

TOWN PLANNING BOARD

**Minutes of 377th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 18.7.2008**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

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

Mr. Felix W. Fong

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mrs. Shirley Lee

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

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

Secretary

Absent with Apologies

Mr. Stanley Y.F. Wong

Professor N.K. Leung

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Dr. Ellen Y.Y. Lau

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

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
Ms. Doris S.Y. Ting

Agenda Item 1

Confirmation of the Draft Minutes of the 376th MPC Meeting held on 4.07.2008

[Open Meeting]

1. The draft minutes of the 376th MPC meeting held on 4.7.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Approval of Draft Plans

2. The Secretary reported that on 15.7.2008, the Chief Executive in Council (CE in C) approved the following five draft plans under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) and approval of the plans would be notified in the Gazette on 12.9.2008 :

- (a) draft Tin Shui Wai Outline Zoning Plan (OZP) (to be renumbered as S/TSW/12);
- (b) draft Kwun Tong (South) OZP (to be renumbered as S/K14S/16);
- (c) draft Urban Renewal Authority Kwun Tong Town Centre – Main Site Development Scheme Plan (to be renumbered as S/K14S/URA1/2);
- (d) draft Urban Renewal Authority Kwun Tong Town Centre – Yuet Wah Street Site Development Scheme Plan (to be renumbered as S/K14S/URA2/2); and
- (e) draft Sai Ying Pun and Sheung Wan OZP (to be renumbered as S/H3/22).

(ii) New Town Planning Appeal Received

Town Planning Appeal No. 3 of 2008 (3/08)

Proposed Alfresco Dining Facilities (Amendment to Approved Master Layout Plan) in “Comprehensive Development Area” Zone,

Podium Roof Level, Union Square, Airport Railway Kowloon Station,
1 Austin Road West, West Kowloon Reclamation

(Application No. A/K20/102)

3. The Secretary reported that an appeal was received by the Town Planning Appeal Board (TPAB) on 10.7.2008 against the decision of the Town Planning Board (TPB) on 25.4.2008 to reject on review the application (No. A/K20/102). The subject application for amendment to the approved Master Layout Plan for proposed alfresco dining facilities was approved by the Committee on 18.1.2008 on a temporary basis for 3 years subject to conditions, inter alia, that the operation hours be restricted from 7 a.m. to 11 p.m. daily (condition (a)), and if condition (a) was not complied with, the approval given should cease to have effect and should be revoked immediately without further notice (condition (c)). The applicant applied for a review of the Committee's decision on imposing the above conditions and granting the planning approval on a temporary basis for 3 years. The review application was rejected by the TPB on 25.4.2008 for the following reasons:

- (a) the potential nuisance brought to the local residents was a major concern that needed to be addressed. The restriction on operation hours of the proposed alfresco dining facilities from 7 a.m. to 11 p.m. under approval condition (a) was one of the appropriate measures to minimise the potential nuisance; and
- (b) in order to monitor the operation of the proposed alfresco dining facilities and the effectiveness of any management measures to minimise the potential nuisance, it was considered appropriate to grant the approval on a temporary basis for a period of 3 years.

[Messrs. Leslie H.C. Chen and Felix W. Fong arrived to join the meeting at this point.]

(iii) Appeal Statistics

4. The Secretary also reported that as at 18.7.2008, 12 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	23
Dismissed	:	108
Abandoned/Withdrawn/Invalid	:	129
Yet to be Heard	:	12
Decision Outstanding	:	1
<hr/> Total	:	<hr/> 273

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K16/32 Office in “Government, Institution or Community” zone,
13/F (Portion), 4 Yuet Lun Street, Lai Chi Kok
(MPC Paper No. A/K16/32)

Presentation and Question Sessions

5. The Secretary reported that the applicant’s representative submitted a letter on 17.7.2008 requesting the Committee to defer consideration of the application for two months as additional time was required for consultation with relevant Government departments to explain and resolve major issues directly associated with the case. The relevant letter had been tabled at the meeting for Members’ reference.

