

TOWN PLANNING BOARD

**Minutes of 363rd Meeting of the
Metro Planning Committee held at 9:00 a.m. on 14.12.2007**

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

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. Simon Hui

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

Deputy Director of Planning/District
Mr. Raymond T.L. Chiu

Secretary

Absent with Apologies

Professor Bernard V.W.F. Lim

Ms. Sylvia S.F. Yau

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 362nd MPC Meeting held on 30.11.2007

[Open Meeting]

1. The draft minutes of the 362nd MPC meeting held on 30.11.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Reference of Approved OZP

2. The Secretary reported that on 4.12.2007, the Chief Executive in Council (CE in C) referred the approved Peng Chau Outline Zoning Plan (OZP) to the Town Planning Board (TPB) for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance, and the reference of this approved OZP was notified in the Gazette on 14.12.2007.

(b) Town Planning Appeal Abandoned

Town Planning Appeal No. 7 of 2007

Temporary Centre for Inspection of New Vehicles and Office
for a Period of 3 Years in “Residential (Group D)” and “Recreation” zones,
Lots 4(Part), 5(Part), 6(Part) and 7(Part) in DD 124,
Lots 1498BRP(Part), 1527RP, 1528RP and 1529RP in DD 125
and Adjoining Government Land, Ha Tsuen, Yuen Long
(Application No. A/YL-HT/469)

3. The Secretary reported that an appeal was received by the Town Planning Appeal Board (TPAB) on 19.4.2007 against the decision of the TPB to reject on review an application (No. A/YL-HT/469) for a temporary centre for inspection of new vehicles and office for a period of 3 years at a site zoned “Residential (Group D)” (“R(D)”) and

“Recreation” (“REC”) on the approved Ha Tsuen OZP No. S/YL-HT/8. On 9.11.2007, the appeal was abandoned by the appellant of his own accord. On 7.12.2007, TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(c) Appeal Statistics

4. The Secretary said that as at 14.12.2007, 12 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	20
Dismissed	:	106
Abandoned/Withdrawn/Invalid	:	126
Yet to be Heard	:	12
Decision Outstanding	:	3
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Total	:	267

Hong Kong District

Agenda Item 3

Section 12A Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) Y/H15/3 Application for Amendment to the
Approved Aberdeen & Ap Lei Chau
Outline Zoning Plan No. S/H15/24,
to amend the Notes of the “Residential (Group A)” zone,
Aberdeen Inland Lot 451, Welfare Road, Aberdeen
(MPC Paper No. Y/H15/3)
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[Mr. Simon Hui arrived to join the meeting at this point.]

5. The current owner of the application site was a consortium company comprising Sino Land Co. Ltd. (Sino), Nan Fung Development Ltd. and K. Wah Real Estates Co. Ltd. (K. Wah). Dr. Greg C.Y. Wong and Mr. Raymond Y.M. Chan, having current business dealings with Sino and K. Wah respectively, declared interests in this item. The Committee noted that Dr. Greg Wong and Mr. Raymond Y.M. Chan had not yet arrived at the meeting.

Presentation and Question Sessions

6. Mr. David C.M. Lam, Senior Town Planner/Hong Kong (STP/HK), and the applicant's representative, Miss Ho Ka Po were invited to the meeting at this point.

7. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited Mr. David C.M. Lam, STP/HK, to brief Members on the background to the application.

8. With the aid of a Powerpoint presentation, Mr. David C.M. Lam presented the application and covered the following main points as detailed in the Paper :

- (a) the proposal submitted by the applicant as detailed in paragraph 1.1 of the Paper;
- (b) characteristics of the application site (the Site) and its surrounding area as detailed in paragraphs 7.1 and 7.2 of the Paper;
- (c) the planning and landuse history of the Site as detailed in paragraphs 3.1 to 3.4 of the Paper;

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

- (d) departmental comments were detailed in paragraph 9 of the Paper, highlighting that Lands Department (LandsD) objected to the application on the grounds that the Site was sold by public auction on 15.10.2007 and could be developed in accordance with the requirements as permitted under

the Building (Planning) Regulations and stipulated in the Conditions of Sale, which had been reflected in the sale price. Architectural Services Department had no adverse comments on the application, but advised that the applicant should provide scientific measures to support the proposed wind corridor. No adverse comments from other concerned Government departments were received;

- (e) a total of 16 public comments were received during the statutory publication period, of which six supported/had no objection, seven objected (including the current owner of the Site) and three had provided comments/raised concerns on the application. The grounds of objection/support/comments/concerns on the application were detailed in paragraph 10 of the Paper; and

- (f) Planning Department's (PlanD) views – PlanD did not support the application for the reasons detailed in paragraphs 11.1 to 11.4 of the Paper. The current “Residential (Group A)” (“R(A)”) zoning of the Site was considered appropriate and proposed residential development with a permissible plot ratio (PR) in accordance with the Building (Planning) Regulations was considered not incompatible with similar residential developments in the area. The “R(A)” zoning of the Site had previously gone through all statutory plan-making procedures under the Town Planning Ordinance. Besides, the low to medium-rise developments in the vicinity of the site would allow penetration of wind flow in the area. Development of the site would not present perceivable air ventilation problem to the adjacent land uses as the prevailing winds for the site mostly come from northeast, southwest or southeast. The applicant had not provided strong justifications to demonstrate the effectiveness of the proposed development restrictions in terms of air ventilation, visual and environmental aspects. Moreover, matter on detailed building design, e.g. distance between blocks, was covered by the Buildings Ordinance and could be dealt with at the building plan submission stage. The current height restriction (110mPD) for the Site under the lease had been carefully formulated to reduce adverse visual impact on the surrounding area and

was considered not excessive in the area. Regarding the public concerns on noise, air and hygienic nuisances caused by the demolition/construction works at the Site, the developer was required to carry out works in compliance with relevant environmental pollution control ordinances such as Air Pollution Control Ordinance and Noise Control Ordinance. As to the preservation of trees within the subject site, clauses on 'tree preservation' and 'landscape master plan' had already been included in the Conditions of Sale. As for the possible impacts on the birds, the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the two bird species concerned were common and widespread and not considered of conservation interest in Hong Kong, and there were other wooded areas providing suitable habitats for birds in the vicinity. Regarding the podium and stilted structures, LandsD advised that the use of stilted structures was normally not allowed. The podium design was a matter of detailed design and could be addressed at the building plan stage.

