

TOWN PLANNING BOARD

**Minutes of 372nd Meeting of the
Metro Planning Committee held at 9:00 a.m. on 9.5.2008**

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

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Dr. Winnie S.M. Tang

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

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

Assistant Director (Kowloon), Lands Department
Ms. Olga Lam

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

Secretary

Absent with Apologies

Mr. Felix W. Fong

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
Mr. C.T. Ling

Town Planner/Town Planning Board
Ms. Kathy C.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 371st MPC Meeting held on 18.4.2008

[Open Meeting]

1. The draft minutes of the 371st MPC meeting held on 18.4.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Approval of Outline Zoning Plans

2. The Secretary reported that on 6.5.2008, the Chief Executive in Council approved the following two draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance and approval of the OZPs would be notified in the Gazette on 16.5.2008 :

- (a) Tai Tam & Shek O OZP (to be renumbered as S/H18/10); and
- (b) Yau Ma Tei OZP (to be renumbered as S/K2/20).

(ii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 9 of 2007 (9/07)

Proposed Temporary Warehouse (Storage and Sale of Organic Food and Gardening Plants) for a period of 3 Years in “Agriculture” zone,

Lot 384RP in DD 128, Ha Tsuen, Yuen Long

(Application No. A/YL-HT/471)

3. The Secretary reported that the subject appeal was received by the Town Planning Appeal Board (TPAB) on 28.5.2007 against the decision of the Town Planning Board on 30.3.2007 to reject on review an application (No. A/YL-HT/471) for a proposed temporary warehouse (storage and sale of organic food and gardening plants) for a period of 3 years at a site zoned “Agriculture” on the Ha Tsuen OZP. On 28.3.2008, the appeal was abandoned by the appellant of his own accord. On 22.4.2008, the abandonment was

confirmed by the TPAB in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(iii) Town Planning Appeal Statistics

4. The Secretary said that as at 9.5.2008, a total of 12 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	23
Dismissed	:	107
Abandoned/Withdrawn/Invalid	:	129
Yet to be Heard	:	12
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	272

Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K22/1 Application for Amendment to the
Approved Kai Tak Outline Zoning Plan No. S/K22/2
from “Open Space” to “Government, Institution or Community”,
31 Sung Wong Toi Road, Kowloon
(MPC Paper No. Y/K22/1)

5. Mr. Raymond Y.M. Chan declared an interest in this item as he had a property in To Kwa Wan. As there was no direct view from his flat to the application site, Members agreed that he could remain in the meeting and participate in the discussion of the item.

6. Ms. Starry W.K. Lee also declared an interest in this item as she was a Kowloon City District Councillor and had a property with direct view to the application site. Members noted that Ms. Lee had not yet arrived at the meeting.

[Mr. Nelson W.Y. Chan and Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

Presentation and Question Sessions

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

- Mr. Eric C.K. Yue - District Planning Officer/Kowloon (DPO/K)
- Mr. Kepler S.Y. Yuen - Senior Town Planner/Kowloon (STP/K)

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

- Mr. Danny Patterson) Applicant's representatives
- Mr. Kevin Ng)
- Ms. Yolanda Wong)
- Mr. Andrew Chan - Consultant

9. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. Kepler S.Y. Yuen, STP/K, to brief Members on the background to the application.

10. With the aid of a Powerpoint presentation, Mr. Kepler S.Y. Yuen presented the application as detailed in the Paper and made the following main points :

- (a) the application was for rezoning of the application site from "Open Space" ("O") to "Government, Institution or Community" ("G/IC") on the approved Kai Tak Outline Zoning Plan (OZP) No. S/K22/2;
- (b) the application site (about 4 200m²), together with the adjoining site currently zoned "G/IC", were leased to the Hong Kong Aviation Club Limited (HKAC) (i.e. the applicant) under a short term tenancy (STT) (a

total area of about 10 300m²) for a non-profit making flying training school, ancillary workshop and clubhouse use;

- (c) in 1998, the application site was included in the draft Kai Tak (North) OZP No. S/K19/1 and zoned "G/IC". In 2001, the application site together with adjoining area occupied by the HKAC was rezoned to "O" on the draft Kai Tak (North) OZP No. S/K19/2 in accordance with the recommendations of the Comprehensive Feasibility Study for the Revised Scheme of South East Kowloon Development. In 2006, under the draft Preliminary Outline Development Plan for the Kai Tak Planning Review, the southern part of the HKAC site was designated as "Institution or Community" for "Sports Facility" and the northern part, i.e. the application site which would form part of the planned Sung Wong Toi Park, as "O". On the current approved Kai Tak OZP No. S/K22/2, the application site was zoned "O" and the remaining part of the STT site granted to HKAC was zoned "G/IC";

[Mr. Leslie H.C. Chen and Dr. Daniel B.M. To arrived to join the meeting at this point.]

- (d) both the Secretary for Home Affairs and the Director of Leisure and Cultural Services (DLCS) had reservation on the rezoning proposal as it would affect the development of the planned Sung Wong Toi Park. DLCS also commented that the aviation activities would bring noise nuisance and safety risk to the park users. The Director-General of Civil Aviation advised that the application site would no longer be suitable for continuation of helicopter flying activities upon full development of the surrounding areas. The Director of Environmental Protection did not support the proposed rezoning due to adverse helicopter noise impact to nearby domestic premises, and pointed out that the helicopter noise assessment submitted by the applicant had under-estimated the actual adverse helicopter noise impact. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application because it would reduce the area zoned "O" and jeopardize the integrity of the planned open space framework for the Kai Tak Development;

- (e) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (f) PlanD did not support the application for reasons as detailed in paragraph 10 of the Paper. The “O” zoning was considered appropriate for the site to provide land for the planned Sung Wong Toi Park with historical and heritage significance. The application would pose constraint on the development of the Park and jeopardize the integrity of the planned open space framework for the Kai Tak Development. There was insufficient information to demonstrate that continuation of the existing flying activities would not cause adverse impacts and safety risks on the planned developments in the surrounding areas. The use of the site for helicopter landing/take-off activities was not compatible with the surrounding land uses from helicopter noise viewpoint. The site would no longer be suitable for continuation of helicopter flying activities upon full development of the Kai Tak area.