Deliberation Session

6. The Chairperson informed Members 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’, in considering a request for deferment, the Committee 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. Members noted that the current request for deferment had fulfilled the above considerations.

7. 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 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/226 Proposed Hotel (Guesthouse)
 in “Residential (Group A) 2” zone,
 380 Prince Edward Road West (New Kowloon Inland Lot 2358)
 (MPC Paper No. A/K10/226)

Presentation and Question Sessions

8. The Secretary said that the draft Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/19, mainly incorporating amendments to stipulate building height restrictions for various zones including the “Residential (Group A) 2” zone in which the application site located, was gazetted under section 5 of the Town Planning Ordinance on 18.1.2008. Although no specific representation related to the application site was received during the plan exhibition period, one of the representers commented that the overall building height restrictions proposed for the whole area were too lenient and more stringent restrictions should be imposed. 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’, if adverse representation was received in respect of the subject site during the exhibition period, a decision on s.16 application would be deferred until after the outstanding adverse representation had been submitted to the Chief Executive in Council (CE in C) for consideration. In this regard, the Planning Department recommended deferment of the consideration of the subject application pending CE in C’s decision on the representation.

Deliberation Session

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

Hong Kong District

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H21/1 Application for Amendment to the
Draft Quarry Bay Outline Zoning Plan No. S/H21/24
from “Residential (Group B)” to “Residential (Group B) 1”,
Shau Kei Wan Inland Lot 761(Part), 1-10 Sai Wan Terrace,
Quarry Bay
(MPC Paper No. Y/H21/1A)

10. The Secretary reported that the application site was owned by a subsidiary of Swire Pacific Ltd. (SP). Mr. Raymond Y.M. Chan, having current business dealings with the SP, had declared interest in this item.

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

11. The Chairperson said that two s.12A applications (No. Y/H21/1 (the subject application) and Y/H21/2) concerning the same site were received by the Town Planning Board (the Board). The subject application was originally scheduled for consideration by the Committee on 4.7.2008 while Application No. Y/H21/2 was scheduled for 1.8.2008. As the two s.12A applications were related to the same “Residential (Group B)” (“R(B)”) site and of similar nature, the Committee on 20.6.2008 decided to defer a decision on the subject application for 2 weeks (from the original scheduled date of Application No. Y/H21/1) in order that the two s.12A applications could be considered at the same meeting on 18.7.2008. Such arrangement could minimise the delay in the processing of the subject application and would not pre-empt the Committee’s decision on the latter application. On 4.7.2008, the applicant of Application No. Y/H21/1 requested for deferment of consideration of the application for two months so as to allow time for the preparation of supplementary information to address departmental comments on the application. The deferral application was scheduled to be considered by the Committee on 18.7.2008. Upon receipt of the Paper on 11.7.2008, the applicant requested for attendance at this meeting to present his own case.

Presentation and Question Sessions

12. Mr. Tom C.K. Yip, Senior Town Planner/Hong Kong (STP/HK) of the Planning Department (PlanD), and the following applicant's representatives were invited to the meeting at this point:

Mr. T.S. Ma

Mr. Leung Siu Sun

13. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. Tom C.K. Yip to brief members on the background to the application.

14. Mr. Tom C.K. Yip said that there was a typographical error in paragraph 4.3 of the Paper in that the application should be submitted to the Committee for consideration within three (instead of two) months from the date of receipt of additional information from the applicant as it was a s.12A application. He went on to present the application as detailed in the Paper and made the following main points:

- (a) background of the application was detailed in paragraph 1 of the Paper;
- (b) the applicant's request for deferment of consideration of the application for two months was received on 4.7.2008. Taking into account the Committee's previous decision to consider the two s.12A applications together at the same meeting on 18.7.2008 and the general principles in processing request for deferment, including inter alia, whether the right or interest of other concerned parties would be affected, as specified in the Town Planning Board Guidelines No. 33 on 'Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance' (the Guidelines), the Secretary of the Board wrote to the applicant of Application No. Y/H21/2 on 8.7.2008 asking whether he would agree to the deferment of consideration of his application for two months;

