

TOWN PLANNING BOARD

**Minutes of 355th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 10.8.2007**

Present

Director of Planning
Miss Ophelia Y.S. Wong

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Professor N.K. Leung

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

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
Mr. Raymond T.L. Chiu

Secretary

Absent with Apologies

Mr. Leslie H.C. Chen

Professor Bernard V.W.F. Lim

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Ms. Starry W.K. Lee

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. Teresa L.Y. Chu

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

Agenda Item 1

Confirmation of the Draft Minutes of the 354th MPC Meeting held on 27.7.2007

[Open Meeting]

1. The draft minutes of the 354th MPC meeting held on 27.7.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (a) Town Planning Appeal Decision Received

Town Planning Appeal No. 20 of 2006 (20/06)
Proposed Conversion of an Existing Commercial/Office Building
for Hotel Use in “Residential (Group A)” zone,
83 Wuhu Street, Hung Hom, Kowloon
(Application No. A/K9/206)

2. The Secretary reported that the decision of the Town Planning Appeal Board (TPAB) on the subject appeal had been received. The appeal was against the decision of the Town Planning Board (TPB) to reject on review an application (No. A/K9/206) for proposed conversion of an existing commercial/office building with a plot ratio of 12.033 for hotel use at the subject site which was zoned “Residential (Group A)” (“R(A)”) on the Hung Hom Outline Zoning Plan (OZP) No. S/K9/18.

3. The Secretary said that the appeal was heard by the TPAB on 4.7.2007 and dismissed on 31.7.2007 mainly on the following grounds :

- (i) the evidence clearly showed that part of the planning intention behind the succession of OZPs for Hung Hom since the latter part of 1993 had been to restrict the development of non-domestic buildings in areas in Kowloon, including Hung Hom, designated as “R(A)” to a plot ratio of 9, irrespective of

whether the proposed development was by way of the erection of a completely new building or the conversion of an existing building;

- (ii) the Chinese version of paragraph (2) of the Remarks of Notes of the “R(A)” zone clearly covered the cases of both the erection of a new building and the conversion of an existing building;
- (iii) a development by way of a conversion of an existing office building into a hotel was covered by paragraph (2) of the Remarks and was subject to a plot ratio restriction of 9 notwithstanding the fact that the existing building was built with a plot ratio of more than 9; and
- (iv) as such, according to section 16(4) of the Town Planning Ordinance, the TPB had no power to grant permission to the Appellant to carry out a development by way of conversion of the existing building into a hotel which would result in the finished building having a plot ratio of more than 9. Both the Committee and TPB were, therefore, correct in rejecting the application.

(b) Appeal Statistics

4. The Secretary also reported that as at 10.8.2007, 20 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	17
Dismissed	:	99
Abandoned/Withdrawn/Invalid	:	123
Yet to be Heard	:	20
Decision Outstanding	:	8
Total	:	267

Hong Kong District

[Ms. Lily Y.M. Yam, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 3

Section 12A Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) Y/H1/1 Application for Amendment to the Approved Kennedy Town & Mount Davis Outline Zoning Plan No. S/H1/14 from “Residential (Group B)” to “Green Belt”, Government Land at Lung Wah Street, Kennedy Town
(MPC Paper No. Y/H1/1)
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5. The Committee noted that the application site was related to a hostel development proposed by The University of Hong Kong (HKU). Professor N.K. Leung and Mr. K.Y. Leung, being an employee and part-time Lecturer of HKU respectively, had declared interests in this item. Dr. Greg C.Y. Wong had also declared an interest in this item as he had current business dealings with HKU.

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

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

- (a) Mr. Felix W. Fong and Ms. Maggie M.K. Chan – as members of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB). While the vice-chairman of DAB, Mr. Ip Kwok-him, had expressed personal views on the matters relating to the application site, both Mr. Fong and Ms. Chan had not participated nor given views in this respect; and
- (b) Professor Paul K.S. Lam – as a honorary professor of HKU.

The Committee noted that the interests of Mr. Felix W. Fong, Ms. Maggie M.K. Chan and Professor Paul K.S. Lam were indirect and they could be allowed to stay in the meeting and participate in the deliberation of the application.

[Messrs. Nelson W.Y. Chan and Anthony Loo arrived to join the meeting at this point.]

Presentation and Question Sessions

7. Ms. Lily Yam, STP/HK, and Miss Lam Wai Ha, the applicant's representative were invited to the meeting at this point.

8. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Ms. Lily Yam, STP/HK, to brief Members on the background to the application. Ms. Lily Yam presented the application and covered the following main points as detailed in the Paper :

- (a) the applicant sought planning permission to rezone the application site from "Residential (Group B)" ("R(B)") to "Green Belt" ("GB") on the approved Kennedy Town and Mount Davis OZP No. S/H1/14. The applicant claimed that the development of new buildings at the application site would affect the daylight and air ventilation in the area;
- (b) characteristics of the application site and its surrounding areas as detailed in paragraph 7 of the Paper;
- (c) the planning history of the application site as detailed in paragraph 4 of the Paper. The application site was part of the subject of the consultancy study "Integrated Planning & Engineering Feasibility Study for Housing Development at Lung Wah Street" commissioned by the then Civil Engineering Department (CED) and completed in 1999. It was recommended in the study that the application site be developed for medium-density housing development;

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

- (d) the application site was previously proposed by the Hong Kong Housing Society for rehousing purpose to facilitate urban renewal projects. The proposal was dropped in early 2003 and HKU proposed to use the site for hostel development;
- (e) in early 2005, HKU applied to Lands Department for land grant of the site for the proposed hostel development which was being processed. The building plans of the proposed hostel had been approved, with the latest plans approved in May 2007. Based on the approved building plans, the proposed hostel comprised four towers with building height ranging from 27 to 30 storeys (including a 5-storey podium) and a total plot ratio of 4.157 which was below the current standard of plot ratio of 5 for “R(B)” zone;
- (f) referring to the HKU’s proposed hostel development indicated in Plan Z-4 of the Paper, an open landscaped area would be provided in the eastern portion of the application site as public open space, having due regard to the concerns of local residents and District Council. To the immediate northeast of the application site was an “Open Space” (“O”) in which HKU also committed to build and maintain as a public open space for public enjoyment;
- (g) the Secretary-General, University Grants Committee objected to the application and supported HKU’s application for land grant of the application site for hostel development. Lands Department did not support the application as it was incompatible with the proposed land grant for the hostel development. The Chief Town Planner/Urban Design & Landscape, Planning Department (PlanD) also did not support the application as the applicant had not provided any substantial information to justify the rezoning proposal;
- (h) Agriculture, Fisheries and Conservation Department (AFCD) considered that it might not be appropriate to rezone the whole application site to

“GB” as the site was mainly composed of engineered platforms and slopes with little landscape feature. The rezoning proposal was not in line with the planning intention of “GB” zone which was “to define the limits of urban development areas by conserving landscape features” according to Chapter 10 of the Hong Kong Planning Standards and Guidelines;

- (i) 57 public comments were received during the statutory publication period, of which 27 supported, 1 objected and 29 gave comments which were mainly in favour of the application. The objector raised concerns on the application on the grounds of need for hostels, compatible land use for hostel development and use of environmentally-friendly building design with lower plot ratio and building bulk to address local concerns; and
- (j) PlanD did not support the application for the reasons given in paragraphs 11.1 and 11.2 of the Paper, in that the application site had been zoned for residential use since 2000 and student hostel development was in line with the planning intention. The proposed development was to meet the shortage of student hostel places at HKU and its development was already at an advanced stage with building plans approved and land grant currently under processing. Furthermore, the “R(B)” zoning of the application site, intended for medium-density development, was considered compatible with the existing developments in the surrounding area which were mainly residential developments zoned “R(A)”. In addition, the applicant had not provided sufficient information and strong justifications for rezoning to “GB”. AFCD also considered that it would not be appropriate to rezone the whole application site to “GB”. To address public concerns on the proposed hostel development, HKU had adopted a number of initiatives such as reduction in plot ratio, provision of public open space, adoption of noise mitigation measures and better building design which included the increase of space between blocks to improve air ventilation.

