

**TOWN PLANNING BOARD**

**Minutes of 371st Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 18.4.2008**

**Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. K.Y. Leung

Dr. Winnie S.M. Tang

Chief Traffic Engineer (Hong Kong), Transport Department  
Mr. H.L. Cheng

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

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

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

Secretary

**Absent with Apologies**

Professor Bernard V.W.F. Lim

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Dr. Ellen Y.Y. Lau

Mr. Maurice W.M. Lee

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Ms. Christine K.C. Tse

Town Planner/Town Planning Board  
Mr. K.W. Ng

**Agenda Item 1**

Confirmation of the Draft Minutes of the 370th MPC Meeting held on 28.3.2008

[Open Meeting]

1. The draft minutes of the 370th MPC meeting held on 28.3.2008 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(a) New Town Planning Appeal Received

Town Planning Appeal No. 2 of 2008

Proposed School (Primary School) in “Village Type Development” zone,

Lot 2852 in D.D. 316, Pui O, Lantau

(Application No. A/SLC/86)

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2. The Secretary reported that the subject appeal was received by the Town Planning Appeal Board (TPAB) on 1.4.2008 against the decision of the Town Planning Board on 25.1.2008 to reject on review an application (No. A/SLC/86) for proposed conversion of three existing 3-storey New Territories Exempted Houses (NTEHs) into a primary school. The application site was at Pui O, Lantau, which was zoned “Village Type Development” (“V”) on the approved South Lantau Coast Outline Zoning Plan No. S/SLC/14. The application was rejected by the TPB on the following grounds :

- (a) the proposed development was not in line with the planning intention of the “V” zone which was primarily for development of Small Houses by indigenous villagers. No strong justification had been provided in the submission for a departure from the planning intention; and

- (b) the three existing NTEHs were designed and built for residential use. There were technical concerns relating to the building structures and provision of means of escape. No sufficient information had been provided in the submission to demonstrate that the NTEHs were suitable for school use and there were proper facilities within the existing premises for school operation.

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

[Open Meeting]

(b) Town Planning Appeal Statistics

3. The Secretary reported that as at 18.4.2008, 13 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows :

Allowed	:	23
Dismissed	:	107
Abandoned/Withdrawn/Invalid	:	128
Yet to be Heard	:	13
Decision Outstanding	:	1
Total	:	272

4. The Chairperson said that Item (c) under Agenda Item 2 was a confidential item and would not be open for public viewing.

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

**Hong Kong District**

**Agenda Item 3**

Section 12A Applications

[Open Meeting (Presentation and Question Sessions only)]

- (i) Y/H10/4 Application for Amendment to the Approved Pok Fu Lam Outline Zoning Plan No. S/H10/15 from “Government, Institution or Community” to “Residential (Group C)”, the Ebenezer School and Home for the Visually Impaired, 131 Pok Fu Lam Road, Pok Fu Lam (RBL 136RP) (MPC Paper No. Y/H10/4)
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Presentation and Question Sessions

[The hearing was conducted in English and Cantonese.]

5. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

Ms. Brenda K.Y. Au - District Planning Officer/Hong Kong (DPO/HK)  
Ms. Lily Y.M. Yam - Senior Town Planner/Hong Kong (STP/HK)

6. The following applicant’s representatives were invited to the meeting at this point :

Mr. Ian Brownlee  
Ms. Helen Lung  
Mr. Christopher Foot  
Mr. Glenn Lau  
Mr. Lee Wing-lung  
Mr. Patrick Chung  
Mr. Matthew Chung  
Mr. Kelvin Leung

Ms. Rebecca Chan  
Mr. Simon Leung  
Mr. Leo Barretto  
Professor Brian Duggan  
Dr. Simon Leung  
Dr. Daniel Hooley  
Professor Stevenson Fung

7. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Ms. Lily Y.M. Yam, STP/HK, to brief Members on the background to the application.

8. With the aid of a powerpoint presentation, Ms. Lily Y.M Yam presented the application as detailed in the Paper and made the following main points :

- (a) the applicant proposed to rezone Rural Building Lot 136RP at 131 Pok Fu Lam Road, Pok Fu Lam from “Government, Institution or Community” (“G/IC”) to “Residential (Group C)” (“R(C)”) on the Pok Fu Lam Outline Zoning Plan (OZP). The application site was currently occupied by the Ebenezer School and the Home for the Visually Impaired (6 storey), a vacant building which was previously used as an elderly home (4 storeys), and an ancillary structure (1 storey). The application site fell within the Pok Fu Lam Moratorium;
- (b) the areas surrounding the application site were predominately occupied by low to medium-rise and low to medium-density residential developments interspersed with green belts. Building heights of these developments were detailed at Plan Z-5 of the Paper. A piece of vacant Government land to the further south of the application site was zoned “Residential (Group C) 6” (“R(C)6”) with development restrictions of a maximum of 12 storeys in addition to 1 storey of carports and a maximum building height of 137mPD, subject to maximum plot ratio and plot ratio of 2.1 and 17.5% respectively;

[Mr. Leslie H.C. Chan arrived to join the meeting at this point.]

- (c) a previous section 12A application (No. Y/H10/1) for a similar rezoning proposal was submitted by the same applicant. That application was rejected by the Committee on 24.8.2007 for the reasons as detailed in paragraph 4 of the Paper;
- (d) the applicant had put forth an indicative scheme in the subject application. The key development parameters of the scheme were summarized in paragraph 1.2 of the Paper and the proposed block layout was shown in Drawing Z-1 of the Paper. The proposed plot ratio and site coverage were 3 and not more than 14% respectively while the proposed numbers of storeys were 20 and 24 storeys above 4 levels of podium/basement with a maximum building height of not more than 224mPD for the main roof level. Compared to the previous application, the current scheme had reduced the number of storeys and building height, but the proposed plot ratio and domestic gross floor area remained the same;
- (e) the justifications put forth by the applicant were summarized in paragraph 2 of the Paper;
- (f) the comments on the application from concerned Government departments were set out in paragraph 8 of the Paper. The Chief Town Planner/Urban Design and Landscape of PlanD objected to the rezoning proposal from urban design point of view. The Assistant Commissioner for Transport/Urban of Transport Department (AC for T/Urban of TD) objected to the application mainly on the grounds of possible adverse cumulative traffic impact on Pok Fu Lam Road and other roads in the Mid-levels area. The Director of Environmental Protection (DEP) did not support the application as the application site was basically unsuitable for residential development due to traffic noise. Besides, there was no practical mechanism to ensure that the proposed single aspect building design would be implemented. The Director of Agriculture, Fisheries and

Conservation raised concern on the felling of 13 trees. Other departments had no objection to or no adverse comment on the application;

- (g) a total of five public comments were received during the statutory publication period. They were made by the owners, management companies and incorporated owners of the nearby residential buildings, a Southern District Council member, a member of the Wah Fu and Pok Fu Lam Area Committee, and a green group. All the comments objected to or expressed concerns on the application. The grounds included insufficient Government, institution or community (GIC), leisure and recreational facilities in the Pok Fu Lam district, proposed rezoning not in line with the planning intention stated in the OZP, and possible adverse visual, traffic and environmental impacts on the surroundings. The District Officer (Southern) advised that the Southern District Council had raised objection to the application after discussing the case at a meeting in February 2008; and
- (h) the PlanD did not support the application for reasons as detailed in paragraph 10 of the Paper. There were insufficient justifications for rezoning the site to the proposed “R(C)” zoning. The proposed plot ratio of 3 was already considered excessive by the Committee in the previous application. Although the building height had been reduced, the proposed development was not in line with the planning intention of the OZP (i.e. to keep developments on the seaward side of Pok Fu Lam Road below the level of Pok Fu Lam Road as far as possible to preserve public view and amenity and also the general character of the area). The proposed development would also have adverse visual impact on the surrounding areas. The AC for T/Urban of TD objected to and the DEP did not support the application from traffic and environmental point of view respectively.

9. The Chairperson invited the applicant’s representatives to present their case. An outline of the applicant’s argument had been tabled at the meeting for Members’ reference.

10. Mr. Leo Barretto introduced the consultants' representatives and the members of the Board of Directors of the Ebenezer School and Home for the Visually Impaired who attended the meeting.

