

## **TOWN PLANNING BOARD**

### **Minutes of 359th Meeting of the Metro Planning Committee held at 9:00 a.m. on 12.10.2007**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

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

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

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

Secretary

**Absent with Apologies**

Professor Bernard V.W.F. Lim

Ms. Maggie M.K. 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  
Mr. C.T. Ling

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

**Agenda Item 1**

Confirmation of the Draft Minutes of the 358th MPC Meeting held on 28.9.2007

[Open Meeting]

1. The draft minutes of the 358th MPC meeting held on 28.9.2007 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(a) Town Planning Appeal Decisions Received

Town Planning Appeal No. 18 of 2006 (18/06)  
Proposed New Territories Exempted House (NTEH) (Small House)  
in "Agriculture" Zone, Lots 539C and 541B8 in DD9,  
Yuen Leng Village, Kau Lung Hang, Tai Po  
(Application No. A/NE-KLH/343)

Town Planning Appeal No. 19 of 2006 (19/06)  
Proposed New Territories Exempted House (NTEH) (Small House)  
in "Agriculture" Zone, Lots 535A3 and 539D in DD9,  
Yuen Leng Village, Kau Lung Hang, Tai Po  
(Application No. A/NE-KLH/344)

2. The Secretary reported that the Town Planning Appeal Board (TPAB) on 19.9.2006 received two appeals against the decision of the Town Planning Board on 14.7.2006 on two applications (No. A/NE-KLH/343 and A/NE-KLH/344) for a Small House at each of the application site zoned "Agriculture" on the draft Kau Lung Hang Outline Zoning Plan. The appellants appealed against the advisory clause (a) of the approvals that the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage networks. The appellants claimed that the planning permissions would expire before the fulfilment of the advisory clause and that there was unfair treatment

as other completed Small Houses in the area only needed to provide septic tanks for disposal of sewage.

3. The appeals were heard together by the TPAB on 25.4.2007. On 2.8.2007, the appeals were dismissed by the TPAB on the following grounds :

- (a) the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) was revised in August 2002 to address the grave concern about the deterioration of water quality within Water Gathering Grounds (WGGs) due to the substantial increase in Small House developments in recent years. It was considered reasonable that the Town Planning Board had imposed the concerned approval condition;

[Ms. Sylvia S.F. Yau and Mr. Raymond Y.M. Chan arrived to join the meeting at this point.]

- (b) on the Appellants' claim that the planning permission would expire before the fulfilment of advisory clause (a) due to postponement of construction of the public sewerage system, it was stated in section 16A(2) of the Town Planning Ordinance that the appellants could apply for extension of planning permission; and
- (c) on the claim of unfair treatment, the TPAB noted that other Small House developments in the vicinity were actually approved before the revised Interim Criteria came in effect, and it was therefore unnecessary for such developments to wait until the completion of public sewerage system.

4. The Secretary said that a summary of the appeal and the TPAB's decision had already been forwarded to Members for reference.

(b) Appeal Statistics

5. The Secretary also reported that as at 12.10.2007, 17 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	20
Dismissed	:	103
Abandoned/Withdrawn/Invalid	:	124
Yet to be Heard	:	17
Decision Outstanding	:	3
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Total	:	267

**Kowloon District**

**Agenda Item 3**

Section 12A Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) Y/K11/1                      Application for Amendment to the  
Draft Tsz Wan Shan, Diamond Hill  
and San Po Kong Outline Zoning Plan No. S/K11/21  
to amend the Notes of the “Residential (Group A)” zone,  
New Kowloon Inland Lot No. 6309,  
3 Chun Yan Street, Wong Tai Sin  
(MPC Paper No. Y/K11/1)
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6. The current owner of the application site, Bethan Co. Ltd., is a subsidiary of Kerry Properties (H.K.) Ltd.. The Committee noted that Dr. Greg C.Y. Wong, having participated in the preparation of bidding of the application site by Kerry Properties (H.K.) Ltd., declared an interest in this item.

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

Presentation and Question Sessions

7. Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), and Miss Annie K.W. To, Senior Town Planner/Kowloon (STP/K), and the following applicant's representatives were invited to the meeting at this point :

Mr. Tam Hoi Pong ) representatives of Green Sense

Miss Ho Ka Po )

Mr. Chow Chi Kin - Principal of the adjacent Canossa Primary School (CPS)

8. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited Miss Annie K.W. To, STP/K, to brief Members on the background to the application.

9. With the aid of a Powerpoint presentation, Miss Annie K.W. To presented the application and covered the following main points as detailed in the Paper :

(a) the application site (the Site) was zoned "Residential (Group A)" ("R(A)") on the draft Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) No. S/K11/21 with a maximum domestic and non-domestic plot ratio (PR) of 7.5 and 1.5 respectively. There was a restriction of a maximum building height of 140mPD stated in the lease conditions;

(b) the applicant proposed the following amendments to the Notes of the "R(A)" zone :

(i) to reduce the maximum permissible domestic PR from 7.5 to 6.5 and non-domestic PR from 1.5 to 1;

(ii) to impose a building height limit of 25m on the north-western part of the Site;

- (iii) to impose a distance of 15m between the building blocks; and
  - (iv) to impose a building setback of 5m along the site boundary from the adjacent CPS;
- (c) the background regarding the Site was detailed in paragraph 3 of the Paper. The Site currently occupied by four 13-storey vacant residential blocks of the Ex-Wong Tai Sin Police Married Quarters was first zoned “Government, Institution or Community” (“G/IC”) in 1960. The Site was identified for a Home Ownership Scheme development in 1998, and was rezoned to “R(A)” with a maximum domestic PR of 7.5 and non-domestic PR of 1.5, after confirmation of its technical acceptability through technical assessments. The zoning amendment was gazetted on 5.3.1999 for public inspection and no objection was received. On 23.3.1999, the Housing Committee of the then Wong Tai Sin Provisional District Board was consulted on the zoning amendment and no objection was raised;
- (d) Due to the change in housing policy, the Site was released for private residential development in 2002. The Site was later included in the 2006/07 and 2007/08 “List Sites for Sale by Application”. On 31.7.2007, the Site was sold in the Government land auction;

