

TOWN PLANNING BOARD

**Minutes of 333rd Meeting of the
Metro Planning Committee held at 9:00 a.m. on 1.9.2006**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Erwin A. Hardy

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

Mr. Stanley Y.F. Wong

Professor Paul K.S. Lam

Ms. Maggie M.K. Chan

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. C.T. Ling

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

Agenda Item 1

Confirmation of the Draft Minutes of the 332nd MPC Meeting held on 18.8.2006

[Open Meeting]

1. The draft minutes of the 332nd MPC meeting held on 18.8.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising from the last meeting.

Hong Kong District

Agenda Item 3

Section 12A Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) Y/H8/2 Request for Amendment to the Approved North Point Outline Zoning Plan No. S/H8/19, to include 'Flat' use under Column 2 of the Notes for the "Comprehensive Development Area (1)" zone, 14-30 King Wah Road, North Point (IL 7106B, 7106C and 7106RP and Extension)
(MPC Paper No. Y/H8/2)
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[Dr. Daniel B.M. To arrived to join the meeting at this point.]

3. The application was submitted by a subsidiary of Henderson Land Development Company Limited. Mr. Raymond Y.M. Chan, having current business dealings with Henderson Land Development Company Limited, declared an interest in this item. The Committee noted that Mr. Raymond Y.M. Chan had not yet arrived to join the meeting.

[Professor Bernard V.W.F. Lim and Mr. Nelson W.Y. Chan arrived to join the meeting at this point.]

4. Mr. K.Y. Leung, being the Chairman of the Sub-committee on Harbour Plan Review of the Harbour-front Enhancement Committee (HEC), and the member of the Wan Chai Development Phase II Sub-Committee, asked whether he would need to declare an interest in this item as the Sub-committee on Harbour Plan Review of the HEC had indicated its support to the proposal when the case was presented to the Sub-committee on Harbour Plan Review of the HEC in December 2005. The Secretary said that according to the Procedure and Practice of the Town Planning Board (“the Board”) on declaration of interests, a Board Member, also being a member of another committee or sub-committee which had given advice and views on certain matter under consideration should declare an interest. Whether this Member would require to leave the meeting during discussion of the subject matter would be decided by the Committee. As the Sub-committee on Harbour Plan Review of the HEC had passed a motion in support of the application, Members considered that Mr. Leung should declare an interest in this item and withdraw from the meeting.

[Mr. K.Y. Leung left the meeting temporarily at this point.]

5. In response to a Member’s enquiry, the Chairperson said that the guidelines for the declaration of interests had already incorporated into the Procedure and Practice adopted by the Board in conducting its business. A Member should declare an interest in any matter under consideration of the Board, which might constitute potential conflict of interest. Whether the interest was direct and substantial or indirect was a matter for the Committee to decide. In order to ensure that the Board acted fairly and impartially in making its decision, it would be better for a Member who had given personal advice or opinion on the matter under consideration to withdraw from the meeting.

[Ms. Sylvia S.F. Yau and Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

6. A Member considered that the independency and impartiality of the Board should be of utmost importance. The same Member raised concern that Members might have involvement in a number of other committees or organizations but might not be aware of the views of such committee/organization on matters to be considered by the Board. The Chairperson clarified that Members were requested to declare interests to their best of their

knowledge.

7. The Secretary supplemented that the issue on declaration of interests was thoroughly discussed by the Board in early 2000 and the Procedure and Practice of the Board was comprehensively amended taking into account the deliberations made by the Board. In exercising their judgement on whether to make a declaration, the 'sunshine test' would be relevant, i.e. should their interests become public knowledge, whether it would give rise to a public perception that their advice tendered to the Board might have been biased or influenced by that interest.

8. The Committee also noted that the following Members had declared interests :

- (a) Ms. Starry W.K. Lee – as a member of the HEC but not a member of the Sub-committee on Harbour Plan Review of the HEC;
- (b) Professor Bernard V.W.F. Lim – as a member of the Hong Kong Institute of Architects participated in organizing a conceptual design competition and relevant workshops for the eastern waterfront area;
- (c) Mr. Leslie H.C. Chen – as a member of the HEC and as a representative of the university participated in organizing the same conceptual design competition for the eastern waterfront area; and
- (d) Dr. Daniel B.M. To – as a member of the Eastern District Council.

The Committee noted that the interests of Ms. Starry W.K. Lee, Professor Bernard V.W.F. Lim, Mr. Leslie H.C. Chen and Dr. Daniel B.M. To were indirect and they could be allowed to stay in the meeting and participate in the deliberation of the application.

Presentation and Question Sessions

9. Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), and Ms. Alice K.F. Mak, Senior Town Planner/Hong Kong (STP/HK), and the following Applicant's representatives were invited to the meeting at this point :

Mr. Phill Black
Ms. Veronica Luk
Mr. Augustine Wong
Mr. Shuki Leung
Mr. Victor Kwok

10. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Ms. Alice K.F. Mak, STP/HK, to brief Members on the background to the application.