11. Mr. Ian Brownlee then made the following main points :

- (a) noting that Members were sympathetic with the applicant when considering the previous application, the current application was a follow-up submission which intended to address the outstanding concerns of the Committee, including the adverse visual, traffic and environmental impacts of the proposed development;
- (b) the application site had been used by the applicant for around 100 years. It was considered no longer suitable for the continued operation, and hence both the school and the home currently on the site had to be moved. The applicant intended to sell the application site to fund the relocation of the school and the home to a new site at Ma On Shan. An application for granting the land had already been submitted to the District Lands Office for consideration;
- (c) the applicant would surrender the adjacent lot (Rural Building Lot 1015), which was zoned "G/IC" and currently occupied by the Ebenezer New Hope School, to the Government for other GIC uses. This could partly address the public concern on insufficient GIC or leisure and recreational facilities in the Pok Fu Lam district; and
- (d) when compared with the preferred scheme of the previous application, the proposed development in the current application had lower and stepped building heights, which should have less visual impacts on the existing residential developments in the High West. Besides, the scale of the podium had been reduced, and hence more existing trees could be retained. Almost all concerned Government departments had no objection to the

application. It was not feasible to have any building on the site with a height lower than the level of Pok Fu Lam Road as the difference between the existing formation level of the site and the road level was only 10m. Since the existing buildings on the site had already blocked the view from Pok Fu Lam Road, any development that would create a view through the site would be a benefit to the public when compared with the existing situation.

12. With the aid of a powerpoint presentation, Mr. Christopher Foot made the following points on the aspects of urban design and landscape planning :

- (a) among all the development options examined by the applicant, the proposed option appeared less massive in visual terms. Besides, it would have better integration with the local environment, both looking from the north and south;
- (b) the proposed option could maintain both the existing green backdrop in High West and the integrity of the existing ridgeline. With careful consideration of the orientations of the proposed building blocks, the existing view from the high-rise residential developments on the landward side of Pok Fu Lam Road could largely be maintained. In terms of scale, the proposed development was not incompatible with the surrounding area which had numerous high-rise developments on the eastern side of Pok Fu Lam Road. This view was shared by the Chief Architect/Advisory and Statutory Compliance of Architectural Services Department, according to his comments on the application included in paragraph 8.1.2(a) of the Paper;
- (c) should the site be fully redeveloped into GIC uses, the maximum plot ratio of 15 could be achieved. Such a development would be visually unacceptable when compared with the proposed development in the subject application; and

- (d) the area was mainly characterized by high-rise developments, highway structures and slopes. Even if there was no building on the site, the view from Pok Fu Lam Road might still be blocked by the natural vegetation on the site. It would be difficult to have an extensive sea view along Pok Fu Lam Road. The proposed development could significantly improve the existing situation by creating gaps with a total width of 115m along the 175m site frontage of Pok Fu Lam Road which allowed public view towards the seaward side of the road.

13. Mr. Ian Brownlee continued to make the following points :

- (a) noting that school use was always permitted under “G/IC” zone without any development restriction and that the lease was virtually unrestricted, the site could be developed into a school with a plot ratio of 15 with 26 to 30 storeys. However, the applicant considered that the site was no longer suitable for rebuilding the school because of the changed circumstances in the neighbourhood and a more suitable site was identified in Ma On Shan. It was considered that a residential development with a plot ratio of 3 on the site should be more compatible with the surrounding developments than a GIC development with a plot ratio of 15;
- (b) the subject application was actually a down zoning of the development potential of the site by giving up a total plot ratio of 12. Being a responsible charitable body, it would be difficult for the applicant to further give up any development right of the site;
- (c) the general planning intention of the area on the seaward side of this section of Pok Fu Lam Road was to keep development below the level of Pok Fu Lam Road as far as possible in order to preserve public view and amenity and also the general character of the area. Since the public view was completely blocked by the existing buildings, the planning intention could not be strictly applied. In fact, the proposed residential development had allowed public view along 65% of the boundary of the site along Pok Fu

Lam Road, and there was an improvement to the existing situation. It was difficult to understand why the CTP/UD&L of PlanD would consider that the proposed development would diminish the visual openness and amenity currently enjoyed by pedestrians and motorists on Pok Fu Lam Road;

- (d) the AC for T/Urban of TD confirmed that the single development on the site alone would not have significant adverse impact on the junctions in its immediate vicinity and the traffic flow of Pok Fu Lam Road and other roads downstream. The proposed development had reduced the plot ratio by 12 as compared to the GIC development. Regarding the possible adverse cumulative traffic impact generated by similar developments, the Courts had clearly ruled that the Town Planning Board should only consider the precedent effect of those developments that were of same characteristics. As such, the precedent effect was not relevant in the subject application as there was no other school and home for the visually impaired development in the area;
- (e) the Pok Fu Lam Moratorium was not relevant to the statutory plan. It was an administrative measure to defer lease modification and land sale. Since the application site was held under unrestricted lease and would not involve any lease modification, it should not be restricted by the Moratorium;
- (f) the applicant's traffic noise impact assessment report could meet the traffic noise standard in the Hong Kong Planning Standards and Guidelines. Regarding DEP's concern on the lack of a practical mechanism to ensure the implementation of the proposed single aspect building design, the applicant proposed to add a Remark in the Notes of the "R(C)" zone for the site to require the inclusion of traffic noise mitigation measures for any residential development to the satisfaction of the DEP; and
- (g) the existing "G/IC" zoning was only to reflect the existing use on the site. Since the applicant considered that the site was no longer suitable for the continued operation of the school and home for the visually impaired, the

“G/IC” zoning was no longer appropriate. Under the Town Planning Ordinance, the Town Planning Board had to systematically prepare plans for the health, convenience and general welfare of the community. This could be achieved by rezoning the site as proposed by the applicant.

14. Professor Stevenson Fung said that he was a student of the Ebenezer School for five years some 45 years ago. He was now a professor in the Department of Physics in the University of Hong Kong. He held a total of 4 degrees, including double doctorate from the Oxford University. During the 5 years in the Ebenezer School, he received basic education, learnt the basic skills for a blind student, and developed his interest. The Ebenezer School at that time was a quiet place with a lot of open space. The environment nowadays was totally different which made the site no longer suitable for a school for the visually impaired. Being one of the founding members of the Equal Opportunities Commission, Professor Fung opined that there should be a special treatment on resources allocation such as the provision of machine for writing braille. He concluded that the proposed rezoning was very important to the Ebenezer School as it would provide sufficient funding for the relocation of the school, noting that the provision of modern equipment required by the visually impaired was expensive.

15. Professor Brain Duggan went on to make the following points about the services currently provided by the applicant :

- (a) the applicant was founded in Hong Kong by Hildesheimer Blindenmission (a German Mission) more than a century ago. The Ebenezer School was opened on the application site in 1912. The Government started funding its operation after the Second World War. At that time, all students of that school were blind with normal intelligence;
- (b) the Ebenezer New Hope School to the southeast of the application site started operation in 1967. It aimed to provide education for the blind students who were also mentally and/or physically handicapped;

- (c) there was also a care and attention home within the application site for the elderly who were visually impaired;
- (d) under the government policy on the provision of pre-school services, a special kindergarten within the application site was ordered to be closed down and replaced by a special child care centre;
- (e) the board of directors of the Ebenezer School and Home for the Visually Impaired came from different professions. All of them were unpaid and had no financial interest in the proposed development;
- (f) the application site and the existing buildings were inadequate in size for providing the facilities and services required by the blind community. There were no facilities for any physical and mobility training of the students. Half of the students of the Ebenezer New Hope School were mentally handicapped and one-third needed to use wheelchairs. Wheelchair access within the school was severely insufficient. The only lift within the school could only accommodate one wheelchair at a time;
- (g) in view of the increasing number of blind babies, a higher demand for the provision of education to the blind children was expected. A larger and a well-equipped school was necessary;
- (h) 60 out of the existing 100 students of the Ebenezer New Hope School lived in Kowloon or New Territories. The current location of the school was not suitable as it was difficult for the students to get there by public transport; and
- (i) private donation was not a stable source of income. The proposed rezoning for residential development would provide sufficient funding for the relocation of the school and the provision of services for the blind community in Hong Kong.