11. The Chairperson then invited the applicant’s representatives to elaborate on their justifications for the application. With the aid of a Powerpoint presentation, Mr. Danny Patterson made the following main points :

- (a) the HKAC and its predecessors (i.e. the Hong Kong Flying Club and Far East Flying Training School) had been established at the application site for over 80 years, even earlier than the ex-Kai Tak Airport;
- (b) the HKAC was the only flying training school in Hong Kong that was recognized by the Civil Aviation Department (CAD), and represented Hong Kong in international sports organizations and competitions in aviation. It was a non-profit making organisation and had been committed in promoting aviation education and culture to Hong Kong. Apart from seminars and visits, the HKAC also offered flying opportunities to youngsters and under-privileged groups in Hong Kong free of charge. Moreover, the HKAC supported youth development by providing general

aviation activities in conjunction with the Hong Kong Air Cadet Corps and the Scott Association of Hong Kong; and

- (c) if the application site was included for the development of the Sung Wong Toi Park, it would only marginally increase the size of the Park from 6.0 ha to 6.4 ha. This additional area would just mean a 2-minute walk for the park users. However, excision of the application site from the HKAC implied that its current flying activities would discontinue and the long history of flying training at Kai Tak would disappear.

[Dr. Winnie S.M. Tang arrived to join the meeting at this point.]

12. With the aid of a Powerpoint presentation, Mr. Andrew Chan made the following main points :

- (a) the rezoning proposal was not for any new development but for the continuation of existing uses at the application site including helicopter flying, hot air ballooning and training. The application aimed at conserving the heritage of the HKAC site and continuing their services to the community as detailed in Mr. Danny Patterson's presentation;
- (b) regarding the rejection reasons (c) and (d) recommended by PlanD as stated in paragraph 11.1 of the Paper about suitability of the application site for helicopter flying and noise impact, it should be noted that CAD's concern was not on the current situation, but was about the continuation of flying activities at the application site when its surrounding areas were developed as planned. He clarified that the HKAC would stop helicopter flying immediately when they were informed by CAD to do so. As such, the concerns on safety and noise impacts should not be an issue in considering this application. Moreover, CAD advised that while continued use of the site in future for helicopter landing/take-off activities could not be guaranteed, consideration could be given to allow use for other purposes and to preserve the site which was of historical significance;

- (c) the importance of heritage conservation was widely acknowledged by the community as reflected in the Queen's Pier and King Yin Lei cases. The Government's positive response and efforts in conserving these heritage items had gained public support. In the Explanatory Statement (ES) of the Kai Tak OZP, the HKAC was identified as one of the buildings/structures of historical interest and prior consultation with the Antiquities and Monuments Office (AMO) should be made for proposals affecting the site and its immediate environs. By following the spirit of the ES and applying the principles of heritage conservation, vis-à-vis integrity of a heritage place and significance of traditional function/use of a heritage place, the application site should not be excised from the HKAC;
- (d) the total provision of open space covered by the Kai Tak OZP was about 98 ha and the area of Sung Wong Toi Park was about 6 ha, the excision of the application site (about 0.4 ha) from the "O" zone would unlikely to have impact on the overall open space provision in the district. He emphasized that the HKAC was not proposing to rezone an existing open space. The application site was a unique feature of HKAC and its loss was irreplaceable;
- (e) the application site was not situated at a critical location of the planned Sung Wong Toi Park. Also, from an urban design point of view, as mentioned in paragraph 8.1.13 of the Paper, the existing and proposed uses at the application site would not be incompatible with the surrounding "O" zone; and
- (f) while supported the development of Sung Wong Toi Park and the conservation of Sung Wong Toi Inscription Rock, the applicant did not agree that their conservation should be at the expense of another heritage site. Conservation of the HKAC should not only apply to the building/structures but also its environs including the application site. The Park could be designed in such a way to incorporate the existing uses of the application site, which could in turn enhance the attractiveness of the Park by providing a diversity of interests and creating greater critical mass.

13. A Member asked what other purposes other than flying or training would be accommodated on the application site. Mr. Danny Patterson said that in terms of flying, there were four types of flying instruments, namely airplane, helicopter, glider and hot air balloon. It was considered that hot air ballooning would be compatible with the surrounding environment in the Sung Wong Toi area and was considered by CAD as a compatible activity at the application site.

14. A Member asked whether there was additional information on the historical significance of the application site. Mr. Eric C.K. Yue, DPO/K, by referring to Figure 5 of the ES of the approved Kai Tak OZP No. S/K22/2, said that both the Sung Wong Toi Inscription Rock and the HKAC were identified as sites of historical interest, and would be linked up with other historical sites to form a heritage trail of Kai Tak. Mr. Andrew Chan also drew Members' attention to a letter from the AMO to the HKAC in 2005 which was shown at the meeting. It was stated in the letter that the site, where the HKAC was now situated, was formerly used by the Far East Flying Training School which was once the largest aviation-training establishment east of Suez. AMO was of the view that the site was of historical interest and the existing buildings should be preserved in-situ.

15. In response to a Member's question, Mr. Danny Patterson said that the helipad at the application site could be used for hot air ballooning activities if helicopter flying was not allowed in future. He clarified that hot air ballooning organized by HKAC was a kind of licensed flying activity recognized by CAD which required training on the flying techniques. It was different from that in the Ocean Park which was for leisure. Regarding the availability of alternative sites for flying activities, site search had been conducted since 2000. However, all the proposals were not supported for various reasons by concerned Government departments.

16. In reply to a Member's query, Mr. Eric C.K. Yue confirmed that the applicant had not submitted any representation in respect of the site when the draft Kai Tak OZP No. S/K22/1 was gazetted for public inspection in November 2006. However, the applicant had submitted comments during the public engagement processes of the planning studies for Kai Tak development. In response to another Member's query, Mr. Eric C.K. Yue said that no public comments were received on the rezoning proposal.

