

TOWN PLANNING BOARD

Minutes of 361st Meeting of the Metro Planning Committee held at 9:00 a.m. on 16.11.2007

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

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

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. Lam Hon

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 N.K. Leung

Professor Bernard V.W.F. Lim

Professor Paul K.S. Lam

Ms. Maggie M.K. Chan

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Ms. Karina W.M. Mok

Agenda Item 1

Confirmation of the Draft Minutes of the 360th MPC Meeting held on 2.11.2007

[Open Meeting]

1. The draft minutes of the 360th MPC meeting held on 2.11.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

2. Ms. Lily Y.M. Yam, STP/HK, informed Members that a replacement page 2 of the Paper was tabled at the meeting for Members' consideration. She then stated the background to the item as detailed in the Paper. Since the publication of the draft Mid-Levels West Outline Zoning Plan (OZP) No. S/H11/1 in 1986, the subject site at 38-44 Caine Road fell within a larger area zoned as "Residential (Group A)" ("R(A)") with no development restriction stipulated under the OZP. In accordance with the recommendation of the study on 'Redevelopment Along Stepped Streets', the Committee agreed in 1995 to rezone the stepped street sites, including 4-5 Leung Fai Terrace at the rear of the subject site, from "R(A)" to "Residential (Group C)7" ("R(C)7"). Development within the "R(C)7" zoning was restricted to a maximum plot ratio of 5 and maximum building height of 12 storeys due to inadequate access for servicing and fire fighting. Arising from a building plans submission for the subject site, about 145.65 m² or 17.6% of the subject site, which included a laneway of about 6ft wide and a small strip of land behind the buildings on the subject site, was found to have been included in the "R(C)7" zone.

3. Ms. Lily Y.M. Yam went on to say that the Planning Department (PlanD) was of the view that the portion of the subject site that had encroached upon the "R(C)7" zone could be considered as minor alteration to the zoning boundaries in accordance with paragraph 5 of the covering Notes of the approved Mid-Levels West OZP No. S/H11/13 for the reasons

detailed in paragraph 4.2 of the Paper. The concerned area formed part of the lots of the subject site and there was a 5m level difference between the subject site and Leung Fai Terrace. Unlike the stepped street site of Leung Fai Terrace, the subject site had direct vehicular access to Caine Road. Considering the small scale of the OZP at 1:5,000, the minor alteration of the zoning boundary in question was not significant. If agreed by the Committee, the concerned zoning boundaries would be rationalised in the next amendment of the Mid-Levels West OZP.

4. Noting that buildings plan had been submitted for the subject site, a Member asked about the timing of the proposed amendment to the OZP. Ms. Lily Y.M. Yam responded that if the Committee agreed that the subject zoning encroachment could be considered as minor alteration to the zoning boundaries, the strip of land concerned would be regarded as falling within the “R(A)” zone with immediate effect. Amendment to the OZP for the purpose of tidying up the concerned zoning boundaries would be made when opportunity arose.

5. Another Member enquired about the function of the narrow lane at the rear of the subject site. In reply, Ms. Lily Y.M. Yam said that the rear lane, which formed part of the lots, served mainly the subject site at 38-44 Caine Road.

6. After deliberation, the Committee agreed that the concerned strip of land encroaching upon the “R(C)7” zone could be considered as falling under the “R(A)” zone under the provision for minor alteration to the zoning boundaries stipulated in the covering Notes of the Mid-Levels West OZP. The Committee also agreed that the zoning boundaries of the concerned area should be rationalised in the next amendment of the Mid-Levels West OZP.

[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.]

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H4/1 Application for Amendment to the
Approved Central District Outline Zoning Plan No. S/H4/12,
Proposed Replacement of ‘Bank’, ‘Fast Food Shop’,
‘Retail Shop’, ‘Service Trades’
and ‘Showroom (excluding Motor-vehicle Showroom)’
with ‘Shops and Services (excluding Motor-vehicle Showroom)’
under Column 2 of the Notes of the
“Other Specified Uses” annotated “Pier” zone,
Level 2, Central Pier 3
(MPC Paper No. Y/H4/1C)

7. The Secretary reported that the application was submitted by a subsidiary of HKR International Ltd. (HKR). Dr. Greg C.Y. Wong, having current business dealings with HKR, declared an interest in this item.

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

8. As ferry services plying between Central and Discovery Bay was provided at Central Pier 3 under application, the Secretary and Mr. James Merritt, Assistant Director (Kowloon), Lands Department, declared interests in this item for having property and living in Discovery Bay respectively. The Committee considered that their interests were indirect and agreed that they could be allowed to stay at the meeting.

Presentation and Question Sessions

9. Ms. Donna Y.P. Tam, Senior Town Planner/Hong Kong (STP/HK), and the following applicant’s representatives were invited to the meeting at this point :

Ms. Cindy Tsang
Mr. Gary Lui
Ms. Evonne Ko
Mr. Kenny Hui
Mr. Terence Lee
Ms. Annie Choi

10. The Chairperson extended a welcome and explained the procedures of the hearing. Mr. Donna Y.P. Tam was then invited to brief Members on the background to the application. With the aid of a powerpoint presentation, Ms. Tam did so as detailed in the Paper and made the following main points :

- (a) the application premises at Level 2, Central Pier 3 had been using as a health care centre since 2003. Other non pier-related uses at the pier included shops on Level 1 and a café and landscaped garden on the roof-top;
- (b) the applicant proposed to replace ‘Bank’, ‘Fast Food Shop’, ‘Retail Shop’, ‘Service Trades’ and ‘Showroom (excluding Motor-vehicle Showroom)’ with ‘Shops and Services (excluding Motor-vehicle Showroom)’ under Column 2 of the Notes of the “Other Specified Uses” annotated “Pier” (“OU(Pier)”) zone on the approved Central District Outline Zoning Plan (OZP) No. S/H4/12. This would allow the applicant to submit planning application to the Town Planning Board (TPB) for the continual use of the application premises as a health care centre. The applicant’s justifications were highlighted as per paragraph 2 of the Paper;
- (c) no objection from concerned Government departments, including the Transport Department (TD), was received;
- (d) a total of 6 public comments were received during the statutory publication period of the application and the further information. One had no objection to, 2 objected to and 3 provided comments on the application. There were doubts on whether piers were suitable for health care centre and

suggestions that piers should be open for public use. The use of piers and the harbour-front should also be carefully considered as they were within the harbour areas. The District Officer (Central and Western) (DO(C&W)) advised that some Members of the Culture, Leisure and Social Affairs Committee, Central and Western District Council had urged the use of the Central piers' podium as public viewing deck for public enjoyment as far as possible; and