16. In response to a Member's question on car parking provision, Mr. Glenn Lau explained that while the proposed number of units was reduced as compared with the previous application, the number of car parking spaces was increased as there was an increase in flat size which warranted a higher car parking ratio. This followed the requirements of the Hong Kong Planning Standards and Guidelines. Ms. Brenda K.Y. Au drew Members' attention to AC for T/Urban of TD's comments in paragraph 8.1.4(e) of the Paper which expressed reservation on the excessive provision of car parking spaces. Mr. Ian Brownlee added that the applicant would agree to the number of car parking spaces proposed by the Transport Department. The same Member asked whether there was any other GIC sites in the area with similar rezoning application. Ms. Brenda K.Y. Au replied that there were a number of sites zoned "G/IC" on both the Pok Fu Lam OZP and the Mid-levels West OZP. As point out by the AC for T/Urban of TD, there were concerns on the adverse cumulative traffic impact on Pok Fu Lam Road and other roads in the Mid-levels area if these sites were redeveloped into more intensive developments. Mr. Ian Brownlee said that it was unlikely to have any similar application in the area.

17. In response to a Chairperson's question, Mr. Ian Brownlee explained that the money to be obtained from selling the application site would be used for the construction of a new school and the setting up of an endowment fund for the long-term provision of the applicant's services. As regards the new site for the school, the applicant intended to apply to the Government for a private treaty grant.

18. In response to the questions raised by the Chairperson, Mr. Ian Brownlee said that the applicant should have a right to develop the application site into any Column 1 uses of the existing "G/IC" zone up to a maximum plot ratio of 15 as permitted under the Building (Planning) Regulations. Mr. Glenn Lau explained that the applicant did not pursue the option of in-situ redevelopment to a new school of plot ratio 15, having considered that the applicant did not have enough funding without selling the site and the existing services had to be suspended during the 3-year construction period. Other than that, he considered that such a large-scale development on the application site was unacceptable from architectural and urban design point of view.

19. Mr. Ian Brownlee further said that the existing “R(C)6” zoning, with development restrictions of a maximum of 12 storeys in addition to one level of carports and a maximum building height of 137mPD (i.e. the level of Pok Fu Lam Road), was considered not appropriate. For the application site, the 10m level difference between the formation level of the site and the level of Pok Fu Lam Road could not accommodate a 12-storey development. In addition, the applicant’s proposed development, which allowed public view along 65% of the boundary of the site along Pok Fu Lam Road, would better achieve the planning intention to preserve public view as far as possible.

20. Ms. Brenda K.Y. Au added that should the subject application be approved, the proposed development would become the tallest buildings in the area, except Woodbury Court which existed before the first publication of the Pok Fu Lam OZP. The existing intensity of development in the surrounding area was lower than that of the proposed development of plot ratio 3.

21. Mr. Leo Barretto made the following points of concluding remarks :

- (a) the Secretary for Transport and Housing had confirmed that the Pok Fu Lam Moratorium was irrelevant to the subject case as no lease modification would be required;
- (b) the Chief Architect/Advisory and Statutory Compliance of Architectural Services Department considered that the current scheme under application appeared to be more compatible with the surrounding developments in terms of its scale and building height when compared with the three options in the previous application;
- (c) DEP’s concern on the traffic noise on the future residents on the site was not justified as the existing users of the school had to bear the traffic noise problem;
- (d) it would not be technically feasible to have any new development with building height not exceeding the level of Pok Fu Lam Road. The

building height of the proposed development did not deviate much from the 25-storey Woodbury Court in terms of number of storeys;

- (e) the proposed development would improve the public view from Pok Fu Lam Road as 65% of the site boundary along Pok Fu Lam Road would be open up as view corridors; and
- (f) the proposed plot ratio of 3 for the proposed development would also have significant implication on the selling price of the site. The applicant would be prepared to surrender the adjacent Ebenezer New Hope School to the Government for other GIC uses.

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

#### Deliberation Session

23. Members had the following views on the application :

- (a) Members noted the applicant's contribution to the visually impaired and were sympathetic with the applicant with respect to the provision of charity services under limited funding. Nevertheless, the Committee needed to focus on the land use planning aspect and take into account all relevant planning considerations and the overall impact on the surrounding area;
- (b) a number of Members considered the proposed development intensity and building height excessive, having taking into account the adverse impact on the surrounding environment. A Member said that the applicant had not demonstrate why a lower building height was not possible for the proposed

development;

- (c) two Members had concern on the traffic impact generated by the proposed development. Another Member was of the view that the amount of traffic generated by the proposed residential development might not be greater than the existing use of the site for GIC development;
- (d) a number of Members considered that “R(C)6”, which was the zoning of a site to the further south of the application site, might be a more compatible zoning for the site. The applicant had not demonstrated sufficiently why the “R(C)6” zoning was not appropriate for the application site;
- (e) some Members did not accept the applicant’s claim that the proposed rezoning would result in a loss of development right by a plot ratio of 12 (i.e. from 15 to 3). These Members considered that the two plot ratios were not comparable as the former referred to a GIC development while the latter referred to a residential development; and
- (f) one Member pointed out that although the Pok Fu Lam Moratorium was an administrative measure, the underlying concern on traffic impact should be applicable when considering the application.

24. On the issue of funding for redevelopment a Member considered that the applicant should take initiatives to explore different sources of income, instead of solely relying on the sale proceeds of the application site. The applicant might approach relevant Government bureaux/departments (such as Education Bureau and Social Welfare Department) to seek funding to cover the recurrent costs for the services provided by the applicant.

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

- (a) there were no strong justifications in the submission to merit the rezoning of the application site to the proposed “Residential (Group C)” (“R(C)”) )

zoning;

- (b) the proposed development intensity was considered to be excessive;
- (c) the proposed “R(C)” zoning was not in line with the planning intention to keep developments on the seaward side of Pok Fu Lam Road below the level of Pok Fu Lam Road as far as possible in order to preserve public view and amenity and the general character of the area. The proposed development would have adverse visual impact on the surrounding areas;
- (d) the application site was subject to traffic noise impact and was not suitable for residential use from environmental point of view; and
- (e) the traffic impact assessment submitted could not demonstrate that no additional traffic would be generated from the rezoning proposal when compared with the existing school. The cumulative effect of approving such similar applications might result in adverse traffic impact on Pok Fu Lam Road and other roads in the Mid-Levels area.

[The meeting adjourned for a short break of 3 minutes.]

[Open Meeting (Presentation and Question Sessions only)]

- (ii) Y/H14/2 Application for Amendment to the Approved The Peak Area Outline Zoning Plan No. S/H14/7 from “Residential (Group C) 1” to “Other Specified Uses” annotated “Historical Building Preserved” and from “Green Belt” to “Residential (Group C) 1”, 45 Stubbs Road (IL 7327) and Adjoining Government Land  
(MPC Paper No. Y/H14/2)
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26. The Secretary reported that a replacement page for Plan Z-3 of the Paper had been tabled at the meeting for Members’ reference.

Presentation and Question Sessions

[The hearing was conducted in English and Cantonese.]

27. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

Ms. Brenda K.Y. Au - District Planning Officer/Hong Kong (DPO/HK)

Ms. Donna Y.P. Tam - Senior Town Planner/Hong Kong (STP/HK)

28. The following applicant's representatives were invited to the meeting at this point :

Mr. Ian Brownlee

Mr. K.C. Lee

Mr. Christopher Foot

Mr. Rembert Lai

29. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Ms. Donna Y.P. Tam to brief Members on the background to the application.

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

(a) the subject application involved a request to rezone the King Yin Lei site (i.e. Inland Lot 7327) at 45 Stubbs Road from "Residential (Group C)1" ("R(C)1") to "Other Specified Uses" ("OU") annotated "Historical Building Preserved", and a piece of adjoining Government land from "Green Belt" to "R(C)1" on the Peak Area Outline Zoning Plan (the OZP);

(b) as regards the proposed rezoning of the King Yin Lei site, the applicant did not provide any specific scheme for the proposed "OU" zone, but had

proposed a Schedule of Uses for it. The details of the Schedule were in Appendix III of the Paper;

- (c) as regards the proposed rezoning of the adjoining Government land, the applicant had put forward three options with different site boundaries of the proposed “R(C)1” zone. Option 1 required the removal of part of the western wing of King Yin Lei to enable the vehicular access to be provided for two of the proposed houses. Both Options 2 and 3 would not affect the existing site and buildings of King Yin Lei. The former involved an existing man-made slope and an existing natural slope, while the latter involved entirely a man-made slope. All the three options were for the development of five 3-storey houses with a total plot ratio of 0.5. Such development intensity was the same as the existing development restrictions of the King Yin Lei site;
- (d) the applicant’s justifications in support of the application were summarized in paragraph 2 of the Paper;
- (e) it was noted that the buildings and adjoining land at King Yin Lei were declared as a Proposed Monument on 15.9.2007. The declaration would last for 12 months until 14.9.2008. With the unanimous support of the Antiquities Advisory Board, the Development Bureau (DEVB) was now proceeding to take action to declare King Yin Lei as a Monument;
- (f) the Secretary for Development (SDEV) considered that while the site proposed to be rezoned to “R(C)1” was currently zoned “GB”, it was a man-made slope with little vegetation. The proposed residential development with the same total permissible gross floor area as that of the King Yin Lei site would not adversely affect the density, traffic, landscape and greenery of the area, and would in fact help cover up the man-made slope and enhance the cityscape. The DEVB had already reached an understanding with the owner of King Yin Lei on a “preservation cum development” option, in which the owner would restore King Yin Lei and

surrender it to the Government for preservation and adaptive reuse. Once King Yin Lei came under Government ownership, the DEVB would consult the public and devise proposals for its revitalization;