11. Ms. Alice K.F. Mak presented the application and covered the following aspects as detailed in the Paper :

- (a) the application was for amending the Notes of the “Comprehensive Development Area (1)” (“CDA(1)”) zone of the approved North Point Outline Zoning Plan (OZP) No. S/H8/19 to include ‘flat’ use under Column 2 of the Notes;
- (b) the applicant had prepared two indicative schemes (Option 1 and Option 2) on the application site (with an site area of 6,845m²), at 14-30 King Wah Road. Both schemes comprised residential development at the southern portion of the site (the southern site, with an area of 2,785m²) and a cultural/commercial/leisure and tourism-related uses complex (the CCLT Complex) at the northern portion of the site (the northern site, with an area of 4,060m²). Under Option 1, the two residential buildings would be located closer to Island Eastern Corridor (IEC). Under Option 2, the two residential buildings would be further away from IEC and closer to the proposed hotel development at 15-17 Oil Street. The two indicative schemes had the same set of development parameters, i.e. domestic Plot Ratio (PR) of 7.8276 and non-domestic PR of 0.3232 (including 0.44 for CCLT Complex);
- (c) the Environmental Protection Department (EPD) commented that the

application site would be subject to noise and air quality impacts from the heavily trafficked IEC and other nearby roads. If the rezoning application was approved by the Board, the Notes and Explanatory Statement of the OZP for the application site should explicitly require an environmental assessment to demonstrate that any 'flat' use would not be subject to adverse environmental impacts. According to the latest alignment of the Central-Wan Chai Bypass (CWB), the CWB would be connected to the IEC at a location in the vicinity of the application site. In order not to jeopardize the CWB project, both the Secretary for Environment, Transport and Works (SETW) and the Civil Engineering and Development Department (CEDD) had reservation on the subject application;

- (d) 24 public comments were received during the statutory publication period of which 14 objected to the application, 1 was in support and 9 had involved other comments. While the Sub-committee on Harbour Plan Review of the HEC supported the application, the objectors raised concerns mainly on the grounds of adverse visual and environmental impacts. They considered that the development should take into account Harbour Planning Principles, noise and air pollution from IEC, and should increase the provision of public open space, preserve the view at the waterfront and provide public access to the harbour; and
- (e) PlanD had no objection to the application for reasons given in paragraph 12.2 of the Paper, in that residential development would offer an opportunity for a lower development intensity as compared with a commercial development. The use of the site for residential purpose was considered not incompatible with the surrounding uses, which included residential developments to its immediate south-west and to its further east along the waterfront. Even if the part of the "CDA(1)" zone south of the IEC was developed for residential purpose. As regards the noise and air quality impacts arising from IEC, EPD had no adverse comment on the proposal subject to the implementation of the mitigation measures and building design as proposed by the applicant. It was considered that an appropriate approval condition could be imposed to that effect when the

applicant submitted planning application together with the revised MLP to the Committee for consideration. Although PlanD had no objection to the application to include 'flat' use under Column 2 of the Notes for the "CDA(1)" zone, the plot ratio and building height as proposed in the indicative schemes were considered excessive given the waterfront location of the application site. However, PlanD would take the opportunity to review the development intensity and building height of the application site taking into account development in the surrounding area.

12. The Chairperson then invited the applicants' representatives to elaborate on their justifications for the application.

13. With the aid of a Powerpoint presentation, Mr. Phill Black made the following main points :

- (a) the application site was originally zoned "Other Specified Uses" annotated "Comprehensive Redevelopment Area" ("OU(CRA)") and "(Open Storage, Loading & Unloading Areas and Service Car Parking)" ("OU(OLS)") where residential use was permitted under "OU(CRA)" zone. It was rezoned in 2000 to "CDA(1)" zone to facilitate a proposed cruise terminal development and residential use was excluded from the Notes. The current application should therefore be regarded as a reinstatement of 'flat' use under Column 2 of the Notes to the "CDA(1)" zone;
- (b) PlanD and other Government departments had no objection to the application in view of the fact that residential development was already a major element within the mixed land uses in North Point;
- (c) as compared with the maximum plot ratio (PR) of 15 for commercial development, the proposed residential development in the southern portion with a lower PR of 8, a smaller site coverage and a smaller building bulk were considered as planning benefits, helped improving in the visual permeability and air circulation of the area. In particular, the residential podium design in the indicative schemes also created a new visual corridor

from Fook Yum Road to the Harbour;

- (d) the indicative schemes retained the planning intention for leisure and tourism uses in the northern portion of the site. EPD commented that the residential block design in the indicative schemes complied with the noise and air quality standards;
- (e) there were many overseas examples where new residential developments had been a key factor in achieving successful waterfront amenity. As the proposed reinstatement of 'flat' use in the Notes of the "CDA(1)" zone would meet the Harbour Planning Principles, the Sub-committee on Harbour Plan Review of the HEC supported the application; and
- (f) Upon the Committee's approval, the applicant would consult PlanD with a view to working out appropriate residential design parameters for the southern portion of the site. The revised MLP together with relevant technical assessments would be submitted to the Committee for consideration in accordance with the requirement of the "CDA(1)" zone.