- (e) the Planning Department (PlanD) did not support the application for the reasons as detailed in paragraph 11.1 of the Paper. The Broad Use Term (BUT) of 'Shop and Services' use allowed a wide variety of uses, some of which might not be compatible with the pier use and the Central waterfront location. The application premises should be put to other appropriate uses to better facilitate public enjoyment of the waterfront. The health care centre could be located elsewhere in properly designed commercial buildings. Nevertheless, as stated in paragraph 11.3 of the Paper, in the future amendment of the Notes of the Central District OZP to reflect the revised Master Schedule of Notes to Statutory Plans (MSN), PlanD would review the scope of uses that were considered suitable for inclusion under the broad 'Shop and Services' use, taking into account the planning intention of the "OU(Pier)" zone and the Central waterfront location.

11. The Chairperson then invited the applicant's representatives to elaborate on the application. With the aid of a powerpoint presentation, Ms. Cindy Tsang made the following main points :

- (a) as relevant Government departments had no technical objection to the application, the presentation would focus on three issues, namely the need for revenue-generating use at the application premises, the planning mechanism to achieve the planning intention of "OU(Pier)" zone, and the beneficial uses at the waterfront;

Need for revenue-generating use

- (b) TD supported the application as stated in paragraph 9.1.3 of the Paper and

considered that it was essential to provide opportunities for ferry operators to generate non fare-box revenue, including sub-letting the pier premises in the form of commercial concessions, to cross-subsidize the ferry operations. This would reduce the pressure for fare increase or reduction in ferry services. Accordingly, it was not viable for the application premises be used for non revenue-generating uses;

- (c) there were existing retail and café uses on Level 1 and roof-top of the same pier, which were the subject of previous approved applications. Planning permissions had also been granted for retail shop, restaurant, fast food shop, trade services, etc. at Central Piers 4 to 8. At present, only the approved restaurant and café uses at Central Piers 3, 6 and 7 had been implemented. Given the upcoming supply of these approved uses, there was doubt on the demand for retail and restaurant uses at the application premises in the short term;
- (d) the application premises was subject to various design constraints due to the presence of disembarkation ramps and lift shafts on both sides; the artificial ventilation requirement to avoid ferry fumes; and the need to fully block one side of the premises to satisfy the means of escape requirement. Al fresco use would not be possible at the application premises;

Planning mechanism to achieve the planning intention of “OU(Pier)” zone

- (e) it had been the TPB’s on-going exercise to review and suitably amend all statutory plans to reflect the revised MSN. PlanD agreed in paragraph 11.1(a) of the Paper that the proposed amendment to incorporate the broad ‘Shop and Services’ use into Column 2 of the subject “OU(Pier)” zone was in line with the revised MSN;
- (f) even with the proposed amendment to the Notes of the OZP, the TPB would still maintain control over future development within the subject “OU(Pier)” zone through the section 16 planning application mechanism. This was in line with the TPB’s normal practice in the current zoning arrangements;

- (g) with the proposed amendment, the applicant could submit section 16 planning application to continue the subject health care centre in the short term, without precluding the future development of the application premises for other commercial uses in the longer term when such demand became apparent. This would result in a win-win situation for all parties concerned, in that the planning intention of having activity-generating uses at the waterfront could be secured; viable uses could be allowed to cross-subsidize the ferry operations; and approval of the application would not set an undesirable precedent as the planning intention of the “OU(Pier)” zone would not be affected;

- (h) the proposed amendment was consistent with 15 other OZPs, which had been revised to incorporate ‘Shop and Services’ use under Column 2 of the “OU(Pier)” zone. Medical consulting room, which was a use subsumed under the broad ‘Shop and Services’ use, might be allowed on application to the TPB under the provision of these OZPs. Under the “Comprehensive Development Area(2)” zoning for Central Piers 4 to 6 on the approved Central District OZP No. S/H4/12, ‘clinic/polyclinic’ use was specifically provided for under Column 2 of the Notes. It was reasonable to assume that the same treatment of allowing section 16 planning application for the subject health care centre could be adopted at the application premises;

Beneficial uses at the waterfront

- (i) the Government Property Agency (GPA) had issued a tender for tenancy for parts of the North Point (East) Ferry Pier. Medical consulting room was one of the allowed uses under the tender. This together with the examples mentioned in paragraph 11(h) above showed that medical consulting room was highly compatible with the pier use and appropriate at the waterfront location;

- (j) the subject health care centre provided multi-specialist outpatient services to the residents of outlying islands. Its patients were mainly elderly

people, patients with chronic diseases and, when necessary, the ferry passengers. As practitioners in the outlying islands provided mainly general medical services, patients living there had to travel to the specialist medical care centres in the main urban area, with the closest one in Central at least 800m away from the piers. A letter dated 15.11.2007 from Dr. Lee Chi Wai, a general practitioner on Lamma Island, highlighting the need for the subject health care centre to serve her elderly patients, was tabled at the meeting for Member's information;

- (k) the Harbour Planning Principles 3 and 4 called for sustainable development and integrated planning to meet, inter alia, the social needs of the community. The health care centre was fully in line with these principles in providing convenience and necessary services to the residents. Such functions were similar to the existing shop for delivery and collection of dry cleaning and laundry at Level 1 of the same pier, which was approved with conditions under the previous application No. A/H4/73 on 4.3.2005;
- (l) the health care centre could not be located elsewhere in commercial buildings as stated in paragraph 11.1(b) of the Paper as any location away from the pier would defeat the objective of serving the residents of outlying islands; its floorspace requirement of around 10,000 sq.ft. could not be easily met in normal commercial buildings; tenancy of some commercial buildings did not allow clinic use; and the equipment installed could not be relocated given their sheer size and difficulty in disassembling/re-assembling;

Response to Public Comments

- (m) TD had advised in paragraph 9.1.3(c) of the Paper that restricting the use of the application premises for non-profit making organizations to provide services would defeat the purpose of the cross-subsidization arrangement. The need for viable uses of the application premises to subsidize ferry operations was also supported by TD;
- (n) there was no further comments on the application after the applicant had

submitted further information on details of the health care centre. One District Council member in fact had no objection to the application; and

Request for Deferment

- (o) if the Committee agreed with PlanD's recommendation in paragraph 11.3 of the Paper to review the scope of uses allowed under the broad 'Shop and Services' use for incorporation into the Central District OZP in future, it was suggested to defer making a decision on the application so that the applicant could work together with PlanD to agree on a suitable solution for this case.