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

- (e) departmental comments were detailed in paragraph 8 of the Paper, highlighting that Lands Department (LandsD) objected to the application as the development intensity as permitted under the Conditions of Sale had been reflected in the sale price. The approval of the application would affect the permissible development intensity and impose additional development restrictions. Hence, the purchaser might claim for loss. No adverse comments from other concerned Government departments were received;

- (f) a total of 126 public comments were received during the statutory publication period, of which 122 supported, one objected and two had no view/raised concerns on the application. One commenter, who was the current owner of the Site, considered the application was unjustifiable. The grounds of objection/support/comments on the application were detailed in paragraph 9 of the Paper. The District Officer (Wong Tai Sin) advised that the Housing Committee of the Wong Tai Sin District Council supported the application, and the locals such as CPS were concerned about the possible nuisances caused during the construction period, and the potential traffic impact resulting from the development; and
  
- (g) Planning Department's (PlanD) views – PlanD did not support the application for the reasons detailed in paragraphs 10.1 to 10.4 of the Paper. The use and development parameters of the Site on the OZP were established based on technical assessments and the OZP had gone through all the statutory plan-making procedures with no objection received at that time. The permissible PR of the Site was comparable to those of surrounding residential developments such as Lower and Upper Wong Tai Sin Estate, Lung Poon Court, Hsin Kuang Centre and Tropicana Garden. The Site had already been sold based on the permissible development intensity under the OZP. The low-rise GIC uses and open spaces in the vicinity of the Site would allow penetration of wind flow in the area. There was insufficient information to demonstrate that the proposed amendments would improve the air ventilation and visual aspects of the area nor ascertain the extent of the improvement.

10. The Chairperson then invited the applicant to elaborate on the application. With the aid of a Powerpoint presentation, Mr. Tam Hoi Pong, summarized the proposal and made the following main points :

- (a) recently, there were many new developments with 'wall buildings' emerged in Hong Kong, especially in Tung Chung, Tsuen Wan and West Kowloon, which were considered undesirable. The Garden Rivera in

Shatin was however considered to be an example of good planning as it comprised five staggered building blocks with sufficient space provided between buildings;

- (b) based on the restrictions on the OZP and the Conditions of Sale, there was a high chance that ‘wall buildings’ might be built on the Site. An example was the two land sale sites in Tai Kok Tsui which had been amalgamated by the developer for development into four 60-storey building blocks on top of a 7-storey podium. This would cause adverse air ventilation and visual impacts to Tai Kok Tsui area. The subject s.12A application aimed to achieve a better planning for the Site; to minimize the adverse environmental and air ventilation impacts caused by the proposed development on the adjacent CPS, Lower Wong Tai Sin Estate and Tze Wan Shan area; and aboveall, to prevent wall effect on the Site. In this regard, the Government should consider introducing clear guidelines and legislation to prevent ‘wall buildings’;
- (c) a distance of 15m between building blocks was proposed, taking into account the building separation standards adopted in the Mainlands and dense building environment in Hong Kong;
- (d) a building setback of 5m from CPS would provide a buffer between the future development and the CPS. The proposed building height limit of 25m on the north-western part of the Site would allow a wind corridor so that the easterly or south-easterly wind would be able to reach the Wong Tai Sin and Tze Wan Shan areas;
- (e) due to the applicant’s limited resources, no technical assessments had been conducted. Illustrating by a model, even submitted technical assessments, it was obvious that suitable building separation in the layout would be better than no gap between buildings. LandsD should include the restriction of building separation in the Conditions of Sale for all land sale sites;

- (f) the responsibilities to address the problem of 'wall buildings' rested with LandsD and Buildings Department. However, both departments had failed to exercise proper control through vetting of building plans and ensuring the compliance with the Design and Deposition clause as stated in the Conditions of Sale;
- (g) subsequent to the LandsD's promulgation of the 2007/08 "List Sites for Sale by Application" on 17.3.2007, the applicant had identified 12 sites from the list of having possible 'wall buildings'. Some of them, including the Site, had been sold in the Government land auctions. Efforts had been made by the applicant to lobby the relevant departments/bureau and the Real Estate Developers Association of Hong Kong for their supports but of no avail. Submission of applications to the Town Planning Board (TPB) seemed to be the only way to address the problem of 'wall buildings'; and
- (h) developers were notified that application had been submitted to the TPB during the land auction and should be aware of the risk of reduction in density. Hence, in considering the applications, the Committee should give due regard to the well being of nearby residents and students of adjacent CPS. The risk borne by the developers should not be a factor of consideration.

11. With the aid of a Powerpoint presentation, Mr. Chow Chi Kin made the following main points :

- (a) the CPS was built in 1968 with an extended wing recently completed. The CPS was surrounded by Government, Institution or Community facilities such as the Ex-Wong Tai Sin Police Married Quarters and the Hong Kong Sheng Kung Hui Nursing Home. The existing environment was tranquil with acceptable air ventilation;
- (b) the existing boundary wall between the CPS and Site had been jointly used by the CPS and the Ex-Wong Tai Sin Police Married Quarters for many

years. However, the distance between the boundary wall and the school building was less than 5m. As the boundary wall fell within the boundary of the sale Site, it might be removed and replaced by new buildings, resulting in buildings very close to the CPS. Hence, the CPS had grave concerns on the adverse impacts generated during the construction period as well as from the future housing development. The proposed building setback of 5m along the site boundary from CPS would provide a necessary buffer between the future housing development and the CPS;

- (c) there were some tall trees planted in the CPS compound which had extended to the sale Site. These trees should be preserved. The CPS also supported the proposed building height limit of 25m on north-western part of the Site serving as a wind corridor;
- (d) it had been explained to students of CPS that it was not possible to stop the housing development on the Site. The school had organized some short courses focusing on community, place and spirit encouraging students to participate in the discussion of wall buildings in the community;
- (e) due to limited resources, the covered area on the ground floor of the CPS building were used as school hall, which was very close to the existing boundary wall. Students also spent their recess in the area near the boundary wall. How CPS would be affected by the new development at the Site would be a valid concern of the CPS; and
- (f) at the meeting of Housing Committee of Wong Tai Sin District Council held on 7.8.2007, the District Councillors supported CPS's views and further suggested to reduce the development density of the Site to improve air ventilation and to avoid the use of curtain wall in the building design.

