

TOWN PLANNING BOARD

**Minutes of 336th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 20.10.2006**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. Lawrence Kwan

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. Leslie H.C. Chen

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

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
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board
Ms. Paulina L.S. Pun

Agenda Item 1

Confirmation of the Draft Minutes of the 335th MPC Meeting held on 29.9.2006

[Open Meeting]

1. The draft minutes of the 335th MPC meeting held on 29.9.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Approval of Outline Zoning Plans

2. The Secretary reported that on 17.10.2006, the Chief Executive in Council (CE in C) approved 21 draft Outline Zoning Plans (OZPs), of which 18 OZPs were related to amendments to the Notes for the "Agriculture" zone, under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of the 21 OZPs would be notified in the Gazette on 27.10.2006.

(ii) Reference of OZPs

3. The Secretary also reported that on 17.10.2006, the CE in C referred the approved Kai Tak (North) and Kai Tak (South) OZPs to the Board for replacement by a new plan under section 12(1)(b)(i) of the Ordinance. The CE in C also referred the approved Pok Fu Lam OZP to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The reference of the OZPs would also be notified in the Gazette on 27.10.2006.

4. In relation to the new plan for the Kai Tak area, the Secretary said that a special Town Planning Board meeting had been scheduled on the following Monday for discussion of the Kai Tak Planning Review.

Tsuen Wan and West Kowloon District

[Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Mr. Louis K.H. Kau, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Session only)]

A/K2/178 Proposed Hotel (Guesthouse)
in “Residential (Group A)” zone,
4/F, 7/F, 8/F, 11/F and 12/F, Bai Yun Building,
10 Wai Ching Street, Yau Ma Tei (KIL 6173RP and 6174RP)
(MPC Paper No. A/K2/178)

Presentation and Question Session

5. Mr. Louis K.H. Kau, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (guesthouse) use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period. One agreed to the application. The other asked whether the proposed guesthouse was allowed under the Deed of Mutual Covenant of the subject building and that requirements of the Fire Services Department and Buildings Department should be met before application for the hotel

licence;

- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for the reasons detailed in paragraph 11.2 of the Paper. Based on previous legal advice from the Department of Justice on a similar application in Hung Hom (Application No. A/K9/206), the building after partial conversion into a hotel would still be a non-domestic building and should comply with the maximum plot ratio (PR) restriction of 9 stipulated under the Notes for the “Residential (Group A)” (“R(A)”) zone. The PR of the subject building would be 11.843 after the proposed conversion, which exceeded the maximum PR restriction of 9 in the “R(A)” zone under the approved Yau Ma Tei OZP. According to section 16(4) of the Town Planning Ordinance, the Board might grant planning permission only to the extent shown or provided for or specified in the OZP. Hence, there was no provision for the Board to grant planning permission to the current application. The same approach was also adopted for another similar application (No. A/K2/177) in the same planning scheme area.

[Ms. Sylvia S.F. Yau arrived to join the meeting at this point.]

6. Members had no question on the application.

Deliberation Session

7. The Chairperson said that the application was similar to applications No. A/K2/177 and A/K9/206, which review applications were considered by the Town Planning Board on 8.9.2006, in that there was no provision under the Notes for the “R(A)” zone to grant the planning permission applied for.

8. After deliberation, the Committee decided to advise the applicant that there was no provision for the Committee to grant planning permission for the proposed hotel (guesthouse) development, which would result in a non-domestic building with a plot ratio exceeding the maximum plot ratio restriction for a non-domestic building in the “Residential (Group A)” zone.

[The Chairperson thanked Ms. Heidi Y.M. Chan, DPO/TWK, and Mr. Louis K.H. Kau, STP/TWK, for their attendance to answer Members' enquiries. Ms. Chan and Mr. Kau left the meeting at this point.]

Hong Kong District

[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), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Session only)]

A/H15/219 Office (Estate Office of the University)
 in "Industrial" zone,
 Rooms 3101-3116 (Except Rooms 3103A-3103E),
 31/F, Hing Wai Centre,
 7 Tin Wan Praya Road
 (MPC Paper No. A/H15/219)

Presentation and Question Session

9. The application was submitted by the University of Hong Kong (HKU). The Committee noted that Mr. Leslie H.C. Chen and Professor N.K. Leung were employees of HKU, while Messrs. K.Y. Leung and Elvis Au were part-time lecturers at the HKU. Also, Dr. Greg C.Y. Wong had current business dealings with the applicant. As such, these Members declared interests in this item. The Committee also noted that Mr. Chen had sent his apology for being unable to attend the meeting.

[Dr. Greg Y.C. Wong, Messrs. K.Y. Leung and Elvis Au, and Professor N.K. Leung left the meeting temporarily at this point.]