12. A Member asked about the number and place of residence of the patients for the subject health care centre. Mr. Kenny Hui replied that there was no precise data on the requested information. However, most of the patients came from Discovery Bay, Cheung Chau and Lamma Island, some came from Hong Kong Island. The health care centre provided specialist medical services for patients with chronic diseases such as cancer and diabetics, and strived to provide a relaxing environment for the patients.

13. In response to a Member's questions, Ms. Donna Y.P. Tam made the following main points:

- (a) a number of OZPs had been reviewed and suitably amended to incorporate the broad 'Shop and Services' use having regard to the individual local circumstances. For this case, the land uses at the Central waterfront location warranted careful considerations due to its special location and the wide public concerns that the waterfront uses should be for the enjoyment of the public. It was considered not appropriate to incorporate the broad 'Shop and Services' use under Column 2 of the subject "OU(Pier)" zone as some of the uses subsumed under this broad use might not be compatible with the pier use and appropriate at the Central waterfront location;
- (b) if 'Shop and Services' use was to be incorporated under Column 2 of the subject "OU(Pier)" zone, the individual uses subsumed under this broad use would require planning permission from the TPB; and

- (c) PlanD had no objection to the request for deferment on consideration of the application as suggested by applicant's representatives at the meeting.

14. Noting that the current application could facilitate subsidization of the ferry operations, a Member asked about the social justifications for applying the cross-subsidization arrangement at Central Pier 3 which was Government land. In reply, Mr. Lam Hon, Assistant Commissioner for Transport (Urban), TD said that under the cross-subsidization arrangement, any use that would be able to achieve the cross-subsidization purpose and would not affect the ferry operations would generally be considered acceptable. The Chairperson remarked that the cross-subsidization arrangement was a transport policy matter and outside the purview of the TPB. What the TPB should consider was the suitability of the health care centre at the application premises from a planning point of view.

15. Regarding the Member's question on social justifications for the cross-subsidization arrangement, Ms. Cindy Tsang said that the applicant had to pay rent and operation costs for running the ferry services at Central Pier 3. Without the cross-subsidization arrangement, the social implications would be an increase in ferry fare. Ms. Evonne Ko supplemented that the ferry industry had been facing much difficulties in the past decade, in the wake of rising oil prices and other operational difficulties. The ferry services at Central Pier 3 had been operating at a loss. The applicant also preferred to sub-let the application premises to a single tenant rather than sub-dividing it into many smaller units like shopping mall which might lead to management problems. A Member commented that Discovery Bay was different from other outlying islands in that it involved only one developer. If the ferry fare to Discovery Bay was maintained at a reasonable price, this might attract more flat buyers and in turn benefit the developer. Ms. Evonne Ko replied that Central Pier 3 provided public, not private, ferry services and its rental at about \$2 million per year was much higher than that of the other piers.

16. As the applicant's representatives had no further points to add and Members had no further questions 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 and PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

17. A Member said that the commercial operation of ferry services and the cross-subsidization arrangement were not relevant to the application. However, the Committee should consider whether the current application, which was to incorporate 'Shop and Services' use under Column 2 of the subject "OU(Pier)" zone, was acceptable, bearing in mind that planning permission for such use would still be required after the proposed amendment. That Member added that if this section 12A application was to be approved by the Committee, it should not imply that the health care centre in question was acceptable to the Committee. Accordingly, any future section 16 planning application for the purpose would be considered by the Committee based on its own merits. Another Member added that it was important to consider whether the health care centre use complied with the planning intention for the subject pier, which was located at the Central waterfront. Besides, if clinic was a Column 2 use under the "OU(Pier)" zone of the North Point OZP, a review of other OZPs in the harbour area might be required for consistency in statutory planning control.

18. The Chairperson said that although the proposed amendment was in line with the revised MSN and planning permission was still required after the proposed amendment, the 'Shop and Services' use included a wide variety of uses. Since Central Pier 3 (i.e. the application site) was located right on the Central District waterfront, it might be prudent for the Committee to carefully examine the uses under the broad 'Shop and Services' use that were considered to be suitable for this significant waterfront location before proposing any amendments to the OZP.

19. The Secretary supplemented that the TPB agreed to incorporate the revised MSN, which included the introduction of BUTs, in all statutory plans in 2003. The BUTs were intended to group uses of similar nature and with similar planning implications together to allow more flexibility in the use of land or buildings in that once a planning permission was granted for the broad use, all the uses within the same broad use could be interchangeable without the need for further planning application. For example, 'Shop and Services' use

was introduced to include uses such as bank, retail shop, medical consulting room, etc. However, BUTs were intended for use as a general guide only. In updating the statutory plans, PlanD would make reference to the BUTs and propose suitable changes to suit the needs of individual areas. Hence, a use allowed under certain zone of an OZP might not necessarily be allowed under the same zoning in another OZP. While action had been taken to review the statutory plans to take into account the revised MSN, the Notes for the subject Central District OZP was yet to be amended. Upon the completion of the review, the proposed amendments would be submitted to the TPB for consideration.

20. A Member asked whether GPA had taken any enforcement actions in respect of the health care centre as it had been in use at the application premises since 2003 without permission. The Secretary said that GPA had advised in paragraph 9.1.2 of the Paper that the applicant had applied to GPA to sub-let the application premises for the health care centre. If this application was to be approved by the Committee, GPA would continue to process the commercial concession application.