12. By referring to a matrix relating to height restriction, plot ratio and building layout, Mr. Tam Hoi Pong concluded that the Provident Centre in North Point was an example of development with appropriate height restriction and plot ratio but undesirable building layout while the subject site represented a development subject to height restriction

but without inappropriate plot ratio and layout.

13. Individual Members had the following questions :

- (a) why Buildings Department had no comments on the application;
- (b) referring to paragraph 10.3 of the Paper, the possibility of preserving the existing boundary wall and trees;
- (c) any temporary measures that could be adopted by the CPS to mitigate the possible nuisance to the school during the construction period; and
- (d) the authority to exercise control in compliance with Design and Deposition clause as stated in the Conditions of Sale.

14. Mr. Eric C.K. Yue, DPO/K, had the following responses :

- (a) Buildings Department had no comment on the application and he would only offer comments during the building plan submission stage;
- (b) the existing boundary wall was built together with the Ex-Wong Tai Sin Police Married Quarters. As the boundary wall fell within the boundary of the Site, it would be up to the developer to decide whether the wall would be kept. Regarding the preservation of existing trees within the Site, LandsD advised that clauses on 'tree preservation' and 'landscaping' had already been included in the Conditions of Sale, and LandsD would monitor the site conditions to ensure compliance; and
- (c) LandsD was the authority on compliance with Design and Deposition clause.

15. Mr. Chow Chi Kin also made the following points :

- (a) As advised by relevant Government departments, the noise and air quality

would be monitored during the construction period;

- (b) there was no resource on the part of the CPS to undertake mitigation measures during the construction period; and
- (c) Subsequent to the meeting of the Housing Committee of Wong Tai Sin District Council in August, a works liaison group consisting of the developer and the CPS's representatives had been set up to monitor the impacts arising from the proposed development.

16. The Chairperson invited Mr. Elvis W.K. Au to elaborate on the environmental legislation to address the noise nuisance during the construction period. In reply, Mr. Elvis W.K. Au said that there were restrictions on working hours for piling works under the Noise Control Ordinance, which would be more stringent for school area. There was also Code of Practice on good management practice, which provided administrative guidance to the construction industry to prevent violation of the Noise Control Ordinance.

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

#### Deliberation Session

18. Some Members were sympathetic to the CPS, particularly the school was very close to the sale Site and on their concerns on preservation of existing boundary wall of the Site and trees. Noting that the Site was zoned "R(A)" and the developer was not required to submit Master Layout Plan to the Committee for approval, a Member asked whether LandsD could take some measures to address the concerns of the CPS. In reply, Mr. James Merritt said that LandsD could only act in accordance with the Conditions of Sale which was prepared in consultation with relevant Government departments. However, the developer of the proposed development would also need to comply with the requirements as stipulated in

the OZP and other relevant Ordinances.

19. The Chairperson asked whether the Design and Deposition clause in the lease conditions could be a means to address the concerns on setting back of new buildings from the CPS. In reply, Mr. James Merritt said that there were no requirements for non-building area nor height restriction of 25m at the north-western part of the Site as proposed by the applicant in the Design and Deposition clause and LandsD could only ensure the compliance with what had stated in the lease conditions.

20. The Chairperson said that the Conditions of Sale for the Site were prepared some years ago, reflecting the policy and considerations prevailing at that time. Due to the changing community aspirations, development with congested building layout and excessive building heights would no longer be acceptable.

21. Members then had a lengthy discussion on the application. Views and concerns of individual Members were summarized as follows :

- (a) the applicant's proposed reduction of plot ratio and imposition of 25m building height restriction at the north-western part of the Site were not supported as the Site had been sold recently in accordance with the OZP and the Conditions of Sale;
- (b) there was no technical submissions in the application to support the proposed 15m separation between building blocks;
- (c) there was difficulty in preserving the existing boundary wall as it fell within the boundary of the Site;
- (d) the CPS could generate noise nuisance such as school bell noise on the neighbouring buildings. This should also be taken into account in the detailed design of the Site; and
- (e) the layout and design of the proposed development should be compatible with the CPS and neighbouring buildings.

22. In response to Member's enquiry, the Secretary clarified that Buildings Department was responsible to oversee building safety matters under the provisions of the Building Ordinance. In this case, Buildings Department could not enforce the requirement for building separation of 15m proposed by the applicant as there was no such regulation stipulated under the Buildings Ordinance. As for lease control, LandsD was responsible to oversee the compliance with lease conditions, which were prepared in consultation with relevant Government departments and in accordance with the requirements as stipulated in the OZP. LandsD could not exercise his power beyond what had been stipulated in the lease conditions.

[Dr. Daniel B.M. To arrived to join the meeting at this point.]

23. The Secretary went on to say that for planning control, the OZP restrictions could override the right permitted in the lease. Empowered by the Town Planning Ordinance, the TPB could impose development restrictions on the OZP even if the land was sold as well as providing administrative advice for consideration by Government departments in exercising the duties under their purview. In determining the planning application, the Committee should take balance public interest against the community's aspirations. The Secretary recalled that when considering a similar s.12A application in West Kowloon recently, the Chairperson had drawn the Committee's attention to the importance of ensuring development certainty for both the developers and general public and the need to consider public interest in a wider context. Members generally agreed that in this case, it would not be appropriate to alter the development restrictions already stipulated under the "R(A)" zone of the OZP as it had been gone through the due process of public consultation and the Site was already sold.