- (c) on 10.7.2008, the applicant of Application No. Y/H21/2 replied that he did not support the deferment of the consideration of his application as the Board's decision was crucial for the upcoming programme and redevelopment of the site;

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

- (d) Planning Department (PlanD) did not support the applicant's request for deferment of consideration of the application for two months as the Committee had decided to consider the subject application and Application No. Y/H21/2 at the same meeting since they were related to the same "R(B)" site and of similar nature. The deferral request did not comply with the Guidelines in that the right and interest of the applicant of Application No. Y/H21/2 would be affected and the concerned party did not agree to the deferment of consideration of his application for two months; and
- (e) the applicant of the subject application had submitted two letters dated 13.7.2008 and 14.7.2008, which had been tabled at the meeting, putting forward his arguments that the two s.12A applications, though related to the same site, were individual applications and should be processed separately; and the applicant of Application No. Y/H21/2 had indicated that he would not object to defer consideration of his application should the Committee agreed to the subject deferral request.

15. Mr. T.S. Ma made the following main points:

- (a) the current application for deferment of the consideration of the application for two months was submitted in accordance with the requirements as set out in the relevant Town Planning Guidelines and all such requests would normally be allowed. This deferral request should be treated in the same manner as other similar applications;

- (b) additional time was required for the applicant to prepare essential supplementary information for submission to the Committee for consideration;
- (c) the rejection reason as stated in the Paper was unfair and unreasonable in that PlanD only consulted SP, the owner of the subject site but not other concerned parties including the residents of Sai Wan Terrace. When the subject application was deferred by the Committee for two weeks as proposed by PlanD, the applicant had not been consulted. He asked if the subject application was treated differently;
- (d) although SP did not support the deferral, his representative indicated in his reply that he would not object to defer consideration of his application should the Committee agreed to the subject deferral request;
- (e) the two s.12A applications were two individual applications which should be processed separately. The subject application was submitted earlier than the one by SP, who claimed that his application was submitted in response to the subject application. The two applications should be handled carefully to ensure a fair and reasonable decision;

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

- (f) the demolition works on the application site had only commenced in end June 2008. The redevelopment process was a lengthy process which would take years to complete. It was unfair to reject the deferral request for the reason that SP's redevelopment project would be affected as he only requested for a deferral of 2 months; and
- (g) the subject application was equally affected by the submission of the s.12A application by SP as the applicant needed to spend additional time to review the submission made by SP, and to provide responses to SP's application within the statutory publication period in order to allow the Committee to have a balanced view on the application.

16. The Chairperson informed Members 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', in considering a request for deferment, the Committee 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. She said that all deferral applications would be considered on individual basis following the same criteria and not all such applications would be automatically approved.

17. In response to the Chairperson's enquiry, Mr. Tom C.K. Yip said that according to the applicant's letter at Appendix I of the Paper, the applicant had requested for a period of two months for preparing supplementary information for submission to the Committee. Should the Committee agree to the request, the application would be submitted to the Committee for consideration within three months from the date of receipt of further information from the applicant.

18. 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 Committee would further deliberate on the request for deferral 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 left the meeting at this point.

Deliberation Session

19. The Chairperson said that the application site was a piece of private land owned by SP. As an affected party and also applicant of a s.12A application in respect of the same site, and that the Board had decided to have the two applications considered at the same meeting, SP was consulted on the subject deferral application. Although SP did not support to defer consideration of the application, SP had also indicated that if the deferment was agreed by the Committee, he would have no objection to it. SP also considered that the two applications should be considered at the same meeting for a fair and reasonable decision.

20. A Member said that the subject application for deferment was only the first-time with reasons similar to other applications. Moreover, SP did not appear to have strong objection to the deferral application. Hence, there was no strong reason to reject this deferral application.

21. In response to a Member's question, the Chairperson said that if the current deferral application was not acceded to, the subject s.12A application would be submitted to the Committee for consideration at the next meeting, i.e. on 1.8.2008.

22. Two Members commented that the consideration of the subject deferral application should take into account the impact on the redevelopment programme of the land owner. Noting that the consideration of the two applications might be deferred for about five months if the application was approved, they asked if a shorter period of deferment would be granted.