21. Members then had a detailed discussion and the points raised by individual Members were summarised as follows:

- (a) unlike the other harbour areas, the application premises was located at a prominent location at the Central District waterfront and only uses compatible with that location should be considered;
- (b) the broad 'Shop and Services' use included a wide variety of uses, some of which might not be compatible with the use of the pier locating at the significant waterfront location of Central. It would be prudent to ask PlanD to carefully examine the scope of uses that were considered suitable for inclusion under the broad 'Shop and Services' use under Column 2 of the subject "OU(Pier)" zone before proposing any amendments to the OZP; and
- (c) under the Harbour Planning Principles, the harbour-front areas should be reserved for public enjoyment as far as possible. While acknowledging that some other appropriate uses might be allowed within the subject pier,

the proposed health care centre at the application premises would unlikely serve the purpose and was considered inappropriate.

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

- (a) the application premises was located at the significant waterfront location of Central and only uses compatible and commensurate with the waterfront use should be considered. The proposed 'Shop and Services' use might be too broad for the purpose as uses which might not be compatible with the waterfront location were included; and
- (b) the application premises should be put to other appropriate uses which could better facilitate public enjoyment of the waterfront if it was not required for pier use. The proposed health care centre use would not serve the purpose. Health care centre could be located elsewhere in other properly designed commercial buildings in nearby areas.

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

[Mr. Nelson W.Y. Chan left the meeting temporarily at this point.]

Tsuen Wan and West Kowloon District

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

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K20/2 Application for Amendment to the
Draft South West Kowloon Outline Zoning Plan No. S/K20/19
from “Residential (Group A) 1”
to “Government, Institution or Community” or “Open Space”,
Kowloon Inland Lot 11146, Hoi Fai Road,
West Kowloon Reclamation
(MPC Paper No. Y/K20/2)

Presentation and Question Sessions

23. The Committee noted that the applicant had requested on 13.11.2007 for deferment of the consideration of the application for two months to allow time to prepare further information in support of the application and to respond to departmental comments.

Deliberation Session

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

25. The Secretary reported that the applicant had requested to attend the meeting if the request for deferment was not agreed by the Committee. The Committee noted that the applicant, who was waiting at the Public Viewing Room, had been informed of the Committee’s decision accordingly.

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K2/182 Proposed Hotel (Guesthouse)
 in “Residential (Group A)” zone,
 1/F and 2/F, 391-393 Shanghai Street,
 Yau Ma Tei

 (MPC Paper No. A/K2/182)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed hotel (guesthouse) use;
- (c) departmental comments – the concerned Government departments had no objection to or adverse comments on the application;
- (d) one public comment was received during the statutory publication period raising objection to the application for the reason that vice and pornographic business would be attracted to the area; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons as detailed in paragraph 10.1 of the Paper. The proposed guesthouse was considered incompatible with the approved domestic uses on 4/F to 24/F of the same building under the Occupation Permit as there was no separate access serving the proposed guesthouse and its operation might bring nuisance to the residents. Unlike the current

application, the 13 previous approved applications for hotel/guesthouse use within the “Residential (Group A)” zone in the Yau Ma Tei area involved either redevelopment/conversion of the whole buildings or partial conversion of existing commercial/office buildings. Approval of the application would set an undesirable precedent.

27. Members had no question on the application.

Deliberation Session

28. A Member asked if there was any reason for receiving only one objection to the application. Mr. Louis K.H. Kau replied that this might be because the application premises was still under renovation and the proposed guesthouse had not yet commenced operation.

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

- (a) the proposed guesthouse was incompatible with the approved domestic uses within the subject building as there was no provision of separate access; and
- (b) approval of the application would set an undesirable precedent for other similar applications which would lead to intrusion of guesthouse use into composite buildings with no separate access in the “Residential (Group A)” zone.

[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.]

[Mr. Y.S. Lee, STP/TWK, was invited to the meeting at this point.]

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

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

Agenda Item 6

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/KC/331

Proposed Bicycle Motocross (BMX) Park Development with Ancillary Facilities

in “Open Space” zone,

Lower Platform of Gin Drinkers Bay Landfill,

Area 37, Kwai Chung

(MPC Paper No. A/KC/331A)

Presentation and Question Sessions

30. Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the concerns raised by the Committee and the Transport Department (TD) at the meeting held on 24.8.2007 regarding the measures to safeguard the safety of park users and whether part of the application site could be open for use by the general public;
- (c) the further information (FI) submitted by the applicant on 12.10.2007 to address the Committee and TD’s concerns as set out in paragraph 2 of the Paper. In particular, the applicant had clarified that park users would have little incentive to ride BMX bicycles on street to access the proposed park given the different specifications of BMX bicycles and the far distance of the application site from the residential uses in the area. Storage facilities for about 300 BMX bicycles would be provided at the park. BMX bicycles could also be rented on site. There would be management plan and house rules to prohibit park users to ride BMX bicycles to the park, failing which would be prohibited from entering the park. The proposed park would be open to the public during evenings and weekends. To use

the park at a charge, general public users could obtain a track pass by attending a half-day training course and passing the examination;

- (d) departmental comments – while having no objection to the application, the Assistant Commissioner for Transport/New Territories (AC for T/NT) advised that a traffic management plan should be submitted and implemented to the satisfaction of his department. Other concerned Government departments had no adverse comments on the FI; and
- (e) the Planning Department (PlanD)'s views – PlanD maintained its previous views of having no objection to the application for the reason as detailed in paragraph 5.1 of the Paper. The applicant had submitted FI to address the Committee and TD's concerns on safety measures and opening of the proposed park to the general public. With regard to AC for T/NT's comments, the requirement for traffic management plan could be addressed by imposing an approval condition. The proposed active recreational use was generally in line with the planning intention of the "Open Space" ("O") zone. It would provide a specialised recreational facility to meet territorial needs and allowed a better utilisation of the vacant application site. No adverse landscape and environmental impacts on the surrounding areas would be generated.