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

Departmental comments

- (a) With reference to paragraph 9.1.9 of the Paper, what were the measures proposed by the Applicant to address the Chief Town Planner/Urban Design and Landscape's (CTP/UD&L) concern on the visual permeability and air movement; and
- (b) referring to paragraph 9.1.7 of the Paper, what were the reasons for CEDD and SETW's reservation on the application, and whether the proposed development was compatible with the CWB project;

Proposed development on the site

- (c) whether the proposed development would affect the ridgeline;
- (d) whether the proposed development was in line with the Harbour Planning Principles;
- (e) whether 60% of the application site would be developed as public open space;
- (f) whether the applicant would undertake and submit the air ventilation assessment at the MLP submission stage;
- (g) whether the current proposal would help improve the air ventilation;
- (h) whether the accessibility to and from the site could be improved by the corridor proposed leading from Fook Yum Road to the waterfront area; and
- (i) whether the noise concern would be addressed at the MLP submission stage.

15. In reply, Ms. Christine K.C. Tse, DPO/HK, made the following points :

Departmental comments

- (a) in the light of the CTP/UD&L's concerns, should the application be approved, the applicant would need to revise the proposal by incorporating the departmental comments and to submit relevant technical assessments at the MLP submission stage under the "CDA(1)" zoning; and
- (b) CEDD and SETW had reservation on the application as they would like to have more flexibility for the CWB project. As the CWB project would be connected to the existing IEC in the vicinity of the northern portion of the application site where no residential development was proposed, the

proposal might not have any conflict with the CWB project. However, the matter could be dealt with at the MLP submission stage;

Proposed development on the site

- (c) there was no information in the current submission to demonstrate whether the ridgeline would be affected or not. Nevertheless, the applicant would need to submit planning application together with a Master Layout Plan (MLP) and relevant technical assessments to the Committee for consideration. The applicant should elucidate in the technical assessments on whether the ridgeline would be affected; and
- (d) the proposed development was considered in line with the Harbour Planning Principles as it could improve the accessibility to the harbour, maximizing opportunities for public enjoyment and achieving integrated and sustainable harbour-front activities that would make Victoria Harbour vibrant.

16. Mr. Phill Black also made the following responses :

Proposed development on the site

- (a) the proposed development was in line with the Harbour Planning Principles regarding the breezeways and visual corridor, which could in turn improve the air ventilation and visual permeability of the area. Hence, the Sub-committee on Harbour Plan Review of the HEC supported the application;
- (b) for the “CDA(1)” site as a whole including the application site, public open space would be provided partly in the application site and partly in the adjoining site for hotel development and the Government land to its further northeast. The total provision amounted to about 60% of the whole “CDA(1)” site;

- (c) the applicant would undertake the air ventilation assessment which would be submitted as part of the MLP submission;
- (d) the public could gain access from Fook Yum Street to the waterfront area under the current scheme; and
- (e) whether the noise concern would be addressed was a matter of design.

17. A Member asked whether the PR of 8 for residential development was a maximum limit, noting that the maximum PR for commercial development was 15. In reply, Ms. Christine K.C. Tse, DPO/HK said that according to the Notes, the maximum domestic PR was 8 and the PR would be up to 15 if non-domestic elements were included. Ms. Tse added that the indicative schemes were considered unacceptable, PlanD would take the opportunity to review the development intensity and building height of the application site.

18. The Secretary supplemented that it was the usual practice that a planning brief would be formulated by PlanD for “CDA” site and would be submitted to the Committee for consideration. In this connection, PlanD would liaise with the applicant with a view to working out appropriate residential design parameters for the site and the proposed domestic PR would be stipulated in the revised Notes accordingly. Mr. Phill Black remarked that it should be cautioned that it would take time to review the PR and building height and to formulate planning brief which might cause delay to the implementation of the proposed development.

19. While noting that the residential development was located adjoining the IEC, a Member referred other Members to paragraph 9.1.1 of the Paper, and asked whether EPD would have different views if the CWB proposal had also been taken into consideration. In reply, Mr. Elvis W.K. Au advised that a self-protecting building design with non-openable windows was adopted in the current scheme, which would be an effective measure to address the noise impact arising from the IEC. Even with the CWB, the noise impact would not be significant with the adoption of non-openable window design. Furthermore, the applicant confirmed that the future residents would be made aware of the appropriate noise mitigation measures through the sales brochure and the Deed of Mutual Covenant (DMC).