9. The Chairperson then invited Miss Lam Wai Ha, the applicant’s representative to elaborate on her justifications for the application. Miss Lam Wai Ha made the following main points :

- (a) the application site, despite being zoned “R(B)”, was a rare piece of vacant public space available in the area in which the local residents could enjoy fresh air and unobstructed views. Being in close proximity to the application site, the residents of Kwun Lung Lau, a public housing estate, could enjoy a better living environment in terms of scenery, air ventilation and tranquillity. Moreover, the development intensity of the area would be increased as a result of the HKU’s hostel development;
- (b) local residents had already suffered from the noise and dust pollution during the construction stage of slope protection works at the application site. They would have to suffer further should the proposed hostel development be implemented. As the residents of the Kwun Lung Lau could not afford to move out, they would have to put up with the construction nuisances;
- (c) environmental problems, such as wall effect and impacts on traffic, noise, visual, sunlight and air temperature, would be generated by the proposed hostel development, thus a deterioration of the living quality in the area. The increase in population, as a result of the proposed hostel development, would not bring benefit to the local residents;
- (d) given the Action Blue Sky Campaign to improve air quality, the Government should take a proactive approach not to allow the application site to be used for hostel development which would affect the air quality/ventilation in the area;
- (e) it was a wrong decision to propose a hostel development at the application site even if it was at an advanced stage of planning. PlanD should reconsider the suitability for such use;
- (f) local residents did not consider that there was sufficient public open space provided in the Western District as mentioned in the Paper;

- (g) whether it was the Government's policy to facilitate new development but ignored the local residents' need for public open space; and
- (h) in the absence of natural attribute, the local residents hoped to keep this open site for fresh air and requested the Town Planning Board (TPB) to rezone the application site from "R(B)" to "GB".

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

HKU's proposed hostel development

- (a) any requirement for planning permission on the proposed hostel development;
- (b) any plot ratio and height restrictions stipulated in the OZP and any information relating to impact on sunlight resulting from the building height of the proposed hostel development;
- (c) whether a podium linking up the four towers was proposed in the hostel development and whether the built form would create wall effect;

Proposed public open space

- (d) the number of local residents using the site for morning exercise;
- (e) the total area of public open space to be provided in the proposed hostel development cum the adjoining "O" zone;
- (f) the management and maintenance responsibilities of the proposed public open space;
- (g) the accessibility of the proposed open space by the public and whether it could be directly accessible via Lung Wah Street to avoid going through the hostel; and

Others

- (h) the numbers of buildings and population within 100m from the site.

11. In reply, Ms. Lily Yam made the following points :

HKU's proposed hostel development

- (a) the application site was zoned "R(B)" on the approved Kennedy Town & Mount Davis OZP. According to the Notes of the OZP, hostel development was always permitted which did not require planning permission from the TPB;
- (b) there was no plot ratio restrictions stipulated in the OZP. The proposed hostel development (with a building height of 161mPD) located on the upper platform of Lung Wah Street was lower than the blocks at Kwun Lung Lau redevelopment (with a building height of 167mPD). However, the height of other nearby buildings ranged from 60mPD to 120mPD;
- (c) the hostel blocks were located over a podium and close to the slopes away from surrounding developments. Concerned Government departments had no adverse comment on the proposed hostel development from noise, air ventilation and visual points of view. Buildings Department had no specific comment on impact on sunlight resulting from the proposed hostel development;

Proposed public open space

- (d) there was no information about the number of local residents using the site for morning exercise;
- (e) 3,800m² of public open space would be provided, comprising the landscaped area at eastern portion of the application site (2,500m²) cum the

adjoining “O” zone (1,300m²);

- (f) the proposal of the public open space to be connected to the hostel and provided with convenient access to the public would be worked out at detailed design stage;
- (g) HKU had confirmed to take up the construction, management and maintenance responsibilities of the proposed public open space; and

Others

- (h) Referring to Plan Z-1 of the Paper, buildings within 100m were found to the north of the application site and along Lung Wah Street. There was no information in hand about the population in these buildings.

12. Miss Lam Wai Ha also made the following points :

- (a) there was no information about the number of local residents in the area nor using the site for morning exercise;
- (b) there was about 2,200 flats for Kwun Lung Lau. Among the private buildings adjacent to the site, some had over 100 flats each; and
- (c) it was envisaged that the proposed public open space would be in close proximity to the adjoining residential buildings and the noise from the open space would easily be transmitted to the upper floors. As such, only passive open space should be provided.

13. As the applicant’s representative 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 applicant’s representative as well as PlanD’s representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

14. Members generally did not support the rezoning application for the following reasons :

- (a) there were no strong justifications put forth in the application for rezoning the site to “GB”;
- (b) the application site was currently vacant with slopes and formed platforms, with little characteristics of a “GB” zone;
- (c) the early implementation of the enlarged public open space with an area of 3,800m² would improve the general environment in the area and provide better planned facilities for the local residents and public enjoyment; and
- (d) given the proposed hostel development was permitted under the current zoning with approved building plan, HKU could proceed with the current approved scheme notwithstanding any amendment to the OZP.

15. While noting the local need for public open space could be addressed in the HKU’s proposal, Members also expressed the following views relating to the provision of such facility :

- (a) the HKU’s proposed hostel development with approved building plan and land grant under processing should not be unduly delayed;
- (b) direct public access to the public open space should be provided near Mei Wah Mansion;
- (c) there was no programme for development of the public open space by Leisure and Cultural Services Department (LCSD) and the HKU’s proposal of early implementation of the public open space was supported;

- (d) any requirement for submission of the HKU's proposal to the TPB for consideration;
- (e) whether the applicant could submit another s.12A application to the TPB for rezoning the site to other zones;
- (f) initiatives including appropriate zoning amendments might be considered to ensure that the planning intention for provision of public open space with proper access in the proposed hostel development should be adequately reflected in the OZP and Explanatory Statement.