24. In response to a Member's enquiry on the need to review the OZPs to impose more stringent development restrictions, the Chairperson said that the TPB had in the past dealt mainly with broad development parameters, such as plot ratio and building height restriction, in the preparation of OZP. Due to the growing community aspirations and the TPB Member's concerns on built environment, detailed technical assessments such as Air Ventilation Assessment and Visual Impact Assessment were conducted for a number of land sale sites. Additional development restrictions such as building setback and non-building area, would be stipulated in the OZPs which would be progressively reviewed as well as incorporated into the Conditions of Sale of new land sale sites for development control

purposes.

25. The Secretary said that whilst the OZP dealt with broad land use zoning, detailed planning and development restrictions were also shown on the departmental plans/layout plans which also formed part of the planning control system. In line with the Chief Executive's Policy Address, PlanD was currently reviewing OZPs in which relevant development parameters and restrictions would be stipulated. In the new development areas like Kai Tak, non-building areas, building heights and special design criteria had been stipulated in the OZP and Explanatory Statement. Due to limited resources, it would take time to complete the review of the OZPs. In the interim, PlanD would in collaboration with LandsD stipulate relevant development restrictions, such as building setback and non-building area, in the Conditions of Sale for future land sale sites.

26. The Chairperson summarized Members' views that the proposed amendments in the application were not supported. To address the Committee's concern on the compatibility of future development with its surrounding environment, it would be more appropriate to review the OZPs with a view to stipulate more detailed development parameters including building setback and non-building area if deemed necessary, in the OZP so that concerned Government departments could exercise effective control over developments. As for the application site, LandsD would be requested to convey to the developer Members' concerns on the interface between the CPS and the development at the Site during construction and upon development.

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

- (a) the "Residential (Group A)" zoning of the subject site was determined after completion of various technical assessments undertaken by the Government and had gone through all the necessary statutory-plan making procedures. The residential use of the site and its maximum development intensity control were considered appropriate and acceptable in environmental, traffic and infrastructure terms; and
- (b) there was insufficient information in the submission to demonstrate that the

proposed development restrictions for the site would improve air ventilation, visual and environmental impacts in the area.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii)            Y/K7/3                      Application for Amendment to the  
Approved Ho Man Tin Outline Zoning Plan No. S/K7/18  
to amend the Notes of the “Residential (Group A)” zone,  
Kowloon Inland Lot 11175,  
Junction of Fat Kwong Street and Chung Hau Street,  
Ho Man Tin  
(MPC Paper No. Y/K7/3)
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28.            The Committee noted that Ms. Starry W.K. Lee, being a member of the Kowloon City District Council, had expressed personal views on the matters relating to the application site and declared an interest in this item.

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

Presentation and Question Sessions

29.            Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), and Mr. C.C. Lau, Senior Town Planner/Kowloon (STP/K), and the following applicant’s representatives were invited to the meeting at this point :

Mr. Tam Hoi Pong  
Miss Ho Ka Po

30.            The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited Mr. C.C. Lau, STP/K, to brief Members on the background to the application.

31.            With the aid of a Powerpoint presentation, Mr. C.C. Lau presented the application and covered the following main points as detailed in the Paper :

- (a) the application site (the Site) and its surrounding area as detailed in paragraph 6 of the Paper in that the Site mainly consisting of two platforms and was irregular in shape;
- (b) the Site was zoned “Residential (Group A)” (“R(A)”) with restrictions of a maximum domestic and non-domestic plot ratio (PR) of 7.5 and 1.5 respectively on the Approved Ho Man Tin Outline Zoning Plan (OZP) No. S/K7/18. The Site was included in the 2007/08 “List Sites for Sale by Application” (Application List). There were restrictions of a maximum domestic PR of 5.0, a maximum building height of 130mPD and 150mPD (for the two platforms) included in the Conditions of Sale;
- (c) the applicant proposed the following amendments to the Notes for the “R(A)” zone :
  - (i) to impose a distance of 15m between the building blocks;
  - (ii) to split the application site into 2 lots with nearly equal size for land sale and not allowing to combine afterwards; and
  - (iii) to impose a building setback of 10m each on both sides along the boundary shared by the 2 divided lots;
- (d) departmental comments were detailed in paragraph 8 of the Paper, highlighting that Lands Department (LandsD) had reservation on the application as the adjoining developments were low-rise in height and the flow of air to the area would not be blocked by the proposed development. Regarding visual impact, building height restrictions had been imposed under the Conditions of Sale. There was no need to impose further development restrictions. Housing Department objected to the application on the grounds that the proposal ignored design constraint factors such as traffic noise, level difference and irregular shape of the Site, and precluded comprehensive planning of the Site, resulting in scattered provision of

facilities. No adverse comments from other concerned Government departments were received;

- (e) two public comments were received during the statutory publication period. One objected to the application on grounds of reduction of residential units without strong reasons while another raised concerns on the increase of population, and provisions of public transportation and recreational facilities; and
- (f) Planning Department's (PlanD) views – PlanD did not support the application for the reasons detailed in paragraphs 10.1 to 10.3 of the Paper. The Site was irregular in shape and subject to development constraints. There was no information in the submission to demonstrate that two separated developments on the Site would be better than comprehensive development of the whole site. The surrounding areas were zoned “Green Belt”, “Open space”, and “Government, Institution or Community” for service reservoirs and low-rise sport centre. The PR of the proposed development was 5.0 which was lower than the maximum domestic and non-domestic PR of 7.5 and 1.5 permitted under the OZP. The proposed development with the stepping height profile was compatible with the surrounding area. There was no basis to ascertain the effectiveness of the proposed development restrictions in terms of air ventilation and visual impacts.