20. As the applicants' representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairperson thanked the applicants' representatives as well as PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

21. Members generally agreed to the application and expressed the following views :

- (a) agreed that the intensities of the proposal development was excessive in a waterfront setting and agreed to the recommendations made by PlanD in paragraph 12.4 of the Paper to review the development intensity and building height of the application site taking into account development in the surrounding area; and
- (b) the residents of the proposed development could add vibrancy to waterfront usage.

22. The Chairperson said that a planning brief would be formulated for the "CDA" site to include appropriate development parameters to guide the development.

23. Mr. James Merritt raised concern that the noise requirements should be enforced by EPD rather than through the lease as the Lands Department was not an expert on noise. Mr. Merritt doubted the appropriateness of using the DMC and the sale brochure to draw the attention of the future residents on issues related to noise mitigation measures. In particular, the Government was not a party to the DMC which was an agreement between the developer and the owners. The Chairperson said that the matter could be addressed when the revised MLP was submitted to the Committee for consideration in due course.

24. After deliberation, the Committee decided to agree to the application for amendment. The Committee also decided to request PlanD to undertake a review on the development intensity and building height of the application site taking into account

development in the surrounding area and to prepare a planning brief for the application site. The review findings and the proposed amendments would be submitted to the Committee for approval prior to gazetting of amendments to the OZP under section 5 of the Town Planning Ordinance.

[Mr. K.Y. Leung returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) Y/H8/3 Request for Amendment to the Approved North Point Outline Zoning Plan No. S/H8/19 from “Government, Institution or Community” and “Green Belt” to “Residential (Group A)”, 38 Ming Yuen Western Street, North Point
(MPC Paper No. Y/H8/3)
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[Mr. Erwin A. Hardy left the meeting temporarily at this point.]

25. The application was submitted by a subsidiary of Sun Hung Kai Properties Limited (SHKP). The Committee noted that Dr. Greg Wong and Mr. Raymond Y.M. Chan, having current business dealings with SHKP, declared interests in this item. Members noted that Mr. Raymond Y.M. Chan had not yet arrived to join the meeting.

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

26. The Chairman said that reasonable notice had been given to the applicant but the applicant informed the Secretariat that they would not attend or be represented at the hearing. Members agreed to proceed with the hearing in the absence of the applicant.

27. Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), and Ms. Alice K. F. Mak, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point and brief Members on the background to the application.

Presentation and Question Sessions

28. Ms. Alice K.F. Mak, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed rezoning from “Government, Institution or Community” (“G/IC”) and “Green Belt” (“GB”) to “Residential (Group A)” (“R(A)”);
- (c) departmental comments – the Transport Department (TD) had no objection to the residential component of the proposal but considered that the commercial component would worsen the existing traffic circulation in the area. Other concerned Government departments (including Environmental Protection Department, Fire Services Department, Buildings Department and Home Affairs Department) had no objection to or no adverse comments on the application;
- (d) two public comments were received during the statutory publication period. One raised concern on the insufficient provision of community facilities and green belt while the other had not given any objection reason; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reason given in paragraph 10.1 of the Paper, in that TD considered commercial uses, which were always permitted in the lower 3 floors of a building in the R(A)” zone, would generate more pedestrian and vehicular traffic than Ming Yuen Western Street could accommodate. However, PlanD had no objection to rezone the application site to “Residential (Group A)4” (“R(A)4”) for the reasons given in paragraph 10.2 of the Paper, in that residential use was compatible with the residential developments of the immediate neighbourhood and the inconvenient accessibility of the application site was a constraint for many G/IC uses. Moreover, to address TD’s concern, uses that might cause traffic circulation problem would not be permitted under the proposed “R(A)4” zoning. Regarding the public concern, the proposed rezoning would not have adverse impact on the provision of community facilities and green belt as the application site was already developed for residential use and its location was a constraint for many community uses.

29. As Members had no question to raise, the Chairman thanked DPO/HK and STP/HK for attending the meeting. They left the meeting at this point.

Deliberation Session

30. In response to a Member's concern on the proposed inclusion of library as a Column 1 use and its possible traffic impact on the area, Mr. Anthony Loo said that the traffic generated from library use would not be concentrated at a specific time and was considered acceptable.

31. The Chairperson noted that Members were generally not agreed to the application but agreed to rezone the application site to "R(A)4" as recommended by PlanD in paragraph 10.3 of the Paper.

32. In response to a Member's question on the procedural arrangement, the Chairperson said that should the Committee agree to rezone the application site to "R(A)4", the Outline Zoning Plan (OZP) incorporating such amendment would be gazetted for public inspection. Hearing would also be arranged should there be any representations and comments received during the statutory publication period. The Secretary supplemented that as the North Point OZP was an approved Plan, the Chief Executive in Council would be requested to refer the OZP to the Town Planning Board for amendment. The amendment to the OZP would be submitted to the Committee for approval prior to the gazetting.

