

TOWN PLANNING BOARD

**Minutes of 316th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 25.11.2005**

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Mr. K.G. McKinnell

Mr. S.L. Ng

Dr. Greg C.Y. Wong

Mr. Erwin A. Hardy

Mr. Tony W.C. Tse

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor Bernard V.W.F. Lim

Mr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. Anthony Loo

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. Elvis W.K. Au

Assistant Director (Kowloon), Lands Department
Mr. James Merritt

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

Secretary

Absent with Apologies

Dr. Peter K.K. Wong

Dr. Rebecca L.H. Chiu

Dr. Alex S.K. Chan

Mrs. Angelina P.L. Lee

Professor N.K. Leung

Assistant Director(2), Home Affairs Department
Ms. Margaret Hsia

In Attendance

Assistant Director of Planning/Board
Mr. P.Y. Tam

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board
Mr. Simon C.K. Cheung

Agenda Item 1

Confirmation of the Draft Minutes of the 315th MPC Meeting held on 11.11.2005

1. The draft minutes of the 315th MPC meeting held on 11.11.2005 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Section 12A Application No. Y/H24/1

2. The Secretary reported that a s.12A application was submitted by the Action Group on Protection of the Harbour on 8.10.2005 for rezoning the former Tamar Basin site and an area north of Civic Tower from “Government, Institution or Community (2)” (“G/IC(2)”) and “G/IC(4)” respectively to “Open Space”. Due to the wide public concern on the land use of this waterfront site, she sought the view of Members on whether the application should be referred to the Town Planning Board (TPB) for consideration rather than by the Committee.

3. In response to a Member’s enquiry on a procedural point relating to consideration of applications, the Secretary explained that the Committee’s power to consider s.12A and s.16 applications was delegated by the TPB. It was a usual practice for the Committee to refer any application of wide public concern or major significance to the TPB for consideration. The Committee agreed that the s.12A application should be submitted to the TPB for consideration, which would be scheduled for the TPB meeting on 16.12.2005.

(ii) New Town Planning Appeal Received

Town Planning Appeal No. 22 of 2005 (22/05)
Temporary Outward Bound Training Centre for a Period of 3 Years
in “Conservation Area” and “Agriculture” zones
Lot Nos. 1303(Part), 1305(Part), 1308(Part), 1311(Part), 1317(Part), 1318(Part),
1319(Part), 1320(Part) and adjoining Government Land in D.D. 107,
Kam Tin, Yuen Long
(Application No. A/YL-KTN/223)

4. The Secretary reported that the Town Planning Appeal Board (TPAB) on 31.10.2005 received an appeal against the decision of the Town Planning Board on 19.8.2005 to reject on review an application (No. A/YL-KTN/223) for a temporary outward bound training centre for a period of 3 years at a site zoned “Conservation Area” and “Agriculture” on the Kam Tin North Outline Zoning Plan. The hearing date was yet to be fixed.

(iii) Appeal Statistics

5. The Secretary said that as at 25.11.2005, 25 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	14
Dismissed	:	81
Abandoned/Withdrawn/Invalid	:	111
Yet to be Heard	:	25
Decision Outstanding	:	1
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Total	:	232

Tsuen Wan and West Kowloon District

[Mr. Michael C.T. Ma, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Mr. P.C. Mok, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Session for only)]

- (i) A/K5/602 Proposed Shop and Services (Bank)
for a Period of 5 Years in “Other Specified Uses”
annotated “Business” zone,
Unit 2, G/F, Kowloon Plaza,
NKIL 3516B1 and 3516B2,
485 Castle Peak Road,
Cheung Sha Wan
(MPC Paper No. A/K5/602)
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Presentation and Question Session

6. The application was submitted by a subsidiary of Sino Land Company Limited. The Committee noted that Dr. Greg C.Y. Wong and Mrs. Angelina P.L. Lee, having current business dealings with Sino Land, had declared interests in this item. Mrs. Angelina P.L. Lee had tendered her apologies for being unable to attend the meeting.

[Dr. Greg C.Y. Wong left the meeting temporarily at this point.]

7. Mr. P.C. Mok, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed bank use;
- (c) departmental comments – concerned Government departments including Transport Department, Environmental Protection Department, Fire Services Department (FSD) and Buildings Department had no objection to or no adverse comments on the application;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.1 of the Paper in that the proposed use was in line with the planning intention of the “Other Specified Uses” annotated “Business” zone, and was not incompatible with the uses of the subject industrial building. There were no objection nor adverse comments from concerned Government departments.

8. In response to a Member’s enquiry, Mr. Michael C.T. Ma, DPO/TWK, said that as advised by FSD, the proposed bank use was a use excluded from the 460m² criterion for commercial uses on industrial building with a sprinkler system.

[Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

Deliberation Session

9. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years up to 25.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

10. The Committee also agreed to advise the applicant to :

- (a) consult the District Lands Officer/Kowloon West, Lands Department regarding the application for temporary wavier; and

- (b) consult the Chief Building Surveyor/Kowloon, Buildings Department regarding the submission of building plans.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/K20/92 Proposed Offices and Motorcycle Parking Spaces in “Comprehensive Development Area” and “Residential (Group A)9” zones, Hoi Lai Estate, West Kowloon Reclamation
(MPC Paper No. A/K20/92)
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11. The application was submitted by the Hong Kong Housing Authority (HKHA) and represented by Housing Department, and the following Members had declared interests in this item :

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| Mr. Bosco C.K. Fung | - being a member of the Strategic Planning Committee of the HKHA; |
| Ms. Margaret Hsia | - being an alternate member for the Director of Home Affairs who is a member of the Strategic Planning Committee of the HKHA; |
| Mr. James Merritt | - being an alternate member for the Director of Lands who is a member of the HKHA; |
| Mr. S.L. Ng | - being a member of the HKHA; |
| Dr. Greg C.Y. Wong | - having current business dealings with Housing Department; and |

Mr. Stanley Y.F. Wong - being a member of the Finance Committee of the HKHA.

As the Vice-chairman could not attend the meeting, Members agreed that the Chairman should stay and continue to chair the meeting out of necessity. The Committee noted that Ms. Margaret Hsia had tendered her apologies for being unable to attend the meeting and Dr. Greg C.Y. Wong had left the meeting temporarily.

[Messrs. James Merritt, S.L. Ng and Stanley Y.F. Wong left the meeting temporarily at this point.]

Presentation and Question Session

12. Mr. P.C. Mok, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed office use and provision of motorcycle parking spaces;
- (c) departmental comments – concerned Government departments, including Transport Department, Fire Services Department and Environmental Protection Department, had no adverse comments on the application;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.1 of the Paper in that the proposed use was small in scale and would provide a supporting service to local residents. Concerned Government departments had either no objection to or no adverse comments on the application.

13. In response to a Member's question on why the application premises were

chosen, Mr. P.C. Mok said that the application premises were vacant and the applicant would like to use the space for District Councillor's office.

Deliberation Session

14. 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 condition that the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 25.11.2009, 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.

[Dr. Greg C.Y. Wong, Messrs. James Merritt, S.L. Ng and Stanley Y.F. Wong returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

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| (iii) | A/KC/316 | Proposed Hotel Development
in "Other Specified Uses" annotated "Business" zone,
585-609 Castle Peak Road,
Kwai Chung (KCTL 366)
(MPC Paper No. A/KC/316) |
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Presentation and Question Session

15. The Committee noted that the applicant had requested on 14.11.2005 for deferment of the consideration of the application to allow time to address some issues raised by relevant Government departments.

Deliberation Session

16. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission from the applicant. The

Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further submission 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.

[The Chairman thanked Mr. Michael C.T. Ma, DPO/TWK, and Mr. P.C. Mok, STP/TWK, for their attendance to answer Members' enquiries. Messrs. Ma and Mok left the meeting at this point.]

Kowloon District

[Mr. Raymond K.W. Lee, District Planning Officer/Kowloon (DPO/K), and Mr. K.S. Ng, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/K9/203 Proposed Retail Shop and Showroom (Jewelry Trading)
in "Other Specified Uses" annotated "Business" zone,
Unit 1, G/F and Units 1-4 and 8-12(Portions), 1/F,
Heng Ngai Jewelry Centre,
4 Hok Yuen Street East,
Hung Hom (KML 113 S.D), Kowloon

(MPC Paper No. A/K9/203)

Presentation and Question Session

17. Mr. K.S. Ng, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed retail shop and showroom (jewelry trading) use;
- (c) departmental comments – highlighting that Transport Department (TD) did not support the application as no designated coach loading/unloading and parking facilities would be provided within the building to cater for the proposed uses, and the traffic flow in the vicinity would be seriously affected by coaches stopping/waiting there. Other concerned Government departments had no adverse comments on the application;
- (d) six public comments were received, objecting to the application on grounds of worsening traffic congestion in the area, and security problem of the subject building; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 12.1 of the Paper in that there was no adequate provision of coach parking and loading/unloading facilities for the proposed uses, and TD did not support the application.

[Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

18. Members raised the following questions :

- (a) Noting that the proposed uses were generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone and were not incompatible with the uses in the area, whether there were any ways to address TD's concern;
- (b) whether coaches stopping/waiting outside the subject building would adversely affect the traffic flow on Hok Yuen Street East which was a one-way street with two lanes; and

- (c) whether the coaches could pick up/set down passengers within the parking area on the ground floor of the building, and whether the nearby loading/unloading bays at Hung Hom Road could be used to help address the problem.

19. In reply, Mr. Raymond K.W. Lee said that although the proposed uses were generally in line with the planning intention of the “OU(Business)” zone, the application should be assessed on its own merits, particularly whether there were any adverse implications. There were concerns on traffic aspect raised by TD and the public. Mr. Anthony Loo said that while the traffic condition in the area was generally acceptable, coaches stopping/waiting at Hok Yuen street East might block the traffic flow. Setting down/picking up of passengers at nearby loading/unloading bays could help to address the problem to a certain extent, but the passengers would need to cross Hok Yuen Street East to gain access to the subject premises. In response to a Member’s suggestion to impose an appropriate condition to address the problem should the application be approved, Mr. Loo said that a condition in this respect was suggested in paragraph 12.2(d) of the Paper.