9. The Chairperson then invited Miss Ho Ka Po to elaborate on the application. With the aid of a Powerpoint presentation, Miss Ho Ka Po, made the following main points :

- (a) the Site covered with trees was surrounded by Jockey Club Rehabilitation Complex to the north, a Home for the Aged to the north-east and the Aberdeen Marina Club to the south-east, which required a quiet environment;
- (b) the Sham Wan Towers comprising three building blocks in linear form at Ap Lei Chau was considered to be an example of 'wall buildings', which blocked sea view as well as wind flow in the area. The subject Site with PR of 8 to 10 would result in similar development;
- (c) the proposed amendments to the Notes of the "R(A)" zone were :
 - (i) to stipulate the maximum permissible domestic PR and non-domestic PR of 6.5 and 0.5 respectively;

(ii) to impose a distance of 15m between building blocks; and

(iii) to provide breezeways in podium design;

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

- (d) if a road could be built within site, the Site would become a Class C site with a maximum PR of 10 and three 30-storey wall buildings could be developed thereon. This form of development would definitely block the wind from the south and the sea view of the adjoining Jockey Club Rehabilitation Complex and the Home for the Aged;
- (e) two bird species, i.e. Black-eared Kite and Greater Coucal, found within the Site, were protected species in the Mainlands and should be protected during the construction period of the proposed development. Over hundreds of tree found on site could provide habitats for birds and animals, and should therefore be preserved;
- (f) the adjoining Jockey Club Rehabilitation Complex raised concerns on security and environmental hygiene problems and obstruction to emergency vehicles during the construction period. The Aberdeen Marina Club also raised concerns on the preservation of trees and protection of birds;
- (g) the future 'wall buildings' at the Site and the Sham Wan Towers would generate adverse visual impact to the tourists visiting the Jumbo Floating Restaurant in Aberdeen Harbour, which would also adversely affect the tourism image of Hong Kong; and
- (h) there were no restrictions on building separation and layout stipulated on the Outline Zoning Plan (OZP). Besides, Lands Department and Buildings Department 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. As such, the problem of 'wall buildings' had yet to be addressed by Government

departments under current mechanism.

10. Members raised the following questions :

- (a) clarification on the direction of wind flow in the area;
- (b) the size of building footprint;
- (c) justification on the proposed 15m separation between buildings;
- (d) rationale on the concerns relating to tree preservation and birds protection, noting that “preservation of trees” and “landscaping” clauses had already been stipulated in the Conditions of Sale, and the DAFC confirmed that the two bird species concerned were common and widespread and not considered of conservation interest in Hong Kong; and
- (e) the definition of breezeways and their requirement.

11. In reply, Mr. David C.M. Lam made the following points :

- (a) referring to paragraph 11.1(b) of the Paper, the prevailing winds for the site mostly came from the northeast, southwest or southeast. Taking into account the low to medium-rise developments in the vicinity, air ventilation impact of the future development of the Site would be insignificant; and
- (b) there was no information about the size of building footprint.

12. Miss Ho Ka Po also made the following points :

- (a) a distance of 15m between building blocks was proposed, taking into account the building separation standard of 20m adopted in Mainland cities and dense building environment in Hong Kong;
- (b) the natural habitats for birds might be destroyed as only big trees would be

preserved and small trees would be removed from the Site; and

- (c) the building layout and design of the proposed development should be compatible with the prevailing winds of the area so as to reduce the air ventilation impact.

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

Deliberation Session

14. Members generally considered the proposed amendments not acceptable, and raised the following views and concerns :

- (a) the control under current land use zoning of the Site and the requirements as stipulated in the Conditions of Sale were considered appropriate;
- (b) the importance of ensuring development certainty for both the developers and general public, the need to consider public interests in a wider context, and to respect the spirit of contract had previously been discussed in consideration of similar cases;
- (c) it was believed that in the detailed design of the development, developers would give due regard to the growing community aspirations and the social responsibilities;
- (d) there was no scientific evidence in the application to support the applicant's claim that the proposed 15m-wide building separation was very effective in improving air ventilation; and

- (e) there was no clear definition on the wording ‘building blocks’ as stated in the application for amendments as building blocks joined together at the base could arguably be considered as a block. Should the application be approved, there might be difficulties in enforcing the requirement for building separation.

15. In response to a Member’s enquiry, the Chairperson said that the delineation of the Site for “R(A)” development was made some years ago, reflecting the policy and considerations prevailing at the time. Due to changing community aspirations and rising concerns on building bulk and air ventilation, PlanD would in collaboration with LandsD stipulate relevant development restrictions, such as building density and height, and non-building area, in the OZP as well as the Conditions of Sale for future land sale sites to ensure the future development would commensurate with the surrounding environment. In line with the Chief Executive’s Policy Address for “Quality City and Quality Life”, PlanD was currently carrying out review of OZPs with a view to lowering development intensity and bulk. For land sale sites that had already been sold and subject to s.12A application, the concerned developer could be asked to take account of the public and Town Planning Board (TPB) Members’ concerns raised during consideration of the application through administrative means, with cooperation with concerned Government departments.

16. In response to another Member’s enquiry on the rationale behind the “R(A)” zoning of the Site, the Chairperson said that the Site was previously identified for “Sandwich Class Housing”(“SCH”) Scheme, Home Ownership Scheme (HOS) and private housing development some years ago due to the high demand on housing sites.

17. A Member sought clarification on the review of development parameters for land sale sites included in the Application List. Mr. James Merritt replied that the sites on the Application List could be triggered for auction at any time, and hence, the Conditions of Sale could not be revised in the middle of the year. Information on the Application List for this financial year was available at the LandsD’s website. The Chairperson added that the Government would review the List for the next financial year and appropriate development restrictions would be incorporated to sites where necessary.

18. In response to a Member’s enquiry, the Chairperson said that representative from

Buildings Department could be invited to brief Members on the provisions under the Buildings Ordinance in regulating building design.

19. The Chairperson summarized Member's views and said that the proposed amendments in the application were considered not acceptable. LandsD would be requested to convey to the developer Members' concerns on the compatibility of future development with its surrounding environment.