33. In response to another Member's enquiry on whether the applicant would be notified of the Committee's agreement to rezone the application site to "R(A)4", the Secretary said that the Paper of this case had been sent to the applicant for reference. Subsequent to the decision of the Committee, the Secretariat would write to the Applicant on behalf of the Committee, together with the minutes of the Committee's meeting on this case.

34. After deliberation, the Committee decided not to agree to the application for amendment to the approved North Point Outline Zoning Plan No. S/H8/19 and the reason was that there was no information in the submission to demonstrate that the proposal would not have any adverse traffic impact on Ming Yuen Western Street.

35. The Committee also decided to agree to rezone the application site to “Residential (Group A)4” as recommended by Planning Department in paragraph 10.3 of the Paper. The Chief Executive in Council would be requested to refer the approved North Point OZP No. S/H8/19 to the Town Planning 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.

[Dr. Greg C.Y. Wong returned to join the meeting and Mr. Elvis W.K. Au left the meeting temporarily at this point.]

[Ms. Christine K.C. Tse, DPO/HK, and Ms. Alice K. F. Mak, STP/HK, returned to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/51 Minor Relaxation of Building Height Restriction
for Permitted Residential Development,
15 Magazine Gap Road (IL 2570 and Extension)
(MPC Paper No. A/H14/51)

36. Dr. Daniel B.M. To declared an interest in this item for having current business dealings with Ma & Fong & Associates Limited, one of the consultants for this application. Mr. K.Y. Leung, Professor N.K. Leung and Mr. Leslie H.C. Chen also declared interests in this item as Mr. K.Y. Leung was the part-time Lecturer, Professor Leung was the Honorary Professor and Mr. Chen was the Associate Professor of The University of Hong Kong, which was also one of the consultants for this application.

[Messrs. K.Y. Leung and Leslie H.C. Chen, Dr. Daniel B.M. To and Professor N.K. Leung left the meeting temporarily at this point.]

Presentation and Question Sessions

37. Ms. Alice K.F. Mak, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the applicant intended to redevelop the application site zoned “Residential (Group C)4” (“R(C)4”) based on the plot ratio and building height of the existing building, i.e. plot ratio of 2.768 and overall building height of 14 storeys. However, the proposed absolute building height was greater than the existing building height by 6.724m;
- (b) proposed minor relaxation of building height restriction for the proposed residential development;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) 15 public comments were received during the statutory publication period, of which nine public comments were in support, one had no comment and five objected to the application. The five objections were mainly on the grounds of excessive building height relaxation, environmental impacts, encroachment onto Government land; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper. As compared with the previously rejected scheme (i.e. A/H14/50), the applicant had made an effort to revise and improve the design of the proposed development by reducing the floor-to-floor height of the flats (from 3.8m to 3.65m) to address the Committee’s concerns. The applicant had also indicated his willingness to further reduce the floor-to-floor height of the typical floors from 3.65m to 3.5m resulting in an overall reduction of the proposed relaxation in building height from 8.524m to 6.724m to address the public concerns. The proposed development would not affect the ridgeline of a green mountain

backdrop at its back and would not generate adverse visual impact on the surrounding area. Regarding the public concerns, the proposed building would not result in adverse visual and environmental impacts on the surrounding area and the application site did not involve any Government land.

38. In response to a Member's concern on the justification for redeveloping the existing residential building, the Chairperson said that the existing residential building was completed about 38 years ago and it would be up to the owners of the existing residential building to determine the appropriate time for its redevelopment.

Deliberation Session

39. While having no strong view on the application, a Member asked what were the criteria for consideration of the proposed minor relaxation of building height restriction. In reply, the Secretary clarified that the Committee would have to consider whether such relaxation was minor or not. Generally speaking, there was no hard and fast rule on what constitute minor. The Town Planning Board (the Board) had to consider the impact and the consequence of the proposal on the surrounding areas in determining whether the proposed relaxation was minor. The Board had generally regarded relaxation of less than 10% of the building height as minor, but for exceptional case, the Committee had previously approved relaxation up to more than 20%. For this case, the proposed relaxation in building height of only about 7% (6.724m) was relatively considered minor. Another criteria was whether there was any design merit accompanied with the relaxation in building height. The considerations would include whether there was any good design feature that could improve the living environment in terms of natural lighting and ventilation, etc. For the subject case, the applicant had proposed some sustainable and green designs like roof garden, openable louvers at apartment windows and generous planting provision, etc. which would promote energy saving and healthy living. Furthermore, the applicant had further proposed the floor-to-floor height of the flats from 3.8m (previously rejected scheme) to 3.5m (latest scheme). As such, PlanD had no objection to the application.

40. Noting that the application for minor relaxation in building height would provide space for the incorporation of innovative and sustainable design to improve natural lighting,

ventilation and energy saving, another Member suggested that an approval condition should be imposed to ensure that such design could be implemented accordingly. In reply, Ms. Christine K.C. Tse, DPO/HK, confirmed that an approval condition could be imposed to require the applicant to implement the environmental measures and sustainable building design as proposed in the application.