Deliberation Session

20. Members were of the views that restructuring of uses within existing industrial buildings in the “OU(Business)” zone should be encouraged. If the traffic concern could be addressed, favourable consideration might be given to the application.

21. The Chairman said that possible measures might include restricting the parking of coaches along Hok Yuen Street East. Mr. Anthony Loo said that should the application be approved with the suggested conditions, it would be up to the applicant to submit a satisfactory proposal for parking, loading/unloading, and picking up/setting down, for TD’s consideration.

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

- (a) the retail premises should be completely separated from the industrial portion by proper fire resistance construction and design to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (b) the means of escape of retail premises should be completely separated from the industrial portion to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) the provision of fire service installations for the retail shop and showroom uses under application to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (d) the submission and implementation of a proposal for parking, loading/unloading, picking up/setting down for the retail shop and showroom uses to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

23. The Committee also agreed to advise the applicant to :

- (a) consult the Chief Building Surveyor/Kowloon, Buildings Department regarding the submission of building plans; and
- (b) consult the District Lands Officer/Kowloon West, Lands Department regarding the application for temporary wavier of the lease conditions.

[Mr. Nelson W.Y. Chan arrived to join the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

(ii) A/K13/207 Proposed Shop and Services (Convenience Store)
in “Other Specified Uses” annotated “Business” zone,
Unit 3 (Portion), G/F,
Kowloon Bay Industrial Centre,
15 Wang Hoi Road,
Kowloon Bay
(MPC Paper No. A/K13/207)

(iii) A/K13/208 Proposed Shop and Services
for a Period of 3 Years
in “Other Specified Uses” annotated “Business” zone,
Unit 5A(Part), G/F,
Kowloon Bay Industrial Centre,
15 Wang Hoi Road,
Kowloon Bay
(MPC Paper No. A/K13/208)

24. The Chairman said that as the two applications (No. A/K13/207 and 208) both concerned shop and services use at premises on the ground floor of the same industrial building, they could be considered together. Members agreed. The Chairman then invited Mr. K.S. Ng, STP/K, to brief Members on the background to the applications.

Presentation and Question Session

25. Mr. K.S. Ng presented the applications as detailed in the Papers. The applicant of application No. A/K13/207 sought permission for shop and services use (Convenience Store) at Unit 3 on the ground floor of an existing industrial building which fell within an area zoned “Other Specified Uses” annotated “Business” (“OU(Business)”). The other application No. A/K13/208 was submitted at a later date for shop and services use at Unit 5A on the ground floor of the same industrial building. During the three-week publication period, one comment each on the two applications expressing agreement to the uses under application were received.

26. Mr. K.S. Ng continued to say that Fire Services Department (FSD) objected to application No. A/K13/207 as the floor area of the convenience store use under application had exceeded the tolerable limit of 460m² for the fully sprinklered industrial building. For application No. A/K13/208, FSD had no objection as the aggregated floor area for commercial uses on the ground floor of the building would not exceed 460m² with the inclusion of the application premises. In view of FSD's comments, PlanD did not support the former application but had no objection to the latter case. Other Government departments consulted had no objection/no comments on the two applications.

27. In response to Members' enquiries, Mr. Raymond K.W. Lee, DPO/K, said that as advised by FSD, local provisions store was one of the uses excluded from the 230m²/460m² criterion for commercial uses on the ground floor of an industrial building. Referring to a summary of FSD's considerations on applications for non-industrial uses within industrial buildings shown at the meeting, Mr. Lee explained that local provisions store referred to any premises used for the selling of cigarettes, drinks, canned food, and other local convenience goods which were usually small in scale. The convenience store proposed under application No. A/K13/207 was not considered as a local provisions store and the 460m² criterion applicable to the subject industrial building should be followed.

28. In response to a Member's concern on the 'first-come, first-served' arrangement for considering such application, the Chairman said that the matter had recently be discussed at length by the Committee with the presence of FSD's representatives. A paper to refine the Town Planning Board guidelines on commercial uses in industrial buildings was being prepared by the Secretariat for consideration of the Town Planning Board.

Deliberation Session

29. The Chairman said that it would be prudent for the Committee to duly take into account FSD's fire safety considerations in deciding on the two applications. Member agreed.

Application No. A/K13/207

30. After deliberation, the Committee decided to reject the application and the reason was that the application was not acceptable from fire safety point of view.

Application No. A/K13/208

31. After deliberation, the Committee decided to approve the application on a temporary period of 3 years up to 25.11.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the property sales office should be completely separated from the industrial portion of the subject building by proper fire resistance construction and design to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the provision of means of escape and fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the TPB.

32. The Committee also agreed to advise the applicant to :

- (a) consult the District Land Officer/Kowloon East, Lands Department on the need of lease modification or waiver for the property sales office use; and
- (b) all loading/unloading activities should observe road restriction requirements in force.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/K14/487 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Workshop, G/F, Draco Industrial Building,
46 Lai Yip Street,
Kwun Tong
(MPC Paper No. A/K14/487)
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Presentation and Question Session

33. Mr. K.S. Ng, 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 use;
- (c) departmental comments – concerned Government departments, including Fire Services Department and Transport Department, had no objection to or no adverse comments on the application;
- (d) two public comments were received, both agreeing to the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraphs 11.1 and 11.2 of the Paper.

34. Members had no question on the application.

Deliberation Session

35. 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 25.11.2009, 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 complete separation of the application premises from the industrial portion of the subject building by proper fire resistance construction and design, and of the means of escape of the application premises from the industrial portion of the subject building to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the provision of fire services installation to the satisfaction of the Director of Fire Services or of the TPB.

36. The Committee also agreed to advise the applicant to :

- (a) consult the District Lands Officer/Kowloon East, Lands Department on the need of a temporary waiver for the shop and services use under application; and
- (b) any operation of food business under Food Business Regulation would require application to Food and Environmental Hygiene Department for a relevant licence.

[Open Meeting (Presentation and Question Session only)]

- (v) A/K14/488 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Unit P, G/F, Everest Industrial Centre,
396 Kwun Tong Road,
Kwun Tong
(MPC Paper No. A/K14/488)
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Presentation and Question Session

37. Mr. K.S. Ng, 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 use;
- (c) departmental comments – highlighting that Fire Services Department (FSD) objected to the application as the floor area of the proposed use under application had exceeded the tolerable limit of 460m² for the fully sprinklered industrial building;
- (d) four public comments were received. Three comments supported the application and one objected to the application; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper, mainly due to FSD's objection to the application on fire safety ground.

38. Members had no question on the application.

Deliberation Session

39. After deliberation, the Committee decided to reject the application and the reason was that the application was not acceptable from fire safety point of view.

[The Chairman thanked Mr. Raymond K.W. Lee, DPO/K, and Mr. K.S. Ng, STP/K, for their attendance to answer Members' enquiries. Messrs. Lee and Ng left the meeting at this point.]

[A short break of 5 minutes was taken.]

Hong Kong District

[Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), and Ms. Lily Yam, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

Agenda Item 5

Section 12A Applications

[Open Meeting (Presentation and Question Session only)]

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| (i) | Y/H3/1 | Application for Amendment to the
Approved Sai Ying Pun & Sheung Wan
Outline Zoning Plan No. S/H3/20
from “Residential (Group A)” to
“Government, Institution or Community”
for Cultural and Historical Uses/Developments,
Former Police Married Quarters,
Hollywood Road,
Sheung Wan
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(MPC Paper No. Y/H3/1) |
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40. Mr. James Merritt declared an interest in this item for being the representative of Lands Department (LandsD), which had raised objection to the application. He also said that the application site was included in the List of Sites for Sale by Application in 2005/06 and the LandsD represented the Government as landlord in dealing with land sales. The Chairman noted that for some previous rezoning applications involving sale sites and objection from LandsD, representatives of LandsD had declared interests and left the meeting during discussion and determination of the applications. He said that Mr. Merritt might consider whether his presence in the meeting would give rise to a public perception of conflict of interest. The Secretary said that on the issue of need for the representative of LandsD to declare interest at the Town Planning Board (the Board) meeting, legal advice had been sought and had been duly reflected in the Board’s Procedures and Practice. The advice was that official Members of the Board were expected to have views on the matters that came

before the Board for decision and their views should represent the views of the Government department or statements of Government policies. This should not be regarded as personal or pecuniary interest. A Member opined that as LandsD had already stated its opposing views on the application, there was in fact no material difference whether Mr. Merritt was to stay at or leave the meeting. After discussion, Members agreed that Mr. Merritt could stay at the meeting if he felt comfortable staying. Mr. Merritt said he felt comfortable.

41. Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), and Ms. Lily Y.M. Yam, Senior Town Planner/Hong Kong (STP/HK) of Planning Department (PlanD), and the following applicants and applicants' representatives were invited to the meeting at this point :

Mr. Ho Yao-sheng, Roger
Mrs. Law Ngar-ning, Katty
Ms. Ng Chan-mui, Rebecca
Mr. John Stuart Batten
Mr. Ian Brownlee
Ms. Marino Lo
Mr. Albert Lai
Ms. Cheng Lai-king
Mr. Chan Chit-kwai

42. The Chairman extended a welcome and noted that the application was submitted by Mr. Ho, Mrs. Law, Ms. Ng and Mr. Batten, while Mr. Brownlee, Ms. Lo, Mr. Lai, Ms. Cheng and Mr. Chan attended the meeting as representatives of the applicants.

43. The Secretary informed Members that before the meeting, the applicants had submitted two newspaper articles reporting on the discovery of additional remnants of the walls of the former Central School at the application site and criticism on the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) for not recommending preservation of the walls.