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

- (a) the current "Residential (Group A)" zoning for the subject site was considered appropriate as the development permitted under this zoning would not be incompatible with the surrounding areas; 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 and Mr. Raymond Y.M. Chan arrived to join the meeting while Mr. James Merritt left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) Y/H14/1 Application for Amendment to the Approved The Peak Outline Zoning Plan No. S/H14/7, from "Residential (Group C) 1" to "Other Specified Uses" annotated "Residential Development with Historical Site Preserved In-situ", 45 Stubbs Road, Hong Kong (IL 7327)
(MPC Paper No. Y/H14/1)
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Presentation and Question Sessions

21. 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. Betty Ho) representatives of Conservancy Association

Mr. Li Siu-man, Peter)

22. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited Ms. Donna Y.P. Tam, STP/HK, to brief Members on the background to the application.

23. With the aid of a Powerpoint presentation, Ms. Donna Y.P. Tam presented the application and covered the following main points as detailed in the Paper :

- (a) the proposal submitted by the applicant as detailed in paragraphs 1.1 and 1.2 of the Paper. The applicant proposed to rezone the application site (the Site) from "Residential (Group C) 1" ("R(C)1") to "Other Specified Uses" ("OU") annotated "Residential Development with Historical Site preserved In-situ". The planning intention of the proposed zoning is to preserve King Yin Lei and the garden in-situ, and to facilitate residential development;
- (b) justifications put forth by the applicant as summarized in paragraph 2 of the Paper. King Yin Lei was declared as a proposed monument under the Antiquities and Monuments Ordinance for 12 months on 15.9.2007. The applicant believed that the "temporary" declaration was inadequate for the long-term conservation of the historical and cultural heritage;
- (c) characteristics of the application site and its surrounding area as detailed in paragraphs 7.1 and 7.2 of the Paper;
- (d) the current owner of the Site had submitted a s.12A application for amendment to The Peak Area Outline Zoning Plan on 4.12.2007 to rezone

the subject application site and the adjoining Government land to the west of the site from “R(C)1” and “Green Belt” to “OU” annotated “Residential Development with Historical Building Preserved”. The owner of the Site wrote to the Town Planning Board on 13.12.2007, indicating that supplementary information would be submitted in support of the s.12A application. In this connection, processing of the s.12A application would only commence upon receipt of supplementary information. The owner’s letter dated 13.12.2007 was tabled at the meeting for Members’ reference;

- (e) departmental comments – concerned Government departments had no objection or no adverse comments on the application. The Antiquities and Monuments Office (AMO) was currently undertaking a feasibility study and an assessment on the historical and architectural merits of King Yin Lei. The findings and recommendations would form the basis for the Antiquities Authority to consider whether or not King Yin Lei should be declared as a monument under the Antiquities and Monuments Ordinance. There were also on-going discussions between the land owner and the Government on the restoration of the building and the development rights issues;
- (f) a total of five public comments were received during the statutory publication period, of which two supported, one objected (by the current owner of the Site) and two had provided comments on the application. The grounds of objection/support/comments on the application were detailed in paragraph 10.2 of the Paper; and
- (g) Planning Department’s (PlanD) views – PlanD recommended the consideration of the application be deferred, pending the AMO’s completion of the feasibility study and the assessment on the historical and architectural merits of King Yin Lei, a decision of the Antiquities Authority on whether to declare King Yin Lei as a monument, and the outcome of discussion between the land owner and the Government on the restoration plan and development rights issues.

24. The Chairperson then invited Ms. Betty Ho to elaborate on the application.

With the aid of a Powerpoint presentation, Ms. Betty Ho summarized the proposal and made the following main points :

- (a) the original appearance of King Yin Lei, having an unique character, was very attractive. Unfortunately, the rooftop of King Yin Lei had been damaged;
- (b) some newspapers recently reported that conservation experts commissioned by the AMO had completed an assessment. It was confirmed that the historical and heritage merits of King Yin Lei met the heritage assessment standards and was worthy of declaration as a monument;
- (c) a newspaper recently reported that the current owner intended to demolish the whole building. Statutory protection of King Yin Lei was therefore of utmost importance. The new zoning was intended to facilitate residential development while preserving the existing heritage structure of King Yin Lei and its garden in situ;
- (d) concerned Government departments had no objection to the application. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD supported the application from the urban design point of view; and
- (e) the proposed zoning could ensure that the character of the garden and the house of King Yin Lei could be preserved. In order to have a clear direction on the heritage conservation of the Site, the Town Planning Board (TPB), having a role to safeguard the built environment, should proceed consideration of the appropriate planning intention of the Site rather than waiting for administrative decision from the Government.

25. Members had the following questions :

- (a) rationale for proposing both residential development and heritage conservation in the application;

- (b) time required for a decision from the Antiquities Authority and the outcome of discussion between the land owner and the Government;
- (c) compatibility of the proposed residential development with the existing traditional Chinese-style building;
- (d) whether approval of the subject application would pre-empt other possible options for the Site;
- (e) purpose of the application, noting that the Town Planning Ordinance did not have provisions for the protection of monuments; and
- (f) clarification on the area covered by the proposed monument.

26. In reply, Ms. Donna Y.P. Tam, STP/HK, had the following responses :

- (a) the heritage assessment undertaken by conservation experts under the AMO had been completed and submitted to the Development Bureau for consideration. A decision from the Antiquities Authority would be made within the validity period of the proposed monument declaration;
- (b) the current owner of the Site had indicated his intention to submit supplementary information in two weeks time in support of his s.12A application, which would be submitted to the Committee for consideration within three months upon receipt of supplementary information;
- (c) the existing conditions of King Yin Lei could be maintained within the validity period of the proposed monument declaration. Prior approval from the Antiquities Authority had to be obtained for demolition works or tree cutting; and
- (d) if the subject application was approved, the planning intention and land use zoning of the Site would be revised in accordance with the amendments proposed in the application. Proposals in respect of the Site would have to

comply with the revised requirements stipulated in the OZP, unless there were further amendments to the OZP.

