

TOWN PLANNING BOARD

**Minutes of 369th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 7.3.2008**

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

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

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. Anthony Loo

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. C.W. Tse

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

Secretary

Absent with Apologies

Ms. Maggie M.K. Chan

Professor Paul K.S. Lam

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

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Christine Tse

Town Planner/Town Planning Board
Ms. Cindy K.F. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 368th MPC Meeting held on 22.2.2008

[Open Meeting]

1. The draft minutes of the 368th MPC meeting held on 22.2.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising from the last meeting.

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

Tsuen Wan and West Kowloon District

[Ms. Erica S.M. Wong, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK) was invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TWW/1 Application for Amendment to the
Draft Tsuen Wan West Outline Zoning Plan No. S/TWW/16
from “Green Belt” to “Green Belt (Group 1)”,
Tsing Lung Tau Lots 1RP and 3RP, Tsuen Wan West
(MPC Paper No. Y/TWW/1)

3. The Secretary reported that the applicant, Conservation Association (CA), was invited to attend the meeting but applicant decided not to attend and the Committee agreed to

proceed with the hearing in the absence of the applicant.

Presentation and Question Sessions

4. With the aid of Powerpoint presentation, Ms. Erica S.M. Wong presented the application and covered the following main points as detailed in the Paper:

- (a) the subject planning application was submitted by the Conservancy Association on 10.7.2006 to rezone a site from “Green Belt” (“GB”) to “GB(1)” or other appropriate zonings such as “Other Specified Uses (Heritage Preservation)”. The Committee on 23.3.2007 decided to defer a decision for nine months pending the finalisation of the voluntary surrender of the Dragon Garden by the landowner to the Government. Upon expiry of the nine months period on 24.12.2007, the application was re-submitted to the Committee for further consideration;
- (b) the justifications from the applicant and background of the site was summarized in paragraphs 2 and 4 of F-Appendix I of the Paper. The existing Dragon Garden was a private garden, distinct in design, decoration and craftsmanship and was classified as a Grade II Historical Building by the Antiquities Advisory Board on 26.9.2006;
- (c) the relevant Government departments had been further consulted and they maintained their previous views as summarised in paragraphs 9.1 to 9.3 of F-Appendix I of the Paper. No public comments had been received since 23.3.2007 when the Committee first considered the rezoning application; and
- (d) the Planning Department (PlanD) did not support the application for the reasons as detailed in paragraph 5 of the Paper. As the Government was still in the process of exploring with the owner of his offer on the boundary and future uses of the voluntary surrender of Dragon Garden to the Government, it was not practicable to determine at the present stage the most appropriate zoning for the site. Furthermore, under the existing

“GB” zoning, there was adequate statutory control on the use of the site as there was a general presumption against development. Besides, as Dragon Garden had been taken over by the Leisure and Cultural Services Department (LCSD) since 1.9.2006 for the provision of basic horticulture and 24-hour security service to the Garden, it was considered that there were sufficient development controls to ensure the preservation of the Dragon Garden and the vegetated slope within the site. Therefore, there was no imminent need to change the “GB” zoning of the site at this juncture.

5. Members had no question on the item.

Deliberation Session

6. A Member noted that voluntary surrender of Dragon Garden to the Government was yet to be finalised and Dragon Garden was under the management of the LCSD. The Member agreed that there was no imminent need to rezone the site at the moment. The Chairperson remarked that there was sufficient development control under the existing “GB” zone and there was no need to change the zoning before the future uses of the Dragon Garden was finalised.

7. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) prior to finalisation of the future uses and preservation arrangement for the Dragon Garden, it was premature to determine the most appropriate zoning and Notes for the site; and
- (b) there was sufficient safeguard to preserve the Dragon Garden under the existing “GB” zone.

[The Chairperson thanked Miss Erica S.M. Wong, STP/TWK, for her attendance to answer Members’ enquiries. Miss Wong left the meeting at this point.]

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

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K3/503 Proposed Shop and Services
 in “Residential (Group A)” zone,
 21C Soy Street, Mong Kok (KIL 3951)
 (MPC Paper No. A/K3/503)
-

Presentation and Question Sessions

[Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

8. 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) proposed shop and services;
- (c) the size of the application site was larger than that of the previous planning application No. A/K3/439 as the current scheme had included the area of the proposed service lane to its west and north into the site area for plot ratio calculation;
- (d) departmental comments – no objection from concerned Government departments was received;
- (e) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons as detailed in paragraph 10. The proposed development was considered compatible with the surrounding developments and the proposed development would have no adverse impacts in terms of traffic, drainage and environment. All concerned departments, in particular Transport Department, Drainage Services Department and Environmental Protection Department had no objection to the application and there was no local objection.

9. In response to a Member's query on whether the proposed service lane was accessible to the public, Mr Louis K. H. Kau replied that the service lane was under private ownership but it had to be maintained as a passageway for public access.

Deliberation Session

10. 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 7.3.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of a sewerage impact assessment and implementation of the sewerage improvement and upgrading works identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

11. The Committee also agreed to advise the applicant :

- (a) to apply to District Lands Officer/Kowloon West, Lands Department for lease modification/waiver for the proposed shop and services use at the site;

- (b) that the approval of the application did not imply the inclusion of the existing private service lane into site area for the purpose of plot ratio calculation would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval; and
- (c) to consult Chief Building Surveyor/Kowloon, Buildings Department on the arrangement on emergency vehicular access according to the Code of Practice for Means of Access for Firefighting and Rescue.

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

[Mr. P.C. Mok, Senior Town Planner /Tsuen Wan and West Kowloon (STP/TWK) was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K4/53 Eating Place (Restaurant) in "Other Specified Uses" annotated "Sports and Recreation Club" zone, Shop 2, G/F, Yau Yat Plaza, 21-23 Begonia Road, Shek Kip Mei
(MPC Paper No. A/K4/53)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) eating place (restaurant);
- (c) departmental comments – concerned Government departments had no objection;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper in that the applied use was not considered incompatible with the existing uses of the Yau Yat Plaza as well as the residential developments in the Yau Yat Chuen area. The premises, having a floor area of about 17m², was small in scale and the applied use would not cause any significant adverse traffic or environmental impacts to the surrounding areas. Relevant Government departments had no objection to the application.