- (g) the Antiquities and Monuments Office (AMO) was of the view that Options 2 and 3 were acceptable from heritage preservation perspective as the existing site and buildings of King Yin Lei would not be disturbed. It was also in support of the package offered by the applicant which included funding for the repair and restoration works to the existing buildings to the satisfaction of the AMO, and the surrender of the site to the Government;
- (h) both the Director of Architectural Services and the Director of Agriculture, Fisheries and Conservation indicated that Option 3 should be the most preferred option. Other concerned Government departments had no objection to or no adverse comment on the application;
- (i) a total of eight public comments were received during the statutory publication period. While the commenters generally support the application, they also raised concerns on the building height of the development on the site adjoining King Yin Lei, and the traffic and environmental impacts to be generated; and
- (j) the PlanD partially supported the application with respect to the proposed rezoning of the King Yin Lei site to a specific "OU" zoning to preserve the proposed Monument and the rezoning of the adjoining Government land from "GB" to "R(C)1" to facilitate the proposed residential development under the proposed Option 3. The annotation of the "OU" zoning however did not reflect the planning intention to allow flexibility for adaptive reuse of the historical buildings. It was proposed to refine the zoning as "OU" annotated "Historical Building Preserved for Cultural, Community and Commercial Uses" to facilitate the proposed adaptive reuse for cultural, community and commercial uses. Both Options 1 and 2 were considered not acceptable. The former would involve the demolition

of part of the western wing of King Yin Lei which was not in line with the planning intention to preserve King Yin Lei. The latter would involve an existing natural slope covered with dense vegetation with the “GB” zone.

31. The Chairperson then invited the applicant’s representatives to present their case.
32. Mr. Ian Brownlee made the following main points :
  - (a) with the declaration of the King Yin Lei site as a Proposed Monument on 15.9.2007, the Government had indicated that the buildings within the site were of some significance to the public as a Monument. By doing so, there was a need for some form of compensation to be made to the owner for the loss of the property right;
  - (b) in paragraph 10.1.2 of the Paper, the SDEV indicated that a new heritage conservation policy was established and the direction was to provide economic incentive to private owners to encourage heritage conservation. The current arrangement was a win-win situation as it enabled the Government to compensate for the loss of property right without any payment of public funds;
  - (c) in preparing the subject application, the applicant had examined many options and the best option was to have the new development outside the King Yin Lei site. In drawing up the option, the applicant had to take into account both the heritage conservation of the King Yin Lei site and the landscape conservation of the identified “GB” site;
  - (d) the subject application would come as a package as outlined in page 24 of Appendix Ic of the Paper. The applicant would surrender the whole site of King Yin Lei to the Government while the Government would grant the adjacent site of the same size to the applicant for new residential development. The applicant would also fund and carry out the repairs and restoration works to the buildings at King Yin Lei site under the

supervision of AMO; and

- (e) the subject case was very important to heritage conservation in Hong Kong. It would set a good precedent which could be followed by other cases.

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

34. Noting that another section 12A application No. Y/H14/1, also involving the King Yin Lei site, would be considered at the same meeting, the Committee agreed to deliberate on the subject application after hearing the two applications.

[Open Meeting (Presentation and Question Sessions only)]

- (iii) 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)
- 

35. The Secretary reported that an applicant's letter dated 11.4.2008 had been tabled at the meeting for Members' reference. The applicant indicated in the letter that application No. Y/H14/2 appeared to achieve the objectives of their application. On this basis, they would have no objection to application No. Y/H14/2. However, they would not withdraw the subject application *per se* as the solution had not yet been materialized.

Presentation and Question Sessions

36. The Committee noted that sufficient notice had been given to the applicant, but they had indicated that they would not send any representative to attend the hearing. Members agreed to proceed with the hearing in the absence of the applicant. Ms. Brenda K.Y. Au, District Planning Officer/Hong Kong, and Ms. Donna Y.P. Tam, Senior Town Planner/Hong Kong, of the Planning Department (PlanD) were invited to the meeting at this point.

37. With the aid a powerpoint presentation, Ms. Donna Y.P. Tam covered the following main aspects as detailed in the Paper :

- (a) the subject application involved a request to rezone the King Yin Lei site at 45 Stubbs Road from “Residential (Group C)1” (“R(C)1”) to “Other Specified Uses” (“OU”) annotated “Residential Development with Historical Site Preserved In-situ” on the Peak Area Outline Zoning Plan (OZP);
- (b) the applicant did not provide any specific scheme for the proposed “OU” zone;
- (c) the applicant’s justifications in support of the application were summarized in paragraph 2 of F-Appendix I of the Paper;
- (d) it was noted that on 14.12.2007, the Committee had decided to defer a decision on the application pending a decision of the Antiquities Advisory Board on the monument status of the application site. Upon the completion of the comprehensive assessment of the heritage value of King Yin Lei by the Antiquities and Monuments Office, the Antiquities Advisory Board on 25.1.2008 unanimously supported the declaration of King Yin Lei as a Monument. The Development Bureau was now taking action to declare King Yin Lei as a Monument;

- (e) the Secretary for Development (SDEV) considered that the subject application had only addressed the “preservation part” of the matter but had not addressed the “revitalization part”, which was also of great importance in terms of the new heritage conservation policy. With the latest sequence of events, including the pursuit of a “preservation cum development” approach, the SDEV considers that there was no need to further pursue the applicant’s proposal. The District Lands Officer/Hong Kong East of Lands Department had concerns on the implementation of the proposed zoning, should the application be approved. The Chief Town Planner/Urban Design and Landscape of PlanD supported the preservation of the historical residence at the application site, and had no objection to the application from landscape planning point of view. Other concerned Government departments had no objection to or no adverse comment on the application;
  
- (f) a total of five public comments were received during the statutory publication period. The one made by the owner of the application site objected to the application. Two commenters supported the application, and the remaining two raised concerns on the historical value, restoration and future use of the application site; and
  
- (g) the PlanD did not support the application for reasons as detailed under paragraph 3 of the Paper. The proposed rezoning would only preserve the main historical building and part of the garden. This was considered not adequate to preserve the integrity of the whole site including the associated structures and the garden. Besides, the applicant’s proposal would allow infill residential development within the application site which would adversely affect the attractive setting of the historical building and the integrity of the site as a whole.

38. Members had no question on the application. The Chairperson thanked PlanD’s representative for attending the meeting. They left the meeting at this point.

Deliberation Session for Applications No. Y/H14/2 and Y/H14/1

39. In response to a Member's question on the Column 1 and Column 2 uses proposed for the King Yin Lei site, the Chairperson said that the Committee would first need to decide on the two rezoning applications. Should Members decide to partially agree to the application No. Y/H14/2 as stated in paragraph 13.1 of the Paper, the Schedule of Uses for the proposed "OU" annotated "Historical Building Preserved for Cultural, Community and Commercial Uses" zone for the King Yin Lei site would be proposed for Members' consideration in the next Paper on the proposed amendments to the Peak Area OZP.

40. Upon a Member's enquiry, the Secretary explained that the "OU" annotated "Historical Building Preserved" zone proposed by the applicant in application No. Y/H14/2 just set out the intention to preserve the historical building but did not reflect the intention to allow adaptive reuse of the King Yin Lei site. As such, the PlanD suggested refining the zoning as "OU" annotated "Historical Building Preserved for Cultural, Community and Commercial Uses" to facilitate adaptive reuse of the site for cultural, community and commercial uses.