27. Ms. Betty Ho also made the following points :

- (a) the proposal aimed to strike a balance between heritage conservation and respecting development rights of the land owner. Whilst the existing structure and garden of King Yin Lei would be preserved, residential development could be considered in specified area of the Site. Prior approval from the TPB would be required for demolition/reconstruction works of the existing buildings erected on site;
- (b) under the proposed amendments, the building layout and design of development at the Site would require to be submitted to the TPB for approval. After discounting the gross floor area (GFA) of King Yin Lei, the GFA available for the residential development would be about 8000 sq. ft. and equivalent to 2 to 3 storeys in height. The possible impacts of such development on the surrounding environment were considered acceptable;
- (c) planning was an on-going process and subject to change. The proposal could facilitate a clear stipulation of planning intention on the OZP and to ensure effective planning control on heritage conservation of the Site;
- (d) Chapter 10 of the Hong Kong Planning Standards and Guidelines (HKPSG) indicated that appropriate zonings and uses should be recommended to protect and preserve buildings of historical or architectural merits, which had yet to be declared as monuments. Hence, it was appropriate to stipulate in the OZP the requirement for prior approval to be obtained from the TPB for demolition/redevelopment of existing buildings; and
- (e) given that the proposed monument declaration would only be valid for 12 months and there were concerns that only the existing buildings would be preserved, it was considered necessary to amend the OZP to protect the whole site.

28. 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

29. The Committee noted that Dr. Greg C.Y. Wong and Mr. Leslie H.C. Chen, both being Members of the Antiquities Advisory Board (AAB), declared interests in this item. As PlanD had requested for a deferment of consideration of the application, Dr. Greg Wong and Mr. Leslie Chen could remain in the meeting.

30. A Member shared the applicant's concerns that the whole site of King Yin Lei should also be preserved. Referring to the Antiquities and Monuments Notice on the declaration of proposed monument in respect of IL 7327 at 45 Stubbs Road as attached to the Paper, another Member pointed out that both the King Yin Lei compound and its adjoining land situated within IL 7327 had already been included in the proposed monument declaration.

31. Some Members considered that it was premature to consider the application without knowing the outcome of discussion between the land owner and the Government, and the Government's views on the assessment of the monument status of King Yin Lei. Though the applicant's intention to protect the historical buildings was appreciated, it would be more appropriate to rely on the provisions of the Antiquities and Monuments Ordinance to protect the historical buildings from being demolished.

32. Noting that the current owner of the Site had submitted a s.12A application, a Member was of the view that it might not be fair to the land owner if the subject application was considered at this stage. The two applications should preferably be considered together.

33. The Chairperson said that Members generally supported PlanD's proposal to

defer the consideration of the application.

34. After deliberation, the Committee decided to defer a decision on the application as proposed by Planning Department, pending a decision of the Antiquities Authority on the monument status of King Yin Lei based on the findings of the feasibility study and the assessment undertaken by Antiquities and Monuments Office (AMO) on the historical and architectural merits of King Yin Lei, and the outcome of discussion between the land owner and the Government on the restoration plan and development rights issues.

[Mr. Tom C.K Yip, STP/HK, was invited to the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/H8/386 Proposed Comprehensive Residential Development and Minor Relaxation of Plot Ratio and Building Height Restrictions in “Comprehensive Development Area (2)” and “Road” zones, 1-7, 9-11, 15-21(Odd Nos.) and 2-16 (Even Nos.), Lower Kai Yuen Lane, North Point
(MPC Paper No. A/H8/386)
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Presentation and Question Session

35. The Chairperson said that the applicant sought planning permission for proposed comprehensive residential development and minor relaxation of plot ratio and building height restrictions at a site zoned “Comprehensive Development Area (2)” (“CDA(2)”) and an area shown as ‘Road’. The “CDA(2)” zone and the associated development restrictions were the subject of representations in relation to the amendments to the draft North Point Outline Zoning Plan No. S/H8/20 to impose a plot ratio restriction of 8 and building height restrictions of 120mPD and 140mD for the “CDA(2)” zone. As the representations had yet to be considered by the Town Planning Board and submitted to the Chief Executive in

Council (CE in C) for approval, consideration of the subject application would pre-empt the decision of the CE in C. As such, PlanD recommended to defer consideration of the subject application for the reasons as detailed in paragraphs 2.1 and 2.2 of the Paper.

36. Members had no question on the application.

Deliberation Session

37. After deliberation, the Committee decided to defer a decision on the application pending the Chief Executive in Council's decision on the representations of the North Point Outline Zoning Plan.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/H8/387 Proposed Residential Development
in "Comprehensive Development Area (1)" zone,
14-30 King Wah Road, North Point
(MPC Paper No. A/H8/387)
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38. The application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). The Committee noted that Mr. Raymond Y.M. Chan, having current business dealings with Henderson, declared an interest in this item. As the applicant had requested for a deferment of consideration of the application, Mr. Raymond Chan could remain in the meeting.

Presentation and Question Sessions

39. The Committee noted that on 6.12.2007, the applicant requested for deferment of the consideration of the application to the next Committee's meeting to be held on 4.1.2008 to allow time to address comments raised by concerned Government departments.

Deliberation Session

40. After deliberation, the Committee decided to defer a decision on the application

as requested by the applicant, and also agreed that the application should be submitted to the Committee for consideration at its next meeting scheduled to be held on 4.1.2008, subject to no further information requiring publication to be submitted by the applicant.

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

[Open Meeting (Presentation and Question Sessions Only)]

(iii)	A/H21/130	Proposed Office Development (Amendments to an Approved Master Layout Plan) in “Comprehensive Development Area” zone, Taikoo Place, 979 King’s Road, Quarry Bay (MPC Paper No. A/H21/130)
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41. The Secretary reported that before the meeting, two groups of people had made petitions and submitted two letters to the Committee against the proposed Office development under application. The first letter was from Ms. Leung Yuk Ching, the Eastern District Councillor, Mr. Chiu Ka Yin, the Eastern District Councillor (Designate) and representatives from the Joint Office of the Hon. Mr. Martin C.M. Lee and Dr. Hon. Yeung Sum, Legislative Council Members. The second letter was from Mr. Leung Siu Sun, the Eastern District Councillor, with about 300 signatures of local residents. The two petition letters were tabled at the meeting for Members’ information.

