it appropriate to impose the approval conditions as recommended by PlanD to scrutinise the detailed implementation of the development, particularly on the design of the public passage and the lay-by. The applicant should take into account Members' comments and suggestions in complying with the approval conditions.

39. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 2.1.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the design, provision, management and maintenance of public passage on the ground floor of the proposed development at the application site fronting Queen’s Road East (QRE), as proposed by the applicant, to the satisfaction of the Commissioner for Transport (C for T) or of the TPB;
- (b) the design and implementation of the public lay-by abutting the application site at QRE, as proposed by the applicant, to the satisfaction of the C for T or of the TPB;
- (c) the provision of loading/unloading facilities for the proposed development, as proposed by the applicant, to the satisfaction of the C for T or of the TPB;
- (d) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection (DEP) and the Director of Drainage Services (DDS) or of the TPB;
- (e) the implementation of local sewerage upgrading/sewerage connection works as identified in the SIA to the satisfaction of the DDS or of the TPB;
- (f) the submission of a Drainage Impact Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the DDS or of the TPB;
- (g) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
and

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

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

- “(a) with regard to approval condition (a) above, to note the comments of C for T in paragraph 10.1.2 of the Paper that part of the proposed dedication for public passage at the application site, i.e. 4m-wide frontage of the site from the southern footpath of QRE is considered essential; and to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department (CBS/HKE&H, BD) in paragraph 10.1.4 of the Paper that any proposed dedication on ground floor for public passage and related application for bonus plot ratio (PR) and site coverage (SC) under Building (Planning) Regulations 22, comments/confirmation from relevant departments on whether the proposed dedication is essential are required before consideration of such application and further comments on the issue are reserved;
- (b) with regard to approval condition (c) above, to note the comments of C for T in paragraph 10.1.2 of the Paper that a mechanism shall be formulated to ensure the use of existing loading/unloading facilities in Hopewell Centre for the proposed development, as proposed by the applicant; and to note the comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD) in paragraph 10.1.1 of the Paper and of the CBS/HKE&H, BD in paragraph 10.1.4 of the Paper that the proposed shared use of loading/unloading facilities may have implications on determination of gross floor area (GFA) of the existing Hopewell Centre;
- (c) the approval of the application does not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus PR and/or GFA concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the BD direct

to obtain the necessary approvals. In addition, if the building design elements and the GFA concession are not approved/granted by the BA and major changes to the current scheme are required, a fresh planning application to the TPB may be required;

- (d) to note the comments of the DLO/HKE, LandsD in paragraph 10.1.1 of the Paper regarding applications for removal of the 5-category offensive trades for the proposed development; the need to ensure the area and boundaries of the application site are in order; requirement of lease modification in relation to the execution of the dedication of public passage on the ground floor of the site as proposed by the applicant; requirement of lease modification for IL9018 with consent from all owners of the lot if the applicant intends to link the proposed subway under QRE to the application site; and that there is no guarantee that any lease modifications will be approved and if approved by the Director of Lands acting in its capacity as the landlord at its discretion, it will be subject to such terms and conditions, including payment of premium and fees, as imposed by the Director of Lands;
- (e) to note the comments of the C for T in paragraph 10.1.2 of the Paper that comments on the future footpath abutting the application site and the pedestrian facilities at the public passage will be made upon receipt of the detailed design in the future building plan submission; and detailed design of the proposed pedestrian signage shall be submitted to relevant government departments for comment before implementation;
- (f) to note the comments of the CBS/HKE&H, BD in paragraph 10.1.4 of the Paper that detailed checking for compliance with Buildings Ordinance, the proposed exemption of GFA and detailed breakdown of GFA and SC will be made upon building plan submission stage;
- (g) to note the comments of the DEP in paragraph 10.1.5 of the Paper that proper location for fresh-air intake shall be selected during detailed design stage to avoid exposing future occupants under unacceptable

environmental nuisances/impact; and the SIA shall be prepared and submitted as early as possible in view of the time required for the implementation of any required sewerage works;