41. After deliberation, the Committee decided to partially agree to the application No. Y/H14/2 with respect to the proposed rezoning of the King Yin Lei site to a specific "Other Specified Uses" ("OU") zoning to preserve the proposed Monument and the proposed rezoning of the adjoining Government land from "Green Belt" ("GB") to "Residential (Group C)1" to facilitate the proposed residential development under the proposed Option 3. The annotation of the "OU" zoning did not reflect the planning intention to allow flexibility for adaptive reuse of the historical buildings and it was proposed to refined the zoning as "OU" annotated "Historical Building Preserved for Cultural, Community and Commercial Uses" to facilitate the proposed adaptive reuse for cultural, community and commercial uses. The proposed Options 1 and 2 were not supported from the following reasons :

- (a) Options 1 was not acceptable as it would involve the demolition of part of the western wing of King Yin Lei which was not in line with the planning intention to preserve King Yin Lei; and

- (b) Option 2 was not acceptable as it would involve an existing natural slope covered with dense vegetation with the “GB” zone.

42. After deliberation, the Committee decided to not to agree to the application No. Y/H14/1 for the following reasons :

- (a) the proposed rezoning of the application site to “Other Specified Use” (“OU”) annotated “Residential Development with Historical Site Preserved In-situ” would only preserve the main historical building and part of the garden, which was considered not adequate to preserve the integrity of the whole site including the associated structures and the garden; and
- (b) the proposed “OU” zoning would allow infill residential development within the application site which would adversely affect the attractive setting of the historical building and the integrity of the site as a whole.

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

#### **Agenda Item 4**

[Open Meeting]

Proposed Amendments to the

Approved The Peak Area Outline Zoning Plan No. S/H14/7

(MPC Paper No. 20/08)

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43. Noting that the proposed Amendment Items C1 and C2 were subject to the Committee’s decision on section 12A application No. Y/H14/2, the Chairperson said that the Committee had just decided to partially agreed to that application with respect to the proposed rezoning of the King Yin Lei site from “Residential (Group C)1” (“R(C)1”) to a specific “Other Specified Uses” zoning to preserve the proposed Monument and the proposed rezoning of the adjoining Government land from “Green Belt” (“GB”) to “R(C)1” to facilitate the proposed residential development under Option 3 as proposed by the applicant.

The Committee also agreed to refine the “OU” zoning to facilitate the proposed adaptive reuse of King Yin Lei for cultural, community and commercial uses.

#### Presentation and Question Sessions

44. With the aid of a powerpoint presentation, Ms. Donna Y.P. Tam, STP/HK, covered the following main aspects as detailed in the Paper :

- (a) the proposed amendments to The Peak Area Outline Zoning Plan (OZP) mainly involved three items. Amendment Item A was to rezone an existing sports ground of Peak School (5,600m<sup>2</sup>) from “Open Space” to “Government, Institution or Community” with the designation of non-building area on the OZP so as to reflect the existing school playground use and to preserve the existing character of the site;
- (b) Amendment Item B was to rezone a local shopping centre at 100 Peak Road (1,384m<sup>2</sup>) from “Commercial/Residential” (“C/R”) to “Commercial (3)” (“C(3)”) so as to reflect the existing use. In order to maintain the existing character of the area, the “C(3)” zone would be subject to a maximum plot ratio of 1.3, and a maximum building height of 4 storeys including carports. The proposed plot ratio restriction was based on the plot ratio of the existing shopping centre, while the proposed building height restriction was the same as that for the existing “C/R” zone covering the site;
- (c) Amendment Item C included Items C1 and C2. Both were in relation to the rezoning proposal submitted under section 12A application No. Y/H14/2, which had just been approved by the Committee in the same meeting. Item C1 proposed to rezone the King Yin Lei site at 45 Stubbs Road (4,705m<sup>2</sup>) from “Residential (Group C)1” (“R(C)1”) to “Other Specified Uses” annotated “Historical Building Preserved for Cultural, Community and Commercial Uses” to reflect the planning intention for preservation of the site and for adaptive reuse of the historical building for

cultural, community and commercial uses. Item C2 proposed to rezone the Government land adjoining the King Yin Lei site (4,705m<sup>2</sup>) from “Green Belt” to “R(C)1”, with a maximum plot ratio of 0.5 and a maximum building height of 3 storeys including carports, the restrictions of which were the same as the existing “R(C)1” zone of the King Yin Lei site;

- (d) in relation to the above amendments, corresponding amendments to the Notes of the OZP as detailed in paragraphs 5.1 to 5.3 of the Paper were proposed;
- (e) it was also proposed to amend the Notes of the OZP to follow the revised Master Schedule of Notes to Statutory Plans (MSN) endorsed by the Town Planning Board. Under the revised MSN, the general provisions in the covering Notes and the Schedule of Uses for various zones had been revised to permit more uses as of right wherever appropriate, and the planning intentions for various zones had been incorporated in the Notes to form part of the OZP;
- (f) the Explanatory Statement (ES) would be revised to take into account the above proposed amendments to the OZP. Opportunity had also been taken to update the ES to reflect the latest status and planning circumstances;
- (g) relevant Government departments had no objection to or no adverse comment on the proposed amendments; and
- (h) for Amendment Items C1 and C2, the Development Bureau had consulted the Antiquities Advisory Board on the “preservation cum development” option of King Yin Lei. The two amendment items were related to the section 12A application No. Y/H14/2 which had been published for public comments in accordance with the provisions of the Town Planning Ordinance (the Ordinance). For the revised MSN to be incorporated into the Notes of the OZP, consultations with stakeholders were conducted

before. Both the Central and Western District Council and the Wan Chai District Council would be consulted during the plan exhibition period of the draft OZP No. S/H14/7A (to be renumbered as S/H14/8 upon exhibition).

45. The Chairperson referred Members to page 16 of the Schedule of Uses in Attachment III of the Paper for the Schedule of Uses proposed for the proposed “OU” annotated “Historical Building Preserved for Cultural, Community and Commercial Uses” zone in relation to the King Yin Lei site.

46. As regards the building height restrictions for the proposed “R(C)1” site adjoining King Yin Lei, a Member asked whether the restriction should be set at a specific height level in mPD instead of 3 storeys including carports as currently proposed. This Member was concerned about the visual impact of the future impact on the surrounding area along Stubbs Road. The Vice-chairman and another Member opined that it might not be necessary to specify an absolute building height level for the subject “R(C)1” site, noting that there were other “R(C)” sites in the area with building height restriction on maximum number of storeys only. The Chairperson also considered that some flexibility should be allowed for the low-rise developments. After some discussion, Members agreed that the proposed building height restriction of 3 storeys including carports was appropriate for the site adjoining King Yin Lei.

47. Referring to the proposed Schedule of Uses for the “Commercial” (“C”) zone on page 1 of the Schedule of Uses in Attachment III of the Paper, one Member asked why ‘Commercial Bathhouse/Massage Establishment’ was included as a use under Column 2. Ms. Brenda K.Y. Au explained that according to the revised MSN, ‘Commercial Bathhouse/Massage Establishment’ was normally a use under Column 1 of the “C” zone. Taking into account the existing character of all the “C” sites in the Peak Area, it was considered more appropriate to include such use under Column 2, so as to allow the Town Planning Board to have a better control through the planning permission system. The Secretary added that the ‘Commercial Bathhouse/Massage Establishment’ use also included spa treatments.

Deliberation Session

48. After deliberation, the Committee decided to :
- (a) agree that the proposed amendments to the approved The Peak Area OZP No. S/H14/7, and the draft The Peak Area OZP No. S/H14/7A (to be renumbered as S/H14/8 upon exhibition) (the Plan) at Attachment II of Paper and its Notes at Attachment III of the Paper were suitable for exhibition under section 5 of the Town Planning Ordinance;
  - (b) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper as an expression of the planning intentions and objectives of the Town Planning Board for various land use zonings of the Plan; and
  - (c) agree that the revised ES would be published together with the Plan under the name of the Town Planning Board.

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

[Mr. Leslie H.C. Chan and Dr. Winnie S.M. Tang left the meeting at this point. Mr. Nelson W.Y. Chan left the meeting temporarily at this point.]

**Tsuen Wan and West Kowloon District**

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

**Agenda Item 5**

[Open Meeting (Presentation and Question Sessions only)]

Further Consideration of Application No. A/TW/396

Proposed Public Utility Installation (Pump House) in “Green Belt” zone,

Government Land near Shing Mun Road, Wo Yi Hop, Tsuen Wan

(MPC Paper No. A/TW/396)

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**Presentation and Question Sessions**

49. Miss Erica S.M. Wong, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (pump house) to supply potable water to the public toilet, country park visitor centre and management centre in Shing Mun Country Park;

[Mr. Nelson W.Y. Chan returned to join the meeting at this point. Ms. Sylvia S.F. Yau left the meeting temporarily at this point.]