44. The Chairman then briefly explained the procedures of the hearing and invited

Ms Lily Y.M. Yam to brief Members on the background to the application.

Presentation and Question Session

45. With the aid of a powerpoint presentation, Ms. Lily Y.M. Yam presented the application and covered the following aspects as detailed in the Paper:

- (a) the proposal submitted by the applicants as detailed in paragraphs 1.1 to 1.3 of the Paper;
- (b) characteristics of the application site and its surrounding areas as detailed in paragraphs 7.1 and 7.2 of the Paper;
- (c) the planning and landuse history of the site as detailed in paragraphs 4.1 and 4.2 of the Paper;
- (d) the status of the site as being included in the List of Sites for Sale by Application in the financial year of 2005/06, and the proposed lease conditions regarding the preservation of the existing stonewalls along Shing Wong Street and Hollywood Road together with the trees growing on them, the provision of a public open space of 1,000m², a refuse collection point (RCP) and a residential care home for the elderly (RCHE) and the building height restriction of 150mPD, as detailed in paragraphs 4.3 to 4.5 of the Paper. As the current level of the site was about 45mPD, the maximum height of the future building would be about 105m (about 35 storeys) depending on the detailed design;
- (e) the 174 public comments on the application as detailed in paragraphs 10.1 to 10.3 of the Paper. One considered that the site should be zoned “R(A)” in view of economic gains. Amongst the other 173 supporting comments, there were views that only low-rise buildings should be allowed on the site; the site should be allocated for community and recreational facilities or mixed re-use project for commercial spaces, artist studios, galleries and

hotel; the buildings on the site should be retained and restored for cultural, leisure and recreational uses; and residential development on the site would further exacerbate traffic congestion and environmental pollution in the area. The CACHE was one of the supporters of the application, which considered that the site should be rezoned to partly “Government, Institution or Community” (“G/IC”) and partly “Open Space” (“O”). There were also seven comments received after expiry of the 3-week publication period, raising similar views as those of the supporting comments;

- (f) should the preservation value of the remnants of the walls at Staunton Street and Aberdeen Street be confirmed, further discussion with the relevant Government departments including AMO and LandsD could be undertaken for incorporating a clause in the lease conditions for preservation of the walls; and
- (g) PlanD did not support the application for reasons detailed in paragraph 11.1 of the Paper, highlighting, inter alia, that the site had all along been used for residential purpose from 1951 to 1997 as a police married quarters and the site was rezoned from “G/IC” to “R(A)” in 1998. Traffic and environmental impact assessments had been conducted and no adverse impacts were anticipated for use of the site for residential purpose.

46. The Chairman then invited the applicants to elaborate on their application. With the aid of a powerpoint presentation, Mr. Ho Yao-sheng, Roger made the following points:

- (a) the Central and Sheung Wan area was a place where the history of Hong Kong started. However, during the urban renewal process in the past 20 to 30 years, many historical buildings and features showing the local culture and character in the area had been destroyed. The major historical buildings remaining in the area included the Pak Shing Temple, YMCA Building, Man Mo Temple, Hong Kong Museum of Medical

Science, former Central Police Station, etc. Many of these historical buildings were linked by the Sun Yat Sen Historical Trail and the application site was located at the middle of the Trail. The area around still maintained its special historical ambience;

- (b) the site was previously occupied by the Central School where Dr. Sun Yat Sen had once studied. Although it was converted to police married quarters use in 1951, many features of the Central School, such as the stonewalls around the site, the old trees on the walls, the main entrance and granite pillars at Staunton Street and the granite staircases were still retained. It had also been reported that two public toilets at Shing Wong Street were previously part of the Central School. The previous use of the toilets and their relation with the Central School should be further studied. Since most historical buildings along the Sun Yat Sen Historical Trail no longer existed, the application site might be the only venue where the remnants of Dr. Sun's living in Hong Kong could be found; and
- (c) in view of its historical importance, the site should not be sold for residential development. The Board should urge the AMO, LCSD to undertake a full investigation on the site for discovery of all remnants of the Central School.

47. With the aid of some photographs, Mr. John Stuart Batten made the following points:

- (a) the estimation of the PlanD that under the building height restriction of 150mPD, future development on the application site would only be about 35 storeys was not correct. As illustrated by the CentreStage, a development under construction adjacent to the site, it was possible to have a building of about 60 storeys under a building height restriction of 162mPD which was comparable to that for the application site;
- (b) most buildings in the area were low-rise. The CentreStage had already

created a massive wall-like building in the area, which was totally incompatible with the surrounding developments. High-rise development on the application site would aggravate the situation; and

- (c) the area was also subject to serious air pollution and traffic congestion. During an exhibition held in his gallery in October 2005, many guests had expressed grave concern on the proposal of allowing high-rise development on the application site. The Board should give due consideration to the public sentiment against high-rise development.

[Mr. Erwin A. Hardy left the meeting temporarily at this point.]

48. Mrs. Law Ngar-ning, Katty then made the following points:

- (a) with the many high-rise developments in the area in the past decade, public enjoyment of fresh air and sunlight had been seriously affected. Due to a concern on children's health, many parents had indicated support to the application as reflected by the enormous amount of supporting signatures and public comments;
- (b) it was understood that there was a shortfall of 9.5 ha of public open space in the area. The local residents were in a grave need for more open space with good landscape and furnished with seats and children's playground. The application site was the last piece of public space available in the area for addressing such need. It should not be used for developing high-rise residential buildings which were already in excess in the area;
- (c) the Paper highlighted that there were high-rise buildings in the vicinity of the site but ignored the fact that majority of the buildings in the area were actually low-rise; and
- (d) the living quality in the area had been deteriorating. As quoted by a professor of the University of Hong Kong, the social cost, such as the

impact on children's health, should be taken into consideration in assessing the merits of development.

49. Ms. Ng Chan-mui, Rebecca carried on to present the application and made the following points:

- (a) most buildings in the area were over 40 years and many developers were interested in undertaking redevelopment projects there. While the traffic review of the Central Business District conducted by Transport Department in 2003 concluded that the road networks could accommodate the traffic generated by all known developments up to 2011, it was not certain whether all the potential redevelopment projects had been taken into account in the review; and
- (b) amongst the public comments on the application, there was only one objection, which was made on the consideration of revenue to the Government. Members should consider whether it was appropriate to scarifice the scarce land resource for just monetary return.

[Mr. Erwin A. Hardy returned to the meeting at this point.]

50. Ms. Cheng Lai-king made the following points:

- (a) as confirmed by AMO, LCSD, the site comprised a number of remnants of the former Central School which was important for understanding the history of Dr. Sun Yat Sen's living in Hong Kong. More information and expert advice should be obtained from AMO on this aspect;
- (b) even after conversion to police married quarters use, the site had maintained a close tie with the community by providing accommodation for the Junior Police Call which had been an important youth activity for the area;

- (c) consideration should be given to reinstating the Central School on-site as a venue for promoting understanding of the history of Hong Kong and general education; and
- (e) on 6.10.2005, the C&WDC passed a motion supporting the proposed rezoning of the site from “Residential (Group A)” (“R(A)”) to “G/IC” for cultural and historical uses/developments.

51. Mr. Chan Chit-kwai made the following points:

- (a) the application site was located along the Sun Yat Sen Historial Trail which was a popular tourist attraction in the area. The C&WDC was considering the extension of the Trail by including the University of Hong Kong and Kom Tong Hall. Before those buildings were included, the application site was the only venue along the Trail with the remnants of Dr. Sun’s living in Hong Kong. It was important to preserve the historical value of the site; and
- (b) the application site was the only public space available in the area, which could be used to provide the much needed Government, institution and community facilities. A concern on the difficulty in preserving the historical features might be a reason that no Government departments had plan of utilizing the site. However, taking the Old Mental Hospital (OMH) site at High Street as an example, preservation of historical features and provision of community facilities were not mutually exclusive. Similar to the application site, the OMH site had previously been zoned for residential use. In response to the local objections on the residential zoning, the Board rezoned it back to “G/IC”. The site was now used as a community complex with the façade and corridor of the previous building preserved.

[Mr. Erwin A. Hardy left the meeting temporarily at this point.]

52. With the aid of some plans, photographs and newspaper cuttings, Mr. Ian Brownlee made the following points:

- (a) there was a deficit of 9.5 ha of open space in the area but only 0.1 ha of public open space would be provided in the planned residential development on the site. Most of the “O” zones in the area were subject to severe site constraints. The application site was more suitable for the provision of open space;
- (b) the Board should give priority to providing facilities for public benefit. The cities in the Mainland, e.g. Dongguan, might have performed better than Hong Kong on planning for open space provision;
- (c) to better address the shortage of public open space, CACHE suggested to rezone the part of the site near Hollywood Road to “O” for the provision of a public park, with the remaining part rezoned to “G/IC”;
- (d) the following responses were made to the PlanD’s views mentioned in paragraph 11.1 of the Paper:
 - High-rise residential development was not compatible with the character of the area. Moreover, public attitude towards development had changed since 1997 with more emphasis on open space, ventilation and sunlight;
 - the traffic review of the Central Business District conducted by Transport Department in 2003 had not assessed the traffic condition beyond 2011;
 - no explanation had been given on why the developer would only be required to provide 1,000m² of public open space on the site;
 - the maximum building height of 150mPD for the site was too high;

- preservation of trees and stone walls would be more effective by imposing planning restriction rather than relying on private developer's compliance with lease conditions; and
- the Board should take a proactive approach for preservation of heritage, rather than pending the Government's review of the heritage preservation policy.

53. Mr. Albert Lai supplemented the following points:

- (a) the Paper did not contain some important information such as the recent discovery of the remnants of Central School and a previous proposal of using the site as the Sun Yat Sen Museum. In accordance with the precautionary principle for sustainable development, Members should make sure that all key information had been considered before making a decision on the application; and
- (b) Government departments were often allowed much discretionary power in executing the Town Planning Board (the Board)'s decisions. The Board had the duty to protect public interest and should make sure that all key issues were duly addressed before leaving the Government departments to follow up.