10. Mr. Kevin C.P. Ng, STP/HK, presented the application and covered the following

aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applied office 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 by the District Officer; and
- (e) the Planning Department (PlanD)’s views – the PlanD considered that the applied use could be tolerated on a temporary basis for the reasons detailed in paragraph 12.2 of the Paper. The planning intention of the “Industrial” (“I”) zone was to reserve land primarily for general industrial use. According to the updated Area Assessment of Industrial Land in the Territory endorsed by the Town Planning Board in January 2006, a deficit of industrial land was anticipated by 2017. As such, non-industrial related uses on a permanent basis within the “I” zone was not supported. Nonetheless, the current applied use was not incompatible with other uses in the same building. It would unlikely generate adverse fire safety, environmental and traffic impacts. It was therefore considered that the use could be tolerated on a temporary basis.

11. Members had no question on the application.

Deliberation Session

12. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 20.10.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition on the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

13. The Committee also agreed to advise the applicant to :
- (a) apply to District Lands Officer/Hong Kong West & South of Lands Department for lease modification or waiver; and
 - (b) note the comments from Chief Building Surveyor/Hong Kong West of Buildings Department requesting the applicant to consult an Authorized Person to ensure that the provision of means of escape, fire resisting construction, sanitary fitments, lighting and ventilation etc. were in compliance with the Buildings Ordinance and relevant regulations.

[Dr. Greg Y.C. Wong, Messrs. K.Y Leung, Elvis Au and Professor N.K. Leung returned, and Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

[Ms. Christine K.C. Tse, DPO/HK, and Mr. Kevin C.P. Ng, STP/HK, left the meeting at this point.]

[Due to other urgent engagement, the Chairperson left the meeting and the Vice-chairman took over the chairmanship at this point.]

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Session only)]

Y/H18/1 Application for Amendment to the
Approved Tai Tam & Shek O Outline Zoning Plan No. S/H18/8,
from “Green Belt” and area shown as ‘Road’ to
“Government, Institution or Community”,
four sites adjacent to Hong Kong International School,
Tai Tam (RBL 1079(Part), RBL 1108(Part) and Government Land
(MPC Paper No. Y/H18/1)

Presentation and Question Session

[The hearing was conducted in English and Cantonese.]

14. 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. Richard Mueller

Mr. Jim Robinson

Mr. Jim Handrich

Dr. Wil Chan

Mr. Pat Hall

Mr. Mitch Stocks

Mr. Derek Sun

Ms. Pearl Hui

Mr. Joseph Wong

Mr. Ben Ridley

Mr. Derek So

Mr. Nelson Chen

Mr. Raymond Wong

Ms. Pinky Lee

15. The Vice-chairman extended a welcome and briefly explained the procedures of the hearing. He then invited the Planning Department (PlanD)'s representatives to brief Members on the background to the application.

Presentation and Question Session

16. Mr. Kevin C.P. Ng, STP/HK, said that the current application involved a proposal to rezone four sites adjacent to the Hong Kong International School (HKIS) in Tai Tam to "Government, Institution or Community" ("G/IC") on the Tai Tam and Shek O Outline Zoning Plan (OZP). He covered the following main aspects as detailed in the Paper :

- (a) the applicant's proposal was detailed in paragraph 1 of the Paper. Two areas within two sites (Site A and Site B) were proposed to be rezoned to

facilitate the development of two new school buildings, namely the Centre for the Arts (CFA) and Science and Technology Centre (STC). The applicant also took the opportunity to propose rezoning of two small parcels of land (Site C and Site D) that were mostly occupied by the existing school premises. Within Site A and Site B, a total of 19 trees would be felled and 3 trees would be transplanted. For the whole CFA and STC proposal, a total of 121 new trees would be planted;

- (b) the applicant's justifications in support of the application were detailed in paragraph 2 of the Paper;
- (c) departmental comments was detailed in paragraph 9 of the Paper. The Education and Manpower Bureau (EMB) had given policy support to the applicant's expansion plan. Other concerned Government departments had no objection to the application. The Chief Town Planner/Urban Design and Landscape opined that the proposed vehicular access for Site A could be relocated to an existing hard paved area outside the "GB" to minimize the need to rezone "GB". The applicant was also advised to explore the possibility to reduce the building height of the CFA (including the fly tower), so that no new structures would be higher than the level of that section of Tai Tam Road at 44.2mPD to 50.9mPD and would not adversely affect the existing natural outlook along the road;
- (d) 11 public comments were received during the statutory publication period. 10 of them objected to the application and the remaining one raised concerns. The grounds of objection and concerns, as detailed in paragraph 10.5 of the Paper, included incompatibility with the local low-rise low-density environment, adverse visual, environmental, traffic, sewerage and ecological impacts and unacceptable tree felling. There was also the concern that the proposed CFA with 1,000 seats was more a commercial facility than an ancillary school facility. The commenters had proposed that if the Committee agreed to the rezoning application, the concerned sites should be rezoned to "Other Specified Uses" annotated "Education and Public Uses" with requirement for submission of Master