16. In reply, the Chairperson made the following main points :

- (a) under the "R(B)" zoning, the proposed hostel development was always permitted which did not require planning permission nor submission of Master Layout Plan (MLP) to the TPB for consideration. Submission of the MLP to the TPB, even if required, would not affect the building plans which had already been approved by the Building Authority;
- (b) HKU had conducted local consultations and adopted a number of initiatives to address local concerns such as reduction in plot ratio, provision of public open space, adoption of noise mitigation measures and better building design;
- (c) under the Town Planning Ordinance, any person could submit a s.12A rezoning application for any land at any time. Recent examples included rezoning applications for sites already sold in Wong Tai Sin and West Kowloon, and such applications would be processed in accordance with established procedures. In considering these applications, the TPB would take into account the development history of the sites and the justifications put forth by the applicants. Such proposed amendment to the OZP, even agreed by the TPB, would only affect new proposals or future redevelopment but not proposals with approved building plans; and

- (d) to address Members' concern on the provision of public open space, there were 3 ways to reflect the planning intention of provision of public open space on the OZP, namely, the site concerned could be rezoned "O", a requirement could be included in the Notes of the subject "R(B)" zone or the requirement be included in the Explanatory Statement, which was a document explaining the planning intention of the various land use zonings.

17. In regard to the last part in paragraph 16, Mr. James Merritt said that according to the lease conditions for the proposed hostel development, the public open space of not less than 3,800m² (comprising the eastern landscaped area of the site and the adjoining "O" zone) to be constructed, managed and maintained by HKU would be open to the public. Special conditions could be incorporated in the land grant to ensure that this open space would be opened to the public 24 hours. On the proposal of making the provision of public open space explicit in the planning intention, Mr. James Merritt said that any amendments to the OZP would have to go through the publication and representation process which might create uncertainty in the zoning of the site and the possibility of changes to the development potential of the site, hence affecting the processing of land grant and delay the implementation of the proposed hostel and public open space development.

18. After some discussions, the Chairperson summarized Members' views that the application should not be supported. She asked PlanD to liaise with Lands Department on the lease conditions regarding the provision of the public open space and access. On the premises that processing of the land grant of the proposed hostel development should not be compromised, PlanD could consider making it explicit in the planning intention of the OZP that part of the application site and the adjoining "O" site were to be developed for public open space purpose with proper access. The findings and recommendations should be reported to the Committee for consideration.

19. After deliberation, the Committee decided not to agree to the application for amendment and the reasons were :

- (a) the current "Residential (Group B)" ("R(B)") zoning of the application site, which was intended for medium-density residential developments and compatible with the developments in the surrounding area, was considered

appropriate. The “R(B)” zoning was also suitable for hostel development. The applicant had not provided sufficient information and strong justifications for rezoning the site to “Green Belt” (“GB”); and

- (b) the application site was currently vacant with slopes and formed platforms and with very limited natural features. Given the existing site characteristics, the proposed “GB” zoning, which was intended to conserve the existing natural environment and to safeguard the area from encroachment by urban type development, was considered not appropriate for the application site.

[The Chairperson thanked Ms. Lily Y.M. Yam, STP/HK, for her attendance to answer Members’ enquiries. Ms. Yam left the meeting at this point.]

[Professor N.K. Leung, Mr. K.Y. Leung and Dr. Greg C.Y. Wong returned to join the meeting at this point.]

[A short break of 5 minutes was taken.]

[Dr. Daniel B.M. To left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) Y/H9/1 Application for Amendment to the Approved Shau Kei Wan Outline Zoning Plan No. S/H9/14 from “Open Space” to “Government, Institution or Community (1)”, a Piece of Government Land at Tung Kin Road, A Kung Ngam, Shau Kei Wan
(MPC Paper No. Y/H9/1)
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20. The application was submitted by a subsidiary of Cheung Kong (Holding) Ltd. (Cheung Kong). Dr. Greg C.Y. Wong had declared an interest in this item as he had current business dealings with Cheung Kong. As Planning Department (PlanD) had proposed to defer the consideration of the application, Dr. Wong could be allowed to stay at the meeting.

Presentation and Question Sessions

21. The Chairperson informed Members that on 23.3.2007, the Committee considered the application and decided to defer a decision on the application pending submission of further information from the applicant to address the Committee's concerns. The Committee also requested PlanD to consult the Antiquities Advisory Board (AAB) on the latest heritage value of the application site, which involved a disused quarry.

22. The Chairperson said that PlanD had relayed the Committee's request to the AAB and the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department. AMO advised that it was necessary to conduct a historical research and heritage assessment to ascertain the heritage value of the application site to facilitate the consideration by the relevant parties, and the research had tentatively scheduled for completion by late 2007. Taking into account AMO's advice and in accordance with the Town Planning Board (TPB) guidelines, PlanD proposed to defer the consideration of the application pending AMO's further advice on the heritage value of the application site involving a disused quarry.

23. Referring Members to the Appendix I of the Paper, the Chairperson said that the applicant submitted further information on 31.7.2007, raising concerns that further deferral of the consideration of the application would adversely affect the project programme on the provision of electricity substation for A Kung Ngam area.

24. Members generally supported PlanD's proposal to defer the consideration of the application given the growing aspirations of heritage preservation in the society, but considered that the AMO should expedite completion of the heritage assessment. In this regard, the Chairperson suggested that the Secretariat of Town Planning Board to liaise with AMO with a view to expediting the historical research and heritage assessment. Members agreed.

Deliberation Session

25. After deliberation, the Committee decided to defer a decision on the application as proposed by Planning Department pending further advice from the Antiquities and

Monuments Office on the heritage value of the application site involving a disused quarry.

[Mr. David C.M. Lam, Senior Town Planner/Hong Kong (STP/HK), and Ms. Donna Y.P. Tam, STP/HK, were invited to the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the
Approved Tai Tam and Shek O Outline Zoning Plan No. S/H18/8
(MPC Paper No. 11/07)

Presentation and Question Sessions

26. With the aid of a powerpoint presentation and digital 3D modelling and animation, Mr. David C.M. Lam, STP/HK, presented the proposed amendments to the approved Tai Tam and Shek O Outline Zoning Plan (OZP) and covered the following aspects as detailed in the Paper :

Background

- (a) upon considering a s.12A application (No. Y/H18/1) on 20.10.2006, the Committee agreed to rezone four sites adjacent to the Hong Kong International School (HKIS) in Tai Tam from largely “Green Belt” (“GB”) and partly an area shown as ‘Road’ to suitable sub-areas of the “Government, Institution or Community” (“G/IC”) zone. To address the concerns on the detailed design of the proposed new school buildings including the building height, the Committee also agreed to impose building height restrictions on the two sites for the new school buildings and application for planning permission was required;

Building height review

- (b) as there were no building height restrictions for the HKIS and the surrounding areas which were zoned “G/IC”, it was considered more appropriate to review in a comprehensive manner the building height restrictions of the “G/IC” sites in the immediate surrounding area. Other “G/IC” zones would be considered in future reviews;
- (c) the area of building height review and the urban design principles as detailed in paragraphs 4 and 5 of the Paper respectively;

Four height zones

- (d) taking into account the site context and urban design principles, the whole “G/IC” area could be divided into four height zones with different building height restrictions in a stepped height profile, namely :
 - Height Zone I with height limit of 20mPD for the waterfront area;
 - Height Zone II with height limit of 40mPD for the Middle School (including the proposed Science and Technology Centre) area;
 - Height Zone III with height limit of 48mPD for the proposed Centre for the Arts area; and
 - Height Zone IV with height limit of 73mPD for the High School area.