17. A Member asked whether the current application was related to a planning issue or a land administration/management issue, and suggested that the design brief for the Sung Wong Toi Park could include a requirement so that HKAC could use the application site for hot air ballooning activities within the Park. Mr. Eric C.K. Yue advised that the current STT for the site being occupied by HKAC would be renewed quarterly by the Lands Department provided that no objection was raised by relevant departments. From the planning angle, the site was zoned "O" and intended to be developed as part of the Sung Wong Toi Park. DLCS had raised objection to the rezoning proposal as the site was important to the planned park development in terms of accommodating the Sung Wong Toi Inscription Rock and commanding a vantage point of the Park. Mr. Kevin Ng pointed out that as flying activities were not permitted under the "O" zone, rezoning of the application site to "G/IC" would allow more flexibility for flying activities.

18. Noting that the applicant would use the application site for hot air ballooning when helicopter flying was not allowed in future, a Member queried whether DLCS' concerns on landscape design and noise/safety issues arising from helicopter flying as mentioned in paragraphs 8.1.2 (f) and (g) of the Paper would still be applicable. Mr. Andrew Chan reiterated that CAD's concern was on helicopter flying rather than hot air ballooning and had shown support for HKAC to continue using the application site for other flying activities. Mr. Kevin Ng added that hot air ballooning activity, a kind of licensed flying instruments recognised by CAD, had already started since 2000. Mr. Eric C.K. Yue clarified that, according to the information submitted by the applicant, the rezoning proposal was to facilitate continuation of helicopter flying at the application site. Hence, departmental comments were focused on the implications brought about by helicopter flying. In reply to this Member's follow-up question, Mr. Eric C.K. Yue said that the Sung Wong Toi Park was a committed project and DLCS advised that the Sung Wong Toi Inscription Rock would be placed within the application site.

19. Mr. Andrew Chan said that paragraph 1.1 of the Paper was incorrect as the proposed aviation liberal education centre would not be accommodated within the application site. Mr. Eric C.K. Yue pointed out that the proposed uses at paragraph 1.1 were based on the applicant's original submission. However, as mentioned in paragraph 1.5 of the Paper, the applicant, in response to departmental comments, clarified that the proposed aviation

liberal education centre and aviation museum would be accommodated in the existing premises which were zoned “G/IC”.

20. Ms. Yolanda Wong supplemented that site search for alternative sites had started as early as 1998. Three sites had been identified by CAD but were not supported by LandsD for the reasons of property development interest, environmental concerns and undetermined land use respectively.

21. In response to the Chairperson’s query, the applicants confirmed that the existing uses on the application site included helicopter taking off/landing, hot air ballooning and assembly/training ground for the Hong Kong Air Cadet Corps.

22. In reply to a Member’s question, Mr. Eric C.K. Yue said that, apart from publication for public comments, local views were also collected through District Office, which had no comment on the current application. PlanD had also issued letters to nearby residents’ incorporations to invite their comments on the rezoning proposal.

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

Deliberation Session

24. Members generally did not support the application in view of that helicopter flying would be incompatible with the planned land uses in Kai Tak and generate noise nuisance to nearby residents. Rezoning of the site to “G/IC” for exclusive use by the HKAC would restrict access by the general public. Members agreed to retain the “O” zoning of the site for the planned park development, and considered that the applicant could explore with DLCS the possibility of a shared use of the application site. The shared use concept could help to revitalise the HKAC building of historical significance and enhance the diversity of interests of the park.

25. A Member supported the idea of shared use of the site by park users and the HKAC and opined that DLCS should adopt a more innovative design for this park which could have its own theme so that people could appreciate both the Sung Wong Toi Inscription Rock and the aviation history in Kai Tak. The Chairperson asked the Secretariat to relay Members' views to DLCS for consideration.

[Dr. Winnie S.M. Tang left the meeting temporarily at this point.]

26. After deliberation, the Committee decided not to agree to the application for amendment to the Outline Zoning Plan and the reasons were :

- (a) the "Open Space" zoning of the application site was considered appropriate to provide land for the planned Sung Wong Toi Park with historical and heritage significance;
- (b) use of the application site for helicopter flying activities was incompatible with the existing and planned developments in the surrounding areas and would pose constraint on the development of the planned Sung Wong Toi Park; and
- (c) there was insufficient information to demonstrate that the proposed use would not have adverse environmental impacts and safety risks on the planned developments in the surrounding areas.

Tsuen Wan and West Kowloon District

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

[Ms. Starry W.K. Lee and Dr. Winnie S.M. Tang returned to join the meeting, and Dr. Daniel B.M. To left the meeting temporarily at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K20/103 Proposed Office
 in “Residential (Group A)1” zone,
 Level One (Part) of Podium, the Long Beach,
 KIL 11152, 8 Hoi Fai Road, Kowloon
 (MPC Paper No. A/K20/103)

Presentation and Question Sessions

27. Mr. C.K. Soh, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed office;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period raising strong objection to the application on the grounds of traffic congestion and illegal parking problem at Hoi Fai Road and crime problems in the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11 of the Paper. The proposed office use was considered not incompatible with the

existing/planned education and retail uses within the commercial podium of the Long Beach. The applicant's assessment had demonstrated no adverse traffic and environmental impacts to the surrounding areas. Relevant Government departments had no objection to/comment on the proposed office use. Regarding the local concern on crime problems, it was considered that the Commissioner of Police would execute his responsibility to maintain law and order in general.

28. Members had no question on the application.

Deliberation Session

29. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.5.2012, 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 condition that the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

30. The Committee also agreed to advise the applicant to liaise with the Chief Building Surveyor/Kowloon regarding re-planning of office layout and/or reduction in office room size.