32. The Chairperson then invited Mr. Tam Hoi Pong to elaborate on the application. With the aid of a Powerpoint presentation, Mr. Tam Hoi Pong, made the following main points :

- (a) there was an urgent need to proceed with the proposed amendments before the land was triggered for sale by application;
- (b) the Site was proposed to be splitted into 2 lots with no allowance for amalgamation afterwards. This was intended to reduce the impact of one single large development. There was an example in Tai Kok Tsui where

two adjoining land sale sites were amalgamated for development into four 60-storey building blocks on top of a 7-storey podium;

- (c) referring to paragraphs 8.1.5 and 8.1.7 of the Paper, Architectural Services Department and the Chief Town Planner/Urban Design and Landscape, PlanD acknowledged the merit of the application;
- (d) Lands Department's (LandsD) effort to impose a PR lower than the OZP stipulation and height control in the Conditions of Sale was appreciated. However, there was no requirement for building separation. It was estimated that eight 30-storey residential blocks could be built on the Site. If no restrictions on the design and disposition were imposed on the Site, there was a possibility that the eight buildings would be connected with a view to the maximum view of the development;
- (e) referring to Plan Z-4 of the Paper, although there was currently no building in the vicinity of the Site, the future development of the Site and redevelopment of the adjacent public housing site would result in wall effect. In view of the strategic location of the Site, proper building separation would help improve the air ventilation and environment of the area;
- (f) noting that the Hollywood Road Ex-Police Married Quarters had been taken out of the Application List for one year, LandsD should do the same for the Central Market site and the Site accordingly; and
- (g) due to scarce land resource in Hong Kong, there was a need for more public space.

33. Individual Members raised the following questions and comments :

- (a) clarification on the Design and Deposition (DD) clause for the Site;
- (b) the rationale for splitting the Site into 2 lots horizontally noting that the Site

was irregular in shape with a level difference;

- (c) any justification on the proposed 15m separation between buildings;
- (d) the possible impacts of having one elongated slab block in a north-south orientation on the Site; and
- (e) number of building blocks proposed on the Site.

34. In reply, Mr. Eric C.K. Yue, DPO/K, made the following points :

- (a) referring to paragraph 9(e) of the Conditions of Sale, a DD clause was stipulated in the Conditions of Sale. It was a standard clause and the final design layout had to be approved by LandsD;
- (b) air ventilation impact generated from the future development would be insignificant in view of the reduction of PR to 5.0, imposition of stepped height restrictions and its open surrounding uses such as service reservoir and open space; and
- (c) PlanD had taken into account the possibility of having a linear development in the technical assessments and photomontage undertaken for the Site.

35. Mr. Tam Hoi Pong also made the following points :

- (a) it was considered inappropriate to split the Site from north to south if the intention was to avoid building blocks with wall effect. It would be up to the Committee to decide the way for splitting the Site;
- (b) a distance of 15m between building blocks was proposed, taking into account the building separation standard of 20m adopted in the Mainlands, dense building environment in Hong Kong and advice from planners and architects;

- (c) an elongated slab block design was considered inappropriate for the Site in terms of visual and air ventilation impacts. The requirement of building separation of 15m would improve the environment of the area in view of its prime location; and
- (d) there was no information on whether Buildings Department would accept a slab block design. Relevant Government departments such as LandsD, Buildings Department and PlanD should exercise proper control under their respective purview. The Town Planning Board had a responsibility to alert these departments so as to avoid 'wall buildings'.

36. The Chairperson sought clarification from Mr. James Merritt on the control exercised by LandsD in the DD clause. In reply, Mr. James Merritt said that building plans submitted by the developer would be scrutinized by Buildings Department under the Buildings Ordinance and by PlanD to ensure the compliance with the requirements of the OZP. LandsD would use the DD clause to ensure that the developer would comply with the lease conditions.

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

#### Deliberation Session

38. Members generally considered the proposed amendments in the application unacceptable but raised concern on the need of building separation. Members then had a discussion on the building separation for the future development and the following points were raised by some Members :

- (a) a slab block design would create wall effect and generate adverse air ventilation and visual impacts to the area. The future development should

be visually compatible with the surroundings. At least of two groups of buildings with reasonable separation distance would be a better design for the Site;

- (b) whether restriction on building separation could be specified in the lease to avoid 'wall building'; and
- (c) given that there was a DD clause stated in the Conditions of Sale, LandsD should exercise control on the building separation through the DD clause.

39. In response to the Committee's concern on exercising control by means of the DD clause, Mr. James Merritt said that when the building plans were submitted, PlanD could make comments to LandsD for consideration. Nevertheless, LandsD might not necessarily accept PlanD's advice as the DD clause only permitted LandsD to ensure that the development would not contravene the lease.

40. The Secretary asked whether LandsD would consider the Committee's concern to amend the Conditions of Sale by including requirement for providing at least two groups of buildings in the DD clause. In reply, Mr. James Merritt said that it was contrary to the Lands Policy and the possibility of imposing such condition in the Conditions of Sale was unlikely.

41. Noting that the Site was divided into two platforms by a slope, a Member asked whether the DD clause could be amended if the slope was reserved as a landscaping and non-building area. In reply, Mr. James Merritt said that under such circumstances, the Site had to be temporarily withdrawn from the Application List for inclusion of such requirement in the DD clause of the Conditions of Sale. Mr. James Merritt added that the Site had already been included in the Application List and could be triggered for sale at any time. He disagreed to such suggestion and advised that higher level decision had to be obtained for such arrangement.

42. A Member suggested imposing a clear restriction of building separation in the OZP. Other Members considered that the Committee's concern on building separation should be relayed to LandsD for consideration. Whether the DD clause of the Conditions of

Sale was to be amended to incorporate the building separation restriction or not would be decided by LandsD. The Chairperson asked the Secretariat of Town Planning Board to relay Members' suggestion to LandsD for consideration.