13. Members had no question on this item.

Deliberation Session

14. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that provision of fire service installations in the subject premises to the satisfaction of the Director of Fire Services or the TPB.

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

- (a) apply to Director of Food and Environmental Hygiene for a relevant food licence to cover the operation of the eating place (restaurant);
- (b) consult the Chief Building Surveyor/Kowloon, Buildings Department on the submission of alterations and additions proposal in respect of access and facilities for persons with a disability and sanitary fitments;
- (c) advise Chief Engineer/Mainland South, Drainage Services Department of any changes in the sewage discharge as a result of the proposed eating place (restaurant) and implement local sewerage upgrading works if found

necessary; and

- (d) note District Lands Officer/Kowloon West's advice that the applied use was in breach of the lease conditions and no lease modification to permit the applied use was allowed.

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

Remarks

16. The Chairperson said that the Agenda Item 5 would not be open for public viewing since it was in respect of an application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.

Agenda Item 5

[Closed Meeting]

Kowloon District

[Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), Ms. Jessica H.F. Chu and Miss Helen L.M. So, Senior Town Planners/Kowloon (STPs/K), were invited to the meeting at this point.]

[Dr. Greg C.Y. Wong, Mr. Raymond Y.M. Chan, Mr. Felix W. Fong, Mr. Walter K.L. Chan, Professor Bernard V.W.F. Lim returned to join the meeting at this point.]

Presentation and Question Sessions

24. Ms. Helen L.M. So, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed shop and services;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application. District Lands Officer/Kowloon East advised that the proposed shop and services would breach the lease conditions and a temporary waiver to permit the proposed use was required;
- (d) three supporting public comments were received. One of the comments was from a Kwun Tong District Council Member whereas the other two were from a Kwun Tong Central Area Committee member and the owners' corporation of a nearby building; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. The proposed shop and services use complied with the Town Planning Board Guidelines for Development within "OU(Business)" Zone (TPB PG-No. 22D) in that it would not generate significant adverse impacts on the developments within the subject building and the adjacent areas. Relevant Government departments including Fire Services Department consulted had no objection to the application. The proposed shop and services use was considered generally in line with planning intention of the "OU(Business)" zone.

25. Members had no question on the item.

Deliberation Session

26. 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 7.3.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separating the subject premises from the industrial portion of the building and fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction;
- (b) appoint an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the provision of a 2-hour fire resisting period (FRP) fire separation between the subject premises and the existing workshops on G/F in accordance with Building (Construction) Regulation 90 and access and facilities for the persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 1997; and
- (c) strictly follow regulatory restrictions when loading/unloading activities take place to avoid interfering with the main stream traffic (Hung To Road and Tsun Yip Street) in particular when they were under the cumulative effects of nearby roadside activities.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K22/2 Proposed Pier (Landing Steps)
in “Commercial (2)” zone,
7 Kai Hing Road, Kowloon Bay, Kowloon
(New Kowloon Inland Lot 5813)
(MPC Paper No. A/K22/2)
-

Presentation and Question Sessions

28. Ms. Jessica H. F. Chu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed pier (landing steps);
- (c) departmental comments – the concerned Government departments had no objection to or no adverse comment on the application;
- (d) four public comments were received. All commenters, including a Kwun Tong District Council Member, the Chairman of Kwun Tong Central Area Committee, the owner of the Kowloon Godown and the owner of the adjoining lots, agreed to/supported the application; and
- (e) the Planning Department (PlanD)’s views – the Plan D had no objection to the application for the reasons as detailed in paragraph 10 of the Paper in that the proposed pier together with the 20m-wide promenade would enhance the vibrancy and accessibility of the waterfront area which complied with the Urban Design and Landscape Framework for Kai Tak Development, the Board’s “Vision and Goals for Victoria Harbour” and Harbour Planning Guidelines. The proposed landing steps would be developed to form part of the future development within the lot and conformed with the planning intention of the “Commercial(2)” zone as well as the intention to phase out industrial use on the site. The proposed pier

was a small-scale development and would not significantly affect the public usage of the promenade. The proposed landing steps, which would be constructed on existing land, would not constitute a reclamation as defined under the Protection of the Harbour Ordinance.

29. Members had the following questions/comments on the application :

- (a) the type of vessels using the proposed landing steps;
- (b) whether the landing steps was under private ownership and whether it would be open for public use;
- (c) how would the public access the waterfront promenade;
- (d) whether loading/unloading of goods allowed at the landing steps and whether the cargo handling activities in the neighbouring areas such as Kwun Tong and Kowloon Bay would be allowed to use the proposed landing steps; and
- (e) the design of the proposed landing steps should avoid obstructing the public use of the waterfront promenade.

30. In response to the Members' questions/comments, Mr Eric C. K. Yue and Ms Jessica H. F. Chu made the following points :

- (a) the applicant had indicated that the proposed landing steps would be for private use and maintained by the applicant. It was intended to serve pleasure vessels up to 30m in length;
- (b) the applicant was willing to allow an individual or organisation authorised by Government department to use the proposed landing steps for pick-up and drop-off purpose ;
- (c) the proposed waterfront promenade would link up with the public open

space to the southwest and would be accessible for the public upon full development of the promenade. However, there was no existing access to the waterfront promenade at the present moment;

- (d) the loading/unloading of goods by barges was allowed at the seawall under the existing lease to serve the existing godown at NKIL 5813. A planning condition was proposed to require the development of the landing steps in tandem with the redevelopment of NKIL 5813 to commercial use. With the phasing of the industrial use, the landing steps would not be required for loading/unloading of goods. As the whole stretch of waterfront area was intended for development of a promenade for public use, the cargo handling activities in the neighbouring areas would not be allowed to use the landing steps; and
- (e) the proposed landing steps occupied an area of about 33.5m². According to the applicant, the landing steps would be subject to controlled access in the form of railing and openable gates, similar to that at the Hung Hom waterfront promenade next to the Harbour Plaza Hotel. Such design demonstrated how the landing steps could be integrated with the waterfront promenade and would not affect public use of the promenade.