54. Ms. Cheng Lai-king added that in 1998 the Government had planned to relocate the Central Market to the application site. During consultation with the then C&W Provisional District Board, the PlanD explained that the "R(A)" zoning of the site would cater for the market proposal. The relocation proposal was subsequently abandoned but no explanation had been provided by Government departments as to why the site was still zoned "R(A)".

[Mr. Erwin A. Hardy returned to the meeting at this point.]

55. Members then raised a number of questions and comments as summarized below:

Preservation of historical features in the site

- (a) whether the AMO had verified the preservation value of the remnants of the Central School as recently reported in the newspapers;
- (b) if all the walls around the site had to be preserved, whether it would be possible to allow for vehicular ingress/egress and whether the site would still be suitable for residential development;

Residential development on the site

- (c) whether the landuses in the area had been reviewed in view of the changing public attitude towards development density since the application site was rezoned to “R(A)” in 1998;
- (d) whether the lease had set out any restriction on the design and bulk of the commercial podium of the future residential development on the site to minimize its visual impact and to facilitate preservation of the trees and historical features;
- (e) whether there had been any study undertaken or planning/design brief formulated to provide guidance for the detailed design of the future residential development particularly in respect of the trees and historical features to be preserved;
- (f) whether there was any information available for the Committee to visualize and assess the compatibility of the residential development at a plot ratio (PR) of 10 with the surrounding areas;
- (g) after deducting 1,000m² each for public open space and private open space

as proposed under the lease, the site area available for development would only be about 3,800m². Given the building height restriction of 150mPD and requirements to preserve the trees and stonewalls, would the maximum PR 10 as permitted under the Building (Planning) Regulations (B(P)R) be achievable?

- (h) whether the PR of 10 was applied on the whole site or only on the portion excluding the open space;
- (i) whether the developer of the future residential development on the site would need to submit its development proposal to the Board for approval;
- (j) whether the Director of Environmental Protection (DEP) had been consulted on the suitability of retaining the “R(A)” zoning for the site, noting his comments that any development on the site would likely give rise to traffic noise and emission impacts on the nearby residents;
- (k) whether the proposed residential development on the site had been taken into account in the traffic review of the Central Business District conducted by Transport Department in 2003;

Provision of open space

- (l) whether the applicants’ claim that there was a shortfall of 9.5 ha of public open space in the area was correct and how the shortfall could be addressed; and

Others

- (m) it was reported that Mr. Donald Tsang, the first Chief Executive born and grown up in Hong Kong, had lived in the former police married quarters on the site. Was there any information such as the time and exact unit of Mr. Tsang’s residence available, as it might be worthwhile to preserve the

site so as to reflect that history later;

56. In reply to Members' questions and comments, Ms. Christine K.C. Tse and Ms. Lily Y.M. Yam made the following points:

Preservation of historical features in the site

- (a) since the discovery of the possible remnants of the walls of the Central School at Staunton Street and Aberdeen Street was reported only recently, the AMO was still studying the matter and no confirmation had been available yet;
- (b) under the lease of the application site, the primary and secondary vehicular ingress/egress would be via Hollywood Road and Aberdeen Street respectively whilst the ingress/egress point for the RCP would be via Staunton Street. This arrangement had allowed for preservation of the walls and trees at Hollywood Road and Shing Wong Street which AMO had confirmed to be worthy of preservation. If the walls at Staunton Street and Aberdeen Street were also to be preserved, modification to the access arrangement would be necessary and further study would be required;

Residential development on the site

- (c) planning was an on-going process. Although no comprehensive review had been carried out for the area in the past few years, opportunities had been taken to review individual sites with specific development plans and their impacts on the neighbouring areas, such as the proposed cultural, recreational and commercial development at the Former Central Police Station Compound and various Urban Renewal Authority projects;
- (d) the lease of the site did not set out the maximum PR for the residential development, which would be controlled under the B(P)R. Under the

B(P)R, the maximum domestic PR for the site was 10, and the overall PR might be slightly higher if non-domestic floor space was provided. Under the “R(A)” zoning, commercial uses would mainly be confined to the lower three floors of the development and it was expected that the overall PR would be close to 10;

- (e) the developer of the future residential development was required under the lease to submit a detailed proposal for preservation of the stonewalls and trees to the Director of Lands for approval. Given the significant site constraints, the developer should be allowed sufficient flexibility in detailed design, and no restrictions had been set at this stage to govern the way the trees and historical features were to be preserved;
- (f) the building height restriction of 150mPD for the site was determined on the basis of a visual study by taking views from the harbourfront and the Peak;
- (g) subject to detailed design to be worked out by the developer, development on the site at PR10 and 150mPD should be possible without affecting the trees and stonewalls to be preserved. Under the lease, the developer was required to submit detailed proposal for preservation of the stonewalls and trees, and there was no guarantee that the maximum PR of 10 as permitted under B(P)R could be achieved;
- (h) the PR was calculated on the basis of the overall site area including the open space;
- (i) under the “R(A)” zoning, ‘flat’ use was always permitted. No planning permission from the Board was required for residential development on the site;
- (j) DEP had been consulted on the application and had not indicated any insurmountable environmental problem for residential development on the

site;

- (k) the proposed residential development on the site and all known developments in the area had been taken into account in the traffic review of the Central Business District conducted by Transport Department in 2003;

Provision of open space

- (l) there was no shortfall of district open space and the provision would be further enhanced with the completion of the Sun Yat Sen Memorial Park on the waterfront. Provision of local open space in the area was in shortage but it would be more difficult to increase due to the lack of suitable sites. To address the shortfall, opportunity had been taken in redevelopment projects to identify suitable sites for provision of open space. For instance, the future residential development on the application site would provide a public open space of 1,000m² in addition to a private open space 1,000m²; and

Others

- (m) there was no information in hand about Mr. Donald Tsang's residence in the former police married quarters in the site.

57. In response to Ms. Christine K.C. Tse's answers to Members' questions, Mr. Ian Brownlee made the following points:

- (a) under the lease, there was no provision confining commercial uses to the lower three floors; and
- (b) the Committee had the power to determine the land use zonings but had no power to put the planning requirements into the lease. In the absence of any planning brief, there was virtually no control on development under

the “R(A)” zoning. The realization of the planning requirements of preserving the trees and historical features and the provision of RCP and RCHE had to rely on the lease which was not always effective. The proposal of CACHE to rezone the site to partly “G/IC” and partly “O” would be a better approach for realizing the planning requirements.

58. The Chairman clarified that other than determining the land use zonings, the Committee could also request the relevant Government departments to undertake studies on various planning issues and to report back.

59. The Chairman noted that the proposal put forward by the CACHE was different from that submitted by the applicants. He said that the applicants’ proposal would form the basis of the Committee’s consideration, and the CACHE’s proposal would be taken as a suggestion raised by the supporters of the application only. Mr. Ho Yao-sheng, Roger said that the applicants supported the proposal submitted by the CACHE. Mr. Ian Brownlee said that the Committee had the legal right to consider alternative proposals submitted to it.

60. In concluding the applicants’ presentation, Mr. Ho Yao-sheng, Roger made the following points:

- (a) according to a newspaper, the AMO considered that the main entrance to the site was of a low historical value and needed not be preserved. The applicants did not agree to this comment as it was believed that Dr. Sun Yat Sen had walked past the entrance to attend the foundation laying ceremony of the former Central School; and
- (b) there was an acute shortage of open space in the Central and Sheung Wan area. The applicants’ rezoning proposal would help relieve the problem and facilitate preservation of the trees and historical features. The Sun Yat Sen Memorial Park on the waterfront would not improve the situation as it was not easily accessible to most residents in the Central and Sheung Wan area.

61. Ms. Law Ngar-ning, Katty also said that the Committee's decision on the application would be very important for preserving a remarkable part of Hong Kong's history for the next generation.

62. As Members had no further questions, the Chairman informed the applicants and applicants' representatives that the hearing procedure for the application had been completed and the Committee would further deliberate on the application in their absence and would inform the applicants of the Committee's decision in due course. The Chairman thanked the applicants and applicants' representatives and the representatives of the PlanD for attending the meeting. They left the meeting at this point.

Deliberation Session

63. Mr. Tony W.C. Tse declared an interest in the application as he noted from the applicants' presentation that one of the development sites in the vicinity of the application site was owned by his employer.

[Mr. Tony W.C. Tse left the meeting temporarily at this point.]

64. The Chairman said that two different rezoning proposals had been made by the applicants and the CACHe respectively. Although the applicants had indicated support to the CACHe's proposal, they did not say that their proposal would be replaced. Furthermore, under the Town Planning Ordinance, any material change to an application should be published for public inspection and comments. As such, consideration of the application should be on the basis of the applicants' proposal, and the CACHe's proposal should be taken as a suggestion of the applicants' supporters only. Members agreed.

65. Members then had a lengthy discussion on the application. The major views and comments of Members were as follows:

- (a) the Committee had a duty to safeguard the historical features and trees on the site and to provide more open space in the area. To strike a balance between the needs for development, heritage preservation and provision of

open space, the scale of development on the site would need to be reduced. It would be better if the development was of a lower PR than the maximum allowed under the B(P)R, limited to pure residential use with no commercial podium and a minimum provision of car parking spaces;

- (b) there had been changes in the community aspiration on development density since the site was rezoned to “R(A)” in 1998. The Committee should take into account such changes to determine whether the site should be rezoned;
- (c) the application site was located in an area at the interface between the Central and Mid-levels areas. The area was important and a planning vision should be created through a more comprehensive review on the land uses;
- (d) more information and expert advice from the AMO should be sought to ascertain whether the newly discovered historical features as claimed by the applicants should be preserved. Information in respect of Mr. Donald Tsang’s previous residence in the site should also be obtained;
- (e) the comment of the Commissioner for Tourism that there was no tourism value of the site might have been made in the absence of knowledge of the recent discovery of historical features as claimed by the applicants. Furthermore, the comment of the Chief Town Planner/Urban Design and Landscape, Planning Department that developing the site as a historical and cultural compound with open space provision might be more desirable than a high-rise residential development should be given due regard, probably in the context of the built heritage conservation policy review being undertaken by the Home Affairs Bureau;
- (f) it was not acceptable that the lease did not set out any maximum PR limit for the application site nor any clause to avoid encroachment of building structures upon the historical walls and trees. These matters should be

thoroughly studied by the Government, with detailed recommendations endorsed by the Committee and incorporated into the lease, rather than just leaving detailed design to the private developer to work out;

[Prof. Bernard V.M.F. Lim left the meeting temporarily at this point.]