Proposed amendments to OZP

- (e) to rezone the waterfront area from “G/IC” to “G/IC(1)” to impose the maximum building height of 20mPD;
- (f) to rezone a strip of undeveloped slope which fell outside the development boundary of the Boys’ Scouts Centre from “G/IC” to “GB” to reflect the existing condition;
- (g) to rezone the Middle School, staff quarters and sports field from mainly

“G/IC” and partly “GB” to “G/IC(3)” to reflect the existing use of the sports field and to incorporate the recommended 40mPD height restrictions (Height Zone II);

- (h) to rezone the proposed Science and Technology Centre site from mainly “GB” and partly “G/IC” to “G/IC(2)” in accordance with the Committee’s decision on the rezoning application. In addition to the height restriction of 40mPD (Height Zone II), there was also a requirement for planning permission for new development;
- (i) to rezone the proposed Centre for the Arts site from mainly “G/IC” and partly “GB” and an area shown as ‘Road’ to “G/IC(4)” in accordance with the Committee’s decision on the rezoning application. In addition to the height restriction of 48mPD (Height Zone III), there was also a requirement for planning permission for new development;
- (j) to rezone the High School Site to “G/IC(5)” in accordance with the Committee’s decision on the rezoning application and to incorporate the recommended building height of 73mPD under Height Zone IV;
- (k) to rezone four pieces of land outside the HKIS from “G/IC” zone to “GB” and an area shown as ‘Road’ to reflect their existing uses;
- (l) to rezone two pieces of natural slopes from an area shown as ‘Road’ to “GB” to delete the proposed Route 81 alignment and to reflect their existing condition;
- (m) to rezone a strip of land from “GB” to an area shown as ‘Road’ to indicate the future Tai Tam Road; and
- (n) to incorporate five sub-areas of “G/IC(1)” to “G/IC(5)” zones in the Notes for the “G/IC” zone.

27. A Member raised concern that the building height of 73mPD set out under Height

Zone IV would cause possible visual impact on the surrounding areas. In response, Mr. David C.M. Lam referred Members to Plan 3 of the Paper and said that the building height of 73mPD under Height Zone IV was recommended to reflect the existing High School with a building height of 72.6mPD.

Deliberation Session

28. After deliberation, the Committee decided to :
- (a) agree that the proposed amendments to the approved Tai Tam and Shek O Outline Zoning Plan (OZP) as mentioned in paragraphs 7 and 8 of the Paper and that the amendment plan No. S/H18/8A (to be renumbered as S/H18/9 upon exhibition) in Attachment II of the Paper and its revised Notes at Attachment II(A) of the Paper were suitable for public inspection under section 5 of the Town Planning Ordinance; and
 - (b) adopt the updated Explanatory Statement (ES) at Attachment II(B) of the Paper as an expression of the planning intentions and objectives of the Town Planning Board for the various land use zonings of the approved Tai Tam and Shek O OZP and the updated ES would be published together with the Plan under the name of the Town Planning Board.

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/H19/54 Proposed Eating Place, and Shop and Services
(Redevelopment of Existing Building)
in “Residential (Group A)1” zone,
90 Stanley Main Street, Stanley
(MPC Paper No. A/H19/54)
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Presentation and Question Sessions

29. The Committee noted that on 25.7.2007, the applicant requested for deferment of the consideration of the application to allow time to prepare additional information to address the departmental comments. The Committee also noted that it was the first request for deferment made by the applicant.

Deliberation Session

30. 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.

[The Chairperson thanked Mr. David C.M. Lam, STP/HK, for his attendance to answer Members' enquiries. Mr. Lam left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/H5/361 Proposed Eating Place/Shop and Services
in "Open Space" zone,
3/F, 196-206 Queen's Road East, Wan Chai
(MPC Paper No. A/H5/361)
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31. The application was submitted by a subsidiary of Hopewell (Holdings) Ltd. (Hopewell). The Committee noted that Mr. Felix W. Fong, having current business dealings with Hopewell, declared an interest in this item.

[Mr. Felix W. Fong left the meeting temporarily at this point.]

Presentation and Question Sessions

32. Ms. Donna Y.P. Tam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eating place/shop and services uses;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the publication period and no local objection was received from the District Officer/Wan Chai; 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 in that the proposed uses were not incompatible with the retail shop and office uses in the same building. The proposed uses would not generate adverse impact on the surrounding areas.

33. Members had no question on the application.

Deliberation Session

34. 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 10.8.2011, 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 services installations to the satisfaction of the Director of Fire Services or of the TPB.

[The Chairperson thanked Ms. Donna Y.P. Tam, STP/HK, for her attendance to answer Members' enquiries. Ms. Tam left the meeting at this point.]

[Mr. Felix W. Fong returned to join the meeting at this point.]

Special Duties Section

Agenda Item 6A

[Closed Meeting]

35. The Chairperson said that Agenda Item 6A would not be open for public viewing as it was a confidential item.

Agenda Item 6B

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Revised Draft Planning Brief
for Ex-Government Supplies Depot Site at Oil Street, North Point
(MPC Paper No. 10/07)

36. Ms. Phyllis C.M. Li, Chief Town Planner/Special Duties (CTP/SD), Miss Katy C.W. Fung, Senior Town Planner/Special Duties (STP/SD), and Dr. Calvin Chiu and Mr. Billy Fan, Air Ventilation Specialists of CH2M Hill HK Ltd., were invited to the meeting at this point. The Chairperson extended a welcome and then invited Ms. Phyllis C.M. Li, CTP/SD, to brief Members on the background to the draft PB.

37. With the aid of a powerpoint presentation, Ms. Phyllis C.M. Li and Miss Katy C.W. Fung presented the revised draft Planning Brief (PB) and covered the following aspects as detailed in the Paper :

- (a) background to the draft PB. On 17.11.2006, the Committee considered the revised draft PB for the Site, which was zoned "Comprehensive

Development Area” (“CDA”) on the approved North Point Outline Zoning Plan No. S/H8/19, and agreed that development parameters adopted in the revised draft PB was acceptable and that the revised draft PB was suitable for public consultation. The Committee had also been informed that an air ventilation assessment (AVA) for the revised draft PB would be carried out in parallel and the assessment results would be submitted to the Committee for consideration;

- (b) major development parameters adopted in the revised draft PB as detailed in paragraph 2.2 of the Paper, indicating that the future development would have a plot ratio of 8.6, maximum gross floor area (GFA) of 70,000m² and maximum building height of 100/120mPD. A total area of 6,400m² for public open space (POS) would be provided;
- (c) the Sub-committee on Harbour Plan Review of the Harbour-front Enhancement Committee (the HEC Sub-Committee) and the Works and Development Committee (WDC) of the Eastern District Council (the EDC) were consulted on the revised draft PB on 22.11.2006 and 14.12.2006 respectively. The HEC Sub-committee welcomed the development concept in the revised draft PB and considered the increase in POS, the stepped height design and the integration with the historical building to the south of the Site were improvements to the existing PB. It also considered that there was a good balance between development intensity and the provision of open space and due regard had been given to the Wan Chai Development Phase II (WDII) Review and the Central-Wan Chai Bypass (CWB) projects.
- (d) the WDC of the EDC supported the revised draft PB and considered that it had responded to the requests of the EDC and the locals on reducing the plot ratio and the building height and increasing the POS provision within the Site. Some members raised concern on traffic arrangement;
- (e) two public comments were received on 23.2.2007 and 7.4.2007. One of the commenters, Designing Hong Kong Harbour District’s representative