- (c) the Committee on 30.11.2007 decided to defer a decision on the application pending confirmation from the concerned Government departments on the feasibility of using an alternative location to the west of the application site so as to avoid affecting the trees adjoining the application site;
- (d) the applicant confirmed after investigations that the alternative site to the west of the application site was less desirable for the reasons as detailed in paragraph 2(g) of the Paper. Another alternative site to the east of the application site was also considered undesirable as it was directly underneath the 400kV overhead power lines. The applicant concluded that no suitable alternative site was available in the area;

- (e) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (f) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tsuen Wan); and
- (g) the Planning Department (PlanD)'s views – the PlanD had no objection to the application for the reasons as detailed in paragraph 5 of the Paper in that the application site was the most suitable site for the proposed pump house, and concerned Government departments had no objection to and no adverse comment on the application.

50. Members had no question on the application.

#### Deliberation Session

51. Noting that the application site was located within a buffer zone of Shing Mun Country Park, one Member suggested that the design and colour of the proposed pump house should integrate with the Country Park. The Chairperson said that the suggested approval condition as provided in paragraph 6.2(b) of the Paper which required the submission and implementation of landscaping proposals would address this Member's concern. Other Members agreed.

52. After deliberation, the Committee decided to approve the application, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission should be valid until 18.4.2012, 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 provision of emergency vehicular access, water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and

- (b) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

53. The Committee also agreed to advise the applicant :

- (a) to submit formal application to the District Lands Office/Tsuen Wan and Kwai Tsing of Lands Department for a formal Government land allocation for the proposed development;
- (b) to liaise with the Director of Electrical and Mechanical Services and the CLP Hong Kong Ltd. on the safety precautions and requirements for the design and works of the proposed developments in the vicinity of overhead lines; and
- (c) to carry out an assessment of the impacts of dam break on the proposed development.

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

[Ms. Sylvia S.F. Yau returned to join 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 6**

### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K3/504 Shop and Services (Retail) and Wholesale Trade  
in “Residential (Group E)” zone,  
Unit 1(Part), G/F, Henley Industrial Centre, 9-15 Bute Street,  
Mong Kok (KILs 3569, 3570, 3751, 3572 and 3573)  
(MPC Paper No. A/K3/504)
- 

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services (retail) and wholesale trade use;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yau Tsim Mong); 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 proposed use was small in scale and would not cause adverse impact to the surrounding development. It was not incompatible with the existing retails uses in other units on G/F of the subject building. All concerned Government departments had no objection to the application.

55. Upon a Member’s enquiry, Mr. Louis K.H. Kau clarified that part of the application premises was used for storage purpose which did not require planning permission in “Residential (Group E)” zone.

Deliberation Session

56. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- (a) the provision of fire service installations, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 18.10.2008;
- (b) 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
- (c) if the planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

57. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Kowloon West of Lands Department for lease modification/waiver for the shop and services (retail) and wholesale trade uses at the application premises;
- (b) to consult the Chief Building Surveyor/Kowloon of Buildings Department on the fire resistance construction requirements for the application premises according to the Code of Practice for Fire Resisting Construction; and
- (c) to note the following advice of the Commissioner for Transport :
  - (i) loading/unloading of goods vehicles on public streets, if any, should be confined to off-peak hours;

- (ii) there should be no shop front extension beyond the building line of the application premises to minimize adverse impact to the pedestrian flow along Canton Road and Bute Street; and
- (iii) the Commissioner for Transport had the rights to impose, alter or cancel any parking loading/unloading facilities and/or any no-stopping restrictions, etc. on Canton Road and Bute Street to cope with changing traffic conditions and needs. The applicant should not expect the Government to provide such facilities for his uses.

[The Chairperson thanked Mr. Louis K.H. Kau, STP/TWK, for his attendance to answer Members' enquires. 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/K5/656                   Shop and Services (Metal-ware Retail Shop,  
Fruit Juice Shop and Fast Food Counter)  
in "Other Specified Uses" annotated "Business" zone,  
Unit A1, G/F, Fung Wah Factory Building, 646,  
648 and 648A Castle Peak Road, Cheung Sha Wan  
(MPC Paper No. A/K5/656)
- 

#### Presentation and Question Sessions

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

- (a)   background to the application;

- (b) the proposed shop and services (metal-ware retail shop, fruit juice shop and fast food counter) use;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Shum Shui Po); 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 proposed use was not incompatible with the other uses of the subject building. It would unlikely generate any adverse impact on the surrounding areas. The application was in line with the planning intention of the “Other Specified Uses” annotated “Business” zone and the criteria specified in the Town Planning Board Guidelines No. 22D.

59. Members had no question on the application.

#### Deliberation Session

60. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- (a) the submission and implementation of fire service installations in the application premises within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 18.10.2008; and
- (b) if the planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the

same date be revoked without further notice.

61. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Kowloon West of Lands Department for temporary waiver to permit the applied uses, should the areas of the applied uses differed from the current waiver covering the application premises;
- (b) to consult the Chief Building Surveyor/Kowloon of Buildings Department on the submission of building plans in respect of separation of the application premises from the remaining portion of accommodation on ground floor by proper fire resisting construction and design, provision of means of escape as well as provision of access and facilities for person with a disability and sanitary fitments; and
- (c) to consult the Director of Food and Environmental Hygiene regarding the application for food licence.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K16/31 Proposed Hotel, Kowloon Motor Bus Headquarters  
in "Comprehensive Development Area" zone,  
9 Po Lun Street, Lai Chi Kok  
(MPC Paper No. A/K16/31)
- 

#### Presentation and Question Sessions

62. The Committee noted that the applicant on 2.4.2008 requested for a deferment of a decision on the application in order to allow time for the applicant to prepare further information and responses to address the comments received from the Transport Department

and the Hong Kong Police Force.

### Deliberation Session

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

## **Kowloon District**

### **Agenda Item 7**

#### Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/K9/4                      Application for Amendment to the  
Approved Hung Hom Outline Zoning Plan No. S/K9/20 from  
“Residential (Group A)” to “Other Specified Uses “ annotated “Hotel”,  
83 Wuhu Street, Hung Hom  
(MPC Paper No. Y/K9/4)

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#### Presentation and Question Sessions

64. The Committee noted that the applicant on 15.4.2008 requested for a deferment of a decision on the application in order to allow time for the applicant to submit additional information to respond to the departmental comments. The applicant also requested the Town Planning Board to re-schedule the hearing of the application as soon as possible, after receiving the additional information from the applicant.

## Deliberation Session

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

## **Agenda Item 8**

### Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K10/225 Proposed Nurse Training Centre, Hospital (Step Down Care Facilities for Recovering Patients confining to Recovering Cardiac and Post-stroke Patients, or Victims of Industrial/Traffic and Other Accidents), Flat (Staff Quarters) and Residential Institution (Student Nurse Dormitory) in “Residential Group (B)” zone, 20 and 22 Lomond Road, Ma Tau Kok  
(MPC Paper No. A/K10/225)
- 

### Presentation and Question Sessions

66. The Committee noted that the Planning Department (PlanD) had recommended the Committee to defer a decision on the application as there were adverse representations to the draft Ma Tau Kok Outline Zoning Plan No. S/K10/19 (the OZP) as a whole, which included the application site, on the proposed building height restrictions. In accordance with the Town Planning Board (TPB) Guidelines No. 33, a decision on a section 16 application would be deferred if the zoning of the application site was still subject to outstanding adverse representation in respect of a draft plan yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representation was

relevant to the subject application.

67. The Secretary reported that the applicant's letter dated 17.4.2008 was tabled for Members' reference. The applicant expressed in the letter their disagreement with PlanD's recommendation as they considered that the representations were only related to the newly added building height restrictions on the OZP in general, and none of them made specific reference to the application site or the "Residential (Group B)" zone. Besides, the proposed development under application had a building height of not more than 70mPD which was well below the proposed height restriction of 80mPD on the OZP. Any decision to defer the application for this reason would set an undesirable precedent. It was also not to the interest of the provision of health services to the community as the deferral would mean a delay of implementation of the development for 9 to 15 months.