[Messrs. Erwin A. Hardy and Elvis W.K. Au returned to join the meeting at this point.]

41. The Chairperson concluded that the proposed relaxation in building height of 6.724m was considered minor in nature and an approval condition would be imposed to ensure implementation of the environmental measures and sustainable building design as proposed by the applicant. Members agreed.

42. 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 1.9.2010, 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 implementation of the environmental measures and sustainable building design, e.g. installation of openable louvers and anidolic lighting device, etc as proposed in the application to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of a tree preservation scheme and landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (c) the submission of a Geotechnical Planning Review Report (GPRR) to assess the geotechnical feasibility of the proposed development, in particular, to address potential natural terrain landslide hazards that might affect the site to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board.

43. The Committee also agreed to advise the applicant to :
- (a) note the comments of Chief Building Surveyor/Hong Kong West regarding fire resisting construction and the provision of emergency vehicular access; and that the exclusion of the projecting windows, sunshading device and the solid projecting fins/structure from ground floor (G/F) to roof level from gross floor area (GFA) calculation to be considered upon formal submission when more information/details to show compliance with the relevant criteria were available, and the covered landscape garden at G/F should be GFA accountable; and
 - (b) apply to District Lands Officer/Hong Kong West and South for lease modification regarding the exemption from roofed-over area calculation for carport and recreational facilities and the exemption from storey calculation for the recreational facilities and entrance lobby before the proposed development could be implemented.

[Ms. Starry W.K. Lee left the meeting temporarily at this point.]

[The Chairperson thanked Ms. Christine K.C. Tse, DPO/HK, and Ms. Alice K.F. Mak, STP/HK, for their attendance to answer Members' enquiries. Ms. Tse and Ms. Mak left the meeting at this point.]

[Messrs. K.Y. Leung and Leslie H.C. Chen, Dr. Daniel B.M. To and Professor N.K. Leung returned to join the meeting at this point.]

Kowloon District

[Mr. Kelvin K.W. Chan, District Planning Officer/Kowloon (DPO/K), and Miss Helen L.M. So, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K14/505 Minor Relaxation of Building Height Restriction
in “Other Specified Uses” annotated “Business” zone,
223-231 Wai Yip Street and
39 King Yip Street, Kwun Tong (KTIL 744)
(MPC Paper No. A/K14/505)
-

44. The application was submitted by two subsidiaries of Henderson Land Development Company Limited. Mr. Raymond Y.M. Chan, having current business dealings with Henderson Land Development Company Limited, declared an interest in this item. The Committee noted that Mr. Raymond Y.M. Chan had not yet arrived to join the meeting.

Presentation and Question Sessions

45. With the aid of a Powerpoint presentation, Miss Helen L.M. So, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed minor relaxation of building height restriction;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) 25 public comments were received during the statutory publication period. One supported the application and the remaining commenters objected to/had reservation on/raised concerns on the application on the grounds of adverse visual, air quality and traffic impacts and wall effect; and
- (e) the Planning Department (PlanD)’s views – the Committee had previously

granted several planning permissions as detailed in paragraphs 4.1 and 10.1 to 10.5 of the Paper. In the current scheme, a twin-tower office development with a height of 120mPD was proposed. As compared with the previously approved scheme (Application No. A/K14/475), the current scheme mainly involved reduction of the building height of one of the office towers from 138.95mPD to 120mPD and increasing the building height of another office tower from 105.55mPD to 120mPD. The floor-to-floor height increased from 3.15-3.5m in the previously approved scheme to 4.75m in the current scheme. Besides, the current scheme involved the provision of a sky garden on 21/F and more piazza area and landscape area on the ground level. In assessing the current application, PlanD was of the view that the Committee might after taking into account the planning history of the site consider whether the current scheme had any merits over the previously approved scheme. However, if the current application was considered as a fresh application, PlanD would have concerns (as detailed in paragraph 10.6 of the Paper) on whether there were sufficient justifications for relaxing the building height restriction from 100mPD to 120mPD, and the approval of the current application for building height relaxation without sufficient planning and design merits would have undesirable precedent effect on processing similar applications for minor relaxation of building height in the Kwun Tong Business Area.

46. Members raised the following questions and concerns :

- (a) whether the current scheme was a new application or amendment to previously approved scheme;
- (b) as compared with the previous scheme, whether the floor-to-floor height and the building volume would increase in current scheme; and
- (c) what was the planning merit to justify the minor relaxation of building height restriction from 100mPD to 120mPD if the current application was considered as a new application.

47. In reply, Mr. Kelvin K.W. Chan, DPO/K made the following points :
- (a) as the proposed amendments fell outside both Class A and Class B amendments, the current scheme should be regarded as a new application;
 - (b) the floor-to-floor height increased from 3.15-3.5m in the previously approved scheme (Application No. A/K14/475) to 4.75m in the current scheme. The site coverage for the current scheme had not exceeded the maximum 62.5% as approved in previous scheme; and
 - (c) the increase of 163m² in the provision of piazza area and landscape area on ground level from 430m² to 593m² in the current scheme was considered as planning merit.