31. A Member commented that the application site at about 3.9ha was large in size and hence consideration should be given to open up the fringe areas of the site to the general public for normal bicycle riding or watching the BMX racing or training activities at the site. The existing cycling facilities at Kowloon City and Kowloon Bay were small and crowded with users. Another Member shared the same views and added that the proposed BMX park might not be in use full day by the applicant.

32. In reply, Ms. Heidi Y.M. Chan, DPO/TWK, said that the proposed BMX park was essentially a training and competition ground with jumping platforms and special track for the BMX. The design and facilities of the proposed park were not intended for normal bicycle riding. Referring to Plan FA-2 of the Paper, Ms. Heidi Y.M. Chan said that there were already sites reserved for open space purpose in the vicinity, including the Kwai Chung

Park and a proposed open space of about 4,100m² to the north-east and immediate north of the application site respectively. While there was currently no development programme for Kwai Chung Park, the latter site was under active planning by the Leisure and Cultural Services Department (LCSD) for developing into a local open space. In response to the Chairperson's question on whether the proposed BMX park and the open space to the immediate north of the application site would be completed in tandem, Ms. Heidi Y.M. Chan said that the BMX park would be completed in around 2009 and the implementation programme for the said open space, which had not yet been firmed up, would likely to be later.

33. The Chairperson said that whether the application site was suitable for normal bicycle riding and the safety issues for having both BMX and normal cycling activities within the site should be duly considered. If normal cycling facilities in the area were required, PlanD could liaise with LCSD to explore other suitable sites, such as the Kwai Chung Park and the proposed open space to the immediate north of the application site, for the purpose.

34. A Member had no objection to the proposed BMX park at the application site, but was concerned about the suitability of the site for normal bicycle riding, having regard to the adjacent land uses and the need for park users to go through industrial areas to access the site.

35. Another Member asked about the membership size of the Hong Kong Cycling Association (HKCA), the anticipated usage rate of the proposed BMX park and whether there was similar facility elsewhere in Hong Kong. Referring to paragraph 8.1.5 of the last MPC Paper at F-Appendix I of the Paper, Mr. Elvis W.K. Au, Assistant Director (Environmental Assessment), Environmental Protection Department (EPD), said that the Director of Leisure and Cultural Services (DLCS) had advised that there was currently no BMX facility in Hong Kong and the proposed BMX park was in line with the Government policy of developing public recreational facilities or restored landfills. Ms. Heidi Y.M. Chan added that about 400 people could be trained at the proposed BMX park per day, as stated in the applicant's supplementary planning statement at Appendix 1a of the last MPC Paper. There was, however, no information at hand about the membership size of the HKCA. The same Member followed-up and asked if the proposed BMX park would be developed by the Government and whether the fee charged on using the park would be Government revenue. Ms. Heidi Y.M. Chan replied that the proposed BMX park would be developed, operated and maintained by the HKCA. The Secretary said that an entry fee of around \$30 per person

would be charged for using the BMX park according to the FI and that would be the HKCA's revenue.

Deliberation Session

36. While supporting the provision of the proposed BMX park, a Member said that there were not many open spaces serving the residents of the populated areas in Tsuen Wan and Kwai Chung. It would thus be opportune to fully utilize the large application site to make provision for normal cycling facilities for the enjoyment of the general public, particularly the residents living in the surrounding area.

37. A Member commented that it might not be justifiable to require the applicant to provide normal cycling facilities at the application site as it should be the responsibility of the Government to meet the general recreational needs of the public or nearby residents. Besides, requiring the applicant to make such provision might hinder the implementation of the proposed BMX park due to the limited resources of the applicant. That Member suggested that the applicant could be required under the land licence to set aside a portion of the application site for the Government to implement normal cycling facilities should such need arose in future. Another Member shared the same views and commented that the applicant might also be required under the land licence to prepare and submit a layout with the flexibility of setting aside an area for normal cycling facilities within the application site to the satisfaction of the DLCS.

38. Mr. James Merritt, Assistant Director (Kowloon), Lands Department, asked if EPD would be the authority for issuing the required land licence to the applicant for the proposed BMX park development at the application site. Mr. Elvis W.K. Au replied in the affirmative as the site had been allocated to EPD under a Temporary Government Land Allocation.

39. The Secretary said that although the application site had an area of about 3.9ha, about 1.9ha of the site was sloping area which was not usable. On the provision of normal cycling facilities, Ms. Heidi Y.M. Chan said that the Government had been undertaking a study on the extension of cycle track network from the waterfront promenade at Tsuen Wan to Tuen Mun. According to the preliminary study findings, resting places and facilities for

hiring bicycles would be provided along the track.

40. The Chairperson summarised Members' views of having no objection to the proposed BMX park at the application site. As for the provision of normal cycling facilities, she remarked that cycle track network should be well connected and provided with the necessary supporting facilities such as resting places and cycling rental facilities along the route. In this respect, the DLCS could be requested to duly consider the provision of normal cycling facilities in the area such as the Kwai Chung Park and the proposed local open space to the immediate north of the application site whereas the applicant could be required under the land licence to make provision for connection points within the application site that could be linked up with the normal cycling facilities, if to be provided by the Government in future, in the area. Members agreed and suggested the Secretariat to relay the above views to the DLCS and Director of Environmental Protection for consideration.

41. 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 16.11.2011, 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 design, provision and implementation of parking spaces, loading and unloading facilities to the satisfaction of the Commissioner for Transport (C for T) or of the TPB;
- (b) the submission and implementation of a traffic management plan to the satisfaction of the C for T or of the TPB;
- (c) the design and provision of an emergency vehicular access and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the submission of a detailed qualitative Landfill Gas Hazard Assessment report and implementation of the landfill gas protection measures to the satisfaction of the Director of Environmental Protection (DEP) or of the

TPB;

- (e) the design and provision of drainage and sewage disposal facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (f) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

42. The Committee also agreed to advise the applicant of the following:

- (a) to apply for a land licence from the DEP before implementation of the proposed BMX park;
- (b) to submit site formation plans to the Building Authority for approval; and
- (c) to consult Food, Environmental and Hygiene Department if a food licence was required for the proposed canteen.