43. The Chairperson summarized Member's views that the proposed amendments in the application were considered unacceptable.

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

- (a) the application site was irregular in shape and was subject to various development constraints. There was no information in the submission to demonstrate that two separated developments on the application site was better than a comprehensive development of the whole site, taking into account the development constraints;
- (b) the proposed development on site which would be subject to a plot ratio lower than the maximum permissible under the Outline Zoning Plan and with stepped height profile would be compatible with the surrounding uses including vegetated slopes, open space and low-rise Government, institution or community facilities;
- (c) there was insufficient information in the submission to demonstrate the effectiveness of the applicant's proposed development restrictions in terms of air ventilation and visual impacts to the area; and
- (d) the mode of disposal of the application site was a land administration matter outside the purview of the Town Planning Board.

45. The Committee also agreed that the Secretariat of Town Planning Board would relay Members' concern to LandsD for consideration.

[Mr. James Merritt left the meeting while Messrs. Mr. Anthony Loo, Walter K.L. Chan, Raymond Y.M. Chan, Leslie H.C. Chen and Nelson W.Y. Chan left the meeting temporarily

at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) Y/K14S/1 Application for Amendment to the Approved Kwun Tong (South) Outline Zoning Plan No. S/K14S/14 from “Government, Institution or Community (1)” to “Open Space”, Tsun Yip Cooked Food Market, 67 Tsun Yip Street, Kwun Tong (MPC Paper No. Y/K14S/1)
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#### Presentation and Question Sessions

46. The Committee noted that on 9.10.2007, the applicant requested for deferment of the consideration of the application to allow time to consult further with relevant Government departments to resolve issues directly associated with the application.

#### Deliberation Session

47. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), and Mr. C.C. Lau, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

#### **Agenda Item 4**

##### Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K14/554 Shop and Services  
in “Other Specified Uses” annotated “Business” zone,  
Portion 3 of Factory B,  
Ground Floor, Block 1 of Camelpaint Building,  
62 Hoi Yuen Road, Kwun Tong  
(MPC Paper No. A/K14/554)
- 

[Mr. Elvis W.K. Au left the meeting temporarily while Mr. Nelson W.Y. Chan returned to join the meeting at this point.]

Presentation and Question Sessions

48. With the aid of a Powerpoint presentation, Mr. C.C. Lau, STP/K, 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 Transport Department, Fire Services Department and Buildings Department, was received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

49. Members had no question on the application.

Deliberation Session

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

51. 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 12.10.2009, 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, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 12.4.2008; 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.

52. The Committee also agreed to remind the applicant that prior planning permission should have been obtained before commencing the applied use at the application premises.

53. 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 fire resisting construction and the provision of access and facilities for persons with disability under Building (Planning) Regulation 72;

- (c) exercise extreme care when working in the vicinity of any existing drainage in order not to disturb, interfere with or damage them. Any blockage or damage would have to 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.

[Mr. Walter K.L. Chan returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K15/84 Proposed Temporary Public Car Park  
(Surplus Car Parking Spaces only)  
in “Residential (Group A)” zone,  
Car Park at Kwong Tin Estate,  
Pik Wan Road, Lam Tin  

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(MPC Paper No. A/K15/84)

54. 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. The Committee also noted that Mr. Walter K.L. Chan, being a former member of the Hong Kong Housing Authority (HKHA) who had once participated in the listing of The Link, declared an interest in this item.

[Dr. Greg C.Y. Wong and Mr. Walter K.L. Chan left the meeting temporarily at this point.]

#### Presentation and Question Sessions

55. With the aid of a Powerpoint presentation, Mr. C.C. Lau, STP/K, 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/K/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 car park (excluding surplus car parking spaces only) for letting the surplus car parking spaces to non-residents on a monthly basis;
- (c) departmental comments – concerned Government departments, including Transport Department, had no objection to or no adverse comment on the application;
- (d) eleven public comments were received during the statutory publication period, raising concerns on possible noise nuisance and the attraction of strangers to the area; and
- (e) Planning Department (PlanD)'s views – PlanD had no in-principle objection to the application for reasons given in paragraphs 11.1 and 11.2 of the Paper in that the proposal was only to convert the surplus ancillary parking spaces into public car 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. Regarding the local concerns, the applicant should be advised to take appropriate measures to prevent noise nuisance and trespassing of strangers to the area.

[Mr. Anthony Loo returned to join the meeting at this point.]

56. Members had no question on the proposed amendments.

Deliberation Session

57. The Chairperson remarked that the current application submitted by The Link was a renewal of previous temporary planning approval by the HKHA and the Committee had approved many similar applications.

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years up to 12.10.2010, on the terms of the application as submitted to the Town Planning Board and subject to the condition that the proposed number of car parking spaces to be let to non-residents should be agreed with the Commissioner for Transport. The Committee also agreed to advise the applicant to :

- (a) note that a temporary approval period of three years was granted so that the car parking spaces could be let to non-residents with flexibility, 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 adjacent housing estates;
- (c) apply to the District Lands Officer/Kowloon East for a temporary waiver to permit the letting of the surplus car parking spaces to non-residents;
- (d) take appropriate measures to control noise nuisance and trespassing, if necessary; and
- (e) explain the proposal to the residents of the adjacent estates and the Estate Management Advisory Committee.

[Dr. Greg C.Y. Wong and Mr. Walter K.L. Chan returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K18/244 Proposed Religious Institution (Church)  
in “Residential (Group C) 1” zone,  
14, 16, 18 Dorset Crescent  
and 1B Cornwall Street, Kowloon Tong  
(MPC Paper No. A/K18/244)
- 

Presentation and Question Sessions

59. With the aid of a Powerpoint presentation, Mr. C.C. Lau, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution (church) use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period, raising concerns on the environmental, traffic and visual quality impacts to the surrounding area; and

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

- (e) Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 10.2 of the Paper in that the current application was only a technical amendment to count the gross floor area (GFA) for the concerned staircase, lift hall, storeroom and lavatory as domestic GFA, instead of non-domestic GFA under the previously approved scheme No. A/K18/240. The total GFA, building height and development intensity of the current scheme were identical to the previously approved scheme. Regarding the local concerns, concerned Government departments, including Environmental Protection Department,

Transport Department and Architectural Services Department, had no objection to the application.