42. The application was submitted by a subsidiary of Swire Properties Ltd.. Mr. Raymond Y.M. Chan, having current business dealings with Swire Properties Ltd., declared an interest in this item. The Committee noted that Mr. Raymond Chan had left the meeting temporarily. In addition, Dr. Daniel B.M. To, being a Eastern District Councillor declared an interest in this item. As the views provided by the Eastern District Councillors represented their personal views only and Dr. Daniel To had not expressed any views, in the context of District Council discussion, on this application, the Committee agreed that he could remain in the meeting and participate in the discussion of this item.

Presentation and Question Sessions

43. Mr. Tom C.K Yip, STP/HK, drew members' attention to the letter dated 12.12.2007 from Hon. Mr. Martin C.M. Lee and Dr. Hon. Yeung Sum, Legislative Council Members, Ms. Leung Yuk Ching, the Eastern District Councillor and Mr. Chiu Ka Yin, the Eastern District Councillor (Designate), which was tabled at the meeting. With the aid of a Powerpoint presentation, he then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed office development (amendments to an approved Master Layout Plan (MLP));
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD did not support the application, and considered the proposal of putting two very tall buildings of 246.6mPD and 270.25mPD at the site inappropriate. Besides, the proposed Building 2A of 246.6mPD would make a stark contrast to those of the neighbouring developments, which ranged only from 88mPD to 136mPD, and would thus create an overbearing presence on the waterfront setting. As compared with the approved MLP, the proposed Building 2A has blocked off a possible visual/breeze corridor along the axis of Tong Chong Street and Taikoo Wan Road. Architectural Services Department commented that the 4.5m storey height for both Buildings 2A and 2B would be higher than that usually required for office development, and the proposed scheme appeared to impose greater visual impact on the neighbourhood. Transport Department advised that traffic statement submitted by the applicant was not acceptable and a Traffic Impact Assessment (TIA) report should be submitted. The Government Property Administrator advised that being a co-owner of Cornwall House, Financial Secretary Incorporation's (FSI) interest in the land was jeopardized and the redevelopment potential of the lots which were co-owned by FSI would be adversely affected if the application was approved. Besides, the benefits

derived from the amendments to the MLP were not obvious;

- (d) a total of 103 public comments were received during the statutory publication period, of which 96 supported (83 comments in standard form and 11 in standard letter, both with supporting information) and seven objected to the application. The objectors mainly concerned about the excessive building height of the proposed developments and the adverse visual impact on the surrounding areas; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 11.2 and 11.3 of the Paper. The proposed amendments to the approved MLP (Application No. A/H21/96 approved in 1999) was considered not minor, i.e. fundamental change in the disposition of building block and building heights. Due to changing planning circumstances since last approval in 1999, the building heights of the proposed Buildings 2A and 2B at 246.6mPD and 270.25mPD respectively were considered excessive in the local context. As compared with the previously approved MLP, Building 2A had blocked off a possible visual corridor along the axis of Tong Chong Street and Taikoo Wan Road, which was considered undesirable. Furthermore, the proposed open space provision was considered undesirable as most of the proposed open space was planned at the later phase of the redevelopment subject to uncertain implementation programme. Regarding the supporting public comments, while it was noted that the proposed redevelopment might bring about more economic activities for the area, the proposed development was considered unacceptable from urban design and traffic viewpoints.

44. In response to a Member's enquiry, Mr. Tom C.K Yip referred Members to paragraph 9.1.1(b) of the Paper, and clarified that the CTP/UD&L considered the building height of the proposed Building 2A at 246.6mPD excessive as compared with the neighbouring developments at the waterfront, which ranged only from 88mPD to 136mPD. The CTP/UD&L raised concerns about the overbearing presence created by the proposed development on the waterfront setting.

45. The same Member sought clarification on the change in building height of the proposed buildings in the current scheme as compared with the previously approved scheme. In reply, Mr. Tom C.K Yip referred Members to Figure No. A5.1b of Appendix Ia of the Paper, and said that the building height of the proposed Building 2A was decreased from previously approved 294.9mPD to 246.6mPD (i.e. decreased by about 48m) while proposed Building 2B was increased from 160mPD to 270.25mPD (i.e. increased by about 110m). As such, the overall building height impact was significant.

Deliberation Session

46. Some Members did not support the application and raised the following concerns and comments :

- (a) One Island East with building height of 301mPD which was approved should not be taken as a reference in the Quarry Bay area as the development due to special circumstances that the adjacent private land in the “Open Space” zone was included in plot ratio calculation, thus resulting in an extremely tall building. The building heights of the proposed Buildings 2A and 2B were considered excessive in the local context;
- (b) noting that the application site was the subject of previous application No. A/H21/96 approved some years ago, the building height of Building 2A of 294.9mPD proposed in the previously approved scheme was considered excessive with due regard to changing planning circumstances;
- (c) the proposed development would aggravate encroachment into the ridgeline, which was considered undesirable;
- (d) there would be implementation problem in the delivery of the open space due to land assembly issue relating to Cornwall House where a large open space was planned to be provided;
- (e) blocking of visual corridor along Tong Chong Street and Taikoo Wan Road by the proposed development was not considered desirable. The proposed

development would also cause adverse traffic impact on the surrounding areas; and

- (f) comprehensiveness was the key consideration for a “Comprehensive Development Area” zone but had not been taken into account in the current submission, which only focused on realising private development benefit and deferring public benefits in the provision of open space.

47. The Chairperson said that the proposed amendments in the application were considered unacceptable as the Master Layout Plan had not addressed the building height/deposition and provision of public open space in the local context. There were no sufficient design merits to justify the proposed amendments.

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

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

- (a) the proposed layout was undesirable in that the disposition of buildings would block visual/breeze corridor, and that the open space was only planned to be provided at the later phase of the redevelopment, which was subject to uncertain implementation programme;
- (b) the building heights of the proposed Buildings 2A and 2B at 246.6mPD and 270.25mPD respectively were considered excessive in the local context. The information in the submission could not demonstrate that the proposed development would not create any adverse visual impact on the surrounding areas; and
- (c) no traffic impact assessment had been submitted by the applicant. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impact on the surrounding areas.