(DHKHD) (applicant of the previous rezoning application) considered that the PB had addressed some of the public concerns but raised concerns on the provision of POS and wall effect of the future development;

- (f) another commenter who was a member of the public commented on issues relating to air ventilation problem, building height, provision of arts, cultural and entertainment uses, traffic impact and pedestrian link;
- (g) relevant Government departments had been consulted on the public comments received. The responses of PlanD and relevant departments consulted were set out below :

Public Open Space Provision

- (h) to help address the deficit in local open space in the OZP area and the strong public calls for more POS in the Site, the revised draft PB had set a requirement for the provision of 3,530m² of POS within the Site, in addition to 1,680m² of local open space for the future residents. Together with an additional POS of 2,870m² at the “Government, Institution or Community” (“G/IC”) site south of the “CDA” site, a POS of 6,400m² to be managed by Leisure and Cultural Services Department (LCSD) would be provided.

Wall Effect and Air Ventilation

- (i) the Site was subject to severe environmental constraints due to the Island Eastern Corridor (IEC) and the proposed CWB. Non-noise sensitive uses, i.e. the office/hotel blocks in the northern part of the Site was required to act as an environmental buffer to protect the residential use at southern part of the Site. With the site constraints, a stepped building height profile and building separation had been adopted to avoid wall effect. An AVA had been carried out and three wind corridors through the Site were recommended, i.e. along Oil Street, along the northeastern boundary and in the middle part of the Site with a view to improving the visual permeability

and air ventilation of the Site and the surrounding areas;

Building Height

- (j) taking account of the building heights of nearby existing buildings, i.e. 120mPD of Harbour Heights to the west and 85mPD of City Garden to the east, the proposed building height restrictions on the development of the Site (100mPD for the seaward portion and 120mPD the for landward portion) would help create a gradation of building height from west to east along the waterfront with a stepped height profile within the Site;

Proposed Arts and Cultural Uses

- (k) commercial and residential uses on the Site were considered appropriate and compatible with the surrounding mixed commercial and residential uses. Commercial uses could add vibrancy to the waterfront and the neighbourhood in North Point. LCSD advised that there was no plan to provide a new arts and cultural centre in the district and the Government would monitor the demand and review the future provision of such facilities in the district;

Concerns on Traffic Impact and Pedestrian Link

- (l) a traffic impact assessment (TIA) for the proposed development was required under the revised draft PB and as part of the Master Layout Plan (MLP) submission to the Town Planning Board for approval to ensure acceptability of the proposed scheme in traffic terms; and
- (m) Transport Department and Highways Department advised that a subway link from the Fortress Hill MTR Station should be subject to technical feasibility study and agreement with MTRC. In the revised draft PB, the future developer was required to extend the existing footbridge from the Fortress Hill MTR Station to the “CDA” site to provide a convenient pedestrian connection from the MTR station to Oil Street area.

38. With the aid of a powerpoint presentation, Dr. Calvin Chiu made the following main points :

Air Ventilation Assessment (AVA)

- (a) an AVA, comprising Site Wind Availability Study, Expert Evaluation and Detailed Study, had been undertaken. The Detailed Study was conducted by wind tunnel tests to assess the air ventilation impacts of three alternative design schemes for the Site and its surrounding area, namely :
 - Base Scheme (development parameters under existing land sale conditions);
 - Revised Scheme (development parameters in the revised draft PB); and
 - Second Revised Scheme (developed iteratively based on the merits and demerits of Base and Revised Schemes);

- (b) a wind rose (at 200m above the ground) was generated from the Site Wind Availability Study and was used as input to the Detailed Study;

- (c) the major findings of AVA on alternative design schemes were summarized below :
 - all three design schemes had no adverse ventilation impacts on the surrounding areas;
 - wind availability on the surroundings was not sensitive to the change of building height, design and disposition in different design schemes;
 - setback of the commercial block from the northeast boundary of the Second Revised Scheme improved air flow;
 - building gap between two commercial blocks in the two Revised Schemes enhanced the wind environment in the central landscaped area and formed a wind corridor within the Site; and
 - with wide separation between rows of buildings, a wind corridor was formed along Oil Street.

- (d) the AVA recommended the provision of wind corridors along the southwest and northwest boundaries and a building gap in the middle of the Site to allow a better wind environment. As very high velocity ratio (VR) was predicted at some test points along Oil Street, planting of trees with wide crown and dense foliage had to be considered in the detailed design stage to ameliorate strong wind.

39. Miss Katy C.W. Fung also made the following main points :

Proposed Refinements to the Revised Draft PB

- (a) a new section was included in the revised draft PB and the development concept incorporating the recommended wind corridors taking account of AVA findings as follows :

Air Ventilation Requirements

“4.8 The Technical Circular on AVA promulgated by the then Housing, Planning and Lands Bureau and the then Environment, Transport and Works Bureau in July 2006 sets out a framework for AVA to promote the awareness of project proponents to ensure that air ventilation impacts are duly considered as one of the main criteria in the planning and design process. An AVA Study has been undertaken by the consultant of the Planning Department to assess the air ventilation impacts of the development on the Site. Based on the AVA study, three wind corridors through the Site are recommended including along Oil Street, the northeastern boundary and in the middle part of the Site. Tree planting should be considered along Oil Street to reduce the possible strong wind.”

“4.9 The future developer should make reference to the recommendations of the AVA in the preparation of the MLP submission. A copy of the AVA Report is available at the AVA Register of PlanD. Should the proposed scheme deviate from the development concept in the PB and the

design requirements specified in paragraph 4.8 above, the future developer would be required to carry out an AVA for the proposed scheme to demonstrate no worse-off, if not better, of the outdoor wind environment when compared with that for the Second Revised Scheme assessed in the AVA, as part of the MLP for submission to the Board for approval.”.

- (b) to cater for the nearby proposed reclamation works for the CWB, an existing stormwater drain in the middle portion of the Site would be replaced by a permanent one running along the northeastern boundary. To reflect this requirement, paragraph 4.20 of the revised draft PB would be amended as follows :

“4.20 Any diversion of the existing drain(s), and any new or diverted drains and sewers from the Site should be connected to Government storm-water drains and sewers to a standard to the satisfaction of the Director of Drainage Services.”; and

- (c) if the Committee endorsed the revised draft PB, the development parameters set out in the PB would be incorporated into the conditions of sale for the Site. The revised PB would be provided to the future developer to guide future development.

40. Members raised the following questions and comments :

- (a) the increase in traffic and pedestrian flows resulting from the proposed developments of the Site and the neighbouring areas would create pedestrian/vehicle conflicts in the area. The possibility of providing pedestrian links in the area should be explored to minimize such conflicts;
- (b) whether the entire wind corridor was a non-building area and whether the provision of a cross-link bridge in the wind corridor was allowed;
- (c) no fence wall should be allowed for the proposed public open space along Oil Street;

- (d) the feasibility of providing a subway link from Fortress Hill MTR Station to the Oil Street area to address the public concern; and
- (e) any standard benchmark for wind corridor set out for AVA.