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

60. Members had no question on the application.

#### Deliberation Session

61. The Chairperson remarked that as compared with the previously approval, the current application only involved a change in the counting of the domestic and non-domestic GFA which was a technical amendment.

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 12.10.2011, 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 following conditions :

- (a) the submission and implementation of tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the design and provision of fire services installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note that the applicant should consult the District Lands Officer/Kowloon East, Lands Department on lease modification for the proposed development; and



- (a) background to the application;
- (b) the proposed hotel use;
- (c) departmental comments – no objection from concerned Government departments was received;

[Mr. Elvis W.K. Au returned to join the meeting at this point.]

- (d) three public comments were received during the statutory publication period. Two did not agree/objected to the application without stating the reason while one had no objection to the application; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper.

65. Members had no question on the application.

#### Deliberation Session

66. The Chairperson remarked that there were similar applications in the area previously approved by the Committee.

[Dr. Daniel B.M. To returned to join the meeting at this point.]

67. 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 12.10.2011, 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 following conditions :

- (a) the submission of a sewerage impact assessment and implementation of the sewerage improvement and upgrading works identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and

- (b) the submission of a detail photographic survey of the existing buildings at Nos. 3 and 5 Temple Street prior to demolition to the satisfaction of the Antiquities and Monuments Office, Leisure and Cultural Services Department or of the TPB.

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

- (a) note that the approval of the application did not imply the gross floor area exemption for hotel concession and back-of-house facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) consult Chief Building Surveyor/Kowloon, Buildings Department on the building requirements for the proposed hotel;
- (c) consult District Lands Officer/Kowloon West, Lands Department on the lease requirements for the proposed hotel; and
- (d) consult Chief Officer/Licensing Authority, Home Affairs Department on the licensing requirements for the proposed hotel.

[The Chairperson thanked Mr. Louis K.H. Kau, STP/TWK, for his attendance to answer Members' enquiries. Mr. Kau left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K4/51 Eating Place and Proposed Shop and Services  
in "Government, Institution or Community (3)" zone,  
Portion of G/F and 1/F, InnoCentre,  
72 Tat Chee Avenue, Shek Kip Mei  
(MPC Paper No. A/K4/51)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the eating place and proposed shop and services uses;

[Mr. Raymond Y.M. Chan and Professor N.K. Leung returned to join the meeting at this point.]

- (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 noise and air nuisances and public order on the surrounding area; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper. Regarding the local concerns, concerned Government departments, including Food and Environmental Hygiene Department, Environmental Protection Department and the Commissioner of the Police, had no objection to the application.

70. Members had no question on the application.

[Mr. Stanley Y.F. Wong left the meeting temporarily at this point.]

Deliberation Session

71. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should

be valid until 12.10.2011, 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 shop and services use was restricted to the retail of the ancillary products in relation to the InnoCentre including design and goods produced or invented by the tenants, and exhibition related products only.

72. The Committee also agreed to remind the applicant that prior planning permission should have been obtained before commencing the applied use at the application premises.

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

- (a) apply to the District Lands Officer/Kowloon West, Lands Department for lease modification/temporary waiver for the eating place, shop and services uses under application;
- (b) appoint an Authorised Person to submit building plans to demonstrate compliance with the Buildings Ordinance; and
- (c) advise Director of Drainage Services of the change in the sewage discharge as a result of the proposed development and implement local sewerage upgrading works if found necessary.

[The Chairperson thanked Mr. P.C. Mok, STP/TWK, for his attendance to answer Members' enquiries. Mr. Mok left the meeting at this point.]

### **Hong Kong District**

[Mr. Tom C.K Yip, Senior Town Planner/Hong Kong (STP/HK), and Mr. David C.M. Lam, STP/HK, were invited to the meeting at this point.]

**Agenda Item 6**

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the  
Draft Wong Nai Chung Outline Zoning Plan No. S/H7/12  
(MPC Paper No. 17/07)

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Presentation and Question Sessions

74. Mr. Tom C.K Yip, STP/HK, presented the proposed amendments to the draft Wong Nai Chung Outline Zoning Plan (OZP) and covered the following aspects as detailed in the Paper :

- (a) to rezone the Hong Kong Football Club Hockey Field from “Other Specified Uses” (“OU”) annotated “Race Course” to “OU” annotated “Sports and Recreation Club” to reflect the existing use and to accord with the lot boundary;
- (b) to rezone part of the existing petrol filling station at 50 Sing Woo Road from “Government, Institution or Community” (“G/IC”) to “OU” annotated “Petrol Filling Station” (“OU(PFS)”) to reflect the existing use; and

[Mr. Stanley Y.F. Wong returned to join the meeting at this point.]

- (c) to rezone Kwai Sing Lane from “OU(PFS)” and “G/IC” to an area shown as ‘Road’ to reflect the existing use.

75. Members had no question on the application.

Deliberation Session

76. The Chairperson remarked that the proposals were only technical amendments to reflect the existing use.

77. After deliberation, the Committee decided to :
- (a) agree to the proposed amendments to the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/12 as mentioned in paragraph 3 of the Paper and that the Amendment Plan No. S/H7/12A at Attachment II(A) (to be re-numbered as S/H7/13 upon exhibition) and its Notes at Attachment II(B) were suitable for exhibition under section 7 of the Ordinance;
  - (b) adopt the revised Explanatory Statement (ES) at Attachment II(C) for the draft Wong Nai Chung OZP No. S/H7/12A as an expression of the planning intention and objectives of the Town Planning Board for the various land use zonings of the OZP; and
  - (c) agree that the revised ES should be published together with the OZP under the name of the Town Planning Board.