Layout Plan (MLP) to the Town Planning Board for approval; and

- (e) the PlanD's views – the PlanD had no in-principle objection to the application for the reasons as detailed in paragraph 11.1 of the Paper stating that the EMB had given policy support to the applicant's expansion plan. According to the applicant, there were inadequate school facilities within the existing school campus in Tai Tam for the current enrolment. There was also a shortage of common spaces for recreation and community activities for the students. To meet these demands, the applicant had demonstrated genuine efforts to provide additional floorspace within its existing campus. Further additional storeys on top of the existing school structures might result in adverse visual impacts. Most parts of Site A and Site B were formed land, and the 19 trees to be felled were common species. Together with the proposed compensatory planting, the proposal would unlikely create significant adverse landscape impacts. Although part of Site A was designated for the proposed Route 81, there was no definite programme for the road and the Transport Department had no comment on the applicant's road realignment proposal. The various technical assessments submitted were considered acceptable, and relevant Government departments had no adverse comments on the application. In response to the concern that the proposed CFA might serve as a commercial facility, the applicant had clarified that the new facilities would be made available to local groups and schools. They would not be operated on a commercial basis.

17. Mr. Kevin C.P. Ng said that Site C and Site D fell within the lot boundary of the school and were covered by the existing school premises. The proposed rezoning to reflect the existing situation following the boundary of the lot was considered acceptable. Nonetheless, two small areas shown as 'Road' on the Outline Zoning Plan within Site A were currently vegetated slopes. It was considered that these areas should not be rezoned to minimize the impacts on the existing vegetation and the surrounding environment. A building height restriction should also be imposed on the school site to avoid adverse impact of the proposed development on the existing natural environment, particularly along Tai Tam Road.

18. The Vice-chairman then invited the applicant's representatives to elaborate on the application.

19. Mr. Richard Mueller briefly introduced the team of applicant's representatives present at the meeting. With the aid of a Powerpoint presentation, he made the following main points :

- (a) The HKIS was established in 1966 in Repulse Bay. In the 1980s, a site was offered by the Government in Tai Tam to set up the second campus for the Middle School. The HKIS was offering a US-based curriculum essentially for children of families of overseas investors;
- (b) currently, the HKIS had a total of 2,593 students, of whom 1,350 were at the Tai Tam campus. The school was now over-enrolled by 100 students and lacked facilities for training music, performing arts, and science and technology;
- (c) the HKIS would like to continue serving the Hong Kong community with expanded education and community outreach programmes. The future goal was to work out the plan to expand and improve the facilities to support the highest quality of education. With the expansion plan, about 200 additional student places could be accommodated;
- (d) compared with various international schools in the region including Beijing, Shanghai and Singapore, the HKIS had a much higher density campus at 18m² site area/student, 5m² of open recreation space/student and 0.2 seats for performing arts/students. With the expansion plan, the school would be better-equipped to face the intense competition from these comparable international schools in attracting overseas firms and employees' families to Hong Kong. The expansion plan would benefit the school as well as Hong Kong as a whole;
- (e) the proposed rezoning would facilitate the development of two new

facilities, i.e. the CFA and STC, which were important components of the expansion plan. These new facilities would improve the quality of education provided by the school in encouraging well-rounded character development of the students excelling in academics, art and sports;

- (f) the HKIS had always been dedicated to the Hong Kong community, sharing the school resources with the local community through summer and community outreach programmes. It would continue to be involved in the community and the new CFA would be made available for community use; and
- (g) the proposed expansion plan was fully supported by the EMB to meet the current over-enrollment needs and EMB's request to further increase student places. The new CFA and STC would increase teaching spaces for music, science and language programmes.

20. Mr. Derek Sun then said that in order to accommodate the expansion plan, the applicant had explored all opportunities and alternatives to expand within the existing campus, including the addition of new floors on existing buildings and a new annex building. However, they were still not sufficient to meet the requirements. A site search indicated that no uncommitted GIC sites were available in the vicinity. Site A was mostly a formed site. The proposed CFA would be accommodated on the part of Site A that was currently zoned "G/IC". Out of a total site area of 7,820m², only about 2,280m² would need to be rezoned from 'Road' and "GB" to "G/IC". The CFA would have a total gross floor area (GFA) of not more than 15,340m². The proposed building heights for the main roof and the fly tower would not exceed 48.4mPD and 53.3mPD respectively. According to the visual appraisal conducted, the main roof of the building was kept under the level of Tai Tam Road, except the fly tower which was an essential element for the auditorium design. 180 car parking spaces would be provided below ground. Within the area to be rezoned, 8 out of a total of 41 trees would be felled and they were of common species and insignificant in size. Out of the 8 trees, only 2 were within the "GB" zone. They had to be removed to make way for the vehicular access to the CFA.