Deliberation Session

31. The Chairperson remarked that the subject area was re-planned under the Kai Tak Planning Review in which the existing industrial uses were rezoned to commercial uses with the provision of a 20m-wide promenade along the waterfront for public enjoyment. A Member commented that it might take a long time to realise the planning intention and asked if the Government would rezone the waterfront promenade to “Open Space” and took up its implementation. In reply, the Chairperson said that in view of the large area and the private ownership involved, it would be more practical to implement the planning intention through redevelopment of the lots.

32. A Member opined that the proposed landing steps was a good use of the harbourfront which the Member agreed to the provision of railing and gate similar to those at

the Hung Hom waterfront promenade, he expressed concern on the layout design where the planters and shelters might take up a substantial area of the promenade, thus reducing the area for public enjoyment. The member considered that a planning condition requiring the submission of landscaping proposal would be necessary to avoid undermining public use of the waterfront promenade. Mr Eric C. K. Yue replied that the future design of the landing steps would have to be compatible with that of the waterfront promenade.

33. Members agreed that the subject application was in line with the long-term planning intention of the waterfront promenade. A Member opined that the landing steps should be used for pleasure vessels and allow public use. A Member agreed to impose such requirements after the adjoining lot was redeveloped to commercial use. The Chairperson concluded that relevant conditions should be imposed to restrict the use of the landing steps for pleasure vessels and open up for public use in tandem with the redevelopment of the adjoining lot.

34. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.3.2012, 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 and construction of the marine works in connection with the construction of the landing steps for pleasure vessels only to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board;
- (b) the submission and implementation of a landscape proposal including the roofed structure to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the development of the landing steps shall be developed in tandem with the redevelopment of New Kowloon Inland Lot (NKIL) 5813; and
- (d) public usage of the landing steps for pleasure vessels should be allowed to the satisfaction of the Director of Marine or of the Town Planning Board.

35. The Committee also agreed to advise the applicant :

- (a) that approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to note the comments of the District Lands Officer/Kowloon East, Lands Department that to redevelop the NKIL 5813 with the pier structure, a lease modification or land exchange should be entered with to modify or remove, inter alia, the user restriction, the type of building clause, the 6m wide non-building area restriction and the height restriction stipulated under the existing lease conditions;
- (c) to liaise with the Project Manager/Kowloon, Civil Engineering and Development Department to ensure that the construction and operation of the proposed landing steps would not affect the future implementation of the possible environmentally friendly transport system along the proposed waterfront promenade as delineated on the approved Outline Zoning Plan;
- (d) to note the comments of the Project Manager/Kowloon, Civil Engineering and Development Department that the use of the proposed landing steps might need to be restricted during the construction of the proposed Trunk Road T2 which would be subject to detailed design; and
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that in view of the waterfront location of the application site, the physical appearance of the proposed landing steps should be of good quality.

[The Chairperson thanked Ms. Jessica H.F. Chu, STP/K, for her attendance to answer Members enquires. Ms Chu left the meeting at this point.]

Agenda Item 7

[Open Meeting (Presentation and Question Sessions only)]

Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/15

Review of Yau Tong Bay “Comprehensive Development Area” zone

(MPC Paper No. 14/08)

36. The Secretary reported that the subject site involved some land owned by Henderson Land Development Co. Ltd. (HLD) and Mr. Raymond Y.M. Chan had declared an interest in this item as he had current business dealings with HLD.

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

Presentation and Question Sessions

37. With the aid of a Powerpoint presentation, Ms. Helen L. M. So, STP/K, presented the Review of Yau Tong Bay “Comprehensive Development Area” (“CDA”) zone and covered the following aspects as detailed in the Paper:

- (a) background and the planning history of the Yau Tong Bay “CDA” as set out in paragraph 2 of the Paper;
- (b) the proposed amendments to the Yau Tong Bay “CDA” zone as detailed in paragraphs 4 and 5 of the Paper;
- (c) CDA Zone - The long-term planning objectives for the Yau Tong Bay “CDA” zone were to phase out the existing industrial operations, resolve the environmental problems, and enhance its waterfront for public enjoyment. In order to achieve the long-term planning objectives, it was suggested that the “CDA” zone should be retained. Taking a ‘no reclamation’ approach as a starting point, the “CDA” zone would be confined to the land area with an area of about 9.94 ha. It was considered that a maximum plot ratio (PR) of 4.5 based on the gross site area was appropriate for the Yau Tong Bay “CDA” zone. The resultant gross floor area (GFA) for the “CDA” development would be about 447,381m². The

proposed PR was comparable to that proposed residential developments in the surrounding area;