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/KC/333 Office
in “Industrial” zone,
Units A and B, 25/F, Gold King Industrial Building,
35-41 Tai Lin Pai Road, Kwai Chung
(MPC Paper No. A/KC/333)
-

Presentation and Question Sessions

43. Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the office use;
- (c) departmental comments – the concerned Government departments, including the Director of Fire Services, had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received from the owner of Units C and D on the same floor of the application premises. The commenter objected to the application for the reason that the whole building was used for industrial purpose and one to two units of the building should not be converted for other use; and
- (e) the Planning Department (PlanD)'s views – PlanD was of the view that in order not to jeopardize the long term planning intention of industrial use for the application premises, the application could be approved on a temporary basis for a period of three years for the reasons as detailed in paragraph 11.2 of the Paper. The applied use was considered not incompatible with the industrial and related uses in the subject building and the surrounding area. It also complied with the Town Planning Board Guidelines No. 25D for Use/Development within “Industrial” zone. Regarding the public comment, approval of the application on a temporary basis would have little impact on industrial floor space provision and allow the Committee to monitor the supply and demand of industrial floor space in the area.

44. Members had no question on the application.

Deliberation Session

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

46. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years up to 16.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the submission and implementation of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

47. The Committee also agreed to advise the applicant of the following :

- (a) to consult the Chief Building Surveyor/New Territories West, Buildings Department on the submission of building plans in respect of separation of the application premises from the remaining portion of the subject industrial building by proper fire resisting construction, provision of adequate natural lighting and ventilation, provision of adequate access for the disabled, implementation of the non-exempted building works, and the removal of all unauthorized building works/structures, if any, in the application premises; and
- (b) prior planning permission should have been obtained before commencing the applied use at the application premises.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TWW/88 Proposed House Development at Plot Ratio of 1.2
in “Residential (Group C)2” zone,
Lots 414RP and 415 in DD 399,
Ting Kau, Tsuen Wan
(MPC Paper No. A/TWW/88)
-

Presentation and Question Sessions

48. Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that two applications (No. A/TWW/73 and A/TWW/86) and two applications for minor amendments

to the approved scheme (No. A/TWW/73-2 and A/TWW/73-4) in respect of the proposed house development at the application site had previously been approved with conditions by the Committee or by the Director of Planning under the delegated authority;

- (b) the proposed house development at plot ratio of 1.2;
- (c) departmental comments – while having no objection to the application from environmental perspective, the Director of Environmental Protection (DEP) commented that the applicant might be requested to look for a better design or relocate the car parking area to avoid environmental nuisances to the surrounding sensitive receivers to address the public concern. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view and pointed out that the proposed landscaped areas ranging from 1m to 2.5m were very narrow and neither functional nor practical for proper landscaping planting. The current scheme was inferior to the previous approved schemes in that the layout was more congested with reduced landscaped areas;
- (d) during the statutory publication period, one public comment was received from the owner of Lot 416RP in DD 399 raising concerns on the feasibility of proposed drainage and sewerage arrangements, and the environmental impacts and nuisances caused by the proposed roof-top car parks as set out in Appendix IV of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had reservation to the application for the reasons as detailed in paragraph 11.1 of the Paper, mainly in that DEP was of the view that a better design or relocation of the car parking area could be explored. CTP/UD&L, PlanD objected to the application for the landscape reasons mentioned in paragraph 9.1.2 of the Paper. As compared with the previous approved schemes, the current proposal involved a significant increase in the site coverage (SC) from 40% to 60% and a more congested layout.

49. In response to a Member's questions, Ms. Heidi Y.M. Chan, DPO/TWK, replied that there was no SC restriction for the subject "Residential (Group C)2" ("R(C)2") zone under the Notes of the approved Tsuen Wan West Outline Zoning Plan (OZP) No. S/TWW/17. Although house development was permitted under "R(C)2" zone, PlanD had reservation on the current proposal as a better scheme under the previously approved applications could be accommodated at the application site.

50. The Chairperson said that excluding the 5 car parking spaces for visitors, only 15 car parking spaces would be provided for the residents of the 19 houses in the current proposal. She enquired if the proposed car parking provision ratio was adequate having regard to the nature of the proposed house development and the location of the application site. Mr. Lam Hon, Assistant Commissioner for Transport (Urban), Transport Department (TD), replied that the proposed car parking provision was sufficient in accordance with the relevant standards of the Hong Kong Planning Standards and Guidelines.

Deliberation Session

51. Referring to paragraph 9.1.8 of the Paper, a Member said that TD had advised that some parking spaces under the current proposal were unlikely to be feasible for parking purpose. This might encourage illegal parking onto the access road within the application site which would serve as an emergency vehicular access (EVA). That Member did not support the application.

52. A Member had reservation on the application and agreed with the comments of CTP/UD&L, PlanD in that the proposed landscaped areas were too narrow for the healthy growing of the landscaped vegetation. Another Member shared the same views.

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

53. The Chairperson remarked that the location of some proposed car parking spaces on the roof-top of the proposed houses might not be desirable. Mr. Elvis W.K. Au, Assistant Director (Environmental Assessment), Environmental Protection Department added that the proposed roof-top car parks might generate nuisances to the surrounding sensitive

receivers and there was scope for the applicant to explore a better design or relocate the car parking area to avoid environmental nuisances to the surrounding sensitive receivers.

54. After deliberation, the Committee decided to reject the application for the reasons that the layout of the current scheme and the proposed car parking arrangement were considered unsatisfactory and the proposed landscaped areas were very narrow which would not be functional or practical for proper landscape planting. There was scope to improve the design or relocate the proposed car parking area to avoid environmental nuisance to the surrounding sensitive receivers.

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

[Mr. Felix W. Fong and Dr. Daniel B.M. To left the meeting temporarily at this point.]

Kowloon District

[Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), and Mr. Robert H.K. Chung, Town Planner/Kowloon (TP/K), were invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/222 Temporary Shop and Services (Bakery Shop) for a Period of 4 Years
in "Other Specified Uses" annotated "Business" zone,
Unit B2, G/F, Kaiser Estate Phase I,
41 Man Yue Street, Hung Hom
(MPC Paper No. A/K9/222)

Presentation and Question Sessions

55. Mr. Robert H.K. Chung, TP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (bakery shop) use for a period of 4 years;
- (c) departmental comments – the concerned Government departments, including the Director of Fire Services, had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11.1 of the Paper. The applied use was considered generally in line with the planning intention of the “Other Specified Uses’ annotated “Business” (“OU(B)”) zone and complied with the Town Planning Board Guidelines No. 22D for Development within “OU(B)” zone.