23. The Chairperson said that it might be possible to submit the applications to the Committee for consideration in less than 5 months' time. Depending on the complexity of the further information received, the applications might be submitted to the committee in less than 3 months' time. The deferral of a few months would not be significant in the entire redevelopment programme of SP.

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

24. Another Member noted SP's view to have the two applications heard together at the same meeting, and considered that the deferment for a few months should not adversely affect the implementation programme of the redevelopment project. This Member also noted that the existing buildings on the subject site were yet to be demolished.

25. In response to a Member's question, the Chairperson said that should the deferral application be approved, the applicant would be allowed two months from the date of this meeting for preparation of supplementary information. This Member considered that the two months period should be counted from the original scheduled hearing date for the subject application (i.e. 4.7.2008) since the applicant should have prepared the necessary information for attending the hearing on that date.

26. Another Member suggested granting a shorter period for preparation of supplementary information as the preparatory works for the subject s.12A application should have started in April 2008 and concern raised by SP about the implications on implementation programme should also be respected. There was precedent implication as the application was in respect of a site owned by a third party.

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

27. One Member had reservation on granting a shorter period as it might set a precedent for future applications. Another Member said that the subject application should be considered on its merits and a balanced approach should be adopted to protect the interests of both the applicant as well as the affected party.

28. The Chairperson said that the Committee could determine the duration of deferment to be granted taking into account the circumstances of each individual case and the reasonableness principle applied. For the subject application, she considered that it was not unreasonable to allow the deferment for submission of further information for two months from the date of the original hearing date on 4.7.2008. Members agreed.

29. After further 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. Members also agreed that the other s.12A application (No. Y/H21/2) be deferred so that the two applications would be considered at the same meeting. 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 from the date of the originally scheduled meeting (i.e. 4.7.2008) were allowed for the preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/381 Proposed Comprehensive Residential and Commercial Development
with the Provision of Government, Institution or Community Facilities
and Public Open Space (Master Layout Plan Submission)
in “Comprehensive Development Area” zone,
the Site of the URA Development Scheme at Staunton Street/
Wing Lee Street

(MPC Paper No. A/H3/381A)

30. The Secretary reported that the application was submitted by the Urban Renewal Authority (URA), the following Members had declared interests in this item:

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| Mrs. Ava Ng
as the Director of Planning |) | being a non-executive director of
URA |
| Mr. James Merritt
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 |

31. The Committee noted that Mr. Maurice W.M. Lee and Ms. Margaret Hsia had tendered apologies for not attending the meeting. Since the applicant had requested the Committee to defer consideration of the application, the Committee agreed that the above Members could stay in the meeting.

Presentation and Question Sessions

32. The Committee noted that the applicant requested on 8.7.2008 for a further deferment of the consideration of the application for two months in order to properly assess and address the concerns of Government departments and the public on the application, in particular the Air Ventilation Assessment submitted.

Deliberation Session

33. After deliberation, the Committee decided to further 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.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

34. The Committee noted that the applicant’s representative requested on 7.7.2008 for a further deferment of the consideration of the application for two months as additional time was required for detailed design studies to assess the amendments to the scheme in the light of the existing constraints and to take a balanced approach.

Deliberation Session

35. After deliberation, the Committee decided to further 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.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/57 Proposed Minor Relaxation of Building Height Restriction for a
Proposed Residential Development and a Proposed Connecting Bridge
in “Green Belt” and “Residential (Group C) 4” zones,
15 Magazine Gap Road and Adjoining Government Land
(MPC Paper No. A/H14/57)

36. The Secretary reported that the application was submitted by the applicant with Ma & Fong & Associated Limited (MFAL) as the authorised agent. Dr. Daniel B.M. To, having current business dealings with MFAL, had declared interest in this item. Since the applicant had requested the Committee to defer consideration of the application, the Committee agreed that Dr. To could stay in the meeting.

Presentation and Question Sessions

37. The Committee noted that the applicant’s representative requested on 30.6.2008 for a deferment of the consideration of the application for one month in order to allow time for resolving departmental comments.