- (d) the developer should adopt a distinct stepped building height profile with descending building height towards the harbourfront with a maximum building height of 120mPD and with innovative design and appropriate disposition in order to avoid a monotonous harbourfront image and the wall effect;
- (e) a public waterfront promenade was proposed to ensure the provision of a public access to the harbourfront to foster a greener and healthier lifestyle. Owing to the awkward U-shaped site configuration and the possible set back requirements as a noise mitigation measure, it was proposed to allow a slight variation of the width of the waterfront promenade ranging from around 15m to 20m. The total area of the waterfront promenade should not be less than 24,700m²;
- (f) in order to avoid creating an impermeable ‘wall’ along the waterfront and hindering air circulation and reducing visual permeability, podium structure should be avoided as far as possible. Moreover, non-building areas/permeable zones should be provided between residential towers to enhance air ventilation and to serve as visual breaks and these requirements would be incorporated into the planning brief;
- (g) a number of government, institution or community (G/IC) facilities including a neighbourhood elderly centre, an integrated children and youth services centre, an integrated vocational rehabilitation services centre and a hostel for moderately mentally handicapped persons were proposed to be incorporated into the subject “CDA” zone. The floor space of the proposed G/IC facilities would be counted towards the maximum GFA of the “CDA” zone;
- (h) in order to provide incentive to encourage comprehensive redevelopment of the CDA as a whole, a minor relaxation of the maximum PR (from 4.5 to 5)

could be considered subject to the submission of a comprehensive redevelopment scheme with planning and design merits. The applicant should demonstrate that at least 80% of private land within the “CDA” zone had been assembled or consent from 80% of the private land owners (calculation in terms of land area) had been obtained in support of the application for minor relaxation of the maximum PR under the master layout plan (MLP) submission. Additional information fulfilling the requirements as detailed in para. 5.3 of the Paper would also be needed; and

- (i) the proposed amendments to the Yau Tong Bay “CDA” formed the basis for the OZP amendments. Should the Committee agree to the proposed parameters, PlanD would prepare a planning brief for the CDA” zone and make a separate submission to the Committee on the proposed amendments to the Yau Tong Bay “CDA” zone in the OZP.

38. Members had the following questions/concerns on the application :

- (a) a Member noted the provision to allow developer to claim for minor relaxation of PR by 0.5 should he demonstrate that at least 80% of the private land within the “CDA” had been assembled. He asked whether the consortium which included 37 landowners had assembled more than 80% of private land in the “CDA” zone and the distribution of the private lots not included under the consortium within the “CDA” zone;
- (b) the same Member asked whether there was building height control in the “CDA” zone;
- (c) a Member asked whether the proposed stepped height profile and the 30m non-building area between buildings would allow sufficient design flexibility for future development;
- (d) another Member asked whether the 15-20m promenade along the entire U-shape waterfront would limit the flexibility in the design and layout of the

future development and whether piazza or recreational facilities could be provided to add vibrancy to the waterfront;

- (e) noting that it might be difficult to assemble all the lots within the CDA zone for redevelopment, two Members asked if land assembly of less than 80% would be considered or if some land would be excised from the “CDA” zone for separate development, especially for those lots toward the western ends so as not to delay the implementation of the “CDA” zone. A member considered that if the land assembled was big enough, redevelopment should be allowed as it would facilitate early implementation. Another member supported the granting of additional PR to give incentive for comprehensive redevelopment;
- (f) a Member asked whether consideration had been given to waterfront related uses in the CDA zone; and another Member asked whether additional PR would be granted for the incorporation of innovative ideas such as the old shipyard concept into the future development;
- (g) noting that some existing lots had extended beyond the “CDA” zoning boundary into Yau Tong Bay, a Member asked if consideration would be given to extend the zoning into these areas so as to allow a more interesting shoreline and building layout; and
- (h) the same Member asked whether the polluted seabed of Yau Tong Bay would be properly treated before the redevelopment of the “CDA” zone.

39. In response to the Members’ questions/concerns, Mr Eric C. K. Yue and Ms Helen L.M. So made the following points :

- (a) about 80% of the private land within the “CDA” zone was owned by a consortium. Some private lots which were located near the two ends and in the middle of the U-shape site were not yet assembled by the consortium;

- (b) a maximum building height of 120m would be incorporated in the Notes of the “CDA” zone. To allow design flexibility, no lower limit was proposed in the Notes. The proposed height profile concept and other design requirements would be incorporated in the explanatory statement (ES) of the OZP and the planning brief. As a reference, a building height of the 60mPD at the two western ends would be incorporated into the ES of the OZP to help maintain an intermixed relationship with the harbour edge. The building height concept would provide guidance for the applicant to submit MLP for consideration by the Committee;
- (c) the scheme shown in Plans 8 and 9 of the Paper was only indicative. Design flexibility was allowed as the urban design principles such as stepped height profile and non-building area would be incorporated in the planning brief to guide future development. A MLP should be submitted together with the relevant technical assessments to demonstrate to the Board that the design and layout of the development was acceptable. The Board would consider the proposal on individual merit;
- (d) regarding the waterfront promenade, it was the planning intention to provide a continuous waterfront promenade to link up with those in the neighbouring areas for the enjoyment of the public. A slight variation in the width of the promenade would be allowed so that the applicant could have more flexibility in designing the layout of the building blocks under the MLP submission. However, the total area for the promenade should not be less than 24,700m² (a product of length of the waterfront times 20m²);
- (e) the proposal to allow the applicant to claim minor relaxation of PR from 4.5 to 5 when the applicant could demonstrate that at least 80% of private land had been assembled or consent from 80% of the private land owners (calculation in terms of land area) had been obtained was intended to provide incentive to encourage comprehensive redevelopment. In claiming for the minor relaxation, the applicant would also have to fulfil the requirements as laid down in paragraph 5.3 of the Paper in the

submission of MLP for the Board's consideration. Development with less than 80% of land assembled would still be able to make a submission for redevelopment based on the OZP and planning brief requirement. Excising an area from the CDA zoning would not be desirable as piecemeal development would render it difficult to resolve the industrial/residential interface problem and to implement the urban design principle as a whole;

- (f) a list of ideas and requirements for claiming minor relaxation of PR as stated in paragraph 5.3 of the Paper, such as the provision of recreational facilities, the beautification of the seawall, the provision of thematic plantings, etc. to enhance the environment and add vibrancy to the harbourfront would be incorporated in the planning brief and ES of the OZP to guide the future development;
- (g) future development would only be allowed on the land area and there should be no intrusion into the sea. The provision to claim minor relaxation of PR would be an incentive for the developer to propose innovative design along the harbourfront, as stated in the various requirements in paragraph 5.3 of the Paper; and
- (h) the developer would need to address the issue of decontamination works at Yau Tong Bay before redevelopment.