56. Members had no question on the application.

Deliberation Session

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

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 4 years up to 16.11.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including fire service installations in the application premises, within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2008; 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to resolve any land issues relating to the development with the concerned owner of the application premises;
- (c) apply to the District Lands Officer/Kowloon West, Lands Department for a temporary waiver for shop and services (bakery shop) use under application;
- (d) appoint an Authorized Person to submit building plans to demonstrate compliance with the Buildings Ordinance, in particular the adequacy of means of escape, fire resistance construction and the provision of access and facilities for persons with a disability under Building (Planning) Regulation 72; and
- (e) the operation of food business required a food licence issued by the Food and Environmental Hygiene Department.

[The Chairperson thanked Mr. Eric C.K. Yue, DPO/K, and Mr. Robert H.K. Chung, TP/K, for their attendance to answer Members' enquiries. Messrs. Yue and Chung left the meeting at this point.]

as lifts, emergency staircases, storage rooms and toilets, obstruction of staircases, conflicts among customers, and gathering of drunken patrons causing noise nuisance to residents in the area;

- (d) two public comments were received during the statutory publication period. One had no objection to the application and the other objected to the application for the reasons that serving of food and wine should not be allowed at the subject office building. Besides, there would be inadequate lifts and toilet facilities, more liquor licence applications and drunken people, as well as hygiene, environmental, security, fire hazard and traffic problems. The District Officer (Wan Chai) (DO(Wan Chai)) had reservation on the application due to similar concerns raised by C of P and the commenter; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11.1 of the Paper. Previous planning approval had been given for the subject commercial/office development. The proposed uses were not incompatible with the retail and office uses in the same building and would not have adverse impacts on the surrounding area. Regarding C of P, DO(Wan Chai) and the public comment raising objection to the application, entertainment use, which was regarded as a 'Place of Entertainment', was not included in the current application and the use of the premises for such purpose would require separate planning permission. The issue of liquor licences and other issues such as servicing facilities, hygiene, environmental and fire hazard would be subject to control under relevant regulations and licences. On traffic impact, AC for T/U, TD had advised that the existing crowding at street level should be improved upon opening of the escalators within the subject building and the footbridge link between the building and Hopewell Centre.

62. Members had no question on the application.

Deliberation Session

63. The Chairperson said that there were previous planning approvals for eating place and shop and services uses on other floors of the same building. A Member asked whether the subject site would be rezoned from “Open Space” to “Commercial” to reflect the existing use in future amendment of the subject Wan Chai Outline Zoning Plan (OZP). The Chairperson replied in the affirmative. Another Member enquired about the cases at Tang Lung Street raised by C of P. Ms. Donna Y.P. Tam replied that those cases fell within an area zoned “Commercial/Residential” on the Wan Chai OZP, under which ‘Place of Entertainment’ was a Column 1 use and hence no planning permission would be required.

64. 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 16.11.2011, 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 service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/H14/54 Minor Relaxation of Plot Ratio Restriction
from 0.5 to 0.55 for House Development
in “Residential (Group C)2” zone,
77 Peak Road, Hong Kong
(MPC Paper No. A/H14/54A)
-

65. The Secretary reported that the application was submitted by a subsidiary of Wharf Holdings Ltd. (Wharf). Dr. Greg C.Y. Wong, having current business dealings with Wharf, declared an interest in this item. The Committee noted that Dr. Wong had already

left the meeting.

Presentation and Question Sessions

66. 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, highlighting that a previous application (No. A/H14/52) for minor relaxation of plot ratio restriction from 0.5 to 0.6 for house development at the application site was rejected by the Committee on 23.3.2007;
- (b) the proposed minor relaxation of plot ratio restriction from 0.5 to 0.55 for house development under the current application;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) two public comments were received during the statutory publication period. One objected to the application for setting a bad indication to the public that height restriction could be relaxed easily. The other commenter supported the surrender of land for road widening purpose and requested that the applicant's landscaping and design proposals should be implemented to minimize landscape and visual impacts. The District Officer (Central & Western) pointed out that residents in Mid-Levels and the Peak were concerned about relaxation of plot ratio and building height on visual and traffic grounds. Besides, a District Council member had shown great concern on minor relaxation of plot ratio as it might imply easy alteration of the building height limit and some locals might share similar concern; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11.2 of the Paper. Transport Department (TD) had confirmed the need to widen Peak Road on

road safety and traffic circulation grounds and supported the applicant's road widening alignment. The voluntary set back and surrender of portion of the application site for road widening was considered a planning gain. The tree felling requirement of the road widening alignment and proposed residential development had been minimized and the trees to be felled were of common species in fair to poor conditions. The stepped-height design of the proposed development was considered compatible with the local character. No adverse visual, traffic, infrastructural and environmental impacts would be generated. With regard to the public comment raising objection to the application, the proposed development was in line with the building height restriction of 4 storeys including carports under the subject "Residential (Group C)2" zone.

67. Members had no question on the application.

Deliberation Session

68. 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 16.11.2011, 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 surrender of land and implementation of road widening works of Peak Road to a width of 7.3m to 7.9m and provision of 2m footpath adjoining the application site, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission of detailed design of the proposed road widening scheme to demonstrate technical feasibility of the scheme and structural integrity of the existing masonry wall to the satisfaction of the Director of Highways or of the TPB;
- (c) the submission of landscape and tree preservation proposals and the

implementation of the approved proposals, and provision of monthly tree preservation monitoring reports during the construction period to the satisfaction of the Director of Planning or of the TPB;

- (d) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the design, construction and maintenance of drainage diversion/ modification works to the satisfaction of the Director of Drainage Services or of the TPB.