41. In reply, Ms. Phyllis C.M. Li made the following main points :

- (a) traffic arrangements including pedestrian links and road/junction improvements (proposed in the TIA) were stipulated in paragraphs 4.13 and 4.14 of the revised PB;
- (b) the AVA Report would not be attached to the revised PB. As stipulated in paragraphs 4.8 and 4.9 of the revised PB, the future developer should make reference to the recommendations of the AVA in the preparation of the MLP. If the proposed scheme deviated from the development concept in the revised PB, the future developer was required to carry out an AVA for the proposed scheme to demonstrate that the development would not have adverse air ventilation impact on the surrounding area. Hence, the air ventilation requirements as proposed in the revised PB could allow more flexibility for the future developer in the preparation of the MLP and could facilitate future development in “CDA” zoning with further assessment if the recommendations of the AVA was adopted;
- (c) as stipulated in paragraph 4.2 of the revised PB, the public open space proposed along Oil Street would be designed and constructed by the future developer and managed and maintained by LCSD upon completion; and
- (d) Members’ view on the feasibility of providing a subway link to address the public concern would be relayed to Transport Department for consideration.

42. Dr. Calvin Chiu pointed out that wind corridor was not a non-building area and provision of cross-link bridge in the wind corridor was acceptable subject to no impact on air

circulation.

43. The Chairperson supplemented with the following points :

- (a) Caution should be taken as the air ventilation requirements was incorporated in the PB for the first time;
- (b) taking into account the public concern on possible pedestrian/vehicle conflicts, the relevant part of the PB could be strengthened to draw the developer's attention to the need of addressing this issue in the TIA which could be submitted as part of the MLP to the Town Planning Board for approval; and
- (c) the revised PB should be further amended to set out the requirement that no fence wall should be constructed along Oil Street.

44. On the point regarding benchmarking, the Secretary explained that the Technical Circular on AVA promulgated by the then Housing, Planning and Lands Bureau and the then Environment, Transport and Works Bureau in 2006 was intended to set out a framework for AVA. The framework developed at this stage did not provide a standard benchmark regarding the acceptability of air ventilation impacts. It would however enable comparison of different design schemes in external air ventilation terms and identification of potential problem areas for design improvements.

Deliberation Session

45. A Member noted that the proposed wind corridor in between buildings was not very specific in the PB. This might lead to arguments among experts at the stage of MLP bearing in mind that developer would likely ask for a layout footprint for the commercial building. The Member asked whether a minimum width could be indicated in the revised PB and incorporated into the conditions of sale for the Site. Ms. Phyllis C.M. Li responded that three wind corridors and their appropriate locations had already been indicated in paragraph 4.8 of the revised PB. The purpose of not imposing the exact width of wind corridor in the revised PB was to allow design flexibility for the future developer in the

preparation of the MLP;

46. In response to the question from the Chairperson, Dr. Calvin Chiu pointed out that the objectives of AVA Study were to assess the air ventilation impacts on the basis of three alternative design schemes; and to improve the air ventilation in the area through the design layout. There was no assessment nor recommendation on the minimum width of wind corridor for the Site.

47. Mr. James Merritt remarked that although the AVA or wind corridor would not be incorporated into the lease as it was a planning issue, the future developer was still required under the lease to make reference to the PB. The Chairperson supplemented that as the Site was zoned “CDA”, the future developer had to submit the MLP to the Town Planning Board for approval.

48. After a lengthy discussion, Members considered it not necessary to impose a minimum width for the wind corridor in this case and that the AVA requirements as proposed by PlanD in the revised PB more appropriate as it would provide a reference for incorporating wind corridors without compromising the flexibility for the future developer in the preparation of the MLP. Members also expressed the following views :

- (a) a balance should be struck between certainty and flexibility in the drafting of air ventilation requirements in the PB. The imposition of more prescriptive width of wind corridor in the revised PB in the absence of a standard benchmarking would limit flexibility in design; and
- (b) there was no basis for drawing up the minimum width of the wind corridor.

49. In view of the above, the Chairperson concluded that the air ventilation requirements as proposed by PlanD would be incorporated into the revised PB.

50. After deliberation, the Committee decided to :

- (a) note the public comments received on the revised draft Planning Brief (PB) as summarized in paragraph 3 and detailed in Annexes III, IV, V and VI of

the Paper;

- (b) note the findings of air ventilation assessment as summarised in paragraph 5 and detailed in Annex VII of the Paper;
- (c) agree to the proposed amendments to the revised draft PB as stated in paragraphs 6.1 and 6.2 and shown in Annex VIII of the Paper; and
- (d) subject to the revision in paragraphs 43(b) and (c), endorse the revised PB as attached at Annex VIII of the Paper.

51. The Committee also agreed that development parameters set out in the revised PB would be incorporated into the conditions of sale for the Site and the revised PB would be provided to the future developer to guide future development.

[The Chairperson thanked Ms. Phyllis C.M. Li, CTP/SD, Miss Katy C.W. Fung, STP/SD, and Dr. Calvin Chiu and Mr. Billy Fan, Air Ventilation Specialists of CH2M Hill HK Ltd., for their attendance to answer Members' enquiries. Ms. Li, Miss Fung, Messrs. Chiu and Fan left the meeting at this point.]

[Professor Paul K.S. Lam and Mr. Felix W. Fong left the meeting at this point.]

Tsuen Wan and West Kowloon District

[Mr. Louis K.H. Kau, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), and Mr. Edward P.L. Li, STP/TWK, were invited to the meeting at this point.]

Agenda Item 7

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the
Draft Yau Ma Tei Outline Zoning Plan No. S/K2/18
(MPC Paper No. 12/07)

[Mr. James Merritt left the meeting at this point.]

Presentation and Question Sessions

52. Mr. Louis K.H. Kau, STP/TWK, presented the proposed amendments to the Draft Yau Ma Tei Outline Zoning Plan (OZP) and covered the following aspects as detailed in the Paper :

- (a) to rezone a site at the junction of Chatham Road South and Princess Margaret Road from “Open Space” (“O”) to “Government, Institution or Community (1)” (“G/IC(1)”) in accordance with the Committee’s decision on a s.12A application (No. Y/K2/3) on 13.4.2007. In order to address the Committee’s concerns, the Notes would specify that any new development within the “G/IC(1)” zone would require planning permission from the Town Planning Board (TPB) under s.16 of the Town Planning Ordinance and paragraph 7.5 of the Explanatory Statement would also specify the various technical details of the proposed development to be submitted to the TPB for consideration; and
- (b) to add a new set of Notes for the “G/IC(1)” zone in the Notes of the OZP.

53. Members had no question on the proposed amendments.

Deliberation Session

54. After deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the draft Yau Ma Tei Outline Zoning Plan (OZP) as mentioned in paragraphs 3 and 4 of the Paper and that the amendment plan No. S/K2/18A (to be renumbered as S/K2/19 upon exhibition) in Annex A of the Paper and its revised Notes at Annex C of the Paper were suitable for public inspection under section 7 of the Town Planning Ordinance; and

- (b) adopt the updated Explanatory Statement (ES) at Annex D of the Paper as an expression of the planning intentions and objectives of the Town Planning Board for the various land use zonings of the draft Yau Ma Tei OZP and the updated ES would be published together with the Plan under the name of the Town Planning Board.