21. Mr. Derek Sun continued to say that the whole of Site B was formed and paved.

It would accommodate the proposed STC with a total GFA of not more than 6,090m². The proposed height at the main roof level would not exceed 33.7mPD. According to the visual appraisal, the STC would impose minimal visual impact and blend in well with the existing school buildings. A total of 55 out of 68 trees would be retained within Site B. In particular, a mature tree at the flat area for potential development would be preserved and incorporated into the landscape design to become the key feature of the area.

22. Mr. Derek Sun said that the two proposed buildings would not affect natural slopes, and both sites enjoyed good connectivity to the existing campus. Site A would be conveniently accessed by the public as the CFA would also be opened for community use. As regards Site B, it would offer easy access to the outdoor areas on the waterfront to facilitate study on ecology and marine science. The provision of car parking and waiting spaces for parents at Site A would alleviate the current traffic congestion problem during the school peak hours. According to the technical assessments, the proposed developments at Site A and Site B would not impose adverse traffic, environmental and infrastructural impacts. As for Site C and Site D, they fell within the existing school building footprints and the proposed rezoning of these sites was to rectify the zoning boundaries to reflect the existing uses.

23. Mr. Richard Mueller then concluded and requested the Committee to consider the application favourably.

24. In response to the Vice-chairman's enquiry, Ms. Christine K.C. Tse, DPO/HK, said that the CFA proposal would not affect two natural vegetated slopes within Site A. As such, it was considered that they should be excluded from the rezoning proposal. Mr. Richard Mueller confirmed that there was no intention to cut into these slopes and use the areas. He agreed that these two areas could be excluded from the rezoning proposal.

25. The Vice-chairman then asked about PlanD's views on the proposed height of the CFA. Ms. Christine K.C. Tse said that this section of Tai Tam Road was still green with natural outlook. While most part of the proposed CFA building would not be visible from the road, there was concern that the fly tower structure would cause adverse visual impact. It was therefore suggested to incorporate a building height restriction in the Notes and the height of fly tower would need to be revised.

26. A Member said that the areas to be rezoned within Site A would infringe on the proposed alignment of Route 81 and asked how this conflict of land use could be addressed. The same Member also asked why most of Site A had been formed.

27. Ms. Christine K.C. Tse said that the platform area at Site A was formed by the Government a long time ago. At one point in time, it was used for temporary storage of the building materials of Murray House before its reconstruction at Stanley. Regarding Route 81, Ms. Tse referred Members to paragraph 11.1(d) of the Paper and said that the TD had indicated that there was no definite programme for the road and they had no comment on the applicant's proposed realignment of the route. The Town Planning Board on 11.3.2005 had agreed that the indication of Route 81 should be deleted from the relevant OZPs of the Southern District. Concerned Government departments had no comment on the deletion, which had already been undertaken on some OZPs. Mr. Lawrence Kwan supplemented that Route 81 had been planned for a long time. It would probably be outdated in terms of its alignment and design. If it was eventually implemented, design work would have to start anew. Hence, a slight realignment of the proposed routing was considered acceptable.

28. Another Member shared the concerns in the urban design aspect raised by the Architectural Services Department (ArchSD) and the Chief Town Planner/Urban Design & Landscape of PlanD, as stated in paragraphs 9.1.10 and 9.1.11 of the Paper, and requested the applicant's representatives to clarify whether there was any opportunity to reduce the height of the car parking levels, so that the entrance level of the CFA lobby and in turn the overall building height including the fly tower could be lowered. The same Member enquired whether green landscaping could be provided on the roofs of the CFA main building and the fly tower.

29. In response, Mr. Nelson Chen said that the height of the car parking levels did not dictate the height of the CFA building. Rather, the level was based on the necessity that the service vehicular access had to be at the same level as the stage for easy transportation of stage equipment and props. Also, the grand entrance to the CFA would open up to the sports field in front at the same level. Regarding the fly tower, it was required for scenery handling and changes for theatrical performances. Technically, the height of the stage should be 8.5m and the fly tower being minimum 2.5 times the height of the proscenium.