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

Hong Kong District

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

Agenda Item 5

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/H21/128
Proposed Minor Relaxation of Building Height Restriction
for a Proposed Commercial/Office Development in “Commercial (2)” zone,
IL 8687 and 7737,
863-865 King’s Road, Quarry Bay
(MPC Paper No. A/H21/128A)

Presentation and Question Sessions

31. The Secretary drew Members’ attention to two letters of 8.5.2008 from the applicant which were tabled at the meeting. One of the letters requested for deferment of the consideration of the application for one month to allow time for consultation with the Planning Department (PlanD) to explain and resolve major technical issues associated with the application. Another letter was from the applicant’s legal advisor providing clarifications to various points stated in the Paper.

32. The Secretary informed that, according to the Town Planning Guidelines No. 33 on ‘Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance’, a request for deferment either by the applicant or PlanD up to two months would normally be granted by the Town Planning Board (the Board). In considering a request for further deferment, the Board would take into account all relevant factors, including the reasonableness of the request, duration of the deferment, and whether the right or interest of other concerned parties would be affected. In response to the Secretary’s query, Ms. Brenda K.Y. Au, DPO/HK, confirmed that this was the first request for deferment submitted by the applicant and the period of deferment was one month.

Deliberation Session

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

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

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

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/H1/83 Proposed Hotel
in "Residential (Group A)" zone,
32 Sands Street, Kennedy Town
(MPC Paper No. A/H1/83)
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Presentation and Question Sessions

34. Ms. Lily Y.M. Yam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) seven public comments were received during the statutory publication period. Five commenters objected to the application and one comment

submitted by a Central & Western District Council (C&WDC) member requesting for additional information for consultation with the local residents. The remaining comment was submitted by another C&WDC member attaching 36 questionnaires with 24 objecting and 12 in support of the application. The major grounds of objection were there was no need for hotels in the Western District which was a residential area; the site was zoned “Residential (Group A)” (“R(A)”) and should be for residential use; the proposed hotel with a plot ratio (PR) of 12 was too high and would be a ‘wall building’ in Sands Street area; parking of tourist buses nearby would cause adverse traffic impact to Sands Street and further traffic congestion on Rock Hill Street; existing narrow footpath could not cope with additional number of tourists and operational need of the proposed hotel; the proposed 22-storey hotel would adversely affect the air ventilation of Units A and D of Treasure Court adjacent to the application site; the air conditioners of the proposed hotel would cause adverse noise and air quality impacts; and it would destroy the existing quiet environment of Sands Street. The major grounds in support of the application were that the hotel development would attract tourists and promote commercial development in the district; would bring about a new atmosphere and change the obsolete image of the district; and the proposed hotel would be better than the existing industrial building;

- (e) the District Officer advised that the C&WDC was very concerned about hotel development in the district, especially on whether it would bring about adverse traffic impact; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 9 of the Paper. The proposed hotel was not incompatible with the surrounding land uses, which was predominately occupied by a mixture of old and new residential developments with commercial/retail uses on lower levels. Similar applications within the Kennedy Town area had been approved by the Committee. The development intensity and building height of the proposed hotel were not incompatible with the existing developments in the

surrounding areas, with PRs ranging from 4 to 11 and a large number of buildings were higher than 22 storeys and a few over 35 storeys high. The proposed development would not cause significant impact from visual and urban design perspective. It would unlikely generate adverse environmental, traffic, sewerage and drainage impacts on the surrounding areas. For the public concern on traffic impact and environmental issues, internal transport facilities had been proposed within the development and a Traffic Impact Assessment had been conducted, which was considered acceptable to the Transport Department. In this regard, concerned Government departments had no objection to the application.

35. Noting that the proposed hotel with a PR of 12 was substantially higher than the maximum domestic PR of 8 permissible on the application site, a Member worried that the difference in PRs of hotel vis-à-vis residential developments would induce similar applications for hotel development within the “R(A)” zone in the area. This Member also raised concern on the use of such hotel developments for residential purpose in future. Ms. Brenda K.Y. Au, DPO/HK, said that there were already nine similar applications for hotel development approved in the Kennedy Town area. In approving the applications, the Committee had considered each case on its own merits. While there might be doubts on the genuine use of certain hotels, there was control by other Government departments. She pointed out that the Building Authority, in determining whether hotel concessions and non-domestic PR would be granted for a hotel development, would take into account relevant considerations such as whether it would be operated by a hotel operator, proper back-of-house facilities and provision of central air-conditioning and central hot water supply, etc. Ms. Brenda K.Y. Au further said that the proposed hotel development would be served by public transport including the future MTR West Island Line and might cater for budget travellers.

Deliberation Session

36. The Chairperson recalled that Members had raised similar concerns about hotel developments in the “R(A)” zone which might be used for residential purpose. As there was a growing trend for hotels offering long-term renting/letting of hotel rooms, it would be difficult to determine whether a proposed development was intended to obtain a higher PR in

the name of a hotel development. The Secretary supplemented that legal advice had previously been sought on an application for hotel development at Leighton Road. The Department of Justice advised that the Town Planning Ordinance would deal with land uses aspect whereas the control on such uses should rest with other departments, vis-à-vis the Buildings Department and the Lands Department. The Board should not reject an application out of suspicion.

37. Some Members pointed out that while the proposed hotel use was considered not incompatible with other developments in the area, the proposed PR of 12 was too excessive as the application site was zoned “R(A)” and had a small site area of about 300m². The Secretary informed that the maximum non-domestic PR of 15 permissible under the Building (Planning) Regulations was previously allowed for hotel developments in the “R(A)” zone on Hong Kong Island. In view of Members’ concerns on hotel developments in residential area and noting that hotel developments were allowed up to PR 12 on Kowloon side in the “Commercial” zone and for the sake of consistency, the Board had recently granted approval for hotel application up to PR 12 on Hong Kong Island. A Member opined that there should have some standards and guidelines to control unduly excessive building volume on small sites, and considered worthwhile to examine a reasonable ratio between the number of hotel rooms and supporting services with a view to justify the overall PR for a hotel development. The Chairperson advised that PlanD had already started a review on hotel developments, the findings and recommendations of which would be submitted to the Board for consideration upon completion.