[Ms. Starry W.K. Lee returned to join the meeting at this point.]

48. The Secretary supplemented that the number of storeys of the taller office tower was decreased from 43 storeys (in previously approved scheme) to 26 storeys (in current scheme), which allowed an increase in the floor-to-floor height in current scheme.

49. In response to a Member's question on whether there was any justification for some 40% increase in the floor-to-floor height from 3.15-3.5m to 4.75m, Miss Helen L.M. So said that there was no justification provided in the submission. The same Member sought clarification on whether the proposed relaxation of building height restriction was due to the increase in floor-to-floor height in the current scheme. Miss So advised that the maximum building height restriction of 100mPD could be met if a lower floor-to-floor height for the office towers was adopted.

Deliberation Session

50. A Member considered that the increase of about 1.6m in the floor-to-floor height from 3.15-3.5m to 4.75m, resulting in overall building height at 120mPD was not justifiable as the maximum building height restriction of 100mPD could allow the same amount of gross floor area (GFA) to be provided with a lower floor-to-floor height.

51. A Member opined that there was insufficient information in the current submission to demonstrate the planning merits for the relaxation of building height restriction from 100mPD to 120mPD. The same Member pointed out that, though there was no change in the GFA, the adoption of a rectangular shaped buildings as compared to the “L-shaped” buildings proposed under Application No. A/K14/475 would result in increase in site coverage, thus increase in building volume due to the increase in floor-to-floor height to 4.75m. The resultant increase in building volume would be substantial.

52. Another Member supported the view that the current application should be considered as a new case and the assessment of the case should be made based on the maximum building height restriction of 100mPD as stipulated under the Outline Zoning Plan. Relaxation of building height should therefore be considered on planning merits.

53. Members were generally not support the application and expressed the following views :

- (a) the proposed relaxation of building height restriction from 100mPD to 120mPD was not considered as minor;
- (b) there were insufficient justifications and planning merits in the current submission for the relaxation of building height restriction; and
- (c) there was no cause for increasing in the floor-to-floor height to 4.75m and the increase in building volume was too excessive.

54. The Chairperson concluded that there was no strong justification to substantiate the increase in the floor-to-floor height to 4.75m, and there were insufficient merits in the current submission to justify the proposed relaxation of building height restriction. Members agreed.

55. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) there were insufficient merits in the current submission to justify a departure from the height restriction stipulated under the Outline Zoning

Plan;

- (b) the proposed relaxation of building height restriction from a maximum of 100mPD to 120mPD represented a 20% increase, which could not be considered as minor in nature; and
- (c) the approval of the application would set an undesirable precedent in processing similar applications for minor relaxation of building height in the Kwun Tong Business Area.

[Mr. Raymond Y.M. Chan arrived to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K14/506 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Unit E4, G/F, Block 4, Kwun Tong Industrial Centre,
436-446 Kwun Tong Road, Kwun Tong
(MPC Paper No. A/K14/506)
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[Professor Bernard V.W.F. Lim left the meeting temporarily at this point.]

Presentation and Question Sessions

56. Miss Helen L.M. So, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed shop and services use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two supporting public comments were received during the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

57. Members had no question on the application.

Deliberation Session

58. 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 1.9.2008, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including complete separation of the proposed 'Shop and Services' use from the industrial portion of the subject building by proper fire resistance construction and design, and 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 before operation of the use; and
- (b) if the above condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) apply to District Lands Officer/Kowloon East, Lands Department for a temporary waiver for the proposed shop and services use;
- (b) appoint an Authorised Person (AP) to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the adequacy of means of escape, fire resistance construction in accordance with Code of Practice for Fire Resisting

Construction 1996 and the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72;

- (c) note that the AP should exercise extreme care when working in the vicinity of the public drains and sewers in order not disturb, interfere with or cause damage to them. Any blockage or damage to the public systems due to the works of the proposed development should be made good at applicant's own cost and to the satisfaction of the Director of Drainage Services;
- (d) note that any operation of food business under the purview of Food Business Regulation, Cap. 132 would require application to Food and Environmental Hygiene Department for a relevant licence/permit; and
- (e) strictly observe regulatory restrictions and instant traffic situation in case when loading/unloading activities were taking place to avoid interfering the main stream traffic.

[The Chairperson thanked Mr. Kelvin K.W. Chan, DPO/K, and Miss Helen L.M. So, STP/K, for their attendance to answer Members' enquiries. Mr. Chan and Miss So left the meeting at this point.]