40. Mr C. W. Tse asked if the future development would be constrained noting that there was a set back requirement of 30m from Ko Fai Road as a noise mitigation measure and a need to provide 20m wide waterfront promenade. Mr. Eric C. K. Yue replied that a slight variation of the width of the waterfront promenade ranging from 15 to 20m was thus allowed to provide some flexibility in the layout design while the total area of the waterfront promenade should be maintained at 24,700m².

Deliberation Session

41. After deliberation, the Committee decided to agree that the proposed development parameters should formed a basis for PlanD to prepare the planning brief for the

Yau Tong Bay “Comprehensive Development Area” (“CDA”) zone to guide the future development. A separate submission on the proposed amendments to the Yau Tong Bay “CDA” zone in the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/15 should be made. The proposed amendments together with the revised Notes and Explanatory Statement should be submitted to the Committee for agreement prior to exhibition for public inspection under section 7 of the Ordinance.

[The Chairperson thanked Mr. Eric C.K. Yue, DPO/K, and Miss Helen L.M. So, STP/K, for the attendance to answer Members’ enquires. They left the meeting at this point.]

[Dr. Greg C.Y. Wong, Professor N.K. Leung, Dr. Daniel B.M. To, Mr. Nelson W.Y. Chan, Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

Hong Kong District

Agenda Item 8

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H15/4 Application for Amendment to the
Approved Aberdeen and Ap Lei Chau Outline Zoning Plan No. S/H15/24
from “Other Specified Uses” annotated “Business (1)” to “Residential
(Group E)2”, 41 Heung Yip Road, Wong Chuk Hang
(MPC Paper No. Y/H15/4)

Presentation and Question Sessions

42. The Committee noted that the applicant requested on 6.2.2008 for a deferment of the consideration of the application to allow time to prepare the additional information to clarify and respond to concerns raised by various Government departments.

Deliberation Session

43. 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.

Agenda Item 9

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/H5/367 Proposed Eating Place/Shop and Services
 in “Open Space” zone,
 G/F, 196-206 Queen’s Road East, Wan Chai
 (MPC Paper No. A/H5/367)
-

Presentation and Question Sessions

44. The Committee noted that the applicant requested on 4.3.2008 for a deferment of the consideration of the application for 2 weeks to allow time for further consultation with relevant Government departments on technical issues related to the application.

Deliberation Session

45. 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 two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that a period of two weeks was allowed for preparation of submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

The proposed hotel use was considered not incompatible with the surrounding land uses which were predominately residential intermixed with some government, institution or community (GIC) uses and open space. The proposed hotel with a plot ratio of 12.35 and building height of 113.45mPD/29 storeys was considered not incompatible with the surrounding residential development in terms of development intensity and building height. The proposed height was below the maximum building height of 120mPD stipulated in the OZP for the subject "R(A)" zone.

[Professor N.K. Leung returned to join the meeting at this point.]

47. A Member commented that the tower should be set back from Lin Fa Kung Street West to allow a more open view towards Lin Fa Temple. Mr Tom C.K. Yip responded that a planning condition was already proposed to require the setting back of the site boundary at the junction of Tung Lo Wan Road, Lin Fa Kung Street West and Lai Yin Lane. Taking into account Members' view, the Chairperson said that a planning condition requiring the setting back of the tower block from Lin Fa Kung Street West could be imposed to allow an open view.

48. In response to a Member's concern on the traffic condition in the area, Mr Anthony K. C. Loo explained that the hotel development under application was small in scale and there was adequate provision of loading/unloading spaces within the hotel site. Furthermore, the applicant was required to set back the development at the junction of Tung Lo Wan Road/ Lin Fa Kung Street West/Lai Yin Lane to allow better turning for coaches. As such, approval of the proposed hotel use would not have significant adverse traffic impact on the area.

Deliberation Session

49. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.3.2012, 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 and provision of parking facilities, loading/unloading space and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the setting back of the site boundary at the junction of Tung Lo Wan Road, Lin Fa Kung Street West and Lai Yin Lane for road widening to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the setting back of the tower block from Lin Fa Kung Street West to the satisfaction of 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;
- (e) the submission of a Sewerage Impact Assessment and implementation of local sewerage upgrading/sewerage connection works identified therein to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (f) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

50. The Committee also agreed to advise the applicant :

- (a) the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development, gross floor area exemption for back-of-house facilities and bonus plot ratio for the surrendering of G/F corner splay would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. In addition, if hotel concession, in particular the non-domestic plot ratio of the development, was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;

- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) six public comments were received. Two commenters (local shop owners) supported the application on grounds that the site was suitable for hotel use and the proposed hotel could bring about economic vigor and environmental improvement to the district. A District Council Member also supported the application subject to the clearance from relevant Government departments. Two commenters (a local concern group and a general public) objected to the application on grounds of excessive plot ratio and building height, heavy traffic flow and safety problem generated by the proposed use, detrimental effect on the long-established cultural heritage in the Lin Fa Kung area, land use incompatibility and possible air and noise pollution. One commenter (a green group) commented that the rooms of the proposed hotel should be provided with openable windows to enhance indoor air ventilation and minimize the use of air-conditioning during winter; and
- (e) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons as detailed in paragraph 10 of the Paper. The proposed hotel use was considered not incompatible with the surrounding land uses which were predominantly residential intermixed with some GIC uses and open space. The proposed hotel with plot ratio of 12 and building height of 90.1mPD/25 storeys was considered not incompatible with the surrounding developments. As compared with a previously rejected application, the plot ratio and building height were reduced to address the Committee's previous concern.

52. Members had no question on the item.

Deliberation Session

53. 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 7.3.2012, 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 setting back of the site boundary by 1 m along Lin Fa Kung Street East and provision of a public footpath thereon to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) 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;
- (c) the submission of a Sewerage Impact Assessment and implementation of local sewerage upgrading/sewerage connection works identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (e) the submission and implementation of a tree preservation proposal to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.