38. The Vice-chairman said that in the absence of any standards or justifications, it was not appropriate to arbitrarily revise the PR for hotel developments. A Member also said that the proposed hotel in the current application was not incompatible with the surrounding developments in terms of building height and building volume.

39. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.5.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in planning condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission of a Drainage Impact Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) note that the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development and the proposed gross floor area (GFA) exemption for back-of-house facilities would be granted by the Building Authority (BA). The applicant should approach the Buildings Department direct to obtain the necessary approval. In addition, if hotel concession was not granted by the BA and major changes to the current scheme was required, a fresh planning application to the TPB might be required;
- (c) note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department with regard to the facilities or areas accountable for GFA and/or site coverage calculation;

- (d) apply to the District Lands Officer/Hong Kong West and South, Lands Department for a licence to permit the applied use and note his comments on lease modification;
- (e) note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department with regard to the applicant's responsibility to bear the costs and undertake improvement and upgrading works to the existing public drainage systems for handling additional discharge due to the proposed development;
- (f) note the comments of the Director of Environmental Protection that the Sewerage Impact Assessment should be prepared and submitted as early as possible in view of the time required for the implementation of any required sewerage works; and
- (g) note the comments of the Director of Fire Services regarding the compliance of the Code of Practice for Means of Access for Firefighting and Rescue.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/H3/380 Proposed Comprehensive Residential and Commercial Development with the provision of a Government, Institution or Community Facility and Public Open Space in "Comprehensive Development Area" zone, Three Sites of the Urban Renewal Authority Development Scheme at Peel Street/Graham Street (MPC Paper No. A/H3/380A)
-

Presentation and Question Sessions

41. The Chairperson said that as the application involved the Urban Renewal Authority (URA)'s Development Scheme at Peel Street/Graham Street, the following Members had declared interests in this item :

Mrs. Ava Ng as the Director of Planning)	being a non-executive director of URA
Ms. Olga Lam as the Assistant Director/Kowloon of Lands Department)	
Mr. Walter K.L. Chan)	
Mr. Maurice W.M. Lee)	
Ms. Margaret Hsia as the Assistant Director (2) of Home Affairs Department	-	being a co-opt member of the Planning, Development and Conservation Committee of URA
Prof. Bernard V.W.F. Lim	-	having current business dealings with URA

42. The Committee noted that Mr. Maurice W.M. Lee and Ms. Margaret Hsia had tendered apologies for not attending the meeting, Prof. Bernard V.W.F. Lim had left the meeting, and Messrs. Walter K.L. Chan, Raymond Y.M. Chan and Nelson W.Y. Chan and Dr. Winnie S.M. Tang had left the meeting temporarily. Since the Chairperson had declared interest, Members agreed that the Vice-chairman should chair the meeting.

[Mrs. Ava S.Y. Ng and Ms. Olga Lam left the meeting temporarily at this point.]

43. Ms. Starry W.K. Lee said that she had recently agreed to be a member of the Kowloon City District Advisory Committee of URA and asked whether she was required to declare an interest in this item. Noting that the Advisory Committee was not involved in matters related to the current application, Members agreed that she could remain in the meeting and participate in the discussion of the item.

44. Mr. Leslie H.C. Chen said that his colleague was the Director of Urban Design and Planning Consultants Limited, which was the consultant for the application. Members noted that their relationship was not very close and there was no direct interest in this application, Members agreed that Mr. Chen could remain in the meeting and participate in the discussion of the item.

45. Ms. Lily Y.M. Yam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed comprehensive residential and commercial development with the provision of a Government, institution or community facility and public open space;
- (c) departmental comments – the Assistant Commissioner for Transport/Urban (AC for T/U) had reservation on the proposed upgrading of Gutzlaff Street and Staveley Street into a driveway to serve the proposed scheme, and commented that no parking spaces and loading/unloading bays were proposed for the residential development which were essential for future residents. The Commissioner of Police advised that as the proposed development was located in a congested area and would generate more vehicular and pedestrian traffic, traffic mitigation measures should be provided. The Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD) objected to the application as the proposed road closure at Gutzlaff Street without due regard to the arrangement for an existing public stormwater box culvert at Gutzlaff Street was not acceptable. The Director of Home Affairs (DHA) commented that the proposed community hall was much smaller than the standard size;
- (d) a total of 984 public comments were received during the statutory publication period with 905 supporting, 4 objecting, 74 providing comments and 1 having no comment on the application. Out of the 905 supporting public comments, 521 were standard letters and 15 of them contained 904 signatures from members of the public. For the remaining 463 non-standard comments, 3 contained 152 signatures from members of the public. The major grounds in support of the application were that it would retain and revitalise the existing wet market; allow small business owners to maintain their livelihoods; the URA's scheme would generate excessive traffic overtaking the area; and urban redevelopment by demolishing old buildings and replacing with huge tall buildings should be stopped. The major grounds of objection were that many people welcomed the URA scheme; the wet market did not have any unique

characteristics or cultural value for preservation; development of the site should not be delayed; and ‘wall effect’ should not be used as an excuse to reduce urban housing supply which would push up flat prices. The URA, being one of the commenters, objected to the application on the grounds that the proposal was not in accordance with the development parameters required in the planning brief; the proposal was unclear as development data and built form were not provided; the traffic impact of utilizing back lanes for vehicular access was yet to be ascertained; and the proposed layout would have significant impact on air ventilation;

- (e) the District Officer concurred with the view of DHA regarding the proposed community hall, i.e. the size of the proposed community hall was only 610m² which was much lower than the standard size of 1,260m²; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. Details on the proposal and major development parameters including plot ratio and building height were not provided in the submission. The size of the proposed public open space and the community hall fell short of the requirements in the planning brief endorsed by the Town Planning Board (the Board) in 2006. No technical assessments were provided to support the proposed scheme, which was a statutory requirement specified in the Notes of the “Comprehensive Development Area” (“CDA”) zone. There was already an approved Master Layout Plan (MLP) for the subject “CDA” zone which the URA would implement. There was no mechanism under the Town Planning Ordinance for the Board to rescind the approval and require the URA to adopt another approved scheme. There were doubts on the implementability of the proposal including the built form, road widening proposal and vehicular access arrangement, etc.