Tsuen Wan and West Kowloon District

[Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Miss Erica S.M. Wong, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

Agenda Item 6

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K2/2 Application for Amendment to the Approved Yau Ma Tei Outline Zoning Plan No. S/K2/17 from “Open Space” to “Government, Institution or Community”, a site at the Junction of Chatham Road South and Princess Margaret Road, Yau Ma Tei
(MPC Paper No. Y/K2/2)

60. The application was submitted by The Hong Kong Polytechnic University. (HKPU). Mr. K.Y. Leung, being the part-time Lecturer of the HKPU, declared an interest in this item. Professor Bernard V.W.F. Lim also declared an interest in this item as he had current business dealings with the HKPU. Nevertheless, the applicant had requested for a deferment of consideration of the application and Mr. Leung and Professor Lim could be allowed to stay at the meeting.

Presentation and Question Sessions

61. The Committee noted that the applicant had requested on 16.8.2006 for deferment of the consideration of the application to allow time to prepare further information to address the comments from Highways Departments.

Deliberation Session

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K5/618 Temporary Shop and Services (Showroom for Garments)
for a Period of 3 Years
in “Other Specified Uses” annotated “Business” zone,
Workshop C2, G/F, Block C, Hong Kong Industrial Centre,
489-491 Castle Peak Road, Cheung Sha Wan
(MPC Paper No. A/K5/618)
-

Presentation and Question Sessions

63. Miss Erica S.M. Wong, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary shop and services (showroom for garments) use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

64. Members had no question on the application.

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

Deliberation Session

65. The Chairperson remarked that the application complied with relevant Town Planning Board Guidelines.

66. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 1.9.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the submission and implementation of fire services installations in the subject premises within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.3.2007; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) apply to the District Lands Officer/Kowloon West, Lands Department for a temporary waiver to permit the applied use should more than 168.7m² internal floor area were to be used for showroom; and
- (b) consult the Chief Building Surveyor/Kowloon, Buildings Department on the submission of building plans in respect of separation of the showroom use from the industrial portion of the subject building by proper fire resistance construction and design, provision of means of escape and provision of access and facilities for persons with a disability.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K5/619 Commercial Bathhouse and Massage Establishment
in “Residential (Group A)” zone,
1/F and 2/F, Nam Lo Mansion,
334 Un Chau Street, Sham Shui Po
(MPC Paper No. A/K5/619)
-

Presentation and Question Sessions

68. Miss Erica S.M. Wong, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) commercial bathhouse and massage establishment;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper.

69. Members had no question on the application.

Deliberation Session

70. The Chairperson remarked that the application complied with relevant Town Planning Board Guidelines.

71. 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 1.9.2010, 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 condition that the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

72. The Committee also agreed to advise the applicant to :
- (a) consult and if necessary, apply to the District Lands Officer/Kowloon West, Lands Department for a lease modification should there be preparation and provision of food at the Premises for use by the patrons;
 - (b) submit building plans for the commercial bathhouse and massage establishment to the Director of Buildings for compliance with the Buildings Ordinance and Regulations; and
 - (c) ensure compliance of the Deed of Mutual Covenants.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/TY/96 Concrete Batching Plant in “Industrial” zone, Tsing Yi Town
Lot 108RP(Part), Sai Tso Wan Road, Tsing Yi
(MPC Paper No. A/TY/96)
-

Presentation and Question Sessions

73. The Committee noted that the applicant had requested on 16.8.2006 for deferment of the consideration of the application to allow time to resolve the issues raised by the Government departments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/TY/97 Proposed Shop and Services, Eating Place, Off-course Betting Centre, Place of Entertainment and Private Club in “Government, Institution or Community (1)” zone, Tsing Yi Town Lot (TYTL) 135, Tsing Tsuen Road, Tsing Yi (MPC Paper No. A/TY/97)
-

75. The application was submitted by Mass Transit Railway Corporation Ltd. (MTRC). Mr. Anthony Loo, being an alternate member for the Deputy Secretary for Environment, Transport and Works (Transport)¹ who was a member of the Board of MTRC, declared an interest in this item. Nevertheless, the applicant had requested for a deferment of consideration of the application and Mr. Loo could be allowed to stay at the meeting.

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

Presentation and Question Sessions

76. The Committee noted that the applicant had requested on 25.8.2006 for deferment of the consideration of the application for two weeks until the next MPC meeting to allow time for the relevant Government departments i.e. the Transport Department and Leisure and Cultural Services Department to consider the revised proposal.

Deliberation Session

77. After deliberation, the Committee decided to defer a decision on the application for two weeks until the next MPC meeting as requested by the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration as soon as the departmental comments were received and in any case within two months from the date of receipt of latest further information from the applicant dated 25.8.2006 referred to in paragraph 76 above.

Remarks

78. The Chairperson said that the remaining items in the Agenda would not be open

for public viewing as the proposed amendments to the Outline Zoning Plans (OZP) would be gazetted under the pre-amended Town Planning Ordinance and the request for amendment to the OZP was submitted prior to the commencement of the Town Planning (Amendment) Ordinance.