68. The Secretary said that she had examined all the representations received in respect of the OZP. Some of them were in support of the proposed building height restrictions while some objected to them. Although no representation was related specifically to the application site, one of the representers commented that the overall building height restrictions proposed for the whole OZP area were too lenient, and more stringent restrictions should be imposed. In this regard, should the representation be upheld, there was a possibility that the building height restriction imposed on the application site would be lower than the current restriction of 80mPD after the hearing of the representations. Since the substance of this representation was considered relevant to the subject application, a decision on the application had to be deferred in accordance with TPB Guidelines No. 33.

69. The Chairperson added that such deferral arrangement of consideration of planning was an established practice of the TPB.

70. Members had no question on the application.

#### Deliberation Session

71. A Member asked whether all planning applications under the subject OZP would need to be deferred when there were representations to the building height restrictions on the

entire OZP, when only one indirect adverse representation was received. The Secretary explained that it would depend on whether the substance of the representation was relevant to the subject application.

72. Noting that one of the adverse representations in respect of the Ma Tau Kok OZP was relevant to the subject application, Members agreed to follow the established practice to defer a decision on the application.

73. After deliberation, the Committee decided to defer a decision on the application pending the Chief Executive in Council's decision on the adverse representations in respect of the draft Ma Tau Kok Outline Zoning Plan No. S/K10/19.

[Ms. Annie K.W. To, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K12/36 Proposed Educational Institution (Post-secondary Programmes, Vocational Training and Continuing Education) in "Residential (Group A)" zone, 1/F, Car Park Block, Choi Hung Estate, Ngau Chi Wan (MPC Paper No. A/K12/36)
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Presentation and Question Sessions

74. The Secretary said that as the subject application was submitted by the Housing Department (HD) on behalf of the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item :

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| Mrs. Ava S.Y. Ng<br>as the Director of Planning | - being a member of the Building Committee and the Strategic Planning Committee (SPC) of the HKHA |
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| Mr. Stanley Y.F. Wong  | - being a member of the HKHA   |
| Professor Bernard V.W.F. Lim   | - having current business dealing with the HD  |
| Mr. Walter K.L. Chan   | - being a former member of the HKHA  |
| Mr. Raymond Y.M. Chan  | - having current business dealing with the HD  |
| Mr. James Merritt<br>as the Assistant Director of<br>Lands Department        | - being an assistant to the Director of Lands<br>who was a member of the HKHA  |
| Ms. Margaret Hsia<br>as the Assistant Director of<br>Home Affairs Department | - being an assistant to the Director of Home<br>Affairs who was a member of the SPC and<br>the Subsidized Housing Committee of the<br>HKHA |

75. The Committee noted that Professor Bernard V.W.F. Lim and Ms. Margaret Hsia had tendered apologies for being unable to attend the meeting. The Secretary said that as the Vice-chairman had declared an interest in the item, the Chairperson could continue to chair the meeting out of necessity. Members agreed.

[Mr. Stanley Y.F. Wong, Mr. Walter K.L. Chan, Mr. Raymond Y.M. Chan and Mr. James Merritt left the meeting temporarily at this point.]

76. With the aid of a powerpoint presentation, Ms. Annie K.W. To, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed educational institution for post-secondary programmes, vocational training and continuing education;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) two public comments were received during the statutory publication period. The Chairman of Ngau Chi Wan Village Office welcomed the application

but advised that the entrance of the educational institution should not cause any nuisance to the residents and the students should not use the estate facilities. The Headmaster of Choi Hung Estate Catholic Secondary School objected to the application mainly on the grounds that the proposed use would have adverse impact on the existing facilities and pedestrian circulation of the estate, and that there were already five schools within the estate; 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 in that the proposed educational institution was not incompatible with the residential and school neighbourhood as well as the lower car park floors of the car park block, and it would unlikely induce significant adverse impacts to the subject estate and the adjacent area. Concerned Government departments had not adverse comment on the application. As regards the objection raised by the Headmaster of Choi Hung Estate Catholic Secondary School on the adverse impact on estate facilities and pedestrian circulation, they were management matters which could be dealt with by the management office of the estate. The Choi Hung Estate Management Advisory Committee had no objection to the application. The proposed educational institution was compatible with the existing five schools within the estate and the Secretary for Education had no objection to the application.

77. Members had no question on the application.

#### Deliberation Session

78. In response to a Member's question on the number of classrooms and the concern on reduction in car parking spaces for residents, Ms. Annie K.W. To explained that a total of 20 classrooms were proposed in the application, and there was a previous planning permission (application No. A/K/5) allowing the use of the surplus car parking spaces as a temporary public car park for non-residents of the estate. According to the applicant's

information in Appendix Ia of the Paper, the average take-up rate of the car parking spaces in the subject estate within the past three years was only about 30%. In this regard, the proposed use would unlikely affect the supply of parking spaces to the residents. The same Member asked whether a new public car park above the Ping Shek Public Transport Interchange (PTI) at a nearby “Government, Institution or Community” site was built. The Chairperson replied that the public car park next to the Ping Shek PTI was mainly for park-and-ride purpose for the residents in Sai Kung.

79. Noting that the application premises were originally designed for car parking purpose, a Member raised concerns on the natural lighting, air ventilation and fire safety aspects of the proposed educational institution, and the potential noise impact on the nearby residents with the installations of air conditioners. The Member considered that a temporary approval of five years might be more appropriate so as to monitor the situation. On the issue of potential noise impact, Mr. C.W. Tse said that the problem could be resolved by technical means through imposing relevant approval condition to the planning permission.

80. A Member asked if the area for the educational institution could be reduced to allow space for provision of facilities for the elderly. The Secretary clarified that the provision of elderly facilities was not part of the subject application. Should Members consider it necessary, the Secretariat could convey the concern on the provision of elderly facilities to the applicant.

81. A Member suggested imposing a restriction on the maximum number of students allowed in each classroom. The Chairperson said that it would be difficult to set a standard for the different types of education programmes. Another Member indicated that the operation of the educational institution would require proper registration with the relevant authorities through which the relevant technical requirements would have to be fulfilled.

82. In view of the objection raised by the Headmaster of Choi Hung Estate Catholic Secondary School, a Member suggested asking the applicant to explain to the school the type of programme to be provided at the application premises. Another Member considered that the proposed educational institution would benefit the local residents by providing a venue for continuing education.

83. As regards the duration of the approval to be granted, Members generally agreed that five years should be the appropriate period.

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 18.4.2013, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB.

85. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Kowloon East of Lands Department for lease modification for the proposed educational institution use;
- (b) to note the comments of the Assistant Commissioner for Transport/Urban of Transport Department regarding the re-calculation of the vacancy rate of the private car parking spaces according to the dimensions under the current Hong Kong Planning Standards and Guidelines;
- (c) to consult the Secretary for Education if the proposed educational institution was to be registered as a school under Education Ordinance (Cap. 279);
- (d) to appoint an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance; and;
- (e) to explain to the headmasters of the existing five schools within the subject estate the nature of the programmes to be provided by the proposed



- (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 proposed uses complied with the Town Planning Board Guidelines No. 22D. They would not generate significant adverse impacts on other uses/developments within the subject building and adjacent areas. Relevant Government departments had no objection to the application. As the previous planning permission (application No. A/K14/544) for the same proposed use in the subject premises had been revoked due to the applicant's failure to comply with the approval condition, it was recommended to impose a shorter compliance period to the subject application in order to closely monitor the implementation of the condition.

[Professor N.K. Leung and Mr. H.L. Cheng returned to join the meeting at this point.]

87. Members had no question on the application.

#### Deliberation Session

88. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including provision of means of escape completely separated from the industrial portion and fire service installations in the application premises, within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.7.2008; and
- (b) if the planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

89. The Committee also agreed to advise the applicant :
- (a) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction;
  - (b) to appoint an Authorised Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the fire resisting construction and the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72; and
  - (c) to strictly follow regulatory restrictions when loading/unloading activities took place to avoid interfering with the main stream traffic in particular when they were under the cumulative effects of nearby roadside activities.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv)           A/K14/565                   Renewal of Planning Approval for Temporary Office  
(Estate Agent) for a Period of 3 Years  
in “Other Specified Uses” annotated “Business” zone,  
Unit 2, G/F, Prosperity Centre, 25 Chong Yip Street,  
Kwun Tong  
(MPC Paper No. A/K14/565)
- 

Presentation and Question Sessions

90.           The application was submitted by a subsidiary company of the Cheung Kong (Holdings) Ltd. (CKH). The Secretary reported that Mr. Felix W. Fong had declared an interest in the item as he had current business dealings with the CKH. The Committee noted that Mr. Fong had tendered apologies for not attending the meeting.