With the inclusion of the necessary distance from the main support to the top of the roof, the fly tower reached 53.3mPD as the minimum height to function properly. As the levels of this section of Tai Tam Road varied from 49 to 51.8mPD, the proposed CFA building, with the main roof at 48.4mPD, would not be seen along most part of Tai Tam Road until when one approached Red Hill Plaza. Mr. Chen continued to say that the design of the CFA could be revised to incorporate wood screen trellis and planting on the main roof. The fly tower could be decorated with a metal roof of copper cladding which would turn green in time to better blend in with the surroundings.

30. A Member referred to paragraphs 10.5(g) and 10.5(h) of the Paper and requested the applicant's representatives to respond to the local residents' concern that the submitted Traffic Impact Assessment (TIA) had not included survey on weekend traffic and that the provision of 180 car parking spaces was excessive. Mr. Derek So replied that further information on weekend traffic assessments had been submitted to the TD and included in the application. The assessments demonstrated that weekday and weekend traffic was different. No additional traffic would be generated at weekends and the impact would be minimal. The TD considered the TIA acceptable. He continued to say that currently, there was traffic congestion on Red Hill Road during school peak hours. The provision of 180 car parking spaces would allow parents to park within the school premises instead of waiting on the road. Agreement had been reached with the TD that the provision was necessary to address the traffic congestion problem at source and it would serve the operation of the CFA as well.

31. A Member referred to the Chief Town Planner/Urban Design & Landscape's comments stated in paragraph 9.1.9(b) of the Paper and enquired on the possibility to relocate the vehicular access of the CFA from the area zoned "GB", Mr. Richard Mueller said that the vehicular access at the proposed location was important to the overall design of the CFA. Mr. Derek Sun supplemented that although the concerned area was zoned "GB", it was paved and was the existing vehicular access to the site. The vehicular access of the proposed CFA at this location would minimize the impact to the slope between the site and the public road. Mr. Ben Ridley added that the proposed location would affect the least amount of trees and the two trees that needed to be felled were not of significant species. Other possible locations would encounter junction problems.

32. In response to the Vice-chairman's enquiry, Mr. Nelson Chen clarified that the

proposed vehicular access to the north of the CFA in the “GB” zone was the existing ingress from Tai Tam Reservoir Road and was intended to lead to the delivery and loading/unloading areas. The underground parking levels would be accessed from another ingress/egress nearby at the north-eastern side of the building.

33. In response to another Members’ enquiry on the nature of the school and enrollment situation, Mr. Richard Mueller said that the HKIS offered a broad American-style curriculum to facilitate the seamless transfer of children from overseas. About half of the students were of American nationality, 7% from Hong Kong and the rest of the students of European and South East Asian nationalities. Currently, the HKIS was over-enrolled and there was no plan to go beyond the planned maximum of 1,540 students at this stage.

34. A Member asked whether the proposed CFA would be used by students from both the Repulse Bay and Tai Tam campuses. Mr. Richard Mueller responded affirmative.

35. As the applicant’s representatives had no further points to make and Members had no further question to raise, the Vice-chairman informed them that the hearing procedures 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 Vice-chairman thanked the applicant’s representatives and PlanD’s representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

36. On the applicants’ rezoning proposal, the Vice-chairman and Members’ views were summarized as follows :

- (a) There was a need in the community for international school places for expatriates as well as to satisfy local demand. The proposed school expansion plan was generally supported. The proposed cultural and art education for students’ holistic development was also supported;
- (b) the school was close to the Tai Tam Country Park which was popular among local residents and visitors. Developments in this area along

Repulse Bay Road and Tai Tam Road should not be taller than the road level. Under such consideration, the height of the fly tower was not acceptable;

- (c) by lowering the levels of the entrance foyer and the stage and further sinking the building into the basement level, it was technically feasible to reduce the above-ground height of the CFA. The absolute height of the fly tower could also be reduced. The PlanD's suggestion to incorporate a height restriction upon rezoning was supported;
- (d) the comments from the ArchSD as stated in paragraph 9.1.10(b) was supported. As the proposal involved the rezoning of "GB", it was appropriate to require the applicant to provide green landscaped roofs to reduce the visual mass so that the building would blend in with the natural environment;
- (e) the two areas of natural slopes within Site A not affected by the proposed CFA should be excluded from the rezoning exercise.

37. In response to a Member's enquiry, the Secretary clarified that the current application was made under section 12A of the Town Planning Ordinance. The applicant's proposal submitted was indicative only and the applicant would not be required to follow the details in the proposal upon rezoning of the sites to "G/IC". Nonetheless, the Committee could request the Lands Department to incorporate Members' requirements into the lease conditions. Alternatively, if the Committee wished to have greater planning control on the future developments, the sites could be rezoned to suitable sub-areas under the "G/IC" zoning and the requirement for planning permission could be imposed.

