

TOWN PLANNING BOARD

**Minutes of 378th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 1.8.2008**

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 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

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

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

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

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

Secretary

Absent with Apologies

Professor N.K. Leung

Mr. Maurice W.M. Lee

Dr. Ellen Y.Y. Lau

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
Mr. C.T. Ling

Town Planner/Town Planning Board
Ms. Karina W.M. Mok

Agenda Item 1

Confirmation of the Draft Minutes of the 377th MPC Meeting held on 18.7.2008

[Open Meeting]

1. The draft minutes of the 377th MPC meeting held on 18.7.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. There were no matters arising from the last meeting.

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

Mr. David C.M. Lam - Senior Town Planner/Hong Kong (STP/HK)

Mr. Timothy Y.M. Lui - Town Planner/Hong Kong (TP/HK)

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

Ms. Betty Ho

Dr. Westwood Hong

Mr. Alan Pun

Ms. Ebby Leung

Mr. Albert Yiu

Ms. Elizabeth So

5. The Chairperson extended a welcome and explained the procedures of the hearing. Mr. David C.M. Lam, STP/HK, was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Mr. Lam did so as detailed in the Paper and made the following main points :

- (a) the applicant proposed to rezone the application site from "Other Specified Uses" annotated "Business(1)" ("OU(B)1") to "Residential (Group E)2" ("R(E)2") with a maximum domestic plot ratio of 5 on the approved Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/24 for residential use. The same set of Notes for the existing "R(E)" zone with the incorporation of a new remarks restricting the development intensity was proposed for the "R(E)2" zone. The applicant's proposals and justifications were set out in paragraphs 1 and 2 of the Paper;
- (b) the application site was located at the south-western fringe of the Wong Chuk Hang Business Area (WCHBA) which was rezoned from "Industrial" ("I") to "OU(B)" in June 2001 primarily for general business uses and further to "OU(B)1" in March 2006 with imposition of a maximum building height restriction of 120mPD;
- (c) the application site was currently vacant. To the immediate north and west of the application site were some industrial buildings and a bus depot

whereas a nullah and some government, institution or community (GIC) uses were located south of the site;

- (d) as detailed in paragraph 5 of the Paper, the application site was the subject of a previously rejected rezoning request (No. Z/H15/7) which involved a proposal to rezone a larger site area to “R(E)2” with a domestic plot ratio of 5 and another approved application (No. A/H15/202) for hotel use with the permission lapsed already on 16.4.2008;

- (e) the comments of concerned Government departments were highlighted as per paragraph 8 of the Paper. The Director of Environmental Protection (DEP) did not support the application due to the potential industrial-residential (“I/R”) interface problem. The application site was located next to industrial developments with the nearest chimneys at about 40m. The residents would likely be subject to air quality impact due to the industrial emissions. There was also concern on the potential rail noise impact as the application site was located immediately adjacent to the future alignment of the South Island Line (East) (SIL(E)) along the southern nullah where an elevated/at grade section was proposed. The Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had reservation on the application. There were substantial on-street loading/unloading activities in the WCHBA and bus operation at the adjacent bus depot. The SIL(E) could not relieve the loading of the surrounding critical junctions and the Aberdeen Tunnel as claimed by the applicant. There was also concern on the cumulative traffic impact of approving similar applications on the road network in Wong Chuk Hang area. Other concerned Government departments had no objection to or adverse comments on the application;

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

- (f) a total of 5 public comments were received during the statutory publication periods of the application and further information. Three commenters supported the application mainly on grounds of rising demand for housing;

reasonable scale and height of the proposed development; and adequate transport and community facilities. Besides, the proposed residential use could improve the outlook of obsolete industrial area and was thus desirable from visual and environmental perspectives. One commenter objected against the application mainly on grounds of incompatibility with the planning intention of transforming the WCHBA into a business node; adverse impact on the tourism development of the Southern district; undesirable precedent effect; and local concern on population influx to the area. One expressed concern on allowing small-scale residential development in industrial area;

- (g) the District Officer (Southern) advised that the Southern District Council (SDC) raised objection to the application as it was not in line with the recommendations of a study titled “Sustainable Tourism Development of Southern District – the Role of Wong Chuk Hang and Adjoining Area” commissioned by the SDC in that the future development of Wong Chuk Hang should focus on tourism and revitalization of the area by more commercial uses; and