91.           With the aid of a powerpoint presentation, Miss Helen L.M. So, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed renewal of planning approval for temporary ‘office (estate agent)’ use under application No. A/K14/472 for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) a total of three public comments were received during the statutory publication period. The Chairman of the Kwun Tong Central Area Committee supported the application while two members of the general public objected to it. One of them considered that there should be more eating places for the people working in the area. Another considered that the application would lead to traffic congestion and fire hazards; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as detailed in paragraph 12 of the Paper in that the proposed use complied with the Town Planning Board Guidelines No. 22D and 34A. It would not generate significant adverse impacts on the uses/developments with the subject building and the adjacent areas. Relevant Government departments had no objection to the application. Although the approval condition of fire safety services installation in the original planning permission (application No. A/K14/472) was not complied with, the applicant had already shown efforts to appoint an agent to comply with the condition. In this regard, it was recommended to impose a shorter compliance period to the subject application in order to more closely monitor the implementation of the condition. As regards the two public comments objecting to the application, the Assistant Commissioner for Transport/Urban of Transport Department and the Director of Fire Services had no in-principle objection to the application. Provision of eating places was subject to market demand.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.6.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following :

- (a) the submission and implementation of fire safety measures, including provision of means of escape completely separated from the industrial portion and fire service installations in the application premises, within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.7.2008; and
- (b) if the planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

94. The Committee also agreed to advise the applicant to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction.

[The Chairperson thanked Miss Helen L.M. So, STP/K, for her attendance to answer Members' enquires. Miss So left the meeting at this point.]

**Hong Kong District**

**Agenda Item 9**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/H3/380 Proposed Comprehensive Residential and Commercial Development with Government, Institution and Community Facilities and Public Open Space in “Comprehensive Development Area” zone, Three Sites of Urban Renewal Authority Development Scheme at Peel Street/Graham Street  
(MPC Paper No. A/H3/380)
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Presentation and Question Sessions

95. The Secretary said that as the subject application involved the Urban Renewal Authority’s Development Scheme at Peel Street/Graham Street, the following Members had declared interests in this item :

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| Mrs. Ava S.Y. Ng<br>as the Director of Planning                              | - being a Non-executive Director of the Urban Renewal Authority (URA)                      |
| Professor Bernard V.W.F. Lim   | - having current business dealing with the URA   |
| Mr. Walter K.L. Chan   | - being a Non-executive Director of the URA  |
| Mr. Maurice W. M. Lee  | - being a Non-executive Director of the URA  |
| Mr. James Merritt<br>as the Assistant Director of<br>Lands Department        | - being an assistant to the Director of Lands who was a Non-executive Director of the URA  |
| Ms. Margaret Hsia<br>as the Assistant Director of<br>Home Affairs Department | - being a co-opt member of the Planning, Development and Conservation Committee of the URA |

96. The Committee noted that Professor Bernard V.W.F. Lim, Mr. Maurice W.M. Lee and Ms. Margaret Hsia had tendered apologies for being unable to attend the meeting. As the applicant had requested the Committee to defer consideration of the application, Members agreed that the Chairperson, Mr. Walter K.L. Chan and Mr. James Merritt were allowed to stay in the meeting.



- (c) departmental comments – concerned Government departments had no objection to or no comment on the application except the Chief Building Surveyor/Hong Kong East of Buildings Department (CBS/HKE of BD) and Chief Engineer/Hong Kong and Islands of Drainage Services Department (CE/HK&I of DSD). The CBS/HKE of BD commented that the proposed change of use of the application premises might induce an effect on the ratio of the pedestrian flow generated by the public and the building users for the dedicated areas at G/F and 2/F of the subject building. The CE/HK&I of DSD requested the applicant to demonstrate that the sewer connecting the subject building had sufficient capacity to discharge any addition sewage generated from the proposed change of use of the application premises;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Wan Chai); 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 proposed uses were not incompatible with retail shops and office use in the same building and would not generate any adverse impact on the surrounding area. Relevant Government departments had no adverse comments on the application.

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

100. In response to a Member's question on the CBS/HKE of BD's comments in paragraph 9.1.2(a) of the Paper, Ms. Donna Y.P. Tam explained that the subject building had been granted modification to permit connecting to the elevated walkway for public passage with exemption from gross floor area calculation based on a traffic assessment (TA) report agreed by the Transport Department (TD). The CBS/HKE of BD concerned that the proposed change of use under application might affect the assessment of pedestrian flow and hence the consideration of granting exemption. On this point, Ms. Tam indicated that the

Assistant Commissioner for Transport/Urban of TD had confirmed that the subject application would not have direct implication on the assessment of pedestrian flow. Ms. Tam also clarified that the application premises would not occupy any area of the subject building that was dedicated as public passageway

#### Deliberation Session

101. Noting that the subject application was the seventh application for similar use in the subject building, a Member asked when the Wan Chai Outline Zoning Plan would be amended to reflect the approved use on the subject site. Another Member asked why the applicant did not make a single application for the whole building. In response, Ms. Donna Y.P. Tam said that the PlanD would amend the subject zoning of the subject site to reflect the approved use when opportunity arose. As regards the number of previous applications involved, the applicant explained that application would be made when tenants were identified for different premises.

102. After deliberation, the Committee decided to approve the application, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission should be valid until 18.4.2012, 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 provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the provision of sewer connection from the public sewerage system to the application site to the satisfaction of the Director of Drainage Services or of the TPB.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/H20/157 Proposed Shop and Services (Motor-vehicle Showroom)  
in “Commercial/Residential” zone,  
Shops A, C and D, Ground Floor, Kin Yip Court,  
14-32 Lin Shing Road, Chai Wan  
(MPC Paper No. A/H20/157)
- 

Presentation and Question Sessions

103. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (motor-vehicle showroom) use;
- (c) departmental comments – the application was objected by the Assistant Commissioner for Transport/Urban of Transport Department (AC for T/Urban of TD) and the Commissioner for Police (C for P). Both considered that the proposed use might cause adverse impacts on the traffic and crowd control management of Lin Shing Road during the Ching Man and Chung Yeung Festivals. The AC for T/Urban of TD further pointed out that motor vehicles moving in and out of the application premises would endanger and obstruct the vehicular traffic at the junction of Lin Shing Road/Wah Ha Street and the pedestrians using the pedestrian crossing. Other concerned departments had no objection to or no adverse comment on the application;
- (d) a total of five public comments were received during the statutory publication period. They were made by the incorporated owners and individual owners of the subject building, incorporated owners of the adjoining building, Estate Management Committee of Wan Tsui Estate and a Eastern District Council member. All of them expressed objection to or adverse comments on the application for the reasons that the proposed use

might cause road safety, fire safety, environmental and illegal parking problems; and

- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application for the reasons as detailed in paragraph 10 of the Paper in that the application premises were close to the road junction and a pedestrian crossing, and the application was objected by the AC for T/Urban of TD. There was no information in the applicant's submission to demonstrate that the proposed motor-vehicle showroom would not have adverse impacts on traffic and pedestrian safety. Besides, there was insufficient information submitted to justify that the application premises were suitable for the proposed use.

104. Members had no question on the application.

#### Deliberation Session

105. A Member noted that Lin Shing Road outside the applicant premises was a major route leading to Chai Wan Cemetery. Another Member doubted whether there would only be five cars moving in and out of the proposed motor-vehicle showroom a week as claimed by the applicant. Since there was no proper run-in and run-out points at the application premises, this Member considered that the application was unacceptable from road safety point of view.

106. After deliberation, the Committee decided to reject the application for the following reasons :

- (a) no information had been submitted to demonstrate that the proposed use would not create adverse impacts on traffic and pedestrian safety; and
- (b) there was insufficient information to justify that the application premises were suitable for motor-vehicle showroom use.

[The Chairperson thanked Ms. Donna Y.P. Tam and Mr. David C.M. Lam, STPs/K, for their attendance to answer Members' enquires. Ms. Tam and Mr. Lam left the meeting at this point.]

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

**Agenda Item 10**

[Closed Meeting]

Design and Visual Treatment of the Noise Barriers for the Proposed Residential Development in "Other Specified Uses" annotated "Cyber-Port" zone,  
Cyberport Development (Sub-area 4), Telegraph Bay, Pok Fu Lam  
(MPC Paper No. 19/08)

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107. The Chairperson said that Agenda Item 10 would not be open for public viewing.

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

**Agenda Item 11**

Any Other Business

108. There being no other business, the meeting was closed at 1:00 p.m..