54. The Committee also agreed to advise the applicant :

- (a) the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development, gross floor area exemption for Back-of-house facilities and possible bonus plot ratio would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. In addition, if hotel concession, in particular the non-domestic plot ratio of the development, was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;

- (b) to note the comments of the Chief Building Surveyor/Hong Kong East, Buildings Department regarding the gross floor area accountability of the proposed sky garden cum refuge floor at 22/F and any possible bonus claim arising from the road setback proposal;
- (c) to note the comments of the Assistant Commissioner for Transport/Urban, Transport Department regarding the road improvement scheme to link up Lin Fa Kung Street East with Lin Fa Kung Street West;
- (d) to note the comments of the District Lands Officer/Hong Kong East, Lands Department regarding the need for application for an offensive trade licence;
- (e) to note the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department regarding the preferred façade design of the proposed hotel;
- (f) to note the comments of the Chief Officer(Licensing Authority), Home Affairs Department regarding the licensing requirements under the Hotel and Guesthouse Accommodation Ordinance; and
- (g) to prepare and submit the Sewerage Impact Assessment as early as possible in view of the time required for the implementation of any required sewerage works.

[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.]

Agenda Item 10

[Closed Meeting]

Proposed Amendments to the

Approved Mid-Levels West Outline Zoning Plan No. S/H11/13

(MPC Paper No. 15/08)

[Ms. Brenda K.Y. Au, District Planning Officer/Hong Kong (DPO/HK) and Ms. Phoebe Y.M. Chan, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

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

55. The Secretary reported that the item involved proposed amendments to the Mid-levels West OZP and the following Members, each of whom owned a flat in the area, had declared interests in this item:

Dr. Greg C.Y. Wong

Professor N.K. Leung

Mr. Felix W. Fong

56. Mr. K.Y. Leung declared an interest as he was working in the University of Hong Kong which was within the Mid-levels West area. Members agreed that Mr Leung's interest was indirect and he was allowed to stay.

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

57. Ms. Brenda K.Y. Au, DPO/HK, advised that a set of replacement pages on P. 11, 14, 16, 21 together with Plans 3A, 17A-G, 19, A1 and A2 was tabled before the meeting and another set of replacement pages on P. 16 (to replace the previously tabled one), P.6 on the Notes for "Residential (Group B)" ("R(B)") zone at Attachment II, Plans A1 and A2 (to replace the previously tabled) was tabled. With the aid of a Powerpoint presentation, Ms. Phoebe Y. M. Chan, STP/HK, briefed Members on the item as detailed in the Paper and covered the following main points:

Building Height Review

Background

- (a) The current review focused on the development zones without building height restrictions, including “Commercial” (“C”), “Residential (Group A)” (“R(A)”), “R(B)”, “Residential (Group C)6” (“R(C)6”), “Government, Institution or Community” (“G/IC”) and “Other Specified Uses” (“OU”) zones. Opportunity had also been taken to review the zoning of “G/IC” sites which had been developed for residential and open space/community uses to reflect the conditions of these sites;

Existing Profile of the Area

- (b) the area could be divided into nine sub-areas as shown in Plan 5 of the Paper, namely Kennedy Road/MacDonnell Road Residential Cluster, Magazine Gap Residential Cluster, Hong Kong Zoological & Botanical Gardens, Old Peak Road/May Road Residential Cluster, Caine Road/Robinson Road Residential Cluster, Conduit Road Residential Cluster, the University of Hong Kong Area, Pok Fu Lam Road Residential Cluster and Lung Fu Shan Country Park Area. Their characteristics were highlighted in paragraphs 5.2.1 to 5.2.9 of the Paper. The existing building profile, which included building height, building age, redevelopment potential, historical buildings and declared monuments was also highlighted in paragraphs 6.1 to 6.4 of the Paper;

Local Wind Environment

- (c) an air ventilation assessment by expert evaluation had been conducted to assess the wind environment within the area, to identify problem areas and propose mitigation measures. The major findings were highlighted in paragraphs 6.6 to 6.9 of the Paper;

- (d) the prevailing annual wind came from the east and north-east and the prevailing summer wind mainly came from the south. The north-facing hill slope of the Peak located to the south of the study area would generate downhill (katabatic) wind and provided a cooling effect due to the temperature difference. This katabatic wind was considered as an important air ventilation feature to the study area;
- (e) 2 major valleys and four vegetated air paths providing air ventilation to the study area and the area to its north were identified. These air paths, particularly the valley at Tregunter Path /May Road, should not be blocked;
- (f) non-building area parallel to the incoming southerly wind would be more effective in improving the local air ventilation at pedestrian level. The existing breathing space provided by the “G/IC”, “Open Space” (“O”) and “Green Belt” (“GB”) zones should be protected and no high-rise or massive development should be allowed. Moreover, rezoning of these sites for higher density development was not recommended. The building height should be kept as low as possible in order that the summer southerly wind could benefit the neighbouring areas downhill;

Urban Design Principles

- (g) the building height review had taken into consideration the topography, local character, existing building height profile, compatibility with the surrounding areas, the prevailing planning circumstances and the broad urban design principles as set out in Chapter 11 of the Hong Kong Planning Standards and Guidelines. The major urban design principles were highlighted in paragraph 8.2 of the Paper;

Proposed Building Height Concept

- (h) the proposed building height concept formulated for the area was described in paragraph 9.1 of the Paper. A stepped height concept was adopted with building height profile gradually increasing uphill. The height profile

should be sympathetic and compatible in scale and proportion with the surrounding developments. The height profile should respect and preserve the open view. The proposed building height bands for the area should be congruous with the general height of the existing developments and the principles of preserving the view to the ridgeline and from the Peak to the harbour;