- (g) while there was no justification for the “G/IC” zoning, high-rise residential development on the site was not desirable as it would aggravate the current traffic problem. A possible compromise was to retain the site as “R(A)” and apply more stringent restrictions on the development parameters through the preparation of a planning brief to provide detailed guidance for the future residential development;
- (h) Dr. Sun Yat-sen commanded great respect of Hong Kong people and remnants relating to the history of his presence in Hong Kong should be preserved as far as possible. To ensure that development on the site would not contradict the objective of heritage preservation, consideration might be given to rezoning the site as “Comprehensive Development Area” (“CDA”) so that the Board could have more control on the future development; and
- (i) the acute shortage in public open space in the area should be addressed.

66. In response to a Member’s point made on Transport Department (TD)’s comments, Mr. Anthony Loo clarified that TD did not say that the proposed residential development on the site would have no traffic impact. TD’s consideration was that since the site was located within walking distance from the Mid-levels escalators, the increase in car trips due to development on the site would not be too great. Furthermore, the traffic review of the Central Business District conducted by TD in 2003 had taken into account the traffic generated by the residential development on the site and all known developments in the area.

67. Mr. James Merritt said that the LandsD had consulted all concerned Government departments in preparing the lease. The lease was formulated having regard to various

departmental requirements, rather than just maximizing Government revenue. He also said that as the site had been included in the Application List for land sale, any changes required to be made to the lease arising from the Committee's decision would probably have to be referred to the Housing, Planning and Lands Bureau for consideration.

68. The Chairman then summarized the views of the Committee. He said that Members generally shared the applicants' concerns on the needs to preserve the cultural heritage and the historical features of the site and to address the shortage of public local open space in the area. However, there were not sufficient justifications put forward by the applicants for the proposed rezoning of the site to "G/IC". Instead of rezoning the site to "G/IC", some form of residential development incorporating the element of heritage preservation could be allowed, and the current "R(A)" zoning could be retained. To address the public concerns, a maximum development intensity should be set for the site, and measures to avoid encroachment of building structures upon the historical walls and trees and to increase the amount of public open space should be considered. Furthermore, AMO should be consulted on the preservation value of the newly discovered historical walls as claimed by the applicants.

69. The Chairman went on to say that as suggested by a Member, a possible way forward was to formulate a planning brief to guide the future development on the site. In response to some Members' enquiries, the Chairman said that following endorsement of a planning brief by the Committee, LandsD would be requested to incorporate the requirements of the brief into the lease, which would then be legally binding on the future developer. Mr. James Merritt noted that the subject site was zoned "Residential (Group) A" and a planning brief would not usually be prepared. However, in general, LandsD would normally give due regard to relevant planning briefs in preparing leases. The Chairman also pointed out that although the preparation of a planning brief for the site might affect the availability of the site for sale and reduction of development intensity might affect the final land premium, these were not material planning considerations for the Committee. It would be up to LandsD to consider whether the sale of the site would need to be withheld pending the preparation of the planning brief. Members agreed that a planning brief for the site should be prepared by PlanD to address the concerns summarized in paragraph 68 above. The planning brief should be submitted to the Committee for endorsement when ready.

70. After deliberation, the Committee decided not to agree to the application for amendment for the following reasons :

- (a) the application site had been used for residential purpose since 1951. The “Residential (Group A)” (“R(A)”) zoning was considered appropriate as it reflected the long-standing residential nature of the site and was compatible with the surrounding land uses which were predominantly residential in character intermixing with some Government, Institution or Community and commercial uses;
- (b) under the “R(A)” zoning, the incorporation of GIC facilities and public open space were always permitted. The proposed amendment to the Outline Zoning Plan was considered not necessary;
- (c) sufficient control mechanisms, including the preparation of a planning brief and incorporation of suitable lease conditions, could be introduced to ensure that future residential development at the site would not generate adverse impacts, particularly with regard to building height and preservation of trees and stone walls; and
- (d) there was insufficient information in the applicants’ submission to illustrate the Heritage Zone proposal for rezoning the subject site to “Government, Institution or Community” for cultural and historical uses.

[A short break of 5 minutes was taken.]

[Dr. Greg C.Y. Wong left the meeting temporarily while Mr. Stanley Y.F. Wong, Mr. Elvis Au and Ms. Sylvia S.F. Yau left the meeting at this point. Mr. Tony W.C. Tse returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (ii) Y/H15/1 Application for Amendment to the Draft Aberdeen and Ap Lei Chau Outline Zoning Plan No. S/H15/20 from “Government, Institution or Community”, “Road” and “Nullah” to “Other Specified Uses” annotated “Ocean Park”, A site in front of the Main Entrance of the Ocean Park, Aberdeen
(MPC Paper No. Y/H15/1)
-

[Open Meeting (Presentation and Question Session only)]

- (iii) Y/H15/2 Application for Amendment to the Draft Aberdeen and Ap Lei Chau Outline Zoning Plan No. S/H15/20 from “Government, Institution or Community” to “Other Specified Uses” annotated “Motoring School”, The Hong Kong School of Motoring at 23 Ocean Park Road, Wong Chuk Hang
(MPC Paper No. Y/H15/2)
-

71. Noting that the application sites of Applications No. Y/H15/1 and Y/H15/2 overlapped, the Committee agreed that the presentation and question sessions for the two applications should be conducted first before deliberating on the applications.

72. The Chairman declared an interest in the two applications as he was a member of the Tourism Strategy Group (TSG) which had expressed support to Application No. Y/H15/1. However, noting that the TSG was not a party to the application and the Chairman was not presented at the TSG meeting when deliberation on the proposal was made and also the Vice-Chairman was unable to attend the meeting, Members agreed that the Chairman’s interest was remote and he should chair the meeting out of necessity.

Application No. Y/H15/1

73. Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), and Mr. Kevin C.P. Ng, Senior Town Planner/Hong Kong (STP/HK), and the following applicant's representatives were invited to the meeting at this point :

Mr. Allan Zeman

Mr. Ian Brownlee

Mr. Tom Mehrmann

Mr. Alex Chu

Mr. Matthias Li

Mr. Stephen Cheng

Mr. Malcolm Pearson

Mr. Julian Ling

Mr. Jeff Tang

Mr. Nicholas Brooke

Ms. Karen Chan

74. The Chairman extended a welcome. He suggested that although the applicant's representatives would make presentations in English, Cantonese would be used as the main language for the presentation and question session of this item as it was an open hearing. The applicant's representatives agreed.

75. The Chairman briefly explained the procedures of the hearing, pointing out that as the application sites of the two applications (Y/H15/1 and Y/H15/2) overlapped, the presentation and question sessions of the two applications would be held in turn and the Committee would deliberate on the two applications afterwards. The Chairman then invited Mr. Kevin C.P. Ng to brief Members on the background to the application.

Presentation and Question Session

76. Mr. Kevin C.P. Ng presented the application as detailed in the Paper. Referring to Plan Z-1 of the Paper, he said that the current application involved a site of 2.75ha in front of the existing Ocean Park entrance at Wong Chuk Hang, which was partly zoned “Government, Institution or Community” (“G/IC”) and partly designated as ‘Road’ and ‘Nullah’ on the draft Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP). The existing uses on the application site included a motoring school, a bus terminus and coach parking/drop-off/waiting area.

77. Mr. Kevin C.P. Ng said that the applicant proposed to rezone the application site from “G/IC”, ‘Road’ and ‘Nullah’ to ‘Other Specified Uses’ annotated “Ocean Park” (“OU(Ocean Park)”) to facilitate the Ocean Park redevelopment. Under the redevelopment plan of the Ocean Park, the new park would comprise two major areas: The Waterfront (known as the Lowland) and The Summit (known as the Headland), which would be linked through a funicular system and an upgraded cable car system. The proposed amendment aimed to include an area immediately adjacent to the existing entrance at the Ocean Park Lowland to facilitate the development of a new Entry Plaza at the northern part of The Waterfront area. The Entry Plaza would be the main gathering area for visitors, with provision for a direct connection to the future Ocean Park Station under the proposed South Island Line (SIL). The Entry Plaza would accommodate retail uses, restaurants, event halls and other ancillary facilities within one-storey structures at the podium level with a 2-storey public transportation terminus and car parking facilities underneath. According to the applicant, the application site was essential to form an extension area to the Ocean Park as there was limited flat land within the existing Lowland boundary. The application site was required to facilitate the normal operation of the Ocean Park during the redevelopment construction.

78. Mr. Kevin C.P. Ng said that Transport Department (TD) had no objection to the application, although a point was raised that the traffic impacts on weekdays might have been over-estimated in the applicant’s traffic impact assessment. TD considered that the redevelopment of the Ocean Park would not create any insurmountable adverse traffic impact on the Southern District, including the Aberdeen Tunnel. However by 2022, without the

SIL, the road network would be overloaded and some management measures by the Ocean Park would be required to avoid mass departure of visitors during the evening rush hours. The Tourism Commission (TC) supported the application as the redevelopment of the Ocean Park would enhance the status of Hong Kong as a premier destination for family visitors in the region and generate significant economic benefits and employment opportunities. It would also act as a catalyst for urban regeneration of the Southern District and the development of the Aberdeen area as a tourism node. All other relevant Government departments either supported or had no objection to the application.