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

Tsuen Wan and West Kowloon District

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

Agenda Item 5

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/TY/99

Proposed Public Utility Installation (Package Transformer)

in "Village Type Development" zone, Government Land,

Tsing Fai Village, Fung Shue Wo Road, Tsing Yi

(MPC Paper No. A/TY/99)

Presentation and Question Sessions

49. With the aid of a Powerpoint presentation, Ms. Heidi Y.M. Chan, DPO/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting the Committee's decision on 19.1.2007 to defer a decision on the application pending further study on the suitability and feasibility of alternative sites for the proposed package transformer, as some Members considered that the proposed transformer at the application site would be visually intrusive and obstructing the existing footpath. PlanD had conducted detailed search with the applicant and the

concerned Government departments for alternative sites. Nine alternative sites had been identified within or near Tsing Fai Village as detailed in paragraph 2 of the Paper. Upon detailed investigations, some were possible alternatives which had advantages over the originally proposed location and worthy of further examination (i.e. Sites 4, 5, 7 or 9). Of these sites, Site 5 was considered most suitable;

[Mr. Simon Hui left the meeting temporarily at this point.]

- (b) the proposed public utility installation (package transformer) use;
- (c) departmental comments – concerned Government departments had no objection or no adverse comments on the application. The comments of Government departments on the nine alternative sites identified were summarized in paragraph 4 of the Paper;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer (Kwai Tsing) (DO(Kwai Tsing)). The DO(Kwai Tsing) advised that the letter of 29.7.2007 from the Tsing Yi Tsing Fai Expansion Area Village Committee confirmed the Village Representatives' acceptance of the proposed use at the application site; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 6.3 of the Paper. The proposed use at the application site would be visually intrusive and obstructing the existing footpath, especially when there was a refuse collection point to its immediate west. Upon detailed investigations on alternative sites by PlanD in collaboration and consultation with the applicant and the concerned Government departments, there were possible alternatives, out of the nine identified, for the proposed use which had advantages over the proposed location under application and were worth further examination. Consideration should therefore be given to allow maximum flexibility in the locational choice of the proposed package transformer.

50. Members had no question on the application.

Deliberation Session

51. Some Members considered the proposed package transformer at the application site unacceptable, and raised the following views :

- (a) the proposed use at the application site was visually intrusive and obstructing the existing footpath;
- (b) the application site of the proposed transformer in effect would create a hidden corner along the footpath, rendering it easily subject to criminal activities;
- (c) problems envisaged for the nine alternative sites were not insurmountable; and

[Mr. Simon Hui returned to join the meeting at this point.]

- (d) more efforts should be made to re-evaluate the feasibility of nine alternative sites identified, in particular Site 5.

52. In response to the Chairperson's enquiry, Ms. Heidi Y.M. Chan said that local consultation had yet to be conducted by the DO(Kwai Tsing) for the nine alternative sites. A Member opined that as the package transformer was proposed to serve the local villagers of Tsing Fai Village, the DO(Kwai Tsing) should take an active role to consult the local on the alternative sites.

53. The Chairperson summarized Members views that according to the site search undertaken by PlanD, there were alternative sites that could be taken forward for the proposed package transformer for Tsing Fai Village.

54. After deliberation, the Committee decided to reject the application and the

reasons were :

- (a) the proposed package transformer at the application site would be visually intrusive, obstructing the free flow on the existing footpath, and creating hidden corner undesirable for pedestrian safety; and
- (b) consideration should be given to explore other possible alternative locations within or near the village for the development of the proposed package transformer.

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

Agenda Item 6

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/KC/327

Proposed Flat (Public Rental Housing) (Amendments to Approved Scheme),

Former Kwai Chung Factory Estate

in “Residential (Group E)” zone,

Wo Tong Tsui Street/Tai Wo Hau Road, Kwai Chung

(MPC Paper No. A/KC/327)

55. The Secretary said that as the application was submitted by the Housing Department, the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had declared interests on this application:

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| Mrs. Ava S.Y. Ng
as the Director of Planning | - being a member of the Building Committee
and the Strategic Planning Committee
(SPC) of HKHA; |
| Mr. James Merritt
as the Assistant Director
of Lands Department | - being an assistant to the Director of Lands
who is a member of HKHA; |

- | | | |
|--|---|--|
| Ms. Margaret Hsia
as the Assistant Director of
Home Affairs Department | - | being an assistant to the Director of Home
Affairs who is a member of the SPC and
the Subsidised Housing Committee of
HKHA; |
| Dr. Greg C. Y. Wong |] | |
| Professor Bernard V. W. F. Lim |] | having current business dealings with |
| Mr. Raymond Y.M. Chan |] | HKHA; |
| Mr. Stanley Y. F. Wong | - | being a member of the HKHA; and |
| Mr. Walter K. L. Chan | - | being a former member of the HKHA. |

56. The Committee noted that Professor Lim and Ms. Margaret Hsia had tendered apologies for being unable to attend the meeting, and Messrs. Stanley Y.F. Wong and James Merritt had left the meeting. Since both the Chairperson and Vice-Chairman had declared interests, Members agreed that the Chairperson should continue to chair the meeting out of necessity.

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

Presentation and Question Sessions

57. 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 the proposed amendments to approved planning application No. A/KC/278 involved an addition of 18 car parking spaces and deletion of a footbridge. The Committee decided on 13.7.2007 to defer a decision on the application pending further information from the applicant to address the Committee's concerns relating to the clarifications on the purpose/function of the footbridge; the reasons for deleting the footbridge; the location of pedestrian facilities as

well as the forecast pattern and volume of traffic and pedestrian flows upon completion of the proposed public housing estate; the improvement on traffic arrangement; and the local bodies/residents that had been consulted on the proposed amendments. The supplementary information submitted by the applicant in support of the application were detailed in paragraph 2 of the Paper;

- (b) the proposed flat (public rental housing) (amendments to approved scheme);
- (c) departmental comments – concerned Government departments, including Transport Department, had no objection to the application;
- (d) one public comment on the further information was received during the statutory publication period, raising concern on the provision of motorcycle parking spaces; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraphs 5.1 and 5.2 of the Paper.

58. Members had no question on the application.

Deliberation Session

59. In response to a Member’s enquiry, Ms. Heidi Y.M. Chan, DPO/TWK, clarified that as the car parking spaces for the development would be provided in Kwai Chung Estate located to the south west of the application site, the provision of additional car parking spaces aimed to bring convenience to future residents.