Agenda Item 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K5/641 Proposed Wholesale Trade (Wholesale of Tea)
in “Other Specified Uses” annotated “Business” zone,
Lower G/F (Portion), Great Wall Factory Building,
11 Cheung Shun Street, Cheung Sha Wan
(MPC Paper No. A/K5/641)
-

Presentation and Question Sessions

55. Mr. Edward P.L. Li, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed wholesale trade use (wholesale of tea);
- (c) departmental comments – no objection from concerned Government departments, including Fire Services Department (FSD), was received;
- (d) one public comment was received during the statutory publication period. The commenter supported/had no objection to the application; 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.

56. Members had no question on the application.

Deliberation Session

57. In response to a Member's enquiry, Mr. Edward P.L. Li said that as advised by FSD, the lower ground floor was regarded as ground floor but not basement. The floor area of the proposed use under application had not exceeded the maximum permissible limit of 460m² for the lower ground floor and ground floor of a fully sprinklered industrial building. As such, FSD had no objection to the application. The Chairperson supplemented that according to FSD, commercial uses in the basement of industrial building were not allowed.

58. In response to a Member's concern on the possible use of the application premises for retail purpose in future, the Chairperson said that as the application would be approved on the terms as submitted, the application premises could only be used for wholesale trade of tea while retail use (retail of tea) would require planning permission from the Town Planning Board. Taking into account such concern, the Chairperson suggested and Members agreed that an advisory clause should be added accordingly.

59. 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 10.8.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) provision 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.

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

- (a) note that the application premises could only be used for wholesale trade of tea and retail use (retail of tea) would require planning permission from the TPB;
- (b) apply to the District Lands Officer/Kowloon West, Lands Department for the temporary waiver to permit the applied use; and
- (c) consult the Chief Building Surveyor/Kowloon, Buildings Department on the submission of building plans in respect of separation of the application premises from other existing use of the same building with proper fire resisting construction; design and provision of means of escape; provision of access and facilities for persons with a disability and sanitary fitments.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/KC/329 Temporary Public Vehicle Park
(Excluding Container Vehicle)
(Surplus Parking Spaces only) for a Period of 3 Years
in “Residential (Group A)” zone, Carpark Block
of Wah Lai Estate, Wah Lai Estate, Kwai Chung
(MPC Paper No. A/KC/329)
-

61. The application was submitted by The Link Properties Ltd. (The Link). The Committee noted that Dr. Greg C.Y. Wong, having current business dealings with The Link, declared an interest in this item.

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

Presentation and Question Sessions

62. Mr. Edward P.L. Li, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the application site was the subject of a previous application (No. A/TWK/2) approved by the Committee on 28.5.2004 for changing the use of existing ancillary parking spaces to temporary public car parks for 3 years up to 28.5.2007;
- (b) the proposed temporary public vehicle park (excluding container vehicle) for letting the surplus car parking spaces to non-residents on a monthly basis;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period, raising concerns on adverse traffic impact and pedestrian safety; and
- (e) the Planning Department (PlanD)'s views – PlanD had no in-principle objection to the application for reasons given in paragraphs 10.1 and 10.2 of the Paper in that the proposal was only to convert the surplus ancillary parking spaces into public vehicle park. Priority would be given to the residents in renting the parking spaces. Since the ancillary parking demand might fluctuate over time, it was recommended that the application be approved on a temporary basis for a period of 3 years so that the applicant could let the parking spaces flexibly while the parking demand of the residents could be reviewed regularly and agreed by Transport Department (TD). Regarding the local concerns, TD and the Commissioner of Police both had no adverse comments on the public comment.

63. In response to a Member's enquiry, Mr. Edward P.L. Li said that there was two public car parks in the vicinity, one was located in the nearby private residential development namely Nob Hill while another was a temporary open car park at Kau Wa Keng just opposite to the application site.

64. The same Member asked whether there was any surplus car parking spaces found in these two car parks. Mr. Edward P.L. Li replied that there was no information in this respect. Nevertheless, some parking spaces in these two car parks were used to serve the public.

Deliberation Session

65. The Chairperson remarked that the current application submitted by The Link was a renewal of previous temporary planning approval by the Hong Kong Housing Authority, and TD had no objection to the application.

66. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 10.8.2010, on the terms of the application as submitted to the Town Planning Board and subject to the condition that the proposed number of parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

- (a) note that a temporary approval period of three years was granted so that the parking spaces could be let to non-residents flexibly, while the parking demand of the residents could be reviewed regularly;
- (b) note that in letting the surplus parking spaces, priority should be given to residents of the public housing estate; and
- (c) apply to the District Lands Officer/Tsuen Wan and Kwai Tsing for a temporary waiver to permit the letting of the surplus car parking spaces to non-residents.

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

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

Presentation and Question Sessions

73. Mr. Kelvin K.W. Chan, DPO/K, drew Members attention to the ‘Zoning’ of the Paper and said that the maximum building height should be 120mPD instead of 170mPD which was a typo. Miss Helen L.M. So, STP/K, then 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 (Unit 3A for estate agency office and Unit 3B for bank);
- (c) departmental comments – no objection from concerned Government departments, including Fire Services Department (FSD), was received;
- (d) one supporting public comment was 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.

74. Members had no question on the application.

Deliberation Session

75. The Chairperson remarked that FSD had no objection to the application.

76. 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 10.8.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

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

- (a) the submission and implementation of fire safety measures, including provision of a means of escape separating the subject premises from the industrial portion 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 planning condition was not complied with before the operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver; and
- (b) appoint an Authorized Person to submit building plans to demonstrate compliance with the Buildings Ordinance, in particular, fire resisting construction.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K13/223 Proposed Shops and Services
in “Other Specified Uses” annotated “Business” zone,
Workshop Nos. 6A and 6B,
G/F, Kingsford Industrial Centre,
13 Wang Hoi Road, Kowloon Bay
(MPC Paper No. A/K13/223)
-

Presentation and Question Sessions

78. Mr. Kelvin K.W. Chan, DPO/K, drew Members attention to the ‘Zoning’ of the

Paper that the maximum building height should be 120mPD instead of 170mPD which was a typo. Miss Helen L.M. So, STP/K, then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shops and services use;
- (c) departmental comments – no objection from concerned Government departments, including Fire Services Department, was received;
- (d) no public comment was received during the 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.

79. Members had no question on the application.

Deliberation Session

80. 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 10.8.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including provision of a means of escape separating the subject premises from the industrial portion 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 planning condition was not complied with before the operation

of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver;
- (b) appoint an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the fire resisting separation and provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72; and
- (c) exercise extreme care when working in the vicinity of any existing drainage works in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the said works due to applicant's activities in the area should be made good to the satisfaction of Drainage Services Department at his/her own cost.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K13/224 Shop and Services
in "Other Specified Uses" annotated "Business" zone,
Unit B2A, G/F, Block B, Tonic Industrial Centre,
19 Lam Hing Street, Kowloon Bay
(MPC Paper No. A/K13/224)
-

Presentation and Question Sessions

82. Mr. Kelvin K.W. Chan, DPO/K, drew Members attention to the 'Zoning' of the Paper that the maximum building height should be 120mPD instead of 170mPD which was a typo. Miss Helen L.M. So, STP/K, then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services use;
- (c) departmental comments – no objection from concerned Government departments, including Fire Services Department, was received;
- (d) no public comment was received during the 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.