79. Mr. Kevin C.P. Ng said that 5 public comments were received. The Hong Kong School of Motoring (HKSM) objected to the application on the ground that the Ocean Park expansion plan would displace the existing driving school on the application site and no suitable permanent replacement site was identified. The Mass Transit Railway Corporation Limited supported the application in that the redevelopment of the Ocean Park would bring significant economic benefits to Hong Kong and create new jobs. It opined that the proposed development at the application site should be conveniently connected to the future SIL station. The other comments concerned interim mitigation measures to alleviate possible traffic problems caused by the redevelopment, reprovisioning of transport facilities and adjustment of the application site boundary to avoid electricity and communication cables.

80. Mr. Kevin C.P. Ng continued to say that in view of the expected increase in patronage for the Ocean Park, the limited flat land available within the existing park and the need for continuous operation during construction, a bigger and enhanced Entry Plaza at the proposed extension area was considered acceptable. With open space, recreational and GIC uses in the surrounding area, the application site was considered suitable for tourism-related uses which could complement the Ocean Park redevelopment plan and further enhance the tourism value of the area. Although 145 trees would be affected, they were common species of either fair or poor conditions and most large mature trees within the application site would be retained. Compensatory planting of 180 trees was proposed and considered acceptable. No significant adverse impacts were expected in traffic and urban design terms. With regard to the comment from the HKSM objecting to the application, TD and Lands Department (LandsD) had identified a replacement site at Ap Lei Chau for driving school use.

For the reasons detailed in paragraph 11 of the Paper, Planning Department (PlanD) had no objection to the application. Should the Committee agreed to the application, it was recommended that two uses, namely 'Public Transport Terminus or Station' and 'Public Vehicle Park (excluding container vehicle), be added to Column 1 of the Notes for the "OU(Ocean Park)" zone to facilitate the proposed provision of public transport interchange and coach/car park at the application site.

81. The Chairman then invited the applicant's representatives to elaborate on the application.

82. Mr. Ian Brownlee said that the applicant's technical team was present at the meeting to answer any questions Members would like to raise. He then introduced Mr. Allan Zeman from the Ocean Park Corporation to give a brief presentation.

83. Mr. Allan Zeman said that the Ocean Park had been the icon of Hong Kong for 28 years. In the face of competition from the Disneyland and other themed parks in the Asian region, the redevelopment of the Ocean Park to become a world-class facility was important to the Corporation as well as Hong Kong. However, there was insufficient flat land, except for the Lowland area, for expansion and to keep the Ocean Park open during redevelopment. The application site was critical for the development of a grand entrance to the new park and as a connection to the future Mass Transit Railway station. No other sites were found suitable. In view of the tight redevelopment programme, the first phase being from mid-2006 to 2008 and the second phase from 2008 to 2010, the application site would need to be made available as soon as possible. Other technical issues, including landscaping and tree planting, would be properly addressed and implemented under the redevelopment plan.

84. In response to a Member's enquiry, Ms. Christine K.C. Tse, DPO/HK, confirmed that if the application site was rezoned to "OU(Ocean Park)", further submission of the Ocean Park's redevelopment plan to the Committee would not be required.

85. In response to another Member's enquiry, Mr. Jeff Tang said that out of the 350 trees within the application site, 159 would be retained and 31 would be transplanted. A

total of 145 trees would be felled unavoidably due to obstruction to construction and they were largely in poor conditions. Nevertheless, the possibility of transplanting more trees would be explored in the detailed design stage. Mr. Allan Zeman added that the Ocean Park promoted greenery and nature. Members were assured that abundant vegetation would be provided after the redevelopment.

86. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairman inform them that the hearing procedure for Application No. Y/H15/1 had been completed. The Committee would hear the next application before deliberating on the two applications in the absence of both applicants who would be informed of the Committee's decisions in due course. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Application No. Y/H15/2

87. Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), Mr. Kevin C.P. Ng, Senior Town Planner/Hong Kong (STP/HK), Mr. Stephen Ip, Assistant Commissioner for Transport/Administration & Licensing, and the following applicant's representatives were invited to the meeting at this point :

Mr. Alnwick Chan
Mr. Stephen Lui
Dr. John Yeung
Mr. Taurus Leung
Dr. Dickie Wong
Mr. David Lo
Mr. Charles Chan
Mr. Julian Tse
Ms. Camellia Cheung

88. The Chairman extended a welcome. He suggested that although the applicant's representatives would make presentations in English, Cantonese would be used as the main

language for the presentation and question session of this item as it was an open hearing. The applicant's representatives agreed.

89. The Chairman briefly explained the procedures of the hearing, pointing out that the Committee had not yet decided on the related Application No. Y/H15/1. The Committee would deliberate on the two applications after hearing the presentations from the applicant's representatives. The Chairman then invited Mr. Kevin C.P. Ng to brief Members on the background to the application.

Presentation and Question Session

90. Mr. Kevin C.P. Ng presented the application as detailed in the Paper. The application site of about 1.41ha had been granted to the applicant under a short term tenancy (STT) for a driving training centre for a term of 3 years from 1983 and thereafter quarterly. It fell within an area zoned "Government, Institution or Community" ("G/IC") on the draft Aberdeen & Ap Lei Chau OZP. On 9.9.2005, the applicant submitted a proposal to rezone the application site from "G/IC" to "Other Specified Uses" annotated "Motoring School" to facilitate the continuous operation of the motoring school. The proposed development would involve 2 to 4 numbers of 1 to 2-storey building blocks with a total floor area of 860m². According to the applicant, there were four driving schools currently operating in Hong Kong and the one at the application site was the only one on Hong Kong Island. To complement Government Policy since 1980 to provide off-street driver training through designated driving schools, the objective of the applicant in submitting the application was to promote road safety and reduce traffic congestion caused by on-street driver training. Throughout its 22 years of operation at the application site, the motoring school had not caused any adverse traffic, drainage, environmental and visual impacts to the area. On 15.11.2005, the applicant submitted supplementary information, including the results of a customer survey, stating that the proposed replacement site at Lei Nam Road was not suitable for driving school use. The applicant requested the Committee to reject the rezoning application submitted by the Ocean Park or defer a decision until the issue of a suitable replacement site was resolved.

91. Mr. Kevin C.P. Ng continued to say that relevant Government departments consulted, including Lands Department (LandsD) and the Tourism Commission (TC), did not

support the application mainly on the ground that the proposal would adversely affect the Ocean Park redevelopment plan. For relocation of the driving school use, TD and LandsD had already identified a replacement site at Lei Nam Road, Ap Lei Chau, which would be open for tender early next year. The Southern District Council (SDC) supported the replacement site for such use. In response to the applicant's supplementary submission, TD reconfirmed that sufficient facilities for driver training could be provided at the replacement site and it was suitable for driving school use. The TC objected to the application as the proposal would hinder the redevelopment of the Ocean Park. It was highlighted that any delay in approving the Ocean Park plan would severely affect the overall redevelopment programme and defer economic benefits to Hong Kong. Architectural Services Department also objected to the application as there was no strong justification for the proposal and it did not bring any improvement on the visual amenity to the area.

92. Mr. Kevin C.P. Ng said that 5 public comments had been received, including four objections from the SDC, Mass Transit Railway Corporation Ltd., Ocean Park Corporation and the Southern District Industries and Commerce Association Ltd. mainly on the grounds that the application site should better be used for the proposed expansion of the Ocean Park, possible development of the SIL railway station and associated transport facilities. The remaining comment from the Hongkong Electric Co. Ltd. concerned the need to divert/terminate an existing low voltage electricity cable near the southwest boundary of the application site.

93. Mr. Kevin C.P. Ng said that the PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper. The application site was located at the existing entrance of the Ocean Park. From land use planning point of view, the application site was considered more suitable for tourism-related use to complement the recently announced Ocean Park redevelopment plan. The proposed rezoning to "OU(Motoring School)" was not in line with the long-term developments in the surrounding area. A replacement site had been identified for the reprovisioning of the motoring school. The applicant had not provided sufficient justifications to demonstrate that the application site was the only suitable site for motoring school use.

94. The Chairman then invited the applicant's representatives to elaborate on the

application.

95. With the aid of a Powerpoint presentation, Mr. Alnwick Chan made the following main points :

The Hong Kong School of Motoring (HKSM)

- (a) the applicant, the HKSM, was an expert with 22 years of experience in operating a motoring school. While the application site was held under STT and could be opened up for tender, the applicant submitted the application as an independent party with the objective to safeguard the driving standard in Hong Kong. It was aware that the HKSM might not win the tender even if the rezoning was allowed;
- (b) the HKSM provided driver training to about 70% of the learner drivers on Hong Kong Island. For the past 22 years, there were about 450,000 graduates. It employed more than 100 staff with over 80 professional instructors who were trained locally and overseas;

The Rezoning Proposal

- (c) in 2000, the Government adopted a “2-pronged” approach that off-street driving school should be encouraged. While TD recognized the need for a designated driving school, none of the four existing driving school sites in Hong Kong, was zoned for motoring school purpose on the statutory plans. The STT approach was not consistent with the “2-pronged” policy. A permanent designation of the application site was therefore requested. Since the motoring school started operation in 1983, there had not been any conflict between the motoring school and the Ocean Park;
- (d) the applicant had not been properly consulted since the announcement of the Ocean Park redevelopment plan in March 2005;

- (e) if the rezoning proposal was not allowed, the existence of the driving school would be threatened. Forced relocation to an unsuitable site would lead to the closure of the HKSM resulting in a loss of jobs, lower driving standards and increase in road accident rate;
- (f) the only ground of objection from Government departments was that the application site was required for Ocean Park redevelopment. There were no technical reasons, such as adverse environmental, traffic and drainage impacts, to reject the application; and

The Lei Nam Road Replacement Site

- (g) while an alternative site had been identified at Lei Nam Road, Ap Lei Chau, it was considered unviable. On commercial ground, the replacement site was within an industrial area at a remote location. Based on a customer survey conducted by the Chinese University of Hong Kong for the applicant, 30% of the potential learners would not enrol with the school at the Ap Lei Chau site. Instead, they would opt for on-street instructors, which would lead to more than 50% increase in traffic in Causeway Bay, Wan Chai and Happy Valley. On technical ground, the replacement site merely offered a 2-km training route. There would be limited and low quality on-street training. The TC's comments that other experts in the trade had also indicated support for the replacement site as stated in paragraph 3.3(d) of the Supplementary Paper was not supported by any written documents.