- (h) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department in paragraph 10.1.6 of the Paper that any sewerage upgrading works required shall be designed and constructed at the cost of the lot owner;
- (i) to note the comments of the Director of Fire Services in paragraph 10.1.7 of the Paper that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans and the arrangement of the emergency vehicular access shall comply with the Code of Practice for Fire Safety in Building;
- (j) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department in paragraph 10.1.8 of the Paper that consideration should be given to increasing the width and headroom of the proposed public passage and introducing design measures to add visual interest and reduce the perceived bulk of the proposed development; and
- (k) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department in paragraph 10.1.9 of the Paper regarding the detailed design of the proposed development. ”

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions)]

A/H5/403 Proposed Hotel, Shop and Services, Eating Place in “Other Specified Uses” annotated “Comprehensive Redevelopment Area” zone, Inland Lot No. 8715 on Kennedy Road and Ship Street, Wan Chai
(MPC Paper No. A/H5/403)

41. The Secretary reported that the application was submitted by Wetherall Investment Ltd. which was a subsidiary of Hopewell Holdings Ltd. with Townland Consultants Ltd. (Townland), Team 73 HK Ltd. (Team 73), LLA Consultancy Ltd. (LLA), Parsons Brinckerhoff (Asia) Ltd. (Parsons) and Hyder Consulting Ltd. (Hyder) as consultants of the applicant. The following Members had declared interests in this item:

- | | |
|--|---|
| Mr Dominic K.K. Lam | - having current business dealings with Townland, Team 73, LLA, Parsons and Hyder |
| Professor P.P. Ho | - having current business dealings with Townland |
| Mr Patrick H.T. Lau | - having current business dealings with LLA |
| Mr K.K. Ling
(Director of Planning) | - owning a flat on Queen's Road East |
| Ms Julia M.K. Lau | - owning two flats on Star Street |
| Mr Laurence L.J. Li | - co-owning a flat near St. Francis Street with his spouse |
| Mr Clarence W.C. Leung | - co-owning a property on Queen's Road East |
| Mr Stephen H.B. Yau | - office locating in Southorn Centre |

42. The Committee noted that Mr K.K. Ling and Professor P.P. Ho had tendered apologies for being unable to attend the meeting, and Mr Clarence W.C. Leung had already left the meeting. As the applicant had requested for a deferment of consideration of the application, and Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had no involvement in the application, the properties of Ms Julia M.K. Lau and Mr Laurence L.J. Li, and the office of Mr Stephen H.B. Yau had no direct view on the application site, they should be allowed to stay in the meeting.

43. The Committee noted that the applicant's representative requested on 11.12.2014 for deferment of the consideration of the application for one month so as to allow time for the applicant to address the comments of relevant government departments. This was the first time that the applicant requested for deferment of the application.

44. 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 one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H9/73 Proposed Hotel in "Residential (Group A) 2" zone, 225-227 Shau Kei
Wan Road, Hong Kong
(MPC Paper No. A/H9/73)