83. Members had no question on the application.

Deliberation Session

84. 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 was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including provision of a means of escape separating the subject premises from the industrial portion and 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 10.2.2008; 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.

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

- (a) apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver;
- (b) appoint an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the separation from the adjoining premises with walls of 2 hours fire resistance period; and
- (c) exercise extreme care when working in the vicinity of any existing drainage works in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the said works due to applicant's activities in the area should be made good to the satisfaction of Drainage Services Department at his/her own cost.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/K14/545 Proposed Shop and Services
in "Other Specified Uses" annotated "Business" zone,
Portion of G/F (Units 1, 2 and 3),
Tins' Second House,
94 and 96 How Ming Street, Kwun Tong
(MPC Paper No. A/K14/545)
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Presentation and Question Sessions

86. 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 – no objection from concerned Government departments, including Fire Services Department (FSD), was received;

- (d) two supporting public comments were received during the statutory publication period of the application and one supporting public comment during the stage of further information. The commenter of the further information also raised concern on the waiver fee for the application premises. PlanD had conveyed Lands Department's responses to this commenter for reference. The District Officer (Kwun Tong) (DO(KT)) also raised traffic concern on the application; 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. Regarding the traffic concerns raised by the DO(KT), Transport Department had no objection to the application.

87. Members had no question on the application.

Deliberation Session

88. The Chairperson remarked that FSD had no objection to the application.

89. 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 10.8.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including provision of a means of escape separating the subject premises from the industrial portion 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 planning 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.

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

- (a) apply to District Lands Officer/Kowloon East, Lands Department for a temporary waiver;
- (b) appoint an Authorised Person to submit building plans to demonstrate compliance with the Buildings Ordinance, in particular the adequacy of means of escape and the provision of 2-hour Fire Resistance Period separation between the subject premises and the remaining workshop(s) on the ground floor of the subject building to the satisfaction of the Director of Buildings;
- (c) exercise proper care when working in the vicinity of existing drains and sewers in order not to disturb, interfere with or damage the drains and sewers. Any blockage or damage to the said works due to his/her activities in the area should be made good at his/her own cost to the satisfaction of the Director of Drainage Services; and
- (d) strictly follow regulatory restrictions when loading/unloading activities take place to avoid interfering with the main stream traffic in particular when they were under the cumulative effects of nearby roadside activities.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/K14/549 Proposed Temporary Shop and Services
(Fast Food Shop) for a Period of 3 Years
in “Other Specified Uses” annotated “Business” zone,
Workshop 6, G/F, Prosperity Centre,
25 Chong Yip Street, Kwun Tong
(MPC Paper No. A/K14/549)
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91. The application was submitted by a subsidiary of Cheung Kong (Holding) Ltd.

(Cheung Kong). The Committee noted that Dr. Greg C.Y. Wong, having current business dealings with Cheung Kong, had declared an interest in this item.

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

Presentation and Question Sessions

92. 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 temporary shop and services use (fast food shop) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments, including Fire Services Department (FSD), was received;
- (d) one public comment was received during the statutory publication period, raising concern on the waiver fee for the application premises. PlanD had conveyed Lands Department's responses to the commenter for reference. The District Officer (Kwun Tong) (DO(KT)) also raised traffic concern on the application; 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. Regarding the traffic concerns raised by the DO(KT), Transport Department had no objection to the application.

93. Members had no question on the application.

Deliberation Session

94. The Chairperson remarked that FSD had no objection to the application.

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 10.8.2010, 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 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 planning 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.

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

- (a) apply to District Lands Officer/Kowloon East, Lands Department for a temporary waiver;
- (b) comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction;
- (c) appoint an Authorised Person to submit building plans to demonstrate compliance with the Buildings Ordinance, in particular, the provision of access and facilities for persons with disability under Building (Planning) Regulation 72;
- (d) exercise extreme care when working in the vicinity of existing drains in order not to disturb, interfere with or damage the drains. Any blockage or damage to the said works due to his/her activities in the area should be made good at his/her own cost to the satisfaction of the Director of Drainage Services;
- (e) strictly follow regulatory restrictions when loading/unloading activities take place to avoid interfering with the main stream traffic in particular

when they were under the cumulative effects of nearby roadside activities;
and

- (f) apply to Food and Environmental Hygiene Department for a food licence for the operation of the fast food shop.

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

[Open Meeting (Presentation and Question Sessions Only)]

(vi) A/K14/550 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Workshop A, Units 1 and 2, G/F,
11-13 Shing Yip Street, Kwun Tong
(MPC Paper No. A/K14/550)

(vii) A/K14/551 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Workshop B, Units 1 and 2, G/F,
11-13 Shing Yip Street, Kwun Tong
(MPC Paper No. A/K14/551)

(viii) A/K14/552 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Workshop C, Units 1 and 2, G/F,
11-13 Shing Yip Street, Kwun Tong
(MPC Paper No. A/K14/552)

97. Noting that Applications No. A/K14/550, A/K14/551 and A/K14/552 were submitted by the same applicant and similar in nature, and the application premises were located at the ground floor of the same building, the Committee agreed to consider the 3 applications together.

Presentation and Question Sessions

98. Miss Helen L.M. So, STP/K, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed shop and services use under the 3 applications;
- (c) departmental comments – no objection from concerned Government departments, including Fire Services Department, was received for all the 3 applications;
- (d) one supporting public comment each was received during the statutory publication periods of all the 3 applications. The three commenters raised the same concern on the waiver fee for all the 3 application premises. PlanD had conveyed Lands Department's responses to the commenters for reference. The District Officer (Kwun Tong) (DO(KT)) also raised traffic concern on all the 3 applications; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to all the 3 applications for the reasons detailed in paragraph 11.1 of the Papers. Regarding the traffic concern raised by the DO(KT), Transport Department had no objection to all the 3 applications.

99. Members had no question on the applications.

Deliberation Session

100. After deliberation, the Committee decided to approve all the 3 applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 10.8.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including provision of a means of escape separating the subject premises from the industrial portion 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 planning 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.

101. The Committee also agreed to advise each applicant to :

- (a) apply to District Lands Officer/Kowloon East, Lands Department for a temporary waiver;
- (b) comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction;
- (c) appoint an Authorized Person 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;
- (d) exercise proper care when working in the vicinity of existing drains and sewers in order not to disturb, interfere with or damage the drains and sewers. Any blockage or damage to the said works due to his/her activities in the area should be made good at his/her own cost to the satisfaction of the Director of Drainage Services;
- (e) strictly follow regulatory restrictions when loading/unloading activities take place to avoid interfering with the main stream traffic in particular when they were under the cumulative effects of nearby roadside activities; and

- (f) apply to Food and Environmental Hygiene Department for a food licence for the operation of food business.

[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.]

Agenda Item 10

Any Other Business

102. There being no other business, the meeting was closed at 12:35 p.m..