96. Mr. Stephen Lui said that he had been actively participating in various traffic and transport associations, including the Road Safety Campaign Committee, the Goods Vehicle Fleet Owners Association and the International Association for Driver Education. With the aid of a Powerpoint presentation, he made the following main points :

- (a) the replacement site at Lei Nam Road offered training zone and test route of 2km whereas the existing site at Wong Chuk Hang offered 51km and

4-7km respectively. The training zones of other motoring schools in Sha Tin, Yuen Long and Tsuen Wan ranged from 41km to 78km, and the test zones ranged from 4km to 7km. TD's comments in paragraph 3.1(a) of the Supplementary Paper that "the length of training route (at the replacement site) was comparable to that of other driving schools" was unfounded. TD failed to provide all the relevant information to the SDC and the Committee for consideration;

- (b) the application site offered a wide variety of on-street training features, but the replacement site could only offer 2 give-way junctions. It implied that there would be less chance for the learner drivers to interact with other road users and their driving skills would be adversely affected. TD's comment in paragraph 3.1(b) of the Supplementary Paper that appropriate commercial strategy could be used to attract clients was also unfounded. Irrespective of investment cost, many site constraints could not be overcome;
- (c) the applicant had consulted two international training experts, namely the Driver Education Centre of Australia (DECA) and Guang An Driving School, on the suitability of the replacement site. The site was mainly ranked 'entirely not appropriate' and 'relatively not appropriate' for off-road and on-road training in terms of practice on speed, lane changing, overtaking and road safety sense etc. Experts from DECA opined that the entire application site was not appropriate for testing and training learner drivers for traffic interaction. On the other hand, TD consulted only one individual who was the owner of the Tsuen Wan driving school and one of the applicant's competitors. These might be a potential conflict of interest;
- (d) according to the World Health Organization, road traffic injuries, ranked 9th for causing disease or injury in 1990, would rise to rank 3rd in 2020. Hence, driver training in Hong Kong had to be improved and approval of the rezoning proposal would achieve this objective; and

- (e) according to a comment from the chairman of the Tuen Mun Road Traffic Incident Independent Expert Panel, efforts should be targeted on promoting good driving practices and fostering a responsible and considerate driving culture in order to bring about an improvement in Hong Kong's traffic performance.

97. Mr. Alnwick Chan made further comments which were summarized as follows :

- (a) a 2-km training zone at the replacement site was definitely not sufficient to provide a realistically simulated environment for the learner drivers;
- (b) although the importance of the redevelopment of the Ocean Park was appreciated, no proper consultation with the HKSM on the impacts of the redevelopment plan had been conducted;
- (c) the Ocean Park proposed to use the application site as its entry plaza upon redevelopment, which was a non-essential use. There could be other design alternatives to place all the proposed facilities within the existing Ocean Park boundary. On the other hand, the existing motoring school on Hong Kong Island was an essential use in promoting road safety in Hong Kong;
- (d) when the motoring school in Tai Wai was relocated to Siu Lek Yuen to make way to the Kowloon Canton Railway Corporation depot and residential development, there was a smooth transition process. There was no reason why the same procedure for identifying a suitable replacement site could not be adopted in the current case. Better coordination and planning was required. The applicant requested the Ocean Park to reconsider the phasing of its redevelopment programme, so that interests of both parties could be taken on board;
- (e) the applicant had identified three alternative sites. The one at Nam Fung

Road near the application site was involved in litigation and the timing for availability was uncertain. Two other sites were in Chai Wan, one of which was designated to Drainage Services Department as works area and the other was under STT which would expire in 2007. In view of the Government policy to encourage off-road driver training, consideration should be given to making one of the sites in Chai Wan available for motoring school purpose. A permanent site should be provided; and

- (f) Members were requested to balance community's needs and to urge the Government to make a replacement site in Chai Wan available early.

[Dr. Greg C.Y. Wong returned to join the meeting at this point.]

98. Dr. John Yeung, the Chairman of the HKSM then made the following points :

- (a) the applicant had been playing an important role in road safety and reduction of traffic congestion in Hong Kong. However, the existing motoring school was evicted for merely an entry plaza;
- (b) the applicant, being the most affected party in the Ocean Park redevelopment plan, had not been given any opportunity to voice out its concerns. Opportunities to present its case at the SDC meeting had been denied despite repeated requests;
- (c) site selection should be a market-driven process. A market survey should be conducted before the replacement site at Ap Lei Chau proposed by the Government was finalized;
- (d) the replacement site at Ap Lei Chau was not a viable site in technical and commercial terms. With two pieces of land separated by a sitting-out area, it was of a bad configuration. There would be insufficient training route to facilitate road practice. It was also inaccessible by public transport and more than 30% of potential learners would be lost to

on-street instructors. No commercial strategy could resolve the deficiency of the site. The consequences would be loss in employment opportunities and an increase in road traffic;

- (e) three options on the way forward were put forward for Members' consideration :

Option 1

if the Committee agreed that the HKSM performed a useful function for Hong Kong, and that the application site was not absolutely essential for the Ocean Park expansion, the Committee should approve the applicant's application and reject Ocean Park's request;

Option 2

if the Ocean Park could reconsider the phasing of its redevelopment programme to allow time for the applicant to relocate to a suitable site first, a decision on the applications should be deferred pending submission of further information in this respect; and

Option 3

if the Committee found that the arguments of both applicants were equally valid, it should reject both applications and order a re-examination of the case with fair and proper consultation with all concerned parties.

99. Mr. Taurus Leung summarized that the applicant had a mission to train responsible drivers and promote road safety. Nevertheless, the current transport and planning policies were not supporting the development of road safety education. The decision of the Committee would involve lives, road safety and driving standards in Hong Kong.

100. In response to a Member's enquiry on the viability of adjusting the Ocean Park redevelopment programme to accommodate the relocation of the driving school first, Ms. Christine K.C. Tse, DPO/HK, said that under the Ocean Park redevelopment plan, the Entry

Plaza would be constructed in the first phase of redevelopment to facilitate the continuous operation of the Ocean Park during the redevelopment.

101. In response to a Member's enquiry on the possibility of making the Chai Wan sites available earlier, Mr. Stephen Ip said that there had been long consultation process undertaken with the SDC and the local residents on the replacement site at Ap Lei Chau. Compared to the replacement site, the proposed alternative sites in Chai Wan were located closer to residential developments including Heng Fa Chuen. Consultation with the local residents and the Eastern District Council on the HKSM's proposal would likely be difficult and lengthy. As such, it might not be possible to use the sites for driving school purpose even after expiry of the temporary uses.

102. Mr. Stephen Ip continued to say that TD acknowledged the importance of good driving skills. However, in the Tuen Mun accident as quoted by the applicant, the attitude of driving was equally, if not more, important. To promote road safety and reduce road accidents, measures such as the driver improvement scheme and point reduction system were introduced. He emphasized that the operation of the driving schools in Hong Kong was monitored by TD, and TD was the authority to decide whether a site was suitable for motoring school use. While the replacement site at Lei Nam Road might not be the most ideal site, it would be suitable for the purpose with some investment and modifications. All the arguments on the Lei Nam Road site had been thoroughly considered and discussed at the SDC meeting. TD would not compromise public safety for a convenient alternative.

103. Dr. John Yeung said that it was doubtful if there was sufficient expertise from the SDC for judging on whether a site was suitable for driving school purpose. Although driving attitude was important, driving skills would be of utmost importance and the replacement site at Lei Nam Road could not offer proper skill training. It would be irresponsible for an operator to use a commercial strategy to sell an improper driving training centre at a remote location. The Administration was making a convenient and quick decision in taking back the application site for the Ocean Park redevelopment at the expense of the HKSM.

104. Mr. Alnwick Chan added that the Chai Wan sites were in good condition. The

driving school could start operation within 3 to 4 months after obtaining the land. While procedures had been expedited to cater for the Ocean Park redevelopment plan since its announcement in March 2005, the same should be applied to make a suitable replacement site available for driving school purpose as soon as possible.

105. In response to a Member's enquiry on the status of the replacement site at Lei Nam Road, Ms. Christine K.C. Tse said that the site was zoned "OU(Cargo Handling Area)" on the draft OZP and was currently vacant. It could be used for the driving school purpose on a temporary basis. The permanent use of the site for cargo handling purpose would be subject to an ongoing review of the concerned policy by the Government. The Chai Wan sites had been planned for other uses and it would not be appropriate to designate them for permanent driving school use.

106. Mr. Alnwick Chan pointed that the Chai Wan sites were currently zoned "Industrial" and the applicant had never been alerted that they were being considered for other uses throughout the process.

107. The Chairman remarked that the consideration of the current application involved the use of the application site at Wong Chuk Hang rather than other sites at Lei Nam Road and Chai Wan.

108. In response to another Member's enquiry, Mr. Stephen Ip said that an examination system was run by TD. TD, not the HKSM, was the agent to issue driving licences. Students from the motoring schools would still be required to pass the driving tests.

109. As the applicant's representatives had no further comment to make and members had no further question to raise, the Chairman informed them that the hearing procedures had been completed and the Committee would further deliberate on the two applications in their absence and inform the applicants of the Committee's decisions in due course. The Chairman thanked the applicant's representatives, the representatives of PlanD and TD for attending the meeting. They all left the meeting at this point.