38. Mr. James Merritt said that a lease modification or land exchange would be required to implement the expansion plan. Members' concerns on building height and landscaping could be incorporated into the lease documents and such details would be scrutinized during the building plan submission stage. Nevertheless, the requirement of planning permission, if imposed, would allow formal public consultation on the future developments under the provisions of the Town Planning Ordinance.

39. A Member enquired about a similar proposal for school expansion within the “GB” zone in the Peak area which was rejected by the Committee. The Secretary said that the Committee on 23.12.2005 considered and did not agree to that rezoning request for amending a site at Guildford Road from “GB” to “Other Specified Uses” annotated “School and Public Open Space” for school extension. The Committee considered that the site abutted the Aberdeen Country Park and was mostly covered with natural woodland which formed a continuum of habitat of the country park. The proposal involved extensive tree felling and they were of slow growing native species. As such, it would result in an irreversible loss of existing natural greenery and adverse impact on the landscape and amenity in the area. The Agriculture, Fisheries and Conservation Department (AFCD) did not support that proposal. The Committee also considered that there was insufficient information to demonstrate that the proposed school extension was the only viable and practical alternative to meet the educational needs of the school. As regards the current application, the “GB” areas involved had not possessed the character of a green area for a long time. The proposal involved some tree felling of common species, but the proposed compensatory planting was considered acceptable. The applicant had also demonstrated that all alternatives of on-site improvement works for expansion had been exhausted and the existing campus would be built up to its maximum structural capacity. All technical assessments were considered acceptable by relevant Government departments.

40. In view of Members’ various concerns on the detailed design of the proposal including building height and provision of greening, the Committee considered it appropriate to require the applicant to submit planning application for the future developments at Site A and Site B for consideration by the Committee. Appropriate approval conditions could then be imposed to ensure that the developments would be compatible with the surroundings. The two sites should be rezoned to suitable sub-areas under the “G/IC” zoning with appropriate development restrictions and the requirement of application for planning permission. Moreover, the two small areas of natural slopes within Site A should be excluded from the rezoning. Given that Site C and Site D were already within the existing school boundary, the proposed rezoning to “G/IC” to reflect the existing situation was acceptable.

41. After deliberation, the Committee decided to partially agree to the application.

The two areas of natural slopes within Site A not affected by the proposed development would be excluded from the rezoning exercise. The whole area for the proposed Centre for the Arts and Science and Technology Centre would be rezoned to suitable sub-areas under the “Government, Institution or Community” zoning with appropriate building height restrictions, in particular the height of the proposed Centre for the Arts should be restricted to below the Tai Tam Road level. The requirements of application for planning permission under section 16 of the Town Planning Ordinance would also be incorporated.

42. The Committee also agreed that the Chief Executive in Council would be requested to refer the approved Tai Tam and Shek O OZP No.S/H18/8 to the Board for amendment. Amendments to the OZP would be submitted to the Committee for agreement prior to gazetting under section 5 of the Town Planning Ordinance.

[Professor Bernard V.W.F. Lim and Ms. Starry W.K. Lee left the meeting, while Dr. Daniel B.M. To left the meeting temporarily at this point.]

[Ms. Christine K.C. Tse, DPO/HK, and Mr. Kevin C.P. Ng, STP/HK, were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Session only)]

- (i) A/H15/220 Proposed Hotel (Amendments to Approved Scheme)
in “Other Specified Uses” annotated “Business (2)” zone,
55-57 Wong Chuk Hang Road – Aberdeen Inland Lot 283
(MPC Paper No. A/H15/220)
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Presentation and Question Session

43. Mr. Kevin C.P. Ng, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed amendments to an approved hotel development;
- (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 by the District Officer; and
- (e) the Planning Department (PlanD)’s views – The current proposal deviated substantially from the previously approved scheme (Application No. A/H15/211) in terms of the number of guestrooms from “not more than 300” to “not more than 450”. The application should therefore be considered as a fresh application. Moreover, the application site was the subject of representations relating to the building height restrictions in the Wong Chuk Hang Business Area incorporated in the subject Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP). As the subject OZP together with its unwithdrawn representations had yet to be submitted to the Chief Executive in Council (CE in C) for approval, the granting of planning permission to the subject application would pre-empt the decision of the CE in C. As such, the consideration of the application should be deferred for the reasons detailed in paragraphs 11.1 and 11.2 of the Paper.

44. Members had no question on the application.

Deliberation Session

45. After deliberation, the Committee decided to defer a decision on the application pending CE in C’s decision on the Aberdeen & Ap Lei Chau Outline Zoning Plan.