60. In response to the Chairperson’s enquiry on the proposed use of Kwai Chung Estate Phase 2 site, Ms. Heidi Y.M. Chan said that the site was proposed for public open space. Upon completion, the public open space would be handed over to the Leisure and Cultural Services Department for maintenance and management.

61. A Member had reservation on the deletion of footbridge proposed in the application, and was of the views that the proposed footbridge would provide a direct and convenient pedestrian connection between the application site and the surrounding developments to the future residents.

62. At the request of the Chairperson, Mr. Anthony Loo referred Members to paragraph 3.1.1 of the Paper, and explained that the provision of a footbridge might divert the pedestrians away from the road, which would be an advantage from road safety point of view. However, even with the provision of the existing at-grade crossing at the road junction concerned, Tai Wo Hau Road still performed within the capacity. Given the road capacity, there would be at-grade crossing any way. For the past ten years, there was a growing preference for at-grade pedestrian crossing facilities in Hong Kong. In this regard, even if the footbridge was provided in the presence of at-grade pedestrian crossing and duplicated the same function, there was a need to retain the existing at-grade pedestrian crossing.

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

63. Mr. Anthony Loo referred Members to the Appendix IV of the Paper, and went on to say that according to the Kwai Chung Flatted Factory Traffic and Pedestrian Flow Study submitted by the applicant, the new footbridge was anticipated to carry some 200 to 300 pedestrians per hours (peds/hr), and would be highly under-utilised as compared with its design capacity of some 4,500 peds/hr. According to the Audit Report No. 49 published by Audit Department on 28.11.2007, many footbridges and subways in Hong Kong were under-utilised, particular at locations where at-grade pedestrian crossing facilities were also provided. In view of the above, the Transport Department considered the deletion of footbridge as proposed by the applicant acceptable.

64. In response to a Member's concern on the design of existing staggered crossing, Mr. Anthony Loo said that according to the supplementary information submitted by the applicant, the average waiting time for the at-grade pedestrian crossing was about 45 seconds, which was considered acceptable. Nevertheless, Transport Department could review the design of current staggered crossing arrangement to make it more user friendly.

65. A Member considered that a site visit would help to have a better understanding

of the site conditions especially the road junction concerned. The Chairperson suggested and Members agreed that the Town Planning Board Secretariat would arrange a site visit to the application site, and the application could be further deliberated at the next Committee meeting.

66. After deliberation, the Committee decided to defer a decision on the application for 3 weeks to the next Committee meeting to be held on 4.1.2008, pending a site visit to the application site to be arranged by the Secretariat.

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

[Mr. P.C. Mok, STP/TWK, was invited to the meeting at this point.]

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K5/647 Proposed Flat (Public Rental Housing Estate)
in "Residential (Group E)" zone,
Ex-Cheung Sha Wan Flatted Factory (West Portion),
a section of Wing Lung Street
between Cheung Sha Wan Road and Fuk Wing Street
and Adjoining Government Land, Sham Shui Po
(MPC Paper No. A/K5/647)
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67. The Secretary said that as the application was submitted by the Housing Department, the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had declared interests on this application:

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| Mrs. Ava S.Y. Ng | - being a member of the Building Committee |
| as the Director of Planning | and the Strategic Planning Committee |
| | (SPC) of HKHA; |

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|--|---|--|
| Mr. James Merritt
as the Assistant Director
of Lands Department | - | being an assistant to the Director of Lands
who is a member of HKHA; |
| Ms. Margaret Hsia
as the Assistant Director of
Home Affairs Department | - | being an assistant to the Director of Home
Affairs who is a member of the SPC and
the Subsidised Housing Committee of
HKHA; |
| Dr. Greg C. Y. Wong |] | |
| Professor Bernard V. W. F. Lim |] | having current business dealings with |
| Mr. Raymond Y.M. Chan |] | HKHA; |
| Mr. Stanley Y. F. Wong | - | being a member of the HKHA; and |
| Mr. Walter K. L. Chan | - | being a former member of the HKHA. |

68. The Committee noted that Professor Lim and Ms. Margaret Hsia had tendered apologies for being unable to attend the meeting, Messrs. Stanley Y.F. Wong and James Merritt had left the meeting, and Dr. Greg C.Y. Wong and Messrs. Raymond Y.M. Chan and Walter K.L. Chan had left the meeting temporarily. Since both the Chairperson and Vice-Chairman had declared interests, Members agreed that the Chairperson should continue to chair the meeting out of necessity.

Presentation and Question Sessions

69. Mr. P.C. Mok, STP/TWK, drew members' attention to the Green Sense's letter of 5.12.2007 tabled at the meeting, raising concerns on grounds of high development intensity, adverse wall effect, air ventilation and visual impacts generated by the proposed public housing development. As the Green Sense's letter was submitted after the statutory publication period, it was filed out-of-time and excluded from the Paper. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed flat (public rental housing estate);
- (c) departmental comments – concerned Government departments had no objection or no adverse comments on the application;
- (d) three public comments were received during the statutory publication period, raising concerns on the proposed use of the site, the proposed plot ratio and building height of the development, the calculation of open space and the possible air ventilation impacts of the development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper. Regarding the local concerns, concerned relevant Government departments, including Environmental Protection Department, Transport Department and the Chief Town Planner/Urban Design and Landscape of PlanD had no objection to or no adverse comments on the application on environmental, traffic and urban design grounds. Furthermore, the applicant had provided via their letter of 6.12.2007 some responses to the public comments as stated in paragraph 11.2 of the Paper.

70. In response to the Chairperson's enquiry, Ms. Heidi Y.M. Chan, DPO/TWK said that the adjoining section of Wing Lung Street within the proposed development were excluded from plot ratio calculation.

Deliberation Session

71. Members noted that the Green Sense's letter was tabled at the meeting. The Chairperson remarked that the proposed development intensity with total plot ratio of 7.7 was lower than the maximum plot ratio of 9.0 permissible under the Outline Zoning Plan. Regarding the Green Sense's concerns on the problem of "wall effect", the proposed public housing development comprising three 28 to 41-storey residential blocks and one 3-storey "Ancillary Facility Block" located at street corner of TonKin Street and Cheung Sha Wan Road was compatible with the surrounding proposed/existing developments. Members

generally agreed.