**Agenda Item 7**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

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|-------|-----------|--|
| (i)   | A/H21/128 | Proposed Minor Relaxation of Building Height Restriction for a Permitted Commercial/Office Development in “Commercial (2)” zone, Inland Lots 8687 and 7737, 863-865 King’s Road, Quarry Bay<br>(MPC Paper No. A/H21/128) |
| <hr/> |           |  |
| (ii)  | A/H21/129 | Proposed Minor Relaxation of Building Height Restriction for a Permitted Commercial/Office Development in “Commercial (2)” zone, Inland Lots 8687 and 7737, 863-865 King’s Road, Quarry Bay<br>(MPC Paper No. A/H21/129) |
| <hr/> |           |  |

78. Dr. Daniel B.M. To declared an interest in this item for being a member of the Eastern District Council which had participated in expressing views on the matters relating to the 'Old Hong Kong' case. The Committee noted that the interest of Dr. Daniel B.M. To was indirect as the 'Old Hong Kong' case was related to the Town Planning Board's (TPB) procedures for the submission of the draft Quarry Bay Outline Zoning Plan (OZP) to the Chief Executive in Council (CE in C) for approval. Hence, he could be allowed to stay in the meeting and participate in the deliberation of the two applications.

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

79. Noting that Applications No. A/H21/128 and A/H21/129 were submitted by the same applicant with similar schemes on the same application site but proposing different building height restrictions for a permitted commercial/office development, the Committee agreed to consider the two applications together.

#### Presentation and Question Sessions

80. Mr. Tom C.K Yip, STP/HK, said that the applicant was one of the objectors to the draft Quarry Bay OZP No. S/H21/23. The subject of the applicant's objection was the building height restriction on the application site on the draft OZP. The two objections in respect of the draft Quarry Bay OZP No. S/H21/23 were heard by the TPB on 5.10.2007, and the TPB's decision was not to uphold the objections.

81. The Secretary said that the applicant requested on 6.10.2007 to defer the consideration of the two applications for four weeks, which Planning Department (PlanD) did not support for the reason that the building height restriction on the application site was the subject of an outstanding objection yet to be submitted to the CE in C for consideration. Instead, PlanD proposed to defer the consideration of the two applications pending the CE in C's final decision on the objections in respect of the draft Quarry Bay OZP.

82. In response to the Chairperson's enquiry, the Secretary said that although the procedures for the objection hearing of the application site was completed, the submission of the draft Quarry Bay OZP to the CE in C for approval was withheld pending the Court of

Final Appeal's decision on a judicial review relating to the 'Old Hong Kong' site located at the Quarry Bay waterfront area. The appeal would be heard in mid 2008 and the draft Quarry Bay OZP could only be submitted to the CE in C for approval after the disposal of the judicial review. The Chairperson said that under such circumstances, the two applications might be further considered in 2008.

#### Deliberation Session

83. After deliberation, the Committee decided to defer decisions on the two applications as proposed by Planning Department pending the Chief Executive in Council's final decision on the objections in respect of the draft Quarry Bay Outline Zoning Planning. The Committee also decided not to agree to the applicant's request to defer decisions on the two applications for 4 weeks.

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

[Mr. Raymond Y.M. Chan left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- |       |          |  |
|-------|----------|--|
| (iii) | A/H14/54 | Minor Relaxation of Plot Ratio Restriction from 0.5 to 0.55<br>for Permitted House Development<br>in "Residential (Group C)2" zone,<br>77 Peak Road, Hong Kong (RBL 836)<br>(MPC Paper No. A/H14/54) |
|-------|----------|--|
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84. The application was submitted by a subsidiary of Wharf (Holdings) Ltd.. The Committee noted that Dr. Greg C.Y. Wong, having current business dealings with Wharf (Holdings) Ltd., declared an interest in this item. As the applicant had requested for a deferment of consideration of the application, Dr. Wong could be allowed to stay at the meeting.

Presentation and Question Sessions

85. The Committee noted that on 31.8.2007, the applicant requested for deferment of the consideration of the application to allow time to provide further information to address the concerns of Government departments. The Committee also noted that it was the first request for deferment made by the applicant.

Deliberation Session

86. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/H20/156 Shop and Services  
in “Other Specified Uses” annotated “Business” zone,  
Workshop 1, G/F, Trend Centre,  
29 Cheung Lee Street, Chai Wan  
(MPC Paper No. A/H20/156)
- 

Presentation and Question Sessions

87. Mr. David C.M. Lam, STP/HK, 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 was received;
- (d) three public comments were received during the statutory publication period. One supported and two had no comment on the application; and
- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper. The application premises was the subject of a previously approved application (No. A/H20/149) which was subject to a condition requiring the provision of fire service installations to Fire Services Department's satisfaction before operation of the approved use. As the applicant failed to comply with the approval condition, the previous planning approval had been revoked. Hence, it was recommended that a shorter compliance period should be imposed so as to monitor the fulfilment of the approval condition.

88. Members had no question on the application.

#### Deliberation Session

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

90. 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 service installations for the shop and services use in the subject premises, within 3 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 12.1.2008 ; 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.

91. The Committee also agreed to remind the applicant that prior planning permission should have been obtained before commencing the applied use at the application premises.

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

- (a) note that a shorter compliance period was imposed so as to monitor the fulfillment of approval conditions on site;
- (b) apply to District Lands Officer/Hong Kong East, Lands Department for a temporary waiver;
- (c) note the comments from Chief Building Surveyor/Hong Kong East, Buildings Department regarding the need to submit plans for building works to his department for approval under the Buildings Ordinance; and
- (d) note the comments from Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In formulating the submission, the applicant should comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction.

[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.]

### **Agenda Item 8**

#### **Any Other Business**

93. There being no other business, the meeting was closed at 12:20 p.m..