Deliberation Session

110. On the applicants' rezoning proposals, Members' had a discussion and their views were summarized as follows :

- (a) the Committee's main consideration of the two applications was what would be the best permanent use of the application sites. It was Members' consensus that the expansion of the Ocean Park was genuinely needed and there was no doubt that the extension area should be adjoining the Ocean Park. Hence, the application site under Application No. Y/H15/1 should be suitably reserved for such purpose; and
- (b) should the application submitted by the Ocean Park Corporation be agreed by the Committee, the Government would in any event need to provide a suitable replacement site on Hong Kong Island for driving school purpose. The issues relating to the suitability of the replacement site, possibility and timing of making alternative sites available, the phasing of the Ocean Park redevelopment and co-ordination of the relocation of the driving school should be sorted out by the relevant Government departments separately.

Application No. Y/H15/1

111. After deliberation, the Committee decided to agree to Application No. Y/H15/1 for amendment of the approved Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/21. The Chief Executive in Council would be requested to refer the approved plan to the Board for amendment. The amendment to the OZP would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance.

Application No. Y/H15/2

112. After deliberation, the Committee decided not to agree to Application No. Y/H15/2 for amendment of the approved Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/21 for the following reasons :

- (a) the application site was more suitable for tourism-related use so as to complement the Ocean Park redevelopment plan. The proposed amendment of the site to “Other Specified Uses” annotated “Motoring School” was considered not appropriate as the proposed use was not in line with the long-term developments in the surrounding area; and
- (b) there was insufficient information to justify that the application site was the only suitable site for motoring school use.

[Mr. Daniel B.M. To left the meeting while Messrs. Erwin A. Hardy and Keith G. McKinnell left the meeting temporarily at this point.]

[Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), and Mrs. Alice Mak, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/H3/366 Proposed Massage Establishment
in “Commercial/Residential” zone,
4/F Hing Loong Building,
8A Wing Lok Street,
Sheung Wan

(MPC Paper No. A/H3/366)

Presentation and Question Session

113. Mrs. Alice Mak, STP/HK, presented the application and covered the following aspects as detailed in the Paper.

- (a) background to the application;

[Mr. Leslie H.C. Chen left the meeting at this point.]

- (b) the proposed massage establishment use;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) one public comment on the application was received, raising concern on the proposed use which was considered inappropriate in the area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraphs 11.1 and 11.2 of the Paper in that the proposed use was located in a commercial/office building with 3 massage establishments on the lower floors and offices on the upper floors, and within an area which is predominantly commercial in character. Concerned Government departments had no adverse comments on the application.

114. In response to a Member's enquiry, Ms. Christine K.C. Tse, DPO/HK, said that no vice problem concerning the 3 existing massage establishments in the same building was reported by the Commissioner of Police.

Deliberation Session

115. 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 condition that the provision of fire services installations to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 25.11.2009, 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.

116. The Committee also agreed to advise the applicant to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department and the Commissioner of Police in paragraphs 9.1.2(c) and 9.1.4(b) of the Paper respectively.

[Mr. Erwin A. Hardy returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (ii) A/H8/375 Religious Institution (Bible Study Rooms)
in “Residential (Group A)” zone,
Unit A and B, 1/F, Yalford Building,
44-58 Tanner Road,
North Point

(MPC Paper No. A/H8/375)

Presentation and Question Session

117. Mrs. Alice Mak, STP/HK, presented the application and covered the following aspects as detailed in the Paper.

- (a) background to the application;
- (b) the proposed religious institution (bible study rooms) use;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) four public comments were received – one raised some issues of concern. One did not support and two objected to the application on the grounds of causing nuisance to the residents, fire safety and security problems. The concerns were summarised in paragraph 9 of the Paper; and

[Mr. K.G. McKinnell returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraphs 10.1 and 10.2 of the Paper in that the proposed use was not incompatible with the existing commercial uses in the podium of the subject building and the surrounding developments; nuisance and security problems were unlikely as there were two separate staircases providing access to the subject premises; and concerned Government departments, including Fire Services Department and Transport Department, had no objection to the application.

118. Members had no question on the application.

Deliberation Session

119. A Member suggested that if the application was approved, the applicant should be advised to avoid using the main entrance of the subject building to minimize any possible disturbance to the residents.

120. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board and subject to the condition that the provision of water supply for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

121. The Committee also agreed to advise the applicant :

- (a) to note the comments from the Chief Building Surveyor/Hong Kong East of Buildings Department and the public comments in paragraphs 8.1.2 and 9.1 of the Paper respectively;
- (b) to avoid using the main entrance of the subject building to minimize any possible disturbance to the residents; and
- (c) to consult the residents of the subject building on the proposed use.

[Mr. Tony W.C. Tse left the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (iii) A/H11/92 Proposed Place of Recreation, Sports or Culture
(Amendment to an Approved Scheme),
in “Government, Institution or Community” zone,
Former Explosives Magazine Site at Justice Drive,
Admiralty
(MPC Paper No. A/H11/92)
-

Presentation and Question Session

122. The application was submitted by The Asia Society Hong Kong Centre Limited. The Committee noted that Professor V.M.F. Bernard Lim, having current business dealings with AGC Design limited, one of the applicant’s consultants, had declared interest in this item and he had already left the meeting.

123. Mrs. Alice Mak, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed amendment to the previously approved scheme for place of recreation, sports or culture use;
- (c) departmental comments – concerned Government departments had no adverse comments on the application;
- (d) 19 public comments were received, of which 16 objected to the application on the grounds of additional traffic to the already congested Justice Drive, Queensway and Kennedy Road and adverse impact to the natural

environment and ecology of the area. There were also one supportive comment and two involving other comments. The main points of the public comments were summarized in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraphs 11.1 and 11.2 of the Paper in that the application mainly involved amendments to improve the previously approved scheme (Application No. A/H11/75) through realignment of the footbridge to reduce the impact on some palm trees which would in turn minimize the impact on the habitat of the fruit bats. The reshuffling of uses in Block GG would put the building into more beneficial use and help minimize the visual impact on the historical building. Concerned Government departments had no adverse comments on the application.

124. In response to a Member's enquiry on the provision of visitors centre, Ms. Christine K.C. Tse, DPO/HK, said that the multi-purpose room in the old laboratory building would also be used as a visitors centre for the public.

125. In response to the Chairman's question on the impact of the proposed amendments on trees, Ms. Christine K.C. Tse said that the major amendment was related to the realignment of the footbridge. The original alignment in the approved scheme would involve site formation works and felling of trees on the small knoll between the two parts of the application site. The revised alignment of the footbridge would avoid affecting the small knoll and hence reducing the felling of trees, which could be regarded as an improvement to the approved scheme.

Deliberation Session

126. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 25.11.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission

was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a detailed tree survey, tree preservation scheme and a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of a Master Layout Plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the submission and implementation of a conservation plan in respect of the existing historical buildings to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (d) the design and provision of emergency vehicular access, footway and coach loading/unloading bays to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (e) the submission of a revised Drainage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

127. The Committee also agreed to advise the applicant to note the comments of the District Lands Officer/Hong Kong West & South, Lands Department, the Architectural Branch, Advisory and Statutory Compliance Division, Architectural Services Department (ArchSD), the Chief Town Planner/Urban Design and Landscape, Planning Department, the Director of Fire Services, the Chief Building Surveyor/Hong Kong West, Buildings Department, the Chief Engineer/Hong Kong & Islands, Drainage Services Department and the District Officer/Central and Western, Home Affairs Department as stated in paragraphs 9.1.1, 9.1.4, 9.1.6, 9.1.8, 9.1.9, 9.1.10 and 9.1.12 of the Paper. The applicant should also be advised to note the comments of the then District Lands Officer/Hong Kong West, Lands Department, ArchSD and the then Civil Engineering Department with regard to the previously approved application in paragraph 8.3 of the Metro Planning Committee Paper No. A/H11/75.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/H21/125 Proposed Religious Institution (Church)
in “Commercial/Residential” zone,
2/F(Portion),
18 Hong On Street,
Kornhill
(MPC Paper No. A/H21/125)
-

Presentation and Question Session

128. Mrs. Alice Mak, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution (church) use;
- (c) departmental comments – highlighting that Buildings Department (BD) objected to the application as the proposed use on 2/F of the subject premises would jeopardize the provision of means of escape for the kindergarten use at 3/F according to the approved building plans. The application had not provided information to demonstrate that the provision of means of escape, fire resisting construction and loading capacity were adequate for the proposed use. A letter from the applicant was received on 21.11.2005, responding to BD’s comments. In response, BD maintained its view. The applicant’s letter and BD’s memo of 23.11.2005 were tabled at the meeting for Members’ consideration;
- (d) 12 public comments were received, with one supporting and 11 objecting to the application on the grounds that the proposed use would cause security problem and inconvenience to the local residents, and could not cater for the daily needs of the local residents; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 10.1 of the Paper in that the proposed use at 2/F of the subject premises would jeopardize the provision of means of escape for the kindergarten use at 3/F as shown on the approved building plans, and the application had not provided information to demonstrate that the provision of means of escape, fire resisting construction and loading capacity were adequate for the proposed use.

129. In response to the Chairman's question on whether BD's concern could be addressed through imposition of an appropriate approval condition, Ms. Christine K.C. Tse, DPO/HK, said that the applicant had not submitted further proposal to address BD's concern. In reply to a Member's question on whether the problem could be solved by submitting amendment building plans to change the kindergarten use to commercial use, Ms. Tse said that it might be acceptable. However, as the applicant was only a tenant of the subject premises, it was unlikely for the applicant to submit building plans to change the use of 3/F.

Deliberation Session

130. After deliberation, the Committee decided to reject the application and the reason was that the submission had not provided information to demonstrate that the provision of means of escape was adequate for the proposed religious use.

[Dr. Greg C.Y. Wong left the meeting at this point.]