Deliberation Session

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

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

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H12/21 Proposed House Development
in “Green Belt” and “Residential (Group C) 1” zones,
16 Bowen Road, Mid-levels East
(MPC Paper No. A/H12/21)

Presentation and Question Sessions

39. 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) proposed house development in the “Green Belt” (“GB”) portion of the application site for the provision of a garden, a vehicular access and an open staircase, which formed part of a proposed 3-storey house development always permitted within the “Residential (Group C) 1”

("R(C)1") portion of the application site;

- (c) departmental comments – concerned Government departments had no objection to or no adverse comments 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 (Wan Chai); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The provision of a garden within the already paved area was considered acceptable, the proposed open staircase was to re-provision an existing one necessary for access to the house from Bowen Road, and the Transport Department had no adverse comment on the proposed vehicular access. The application complied with the relevant planning criteria of the Town Planning Board Guidelines for Application for Development within "Green Belt" Zone in that the proposed uses did not involve any clearance of existing natural vegetation or affected the existing natural landscape, and should not adversely affect slope stability. The "GB" portion of the application site was not included for gross floor area calculation and the proposed house development with the ancillary uses under application would not cause adverse impact on the character of the area. Relevant Government departments had no adverse comment on the application.

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

40. Members had no question on the application.

Deliberation Session

41. The Committee noted that planning permission was required for the proposed house within the "R(C)1" zone as certain ancillary facilities of the proposed house fell within the "GB" zone.

42. 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 18.7.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the setting back of the existing retaining wall to improve the sightline of the proposed vehicular access as proposed under the Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission of a 'Geotechnical Planning Review Report' to assess the geotechnical feasibility of the proposed development to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (c) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission and implementation of a tree preservation scheme and a landscape proposal, including the submission of quarterly tree monitoring reports during the implementation stage, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the District Lands Officer/Hong Kong East, Lands Department's comments that the proposed vehicular ingress/egress point and the driveway on the extension lot would breach the user and a lease modification was required for such proposed facilities if the proposal was approved by the TPB;
- (b) note the Chief Building Surveyor/Hong Kong West, Buildings Department's comments that the building proposal was subject to Building (Planning) Regulation 19(3) in that the proposed development intensity

should be determined by the Building Authority upon submission of building plans; and

- (c) note that the arrangement on Emergency Vehicular Access (EVA) should comply with Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue.

Agenda Item 10

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H19/52-1 Proposed Amendments to Approved Residential Scheme
in “Residential (Group C)” zone,
6 Stanley Beach Road
(MPC Paper No. A/H19/52-1)

Presentation and Question Sessions

44. 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) proposed Class B amendments to approved residential scheme involving the increase in number of blocks from 5 to 10; minor changes in disposition of building blocks; reduction in car parking spaces with no change in flat number; and change in the layout of internal road and car park. Besides, there were other Class A amendments including, inter alias, raising the roof level of four houses while the absolute height of all 10 houses above carport level was slightly reduced, as detailed in paragraph 1.2 of the Paper. In the revised scheme, the size of the ancillary facilities was increased from 189m² to 382m²;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;

- (d) the District Officer (Southern) (DO(Southern)) advised that the Owners Committee of Stanford Villa was consulted and seven replies were received expressing objection to or concerns/comments on the application. Major points of the comments were summarised in paragraph 9.1.12 of the Paper and a copy each of the comments received were attached at Appendix IV of the Paper. In sum, the commenters considered that further increase in building height of the proposed development, which was already built on an elevated platform, was unacceptable; the increase in number of blocks would affect the lighting, ventilation and block the views of Stanford Villa; the substantial increase in floor area for ancillary facilities would increase the total plot ratio and site coverage of the proposed development; and the consultation period of seven calendar days was too short;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper. The current application for Class B amendments involved technical amendments to the approved scheme with major parameters of the approved scheme remained unchanged. Relevant departments consulted had no adverse comments on the application. As regards the local concerns, the current application involved no change in plot ratio, site coverage and number of storeys of the approved scheme. The increase in building height was resultant from the rise in part of the building platform above carports required to provide a less steep vehicular ramp and to meet the minimum headroom requirement for carport under the lease.