Presentation and Question Sessions

45. With the aid of a PowerPoint presentation, Ms Josephine Lo, STP/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. Concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, 398 public comments were received. Amongst these, one expressed no comments, one was irrelevant as it was related to another hotel application in Wan Chai, one supported as it would promote tourism and the other two supportive comments did not provide any reasons. The remaining 392 were adverse comments submitted by two members of the Legislative Council (LegCo), a member of the Eastern District Council (EDO), the Hong Kong & China Gas Company Limited (HKCGC), Designing Hong Kong Limited, local residents and members of the public. They objected to the application mainly on the grounds that the proposed hotel development was considered incompatible with the surrounding area, there was no need for a hotel development in a residential district and there was not enough infrastructure to support hotel development. The proposed hotel would affect the living environment and tranquility of the residential neighbourhood and increase rental prices and hence operation of local shops. Adverse traffic, environmental, visual and air ventilation impacts would be induced by the proposed hotel development. There were concerns on air/noise pollution during construction of the proposed hotel and air ventilation problem to the surrounding residential buildings. The HKCGC opined that since the proposed development was in close proximity to an existing intermediate pressure pipeline, a risk assessment was required to evaluate the potential risk and necessary mitigation measures if required. Two LegCo members and some objectors opined that the three-week consultation period for the application was too short and public consultation with the local residents was inadequate; 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 might warrant special consideration as the site was covered by a previous planning permission for hotel use which was still valid. The current application was for change in site coverage (SC) and minor increase in gross floor area (GFA). The proposed hotel was considered not incompatible with the surrounding developments and the proposed building height (BH) was below the maximum BH of 100mPD stipulated under the

Outline Zoning Plan (OZP). A full-height setback of the building along Shau Kei Wan Road for 8% of the total site area (i.e. about 13.6m²) and thus reduced SC for the podium bulk were proposed in the Current Scheme. As stated by the applicant, the setback area would be landscaped and allow wider pavement area for pedestrian circulation, contributing to improvement of walking and living environment. Concerned government departments had no objection to or adverse comments on the proposed hotel development in respect of traffic, environmental, fire safety, infrastructure and operation aspects. The Commissioner for Transport (C for T) had no comment from traffic engineering point of view on the non-provision of internal transport facilities given the small scale of the proposed hotel with 61 guest rooms.

46. A Member asked whether there was any programme for the implementation of the adjoining “Open Space” zone and what the existing site conditions were. In response, Ms Josephine Lo, STP/HK said that the Leisure and Cultural Services Department had no implementation programme for the open space use, and the area was now occupied by temporary uses including a fee-paying public car park and parking for rehabilitation buses. Regarding the discrepancy on the zoning boundary and the site boundary shown on Plan A-2 raised by the same Member, Ms Lo explained that the zoning boundaries on the OZP were delineated at a scale of 1:5000 which might not entirely tally with the lot boundaries of the small lots. These discrepancies would, however, be rectified in future amendment to the OZP as appropriate. In response to the same Member’s question, Ms Lo said that the applicant was the sole “current land owner” of the application site. He was also the owner of the application site under the previous approved application No. A/H9/68 for hotel development and minor amendments to the approved scheme (No. A/H9/68-1) in July 2014. The current application was applying for the same hotel use with proposed alternative building design. The applicant had submitted a set of building plans under the previous scheme in November 2014, which was still being processed by the Building Authority (BA). Irrespective of whether the subject application would be approved by the Committee, the applicant could still implement the hotel development under the previous approved scheme.

Deliberation Session

47. 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 2.1.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services (D of FS) or of the TPB;
- (b) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection (DEP) or of the TPB;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in approval condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approval of the application does not imply that the proposed hotel concession/gross floor area (GFA) exemption for back-of-house (BOH) facilities will be granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approvals. In addition, if the proposed hotel concession/GFA exemption for BOH facilities is not granted by the BA, resulting in a non-domestic plot ratio (PR) exceeding 12 or major changes to the current scheme, a fresh planning application to the TPB may be required;
- (b) the approval of the application does not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building

Design Guidelines, and any proposal on bonus PR and/or GFA concession for the proposed development will be approved/granted by the BA. The applicant should approach the BD and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and the LandsD and major changes to the current scheme are required, a fresh planning application to the TPB may be required;