46. Members noted that some photos of the existing market at Peel Street/Graham Street submitted by the applicant were circulated at the meeting upon the applicant’s request.

47. Members had no question on the application.

Deliberation Session

48. In response to a Member's query, Ms. Brenda K.Y. Au, DPO/HK, said that the current application was substantially different from the approved MLP submitted by URA. Whilst no technical assessments were submitted to support the proposed scheme, the applicant claimed that as the development intensity of the proposed scheme was much lower than the URA's scheme, there should not have any adverse traffic and environmental impacts. However, AC for T/U and CE/HK&I, DSD had raised concerns about the proposed turning of Gutzlaff Street and Staveley Street into a driveway and the effect on the existing public stormwater box culvert at Gutzlaff Street which were not addressed by the applicant.

49. Noting that a MLP for the "CDA" site in accordance with the requirements of the planning brief submitted by the URA was approved by the Board on 4.5.2007, a Member asked whether it was feasible to have another MLP approved for the same site. The Secretary said that, according to a previous legal advice, the Board could approve two different MLPs regardless which one would be implemented. The Secretary also said that there was a similar application seeking planning permission for amendments to the URA's approved MLP for the Lee Tung Street and McGregor Street Development Scheme in Wan Chai. The application was rejected by the Board and subsequently by the Town Planning Appeal Board and one of the reasons was that the implementability of the proposed development scheme was doubtful. Another Member pointed out that, while the current application might have some good development concepts worthy of consideration, it was submitted only after the URA's scheme had been approved by the Board. Members noted that there was no provision under the Town Planning Ordinance for the Board to rescind the approval and require the URA to adopt another approved scheme.

50. A Member considered that the development parameters of the proposed scheme were not in line with the planning brief requirements without giving reasons to justify the deviations. Some Members were of the view that in the absence of details and supporting impact assessments on the development proposal, even if the application was approved, it was not certain how URA would take forward the proposal as suggested by the applicant for implementation.

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

- (a) there was insufficient information in the submission to demonstrate that the planning intention of the “Comprehensive Development Area” (“CDA”) zone to bring about environmental improvement through comprehensive redevelopment and providing public open space could be achieved;
- (b) the applicant had not submitted any technical assessments to demonstrate the feasibility of the proposed scheme as required under the Notes of the “CDA” zone; and
- (c) the implementability of the proposed development scheme was doubtful.

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

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/H15/228 Shop and Services (Jewellery Showroom)
in “Other Specified Uses” annotated “Business (1)” zone,
Unit B (Part), 1/F, Shui Ki Industrial Building,
18 Wong Chuk Hang Road, Aberdeen
(MPC Paper No. A/H15/228)
-

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the shop and services (jewellery showroom);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12 of the Paper.

53. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire service installations for the showroom use in the subject premises within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.8.2008; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) liaise with the District Lands Officer/Hong Kong West and South, Lands Department on the temporary waiver application for the extended part of the showroom; and

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

Mr. Roy Lee)	Applicant's representatives
Mr. Justin Ng)	
Mr. Thomas Lee]	Consultants
Mr. Stewart Tsui]	

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

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

- (a) the application was for rezoning of the application site from "Residential (Group A)" ("R(A)") to "Other Specified Uses" annotated "Hotel" ("OU(Hotel)") on the approved Hung Hom Outline Zoning Plan (OZP) No. S/K9/20 to facilitate in-situ conversion of an existing 25-storey (including one basement) commercial/office building into a hotel;
- (b) subsequently, the subject site and other sites in the locality were rezoned from "R(A)" to "R(A)4" with a building height (BH) restriction of 80mPD (or 100mPD for sites larger than 400m²) on the draft Hung Hom OZP No. S/K9/21 which was gazetted on 29.2.2008. During the publication period of the draft Hung Hom OZP No. S/K9/21, no representations on the subject site nor specifically on the "R(A)4" zone was received;
- (c) a previous s.16 application (No. A/K9/206) submitted by the same applicant for the same in-situ conversion into hotel use with a PR of 12.033 was rejected on review by the Town Planning Board (the Board) on 8.9.2006 and dismissed by the Town Planning Appeal Board on 31.7.2007. Also, a previous s.12A application (No. Y/K9/2) submitted by the same applicant to rezone the site from "R(A)" to "Commercial" ("C") for the

same hotel development was rejected by the Committee on 22.6.2007;

- (d) the Commissioner for Tourism supported the application as the proposal would enhance the provision of new hotel rooms and broaden the range of accommodations for visitors;
- (e) one public comment was received during the statutory publication period raising objection to the application on the grounds that the redevelopment might generate construction waste and there had been a number of hotel developments in the area;
- (f) PlanD partially agreed to the application for reasons as detailed in paragraph 11 of the Paper. Hotel development was generally treated as commercial development which was usually of PR 12 in the “C” zone. The proposed PR in the current application was considered in line with usual commercial developments. Compared with the previous rejected schemes, the current scheme indicated no physical extension from the existing building on 20/F to 24/F with additional floor area, hence would not result in adverse visual impact. The previous s.12A application was for conventional “C” zone including uses not compatible with the residential neighbourhood. The current application was for “OU(Hotel)” zone and ‘Hotel’ use was the only use always permitted with other commercial uses under Column 2. From a land use perspective, hotel was considered not incompatible with the commercial/residential neighbourhood. However, to ensure adequate statutory planning control on the proposed conversion of the existing commercial/office building into a hotel, it was considered that the proposed Notes for the “OU(Hotel)” zone should be amended as detailed in paragraph 11.7 of the Paper :
 - (i) to incorporate a maximum BH of 80mPD or the height of the existing building on the OZP and the Notes for the “OU(Hotel)” zone. Minor relaxation of BH restriction might be considered by the Board under s.16 of the Town Planning Ordinance;

- (ii) to stipulate in the Notes that physical extension from the external walls and basement of the existing building would not be allowed;
- (iii) to delete the clause 'or the plot ratio of the existing building, whichever is the greater' from Remarks (1) of the Notes;
- (iv) to specify that the maximum PR restriction of 12 should include back-of-house (BOH) facilities; and
- (v) to include 'Place of Entertainment' use under Column 2.