[The Vice-chairman thanked Ms. Christine K.C. Tse, DPO/HK, and Mr. Kevin C.P. Ng, STP/HK, for their attendance to answer Members’ enquiries. Ms. Tse and Mr. Ng left the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper. The application was considered not incompatible with the surrounding areas. The proposed use was small in scale and no significant adverse impact on the environment and infrastructural provision of the area was anticipated. Regarding the public comments, the proposed child care centre was required to register under the Child Care Services Ordinance and Regulations under which building and fire safety requirements would need to be satisfied. Relevant Government departments, including the Fire Services Department, Environmental Protection Department, Transport Department and Buildings Department, had no objection to the application.

47. In response to the Vice-chairman's enquiry, Mr. Raymond K.W. Lee, DPO/K, clarified that the application was not submitted for a temporary period of approval. The Secretary said that the PlanD had recommended that the planning permission be approved with condition with normal commencement period of 4 years.

48. In response to another Member's enquiry, Mr. Raymond K.W. Lee referred to Plan A-3 of the Paper and said that the subject premises had a separate access from that of the local residents.

Deliberation Session

49. 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 20.10.2010, 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 on the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

50. The Committee also agreed to advise the applicant :

- (a) that the approval of the application did not imply that the unauthorized

building works would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;

- (b) to consult the Director of Social Welfare on registration requirements under the Child Care Services Ordinance and Regulations; and
- (c) to resolve any land issues relating to the development with the concerned owners of the application premises.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/K9/211 Retail Shop (Bakery Shop)
for a Temporary Period of 4 Years
in “Other Specified Uses” annotated “Business” zone,
Unit B2, G/F, Kaiser Estate Phase I,
41 Man Yue Street, Hung Hom
(MPC Paper No. A/K9/211)
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Presentation and Question Session

51. 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) the proposed retail shop (bakery shop) use for a temporary period of 4 years;
- (c) departmental comments – no objection from concerned Government departments, including the Fire Services Department, was received;
- (d) one public comment indicating no comment on the application was received during the statutory publication period; and

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

52. In response to a Member's enquiry on the 460m² criterion for aggregate commercial floor area on the ground floor of an existing industrial/industrial-office buildings with sprinkler system, Mr. Raymond K.W. Lee, DPO/K, said that the 460m² criterion was applicable to this application. Nonetheless, it was the first application of its kind within the subject building and the total floor area involved was 56.19m² only. The commercial uses in other premises on the ground floor of the same building were operating without planning permission.

Deliberation Session

53. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 4 years until 20.10.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including fire service installations in the subject premises, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 20.4.2007; 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.

54. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner of the application site;
- (b) to apply to District Lands Officer/Kowloon West, Lands Department for a temporary waiver for retail shop (bakery shop) use under application;

- (c) to appoint an Authorized Person to submit building plans to demonstrate compliance with the Buildings Ordinance, in particular the adequacy of means of escape, fire resistance construction and the provision of access and facilities for persons with a disability under Building (Planning) Regulation 72; and
- (d) that the operation of food business required a food licence issued by the Food and Environmental Hygiene Department.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/K13/216 Shop and Services (Convenience Store)
in “Other Specified Uses” annotated “Business” zone,
Portion of Unit 3, G/F, Kowloon Bay Industrial Centre,
15 Wang Hoi Road, Kowloon Bay
(MPC Paper No. A/K13/216)
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Presentation and Question Session

55. 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) the applied shop and services (convenience store) use;
- (c) departmental comments – highlighting comments from the Fire Services Department (FSD) that the criterion of aggregate commercial floor area of 460m² on the ground floor of an industrial building with sprinkler system was applicable. Although the inclusion of the proposed use would result in a slight exceedance of about 7.265m² (or 1.58%) over the aggregate 460m², it was considered acceptable and the FSD had no objection to the application. No objection from other concerned Government departments was received;

- (d) one public comment supporting the application was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper.

56. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire safety measures, including fire service installations in the subject premises, within six months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 20.4.2007; 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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note that the area in the planning application should include the whole retail area and the areas of storage and toilet ancillary to the convenience store use. Any area not covered by the planning application approved by the Board could not be regularized by the waiver application and any misuse thereon would be required to be ceased;

- (c) appoint an Authorized Person to submit building plans for the use under application to demonstrate compliance with the Buildings Ordinance, in particular, fire resisting construction, adequate means of escape and the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 1997; and
- (d) observe road restriction requirements in force when loading/unloading activities were taking place.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/K14/512 Proposed Shop and Services (Fast Food Shop)
in “Other Specified Uses” annotated “Business” zone,
Unit M, G/F, Everest Industrial Centre,
396 Kwun Tong Road, Kwun Tong
(MPC Paper No. A/K14/512)
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Presentation and Question Session

59. 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) the proposed shop and services (fast food shop) use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments supporting the application were received during the statutory publication period. The District Officer (DO)(Kwun Tong) stated that the public was concerned about the traffic issues in the Kwun Tong Industrial Area. Moreover, some local leaders had requested the Government to facilitate the transformation of industrial buildings into

commercial/business/shop uses in the area; and

- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper. With regard to the traffic concerns raised by the DO(Kwun Tong), the Transport Department had no objection to the application from traffic point of view.