72. 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 14.12.2011, 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 a revised Master Layout Plan to incorporate approval conditions (b) to (d) below to the satisfaction of the Director of Planning or of the TPB;
- (b) 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;
- (c) the submission of a sewerage and drainage impact assessment and the implementation of any necessary upgrading works to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB; and
- (e) the maintenance of the covered walkways to be connected to the entrance of Mass Transit Railway (MTR) Cheung Sha Wan Station to the satisfaction of the TPB.

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

- (a) apply to the District Lands Officer/Kowloon West, Lands Department to amend the Vesting Order Boundary;
- (b) liaise with Mass Transit Railway (MTR) Corporation Limited and Railway Development Office, Highways Department regarding the matters of MTR

protection boundary;

- (c) note that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue administered by the Buildings Department;
- (d) consult the Director of Water Supplies on the provision of waterworks reserve and arrangement and bear all cost associated with the necessary diversion, connection, protection, extension and capping off of the existing water mains; and
- (e) liaise with CLP Power Hong Kong Limited regarding the compliance with the International Commission on Non-Ionizing Radiation Protection guidelines and precaution measures taken to prevent intervention with the existing Electrical Sub-station.

[Dr. Greg C.Y. Wong and Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K16/30 Proposed Shop and Services and Office
in “Comprehensive Development Area” zone,
G/F and 5/F, Kowloon Motor Bus Headquarters,
9 Po Lun Street, Lai Chi Kok
(MPC Paper No. A/K16/30)
-

Presentation and Question Sessions

74. The Committee noted that on 2.11.2007, the applicant requested for deferment of the consideration of the application to allow time to prepare a revised Master Layout Plan under s. 4A(2) of the Town Planning Ordinance for the Committee’s consideration.

[Mr. Anthony Loo left the meeting temporarily at this point.]

Presentation and Question Sessions

76. Mr. C.C. Lau, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, proposed revision to the previously rejected scheme (application No. A/K7/83) to address the Committee's concern that the subject tutorial school shared the common areas of the development which might cause nuisances to the residents;

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

- (b) the proposed school (tutorial school) use;
- (c) departmental comments – no objection from concerned Government departments was received. However, Buildings Department advised that the communal rear lane proposed as main access to the tutorial school in the current scheme could be used by residents within the same development;
- (d) one public comment was received during the statutory publication period, raising objection to the application on grounds of insurance problem and responsibilities matters in case of fire and accidents; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 10.2 of the Paper, in that the subject tutorial school had no direct and separate access to public road, and approval of the application would set an undesirable precedent for other similar applications.

77. A Member had the following questions :

- (a) clarification on the access to the application premises and its current use; and

- (b) noting that the current application had reduced the area of the tutorial school from 200m² to 70m² as compared with the previously rejected applications, whether application for the residual area would follow.

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

78. In response, Mr. Eric C.K. Yue, DPO/K, made the following points :

- (a) the application premises was accessible via the communal rear lane and the side gate at La Salle Road, which was not a direct and separate access to public roads;
- (b) the application premises was currently used for tutorial school only; and
- (c) referring to Drawing 2 of the Paper, the area of the tutorial school in the current application had been reduced to 70m² with partitions. There was no information on the application for change of use for the residual area.

Deliberation Session

79. In response to the Chairperson's enquiry on the views of the owners of the subject development, Mr. Eric C.K. Yue said that there were a total of 11 owners found in the subject development, of which 10 owners had signed the supporting letters according to the submission. As such, the applicant had not obtained all the owners' consents of the subject development.

80. In response to the Chairperson's enquiry, Mr. Eric C.K. Yue referred Members to Appendix II of the Paper, and said that the Committee rejected three similar applications for tutorial school, two of which were the previous applications (No. A/K7/81 and A/K7/83) involving the current application premises. Whereas one application (No. A/K7/85), having no separate access to the application premises, was rejected by the Committee on 2.11.2007 for the reasons that there was insufficient information in the application to demonstrate no nuisances would be caused to the residents of the same development, and approval of the

application would set an undesirable precedent for other similar applications. Mr. Eric Yue added that the Committee had approved some applications for tutorial schools of having direct and separate access to public road.

81. The Chairperson remarked that according to the past practices, tutorial school should have direct and separate access to public roads in order not to cause nuisances to residents of the same development. The Town Planning Board Secretariat was currently drafting the guidelines for application for tutorial school.

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

- (a) there was insufficient information in the application to demonstrate that the tutorial school would not impose nuisances to the existing residential premises within the same development; and
- (b) approval of the application would set an undesirable precedent for other similar applications for tutorial schools within residential building in the area which had no separate access to the application premises from public roads.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K13/229 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Portion of Workshop No. 2,
G/F Kowloon Bay Industrial Centre,
15 Wang Hoi Road, Kowloon Bay
(MPC Paper No. A/K13/229)
-

Presentation and Question Sessions

83. The Committee noted that on 10.12.2007, the applicant requested for deferment of the consideration of the application to allow time to further consult with Fire Services

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/K18/245 Proposed Minor Relaxation of Building Height Restriction
from 3 Storeys to 4 Storeys
for Permitted University Education Use
with Academic and Sports Facilities
in “Government, Institution or Community (2)” zone,
Part of Car Park of Joint Sports Centre,
36 Renfrew Road, Kowloon Tong (NKIL 6127)
(MPC Paper No. A/K18/245)
-

87. The application was submitted by the Hong Kong Baptist University (HKBU), involving a site jointly owned by the HKBU, the Hong Kong Polytechnic University (HKPolyU), and the City University of Hong Kong (HKCityU). The Secretary reported that Professor Bernard V.W.F. Lim, having current business dealings with the HKPolyU, Professor Paul K.S. Lam, being a Chair Professor of the HKCityU, and Mr. K.Y. Leung, being a Part-time Lecturer of the HK PolyU, had declared interests in this item. The Committee noted that Professor Lim and Professor Lam had tendered apologies for being unable to attend the meeting. As the applicant had requested the Committee to defer consideration of the application, Mr. Leung could remain in the meeting.

Presentation and Question Sessions

88. The Committee noted that on 5.12.2007, the applicant requested for deferment of the consideration of the application to allow time to prepare the Traffic Impact Assessment as discussed with Transport Department.

Deliberation Session

89. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further submission from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed

for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 9

Any Other Business

90. There being no other business, the meeting was closed at 12:30 p.m..