61. The Chairperson then invited the applicant's representatives to elaborate on their justifications for the application. With the aid of a Powerpoint presentation, Mr. Thomas Lee made the following main points :

- (a) the proposal was for the conversion of an existing commercial/office building into a hotel without any demolition. Thus, there would be no change to the existing building bulk;
- (b) there were already a number of hotels in Hung Hom district. The proposed hotel would not have any adverse impacts on traffic, visual and infrastructure and was environmentally sustainable as no demolition work would be carried out;
- (c) the proposed hotel was in line with the Government's intention of developing Hung Hom as the primary tourism node and could meet the demand for hotel, particularly budget type hotel;
- (d) the existing commercial building located in a residential neighbourhood was approved by the Board in 1993. There were also a number of small hotels approved in the vicinity of the site;
- (e) as only 'Hotel' use was always permitted in the proposed "OU(Hotel)" zone with other uses compatible with hotel use and/or surrounding area

under Column 2, the Board would have a full control under the new zoning;

- (f) the proposed amendments to the Notes of the “OU(Hotel)” zone were considered acceptable to the applicant except for the inclusion of BOH facilities in the maximum PR of 12. He explained that the existing building had an accountable PR of 12.033 whereas the existing car parking floors were not accountable for gross floor area (GFA) calculation. The applicant proposed to convert the existing commercial/office floor area to hotel use and some of the car parking floors to BOH facilities, mechanical rooms and internal transport facilities. If the BOH area was to be included in GFA calculation, there would have surplus floor area within the existing building envelope which would greatly affect the internal design and renovation work and would be a waste of resources. It might also pose constraints to meeting the operational needs of hotel operator; and
- (g) as a conclusion, he reiterated that the Government and the Board would have full control over the new zoning; the current application was unique in nature; the proposed hotel had the same building bulk as the existing building; and approval of the application would not set a precedent case.

62. In reply to a Member’s question, Mr. Eric C.K. Yue, DPO/K, said that the maximum BH restriction of 100mPD for sites larger than 400m² within the “R(A)4” zone would not be applicable to the subject site if it was rezoned to “OU(Hotel)”. As mentioned in paragraph 11.7(a) of the Paper, developments within the “OU(Hotel)” zone would be subject to a maximum BH of 80mPD, or the height of the existing building, whichever was the greater. Should the site be redeveloped for residential use in future, rezoning of the site was required and the question of a higher BH restriction could be considered then.

63. In response to a Member’s query, Mr. Eric C.K. Yue said that the proposed inclusion of BOH facilities in the PR restriction of 12 was to ensure that the PR of the proposed hotel would be in line with developments in the “C” zone. By referring to the table under paragraph 11.7(d) of the Paper, Mr. Eric C.K. Yue pointed out that the proposed PR under the applicant’s indicative scheme was 11.821 excluding BOH. If BOH floor area was excluded from PR calculation as proposed by the applicant, the development intensity on

the site could be increased to 12.6 assuming the floor area of BOH was equivalent to a maximum 5% of the total GFA. Regarding this Member's further question, Mr. Eric C.K. Yue referred to paragraph 4.2 of the Paper and said that no representation related to the application site or the BH restriction of the "R(A)4" zone was received during the publication period of the OZP. As the nature of the current application was mainly on the land use and the applicant had expressed acceptance of the proposed maximum BH of 80mPD, consideration of the current application would not pre-empt the Board from considering the representations against the BH restrictions on the OZP.

64. The Chairperson asked about the implication on building design if the BOH floor area was included in the PR restriction of 12. Mr. Stewart Tsui said that by converting the existing commercial/office building into a hotel, the number of ancillary car parking spaces would be substantially reduced from 54 to 9. The floor area of the 45 car parking spaces no longer required for hotel development was estimated to be 562m². This 'surplus' floor area would be mainly converted into BOH facilities to provide proper services to the hotel users. If the BOH area was counted towards the maximum PR of 12, a major change in the building design would be required by adding void areas or removing slabs in order to reduce the accountable GFA within the existing building envelope. However, such building works might not be permitted by the Building Authority. Mr. Eric C.K. Yue supplemented that, compared with the applicant's proposal (i.e. indicative scheme of PR 11.821 plus BOH), PlanD's proposal of PR 12 including BOH would be some 300m² less than that proposed by the applicant. Such a difference could be met by either reducing the BOH floor area or the hotel uses area.

65. A Member asked whether an increase in car parking spaces could solve the problem. Mr. Stewart Tsui said that the 9 car parking spaces were proposed in accordance with the Hong Kong Planning Standards and Guidelines. If more car parking spaces were provided, the traffic impact assessment might need to be reassessed.

66. Noting Members' concern on the total accountable GFA for the proposed hotel, Mr. Thomas Lee suggested the inclusion of a minor relaxation clause for PR restriction in the Notes. Nevertheless, he said that this was not a desirable alternative as it would require approval from the Board under s.16 of the Town Planning Ordinance.

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

[Dr. Winnie S.M. Tang left the meeting at this point.]

Deliberation Session

68. Whilst the proposed in-situ conversion to a hotel would not change the existing bulk on the application site, a Member considered that the proposed control by including BOH into PR calculation should be imposed as the site could eventually be redeveloped into a new building upon its rezoning to "OU(Hotel)".

69. The Secretary said that there should be room for improvement to the building design of the proposed hotel such as providing a larger hotel lobby so that the difference of 300m² floor area could be absorbed in the non-accountable GFA. However, to allow for flexibility, a minor relaxation clause for PR restriction would be incorporated so that application could be made for minor relaxation if justified with design merits.