60. In response to the Vice-chairman's enquiries, Mr. Raymond K.W. Lee, DPO/K, clarified that fast food shop did not fall within the Fire Services Department (FSD)'s criteria for aggregate commercial floor areas on the ground floor of industrial buildings. The Secretary supplemented that a period of 2 years for commencement of the planning permission, if granted, was recommended to ensure the timely implementation of the required fire service installations.

Deliberation Session

61. A Member said that it had been the recent trend that premises on the ground floor of industrial buildings were converted to uses not falling under the 230m²/460m² criteria, such as bank and fast food shop. These uses were patronized by members of the general public leading to an increase in flow of people within the industrial buildings. In response, the Secretary said that for the current application, the PlanD and FSD had jointly discussed with owners of the subject building and it was explained to them that fast food shop did not fall within the control of the 230m²/460m² criteria. The FSD was currently reviewing the criteria and a paper on the related enforcement aspect was being prepared by the Secretariat for submission to the Town Planning Board for consideration in due course.

62. 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 20.10.2008, 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 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 of approval 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.

63. The Committee also agreed to advise the applicant :

- (a) to apply to District Lands Officer/Kowloon East, Lands Department for a temporary waiver for the proposed shop and services (fast food shop) use under application;
- (b) to 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 and the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72;
- (c) that the applicant and/or his AP should exercise extreme care when working in the vicinity of the public drains and sewers in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the public drains/sewers due to the works of the proposed development should be made good at the applicant's own cost and to the satisfaction of the Director of Drainage Services; and
- (d) that the operation of food business required a food licence issued by the Food and Environmental Hygiene Department.

[Open Meeting (Presentation and Question Session only)]

- (v) A/K14/513 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Portion of Workshops 1 and 2,
G/F, 11-13 Shing Yip Street, Kwun Tong
(MPC Paper No. A/K14/513)
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Presentation and Question Session

64. 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) the proposed shop and services use;
- (c) departmental comments – highlighting that the Fire Services Department (FSD) did not support the application from fire safety point of view. No objection from other concerned Government departments was received;
- (d) two public comments supporting the application were received during the statutory publication period. The District Officer (DO)(Kwun Tong) stated that the public was concerned about the traffic issues in the Kwun Tong Industrial Area. Moreover, some local leaders had requested the Government to facilitate the transformation of industrial buildings into commercial/business/shop uses in the area; and
- (e) the Planning Department (PlanD)’s views – the PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper. With the inclusion of the proposed use, the total floor area for shop and services uses in the subject sprinkler-protected industrial building would exceed the aggregate commercial floor area limit of 460m². The FSD did not support the application.

[Ms. Sylvia S.F. Yau left the meeting at this point.]

65. In response to the Vice-chairman's enquiry, Mr. Raymond K.W. Lee, DPO/K, referred Members to paragraph 1.3 and Plan A-3 of the Paper. He said that according to the applicant's submission, the breakdown of the application premises was as follows : 489m² for shop and services use, 173m² for banks/fast food counter/local provisions store/electrical shop which did not fall within the 460m² criterion, 531m² for access/circulation corridor, and 101m² for toilet. The remaining ground floor area would be occupied by two canteens which did not require planning permission.

Deliberation

66. A Member noted that according to the FSD's criteria, a maximum of 460m² of aggregate commercial floor area was allowed on the ground floor of a sprinkler-protected industrial building with a possible 5% allowance for exceedance on discretion. Although the current application involved a proposed commercial floor area of 489m² equating to about 460m² plus the 5% allowance, the scheme appeared unreasonable with more than 500m² for access corridor. Based on the area and the width of the corridor, it was expected that the shops would extend their operations on the corridor. In response, Mr. Raymond K.W. Lee said that FSD had carefully vetted the proposed floor plan and did not support the application.

67. Another Member said that the ground floor of the subject building was served by a long U-shaped corridor which would increase risk from fire safety point of view. This Member did not support the application.

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

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

Agenda Item 7

Any Other Business

69. There being no other business, the meeting was closed at 11:40 a.m..