Proposed Building Height Restrictions

- (i) building height restrictions would be expressed in terms of meter above Principal Datum (mPD) for residential and commercial developments in the “R(A)”, “R(B)”, “R(C)6”, “C” and “OU (Residential Development with Historical Building Preserved)” zones and ‘office’ type “G/IC” uses as they were mostly high-rise buildings, or in terms of number of storeys for most “G/IC” sites, “OU” zones and the proposed “R(C)8” zone;
- (j) as a general rule, existing buildings with a height exceeding the proposed height limits would not be affected by the restrictions. New developments, alteration, addition and/or modification to existing buildings should comply with the relevant building height restrictions for the respective zones, or the height of the existing building, whichever was the greater, except for the Tregunter development of which Tower 3 (371.7mPD) had already breached the ridgeline of the Peak;
- (k) to allow for design flexibility, minor relaxation of the building height restrictions through planning permission system could be considered on individual merits. However, application for minor relaxation of building height restrictions for existing buildings which had already exceeded the specific building height restrictions stipulated on the Plan were generally not supported unless under exceptional circumstances and with very strong justifications;

“R(A)”, “R(B)” and “R(C)6” Sites

- (l) details of the building height restrictions proposed for the 6 residential clusters were set out in paragraphs 10.5 to 10.10 of the Paper. The proposed building height restrictions had adopted a stepped height concept which would maintain the existing character and respect the 20% building-free zone of the ridgeline, except for the Old Peak Road/May Road Residential Cluster where majority of the building had already breached the 20% building-free zone. In this residential cluster, building height restrictions were proposed to reflect the general building height of the existing buildings. In general, existing building heights were permitted upon redevelopment except for Tregunter development of which Tower 3 had already breached the ridgeline of the Peak and redevelopment would be restricted to a maximum building height of 305mPD;

G/IC Sites

- (m) there were a total of 51 “G/IC” sites in the area comprising 90 developments. The proposed building height restrictions were mainly to reflect the existing building heights of the various G/IC developments or to accommodate any known or committed development proposals. A number of G/IC sites involved declared monuments or graded historical buildings. It was proposed to restrict such developments to their existing building heights for preservation purpose. The proposed building height restrictions were set out in paragraphs 10.12 to 10.15 of the Paper;

“C” and “OU” Sites

- (n) the “C” and “OU” sites had been developed and the proposed building heights were to reflect the height of the existing buildings;

Rezoning Proposals

- (o) opportunity had been taken to review the “G/IC” sites which had been developed for residential use or other developments. Details of these rezoning proposals were listed in paragraph 11 of the Paper:

- (i) rezoning of No. 48 Lyttelton Road currently occupied by a residential development of 38 storeys (196mPD) known as Scholastic Garden from “G/IC” to “R(B)1”;
- (ii) rezoning of No. 80 Robinson Road currently occupied by two residential blocks ranging from 46 to 48 storeys (213mPD to 215mPD) and a Grade III historic building (London Mission Building) used as the residents’ clubhouse from “G/IC” to “OU (Residential Development with Historical Building Preserved)1”;
- (iii) rezoning of No. 70 Robinson Road occupied by two residential blocks (Robinson Place) of 46 to 47 storeys above 6 levels of basement (265mPD to 268mPD) and the Ohel Leah Synagogue (Grade I historic building) from “G/IC” and “R(A)” to “OU (Residential Development with Historical Building Preserved)2” and ‘Road’;
- (iv) rezoning of No. 10 Robinson Road occupied by 5 residential blocks (Grand Panorama) of 31 to 40 storeys (193mPD to 216mPD) from “G/IC” to “R(B)2”;
- (v) rezoning of No. 8 Robinson Road occupied by 3 residential blocks (Robinson Heights) of 32 to 37 storeys (196mPD to 211mPD) from “G/IC” and “R(A)” to “R(B)3”;
- (vi) rezoning of a narrow strip of land at the junction of Kotewall Road and Conduit Road and the existing Caine Road Sitting-Out Area from “G/IC” to “O” to reflect the existing use and an extension of the adjacent “O” zone;
- (vii) rezoning of a strip of land to the south-eastern side of Glenealy Primary School from “R(B)” to “G/IC” to tally with the lot boundary and rezoning of a strip of land on the south-western side

of 38-44 Caine Road from “R(C)7” to “R(A)” to reflect the as-built features and the decision of the Committee;

- (viii) rezoning of a piece of natural slope on the southern side of the University of Hong Kong from “G/IC” to “GB” to preserve the existing vegetation;
- (ix) rezoning of Tregunter in Tregunter Path from “R(B)” to “R(B)4” to restrict the height of the development at Tregunter to a maximum of 305mPD upon redevelopment to avoid breaching the ridgeline; and
- (x) rezoning of a strip of land on the southern side of Grenville House at May Road from “O” to “R(C)8” (for the part under private ownership) and ‘Road’ (for the part under Government ownership) to reflect the land status and the existing uses;

Proposed Amendments to the OZP

- (p) amendments to the OZP, its Notes and Explanatory Statement (ES) as detailed in Attachments I, II and III of the Paper respectively were proposed to reflect the above proposed amendments. Opportunity was also taken to incorporate some technical amendments and to reflect the latest planning circumstances in the Notes and ES of the OZP respectively;

Departmental Comments

- (q) the proposed building height restrictions and the proposed rezoning of various sites had been circulated to relevant Government departments for comments. Most departments did not have comments on or had no objection to the proposals. The proposed building height restrictions had taken into consideration comments from relevant departments, where appropriate; and

Public Consultation

- (r) prior public consultation was not appropriate since pre-mature release of the development control information might lead to people rushing in to submit building plans, before the control was incorporated in the OZP. This would defeat the purpose of incorporating the control. The public could provide their views on the proposed amendments upon exhibition of the amendments under section 5 of the Town Planning Ordinance. The Central & Western District Council would be consulted during the exhibition period.