- (h) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons as detailed in paragraph 10 of the Paper. The WCHBA had been undergoing a gradual process of transformation into an area for clean industrial and business uses. The redevelopment plan of the Ocean Park and implementation of the SIL(E) would likely add impetus to the pace of transformation. As such, the general planning intention for retaining the WCHBA as an employment centre should be kept and the existing “OU(B)” zoning for the area, including the application site, was considered appropriate for achieving the planning intention. The “OU(B)” zoning had provided sufficient land use flexibility to facilitate the transformation while ensuring land use compatibility. At present, industrial activities and a bus depot were still found in close vicinity of the application site. The proposed residential use was thus considered incompatible with the surrounding uses and piecemeal rezoning of the application site would create “I/R” interface problem. The AC for T/U,

TD and DEP had raised traffic and environmental concerns on the application respectively as detailed in paragraph 8 of the Paper. Approval of the application would set an undesirable precedent. As regards the public comments in support of the application, the application site, with industrial activities found in the vicinity, was not considered a desirable location for residential use.

6. The Chairperson then invited the applicant's representatives to elaborate on the application. With the aid of a Powerpoint presentation, Ms. Betty Ho, Dr. Westwood Hong and Mr. Alan Pun made the following main points :

- (a) the application site had been vacant for some time pending redevelopment. However, there was a lack of demand for office or industrial-office (I-O) uses in the area as reflected by the high vacancy rate of such uses. Since the rezoning of the WCHBA to "OU(B)" in 2001, only one out of the 13 approved applications for hotel development was taken up further by the applicant. On the contrary, there was strong housing demand in the Southern district;
- (b) the application for extension of time limit for commencement of the approved hotel development under Application No. A/H15/202 was rejected by the Town Planning Board (TPB) on 11.4.2008 mainly for the reason that the building height of the approved hotel development at 135mPD would exceed the building height restriction of 120mPD which was imposed on the application site after the planning permission was granted;
- (c) the previous rezoning request (No. Z/H15/7) rejected by the Committee on 1.9.2006 involved a larger application site and the existing bus depot therein would be retained, thus creating immediate interface problem with the proposed residential development. As for the current application, planning approval for an office development in between the proposed residential development and the bus depot had been obtained. The approved office development would provide a buffer between the bus depot

and the proposed residential development;

- (d) as compared with the permitted office development under the current restrictions of the “OU(B)1” zoning, the proposed residential development would have a lower plot ratio, site coverage, gross floor area (GFA) and building height. It would also have less provision of parking and loading/unloading facilities. The resulting building mass, height and traffic generation at the application site would thus be lesser;

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

Responses to DEP's comments

- (e) the industrial noise and air assessments had confirmed full compliance with the relevant standards of the Hong Kong Planning Standards and Guidelines (HKPSG) and the Hong Kong Air Quality Objectives (HKAQO) based on the current industrial operating mode;
- (f) Heung Yip Road was the major traffic noise source. Single aspect building design was recommended as a mitigation measure to abate the traffic noise impact. The existing industrial building to the immediate west of the application site had only three small cooling towers on the roof-top and it had a blank façade facing the proposed development;
- (g) the two chimneys located at about 40m from the application site were for laundry purpose. According to their owner, only one chimney was used in daily operation and the other was for “stand by” purpose. Notwithstanding, the industrial air assessment had adopted the “worst case scenario” by assuming that both chimneys were in daily operation;
- (h) whether a buffer distance of 100m between industrial and residential uses as required under the HKPSG should be provided would depend on the fuel consumption rate of the chimneys. As compared with the large industrial chimneys with emission rate of 0.2 to 0.5 litre/second, the two nearby

chimneys had relatively low fuel consumption rate of not exceeding 0.125 litre/second;

- (i) apart from the proposed residential development, other noise sensitive receivers (NSRs) were located along the SIL(E) alignment. Appropriate noise mitigation measures would have to be provided for all the identified NSRs. According to the previous experience, the potential rail noise impact could be redressed by providing about 2 to 4m edge barrier along the viaduct;

- (j) the DEP had not challenged the environmental assessment results. Its primary concern was whether there would be future increase in industrial activities in the area which would render the proposed residential development at the application site unacceptable from environmental planning perspective. However, under the current "OU(B)" zoning mechanism, only non-polluting industrial uses would be permitted as of right. As such, the level of industrial activities in the area was expected to decrease in future. Between 1995 and 2005, the number of chimneys in the area had decreased from 23 to 6. Among the 6 chimneys left, only two were active and the activities of the remaining 4 were yet to be ascertained due to no response from the owners or other reasons;

Responses to AC for T/U, TD's comments

- (k) the peak hour period for resident trips would occur outside the normal operation hours of 9 a.m. to 5 p.m. for industrial developments. As such, the traffic generated by the proposed residential development and industrial developments in the area would have no conflict;