45. In response to a Member's question on the short consultation period of the subject application as expressed in some public comments, Mr. David C.M. Lam explained that there was no statutory requirement to publish the application submitted under section 16A of the Town Planning Ordinance for public comments. It was the established practice for PlanD to consult relevant DO who would determine whether local consultation was required, and if so, the appropriate means of consultation, and the duration of consultation period. Given the tight timeframe to meet the statutory deadline for submission, PlanD had allowed two weeks for DO(S) to provide comments.

46. A Member raised concern on the substantial increase in the area occupied by the ancillary communal facilities as stated in paragraph 9.1.12(d) of the Paper.

47. Mr. David C.M. Lam said that the difference of the ancillary facilities to be provided between the approved scheme and the current application was detailed in Appendix V of the Paper. Comparing with the approved scheme, such increase was attributable to the provision of an owner committee office, caretaker's quarters and additional utility installations such as a fire service sprinkler tank/pump room and boiler rooms located at the carpark level. According to the applicant, these communal facilities were provided for the sake of good building management while some additional utility provisions were also provided to meet Fire Services Department or other utility companies' requirements. Whether these ancillary facilities could be exempted from GFA calculation would be considered by the Building Authority (BA) during the building plan submission stage. If any of the proposed facilities were not exempted by the BA from GFA calculation, they would not be disregarded in the PR calculation under the OZP and a fresh planning application for minor relaxation of the PR restriction would be required if the proposed PR exceeded the OZP restriction. An advisory clause (paragraph 11.2(a) of the Paper) was recommended to that effect.

48. Another Member commented that the exclusion of such ancillary facilities from plot ratio calculation might result in an increase in the overall building height of the current scheme. Mr. David C.M. Lam pointed out that most of the ancillary facilities were located on the carparking floor. The raising of building height for blocks near the vehicular access was required to meet the minimum headroom requirement for carparking floor stipulated under the lease and to improve the gradient of the vehicular access.

Deliberation Session

49. The Chairperson said that it was not a statutory requirement to publish section 16A applications for public comment under the Town Planning Ordinance. Relevant DO would exercise discretion to determine the appropriate means of public consultation. She asked PlanD to consider allowing a longer time for DO to provide comments, if the situation warranted, so that DO would have more time for local consultation.

50. A Member queried whether the narrower building gaps in the current scheme as compared to the previous one would improve the lighting and ventilation of the proposed residential development as claimed by the applicant.

51. The Chairperson said that residential development was permitted as of right within the “R(C)” zone. She noted that the current scheme involved all detached houses while the previous scheme involved semi-detached houses. It was the market decision on the type of houses to be provided.

52. 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 22.6.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

53. The Committee also agreed to advise the applicant :

- (a) the approval of the application did not imply that the gross floor area (GFA) exemption for the ancillary facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If GFA exemption for the proposed ancillary facilities were not granted by the Building Authority and the proposed plot ratio (PR) exceeded the Outline Zoning Plan restriction, a fresh planning application for minor relaxation of the PR restriction to the TPB would be required;
- (b) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department in respect of the proposed recreational facilities, ancillary utility facilities, caretaker’s quarters and owner committee office;

- (c) to note the comments of the Director of Fire Services regarding the compliance with the Code of Practice for Means of Access for Firefighting and Rescue;
- (d) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department regarding the drainage aspect; and
- (e) to resolve any land issue relating to the development with the concerned owner of the application site.

54. The Chairperson thanked Mr. David C.M. Lam, STP/HK for attending the meeting to answer Members' queries. Mr. Lam left the meeting at this point.

55. The Chairperson said that Agenda Item 11 was a confidential item and would not be open for public viewing.

Agenda Item 11

[Close Meeting]

56. The minutes of this item were recorded under separate confidential cover.

Agenda Item 12

Any Other Business

57. There being no other business, the meeting was closed at 11:35 a.m..