58. Members then had a lengthy discussion on the proposed amendments and the following was a summary of the questions/concerns expressed by individual Members:

- (a) whether the proposed building height restrictions would allow redevelopment to a height taller than the existing buildings, like those in the Pok Fu Lam area;
- (b) whether the proposed building height restriction would result in new developments breaching the 20% building-free zone of the ridgeline;
- (c) whether there was any impact of the imposition of building height restriction on the Tregunter development noting that the development had already breached 20% building-free zone;
- (d) some Members asked whether the proposed building height restrictions would affect the development potential of the sites entitled under the leases;
- (e) while noting that some existing development had already been developed up to the maximum permissible development intensity and that a Member suggested adding a sub-clause to restrict the maximum building height to the level of the existing building for any development which had been developed up to its maximum permissible plot ratio in order to prevent

further proliferation of tall buildings in the area;

- (f) whether any measure had been proposed to restrict the building height on the redevelopment of stepped street sites mainly zoned “R(C)7”;
- (g) a Member asked whether all “G/IC” sites including school sites were restricted to their existing building height and whether any flexibility had been allowed;
- (h) a Member asked the reasons of rezoning a number of “G/IC” sites to residential use in the area; and
- (i) the Member further asked whether the Mid-levels Moratorium could achieve the purpose of restricting the building height of new developments.

59. In response to the Members’ questions/concerns, Ms. Brenda K. Y. Au made the following points:

- (a) most of the Mid-levels West area was not yet covered by any building height restriction under the existing OZP. Many existing old buildings were low to medium rise with low plot ratio. In the building height review, it was assumed that buildings reaching an age of 30 years and were not yet developed to their full potential would be redeveloped up to the maximum permissible plot ratio. In such situation, the new buildings would be taller than the existing buildings;
- (b) according to the Urban Design Guidelines, a 20% building-free zone below the ridgeline would need to be maintained. Any new development under the currently proposed building height restrictions would not exceed the 20% building-free zone;
- (c) the Chairperson remarked that the 20% building-free zone was one of the considerations in determining the building height restrictions and other factors were also taken into consideration. Other factors including the air

ventilation, visual impact, the existing character of the area, etc. had also been taken into account in formulating the building height restrictions;

- (d) Tower 3 of the Tregunter development with a building height of about 371mPD had already breached the ridgeline of the Peak when viewed from the vantage point at Tsim Sha Tsui and therefore the existing building height should not be allowed upon redevelopment of the site. Instead, the building height of the development would be restricted to 305mPD which was generally in line with the existing building height of Towers 1 and 2 of Tregunter at 303.5mPD and 301.7mPD respectively to avoid breaching the ridgeline upon redevelopment;
- (e) future redevelopments would be able to achieve the maximum plot ratio permissible under the OZP with the building height restrictions proposed. Moreover, building plans approved before the gazetting of the OZP amendments would not be affected;
- (f) imposing restriction on the maximum building height to the level of the existing building would restrict the developments from enjoying the new building standards. The photomontages produced showing the visual effect of the proposed building height bands had applied the assumption of 3.15m storey height for each floor;
- (g) the Secretary added that the new developments nowadays were subject to different types of provisions under the Buildings Ordinance such as GFA exemptions for ancillary parking spaces, green features and recreational facilities. Restricting these buildings to their existing building height would affect the provision of such facilities in new buildings;
- (h) there were already building height and plot ratio restrictions (i.e. maximum 12 storeys and maximum plot ratio of 5) on “R(C)7” zone and no amendment to the existing restrictions was proposed in the current exercise. The “R(C)7” sites were adjoining “R(A)” zone on the OZP. Any redevelopment proposal straddling the “R(C)7” and “R(A)” zones and

exceeding a plot ratio of 5 in the “R(C)7” zone would require planning permission. In considering such a planning application, the building height restriction of the adjoining “R(A)” zone could be taken into account to serve as a reference for the appropriate building height of the development under application;

- (i) the “G/IC” sites were intended to serve as breathing space and visual relief in the built-up area and hence building height restrictions were proposed in general to contain their development scale or to reflect their existing building heights. The proposed building height restrictions for school development had taken into account their general and specific requirements. Moreover, minor relaxation of the building height restrictions through the planning permission system could be considered by the Board on individual merits;
- (j) the Secretary supplemented that in considering the building height restriction for “G/IC” sites, consideration would be given to the existing building height and function of the G/IC facilities etc. For school sites, due account had been given to the school improvement programme. Normally, the proposed building height restrictions would be expressed in terms of number of storeys for low-rise developments to allow some flexibility for special requirements, and in terms of absolute building height in mPD for high-rise developments to avoid further intensification of development;
- (k) the rezoning proposals were only to reflect the developments approved by the Town Planning Board a number of years ago. They had all been completed. The background and details of the approved residential developments were summarised in paragraphs 11.1 to 11.10 in the Paper; and
- (l) past experience had indicated that it was insufficient to rely solely on the Moratorium to control the height of developments, as many of the leases in the Mid-levels West area were unrestricted and lease modification was not

required for redevelopment to higher intensity. The Secretary supplemented that the Moratorium was intended to curb more intensive development and not to control building height. In view of the proliferation of high-rise buildings in the area, there was a need to impose building height restrictions on the OZP.

60. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Mid-levels West Outline Zoning Plan (OZP) No. S/H11/13 as mentioned in paragraphs 13 to 15 of the Paper and that the draft Mid-levels West OZP No. S/H11/13A at Attachment I (to be renumbered to S/H11/14 upon exhibition) and its Notes at Attachment II were suitable for exhibition under section 5 of the Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Attachment III for the draft Mid-levels West OZP No. S/H11/13A as an expression of the planning intentions and objectives of the Board for the various land use zones on the Plan and the revised ES would be published together with the Plan.

[The Chairperson thanked Ms. Brenda K.Y. Au, DPO/HK and Ms. Phoebe Y.M. Chan, STP/HK, for their attendance to answer Members' enquires. Ms. Au and Ms. Chan left the meeting at this point.]

Agenda Item 11

Any Other Business

61. There being no other business, the meeting was closed at 12.45 p.m..

(Chairperson)
Metro Planning Committee