- (c) to apply to the District Lands Officer/Hong Kong East, LandsD on the licence application for permitting the café on ground floor of the proposed hotel;
- (d) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, BD in paragraphs 8.1.2(a) to (e) of the Paper regarding compliance with the criteria under PNAP APP-132 for modification of site coverage (SC) under Building (Planning) Regulations; provision of a service lane at the rear of the building and such area should be discounted from the site area for the purpose of PR and SC calculations; compliance with the criteria under PNAP APP-40 regarding hotel concession and GFA exemption; inclusion of the void over entrance of the café on 1/F and staircases, lift shafts and vertical ducts on 2/F in GFA calculation as stipulated in paragraph 13 of the PNAP APP-2; and that the proposed development will be subject to the new GFA concessions policy promulgated under the PNAP APP-151 and detailed checking for compliance with the BO will be made upon building plans submission stage;
- (e) to note the comments of the D of FS in paragraphs 8.1.4(b) and (c) of the Paper that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and the arrangement on Emergency Vehicular Access shall comply with the Code of Practice for Fire Safety in Building;

- (f) to note the comments of the DEP in paragraphs 8.1.5(a) and (c) of the Paper that proper location for fresh-air intake for the central air-conditioning system shall be selected during the detailed design stage to avoid exposing future occupants under unacceptable environmental impacts; and the submission of the SIA shall be made as early as possible in view of the time required for the implementation of any required sewerage works;
- (g) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department in paragraph 8.1.6(b) of the Paper that if the proposed development would cause any adverse impacts on the existing public sewerage, measures should be identified and implemented to current government standards to mitigate the adverse sewerage impacts at the cost of the lot owner;
- (h) to note the comments of the Director of Electrical and Mechanical Services in paragraphs 8.1.7(a) to (c) of the Paper regarding the need of liaison with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the application site and any required minimum set back distance away from them during the design and construction stages of the development; and the need to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes";
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraphs 8.1.8(c) and 8.1.10(d) of the Paper regarding the enhancement of the level of at-grade and above-grade landscaping along the northeast boundaries in commensurate with the planned open space adjacent to the application site; and the provision of landscape planting to the setback area on ground floor and the decking at various levels to improve the landscape and visual amenity of the proposed hotel;
- (j) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department in paragraph 8.1.9(c) of the Paper that

- Mr Dominic K.K. Lam - having current business dealings with KTA
- Mr Patrick H.T. Lau - having current business dealings with KTA
- Ms Julia M.K. Lau - family members living in Kowloon Tong
- being a director of a company owning a property in Kowloon Tong
- Mr Clarence W.C. Leung - currently living in Kowloon Tong

50. As the applicant had requested for a deferment of consideration of the application and Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had no involvement in the application, and the properties of Ms Julia M.K. Lau's family members and her company had no direct view on the application site, the Committee agreed that they should be allowed to stay in the meeting. The Committee also noted that Mr Clarence W.C. Leung had already left the meeting.

51. The Committee noted that the applicant's representative requested on 12.12.2014 for deferment of the consideration of the application for two months in order to allow sufficient time for the applicant to prepare responses to the departmental comments. This was the first time the applicant requested for deferment of the application.

52. 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.

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/312 Proposed School (Primary School Activity Rooms) in “Residential (Group C) 1” zone, 15 Kent Road, Kowloon Tong, Kowloon
(MPC Paper No. A/K18/312)

53. The applicant had requested for a deferment of consideration of the application. Ms Julia M.K. Lau and Mr Clarence W.C. Leung had declared interests in this item as Ms Lau’s family members lived in Kowloon Tong and Ms Lau was also a director of a company that owned a property in Kowloon Tong, while Mr Clarence W.C. Leung currently lived in Kowloon Tong. The Committee noted that they had already left the meeting.

54. The Secretary reported that after the issue of the MPC paper on the application, the applicant submitted a letter on 31.12.2014 requesting the Board to defer making a decision on the application for one month so as to allow time for the applicant to address the comments of relevant government departments. This was the first time that the applicant requested for deferment of the application. PlanD had no objection to the request for deferment as the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed additional time to address departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

55. 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 one month was allowed for preparation of the submission of further

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

Agenda Item 14

Any Other Business

56. There being no other business, the meeting closed at 11:10 a.m.