69. The Committee also agreed to advise the applicant of the following :

- (a) to apply to the District Lands Officer/Hong Kong West and South for lease modification regarding the garden area before the proposed development could be implemented;
- (b) the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administrated by the Buildings Department;
- (c) to submit formal tree felling application and the finalized tree survey report to the Lands Department for consideration and approval in accordance with Environment, Transport and Works Bureau Technical Circular (Works) No. 3/2006 and Lands Administration Office Practice Note No. 8/2002;
- (d) the structural design of the structure for the proposed footpath widening should be in accordance with the Structural Design Manual for Highways and Railways, pursuant to Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) 92;
- (e) to ensure that the tree planting works should comply with the “Conditions for Working within Water Gathering Grounds”, and no chemicals including fertilizers should be used in Water Gathering Grounds without the prior

approval of the Water Supplies Department; and

- (f) special care should be exercised and adequate protective measures be implemented to avoid making any damages to the Chinese Archway of Ho Tung Garden, which was a recorded item of historic interest, during the course of development. Consideration should be given to use alternative access for construction vehicles.

[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.]

[Ms. Lily Y.M. Yam and Mr. David C.M. Lam, STPs/HK, were invited to the meeting at this point.]

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

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/H3/377 Proposed Office, Shop and Services and Eating Place
in "Residential (Group A)" zone,
20-26 Staunton Street,
Central
(MPC Paper No. A/H3/377B)
-

70. The Secretary reported that the application was submitted by two subsidiaries of Sino Land Co. Ltd. (Sino). Dr. Greg C.Y. Wong, having current business dealings with Sino, declared an interest in this item. The Committee noted that Dr. Wong had already left the meeting.

Presentation and Question Sessions

71. Ms. Lily Y.M. Yam, STP/HK, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed office, shop and services, and eating place uses;
- (c) departmental comments – the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) did not support the application and pointed out that the proposed ground floor layout of the proposed development with walls/structures located near the proposed run-in/out would adversely affect the sightline of motorists leaving the application site. The proposed turntable was too close to the pavement of Staunton Street, which might affect the vehicles using the turntable and the pedestrians, and was highly undesirable from traffic safety and operational viewpoints. Whether the proposed turntable would be sufficient to meet the traffic demand of the proposed development was also yet to be demonstrated;
- (d) a total of 415 public comments were received during the statutory publication periods of the application and the further information. 2 supported, 1 had no objection to, 14 provided comments on and 398 objected to the application. The commenters' views were highlighted as per paragraph 10.3 of Paper. The District Officer (Central & Western) considered that the commenters' concern on adverse traffic impact was valid; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 11.1 of the Paper. The proposed development was not in line with the planning intention of the “Residential (Group A)” zone which was intended primarily for residential use. No strong justification had been given for a departure from the planning intention. The proposed 25-storey commercial development at a plot ratio of 15 was considered not compatible with the residential nature of the surrounding area as well as the building bulk and development intensity of the adjoining residential developments. AC for T/U, TD did not

support the application for the traffic reasons mentioned in paragraph 9.1.4 of the Paper. Unlike the current application, the three previous approved applications (No. A/H3/63, A/H3/87 and A/H3/149) for commercial/office development with shop use on the lower floors in respect of two sites in the vicinity fronted onto Hollywood Road and were not located in a predominantly residential area. Approval of the application would set an undesirable precedent.

72. Members had no question on the application.

Deliberation Session

73. The Chairperson remarked that the application site was relatively small, resulting in 'pencil type' development, and there were traffic concerns on the proposed development.

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

- (a) the proposed development was not in line with the planning intention of the "Residential (Group A)" zone which was primarily intended for residential use. There was no strong justification in the submission to merit a departure from the planning intention;
- (b) the proposed development was considered not compatible with the residential nature of the surrounding area. A plot ratio of 15 was also not compatible with the adjoining residential developments in terms of building bulk and development intensity;
- (c) the proposed run-in/out and turntable arrangements were unsatisfactory and were not acceptable from traffic safety and operational points of view; and
- (d) the approval of the application would set an undesirable precedent for similar office/commercial redevelopments to intrude into the residential neighbourhood, the cumulative effect of which would adversely affect the

general amenity in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/H15/227 Proposed Public Utility Pipeline (Telecommunication Lines)
in “Coastal Protection Area” zone,
Lee Nam Road, Ap Lei Chau
(MPC Paper No. A/H15/227)
-

Presentation and Question Sessions

75. 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 proposed public utility pipeline (telecommunication lines);
- (c) departmental comments – concerned Government departments, including the Director of Agriculture, Fisheries and Conservation (DAFC), had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as detailed in paragraph 10.1 of the Paper. The proposed public utility pipeline was an essential infrastructure project to improve the telecommunication services to the Lamma Island. No adverse impacts on the existing landscape and scenic quality of the area would be resulted.

76. Members had no question on the application.

Deliberation Session

77. A Member asked how to ensure that the proposed public utility pipeline would not generate adverse ecological impacts. Mr. David C.M. Lam replied that DAFC had no in-principle objection to the application. If the application was to be approved by the Committee, it was recommended to impose a condition requiring the applicant to reinstate the seabed and other coastal natural features within the application site after the completion of works as stated in paragraph 10.2 of the Paper.

78. 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 16.11.2011, 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 reinstatement of the seabed and other coastal natural features within the application site to the original level and condition after the completion of works to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.

79. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the District Lands Officer/Hong Kong West and South, Lands Department (LandsD) regarding the requirement of the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) and to apply to LandsD for approval before carrying out the proposed cable works; and
- (b) to note the comments of the Director of Environmental Protection (DEP) regarding the Environmental Impact Assessment Ordinance and to liaise with DEP on this aspect.

[The Chairperson thanked Ms. Lily Y.M. Yam and Mr. David C.M. Lam, STPs/HK, for their attendance to answer Members' enquiries. Ms. Yam and Mr. Lam left the meeting at this point.]

Agenda Item 10

Any Other Business

80. The Secretary informed Members that as legal advice on issue relating to the Wan Chai North and North Point Outline Zoning Plans was being sought, the hearing of the concerned further objections and representations were rescheduled to 7.12.2007. As such, there was no need to hold the Town Planning Board special meeting scheduled on 21.11.2007.

81. There being no other business, the meeting was closed at 12:25 p.m.