70. After deliberation, the Committee decided to partially agree to the application for rezoning the application site from "R(A)4" to "OU(Hotel)" on the draft Hung Hom Outline Zoning Plan (OZP) No. S/K9/21 subject to amendments to the proposed Notes as detailed in paragraph 11.7 of the Paper and per the discussion above. An amendment to the OZP would be submitted to the Committee for agreement prior to gazetting under the provisions of the Town Planning Ordinance.

[Mr. Walter K.L. Chan, Ms. Starry W.K. Lee and Professor N.K. Leung left the meeting at this point.]

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

application on traffic and safety grounds, the Transport Department and the Commissioner of Police had no objection to the application. However, the applicant would be advised to resolve any land issues relating to the development with other concerned owners/occupiers of the subject premises.

72. Members had no question on the application.

Deliberation Session

73. 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 for the tutorial school under application within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 9.11.2008;
- (b) the installation of a security alarm system at the emergency exit to the communal carpark which would be triggered when the emergency door was opened within six months from the date of the approval to the satisfaction of the Director of Planning or of the TPB by 9.11.2008; and
- (c) if any of the above planning conditions (a) or (b) 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.

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

- (a) consult the Registration Section, Education Bureau on school registration process under the Education Ordinance and the Education Regulations;
- (b) note that the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should approach

the Buildings Department direct to obtain the necessary approval;

- (c) consult the Buildings Department regarding the rectification and clarification on building matters and the removal of unauthorized building works;
- (d) follow Chapter 9 of the Hong Kong Planning Standards and Guidelines (HKPSG) in providing practicable noise mitigation measures as far as practicable, and/or as a “last resort” measure providing acoustic insulation in the form of well gasketed windows as per Appendix 4.4 in Chapter 9 of the HKPSG and air-conditioning, to abate the excessive road traffic noise disturbance on the affected classroom of the school; and
- (e) resolve any land issue relating to the development with other concerned owners/occupiers of the subject premises.

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

75. Miss 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 shop and services;

- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application as the existing aggregate commercial floor area of 467.265m² had exceeded the maximum permissible limit of 460m²;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. The existing total GFA accountable for aggregate commercial floor area had exceeded the maximum permissible limit of 460m². In this regard, D of FS had raised objection to the proposed 'Shop and Services' use from fire safety point of view.

76. Members had no question on the application.

Deliberation Session

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

- (a) the proposed 'Shop and Services' use did not comply with the Town Planning Board Guidelines for Development within "Other Specified Uses (Business)" Zone (TPB PG-No. 22D) as the existing total gross floor area accountable for aggregate commercial floor area had exceeded the maximum permissible limit of 460m²; and
- (b) the current application was not supported from fire safety point of view.

[The Chairperson thanked Miss Annie K.W. To, STP/K, for her attendance to answer Members' enquiries. Ms. To left the meeting at this point. Miss Helen L.M. So, STP/K, was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K14/566 Proposed Shop and Services (Bank)
in “Other Specified Uses” annotated “Business” zone,
Workshop 2, G/F, Hewlett Centre,
54 (Formerly Nos. 52-54) Hoi Yuen Road,
Kwun Tong
(MPC Paper No. A/K14/566)
-

Presentation and Question Sessions

78. 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 shop and services (bank);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period supporting the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11 of the Paper.

79. Members had no question on the application.

Deliberation Session

80. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.5.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the complete separation of the subject premises from other industrial occupancies by suitable fire resistance period and design, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction;
- (c) appoint an Authorized Person to submit building plans for the proposed change of use to demonstrate compliance with the Buildings Ordinance; and
- (d) strictly follow regulatory restrictions when loading/unloading activities took place to avoid interfering with the mainstream traffic in particular when they were under the cumulative effects of nearby roadside activities.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/K18/250 Proposed School (Kindergarten) and Social Welfare Facility (Child Care Centre) in “Residential (Group C)1” zone, 14 Essex Crescent, Kowloon Tong (MPC Paper No. A/K18/250)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed school (kindergarten) and social welfare facility (child care centre);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) seven public comments were received during the statutory publication period. One commenter had no objection but was concerned about vehicles blocking the driveway to his residence. The other six commenters raised objection to the application mainly on the grounds of blocking of streets by private vehicles and school buses; exacerbated traffic situation due to too many schools/kindergartens in the area; air quality impact due to additional traffic and noise nuisance from students, parents and drivers; and affecting the property value of the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11 of the Paper. The proposal complied with Town Planning Board Guidelines No. 23 on “Application for Kindergarten/Child Care Centre in Kowloon Tong Garden Estate Under Section 16 of the Town Planning Ordinance” in that the

proposed use was not incompatible with the surrounding residential area with kindergartens, child care centres and primary schools; the provision of parking and loading/unloading facilities within the application site and their proposed layout were considered acceptable; and no significant adverse impacts on traffic, environment and infrastructure provisions of the area were anticipated. Regarding the local objections on grounds of traffic problems and too many schools in the area, while relevant Government departments had no objection to the application, a temporary approval of 3 years was recommended with a view to monitor the situation.

83. Members had no question on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and 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;
- (b) the design and provision of parking facilities, loading/unloading spaces, lay-bys and carpark layout for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission and implementation of a landscape proposal including tree preservation scheme to the satisfaction of the Director of Planning or of the TPB; and
- (d) the submission of a quarterly tree monitoring report to the satisfaction of the Director of Planning or of the TPB.

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

- (a) consult the Registration Section and the Joint Office for Pre-Primary Services of the Education Bureau on the proposed kindergarten and child care centre registration processes respectively;
- (b) consult the Registration Section and Joint Office for Pre-Primary Services of the Education Bureau on the design and internal layout of the proposed kindergarten and child care centre respectively;
- (c) note that the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (d) consult the Buildings Department for building safety requirements including structural safety and provision of means of escape matters; and
- (e) resolve any land issue relating to the development with other concerned owners/occupiers of the subject premises.

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

Remarks

86. The Chairperson said that the remaining item in the Agenda would not be open for public viewing as the proposed amendments to the Outline Zoning Plan were to be processed under the pre-amended Town Planning Ordinance.