- (l) as quoted from the Government documents, the SIL(E) could help reduce the road traffic, particularly the Aberdeen Tunnel. Nevertheless, under both with and without SIL(E) scenarios, the traffic impact assessment confirmed that the surrounding junctions would still operate in ample capacity by 2016 after the occupation of the proposed residential

development;

Planning Gains and Considerations

- (m) apart from providing housing accommodation, the proposed residential development with a reduced development intensity could bring about a better urban form. It could also provide impetus to the transformation of the WCHBA. Such merits were agreed by the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department and the Chief Town Planner/Urban Design and Landscape, Planning Department;
- (n) the rezoning application was in line with the current zoning intention to phase out the existing industrial uses. It could provide variety in land uses and add vibrancy and vitality to the area. The “I/R” interface problem was a chicken and egg issue. Approval of the current application could kick-start the transformation process and the market would then gather momentum leading to the final eradication of the “I/R” interface; and
- (o) not every site in the WCHBA was suitable for residential development. However, the proposed residential development at the application site would not cause any adverse impacts and set an undesirable precedent. It was thus considered suitable for rezoning to “R(E)2” as proposed. After rezoning, the TPB would still maintain control on the future development as section 16 planning application was required for residential use under the proposed “R(E)2” zone to address the “I/R” interface problem or resolve environmental concerns.

7. A Member sought PlanD and DEP’s views regarding the applicant’s claim that the environmental assessments had adopted the “worst case scenario” and that the level of industrial activities in the area would only decrease in future under the current “OU(B)” zoning. In reply, Mr. David C.M. Lam said that industrial buildings were still found in the surrounding areas. They, including some of the currently vacant premises, could be used for industrial uses permissible under the “OU(B)” zoning which might lead to an increase in the level of industrial activities in the area. Mrs. Shirley Lee, Assistant Director (Environmental

Assessment), Environmental Protection Department, said that the nearby chimneys burnt fuel and generated emissions, including sulphur dioxide. The predicted hourly highest concentration of sulphur dioxide based on the current industrial operating mode had already approached the maximum limit under the HKAQO. While sulphur dioxide was itself a health damaging air pollutant, there could be other air pollutants in the district. According to the HKPSG, a buffer distance of at least 100m should be provided between industrial developments without chimneys and sensitive uses. For this case, the application site was only about 40m from the nearby chimneys, which was highly undesirable. According to previous experience, the air quality problems would unlikely be resolved given the short distance of the application site with the chimneys. The situation might be aggravated by adverse weather conditions or possible increase of industrial activities in the area. She also pointed out that DEP would not lend support to residential developments with full central air-conditioning system. Residential developments with openable windows were always preferred.

8. While the proposed residential development with a lower building height of 56mPD would impose less visual impact, a Member expressed concern on the possible “wall-effect” that might be created and enquired whether the applicant had explore alternative schemes such as a higher building height which might allow better dispersion of air pollutants and greater setback from Heung Yip Road. In reply, Dr. Westwood Hong said that the proposed building height of 56mPD was one of the mitigation measures to minimize the potential plume impingement onto the upper residential floors. Given the site constraints, it was not possible to provide a buffer distance of 100m from the adjacent industrial uses. Notwithstanding, the industrial air assessment based on the “worst case scenario” had predicted full compliance with the HKAQO, though marginal. As regards the orientation of the housing blocks, it was believed that the future residents would prefer facing the sea towards the south rather than the industrial developments towards the north.

9. A Member said that the morning peak of the northbound traffic using the Aberdeen Tunnel was between 8 to 9 a.m. during weekdays. Unlike commercial/industrial developments which were expected to attract southbound traffic towards the WCHBA, the proposed residential development might contribute to greater northbound traffic during the morning peak and hence aggravating the traffic congestion problem of the Aberdeen Tunnel. In this regard, that Member asked the applicant’s representatives whether there were any

concrete data comparing the traffic impact of the currently proposed residential use and the permitted industrial/commercial uses. Mr. Alan Pun replied that office and residential uses would generally generate similar scale of traffic during the morning peak period. There was, however, no concrete data at hand.

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

10. Mr. Anthony Loo, Assistant Commissioner for Transport (Urban), Transport Department (TD), said that the main concern of TD was the cumulative traffic impact of similar residential developments in the area which might be resulted from the precedent effect of approving the current application. This concern had not been addressed by the applicant. Ms. Betty Ho responded that the precedent effect should not be an issue of consideration as each case should be considered on its own merits and approval of the current application would not necessarily mean that the other similar applications had to be approved by the Committee.

11. Noting the applicant's claim that the transformation of WCHBA was slow and lacking impetus, a Member asked about the progress of transformation since the WCHBA was rezoned to "OU(B)" in 2001. Referring to paragraph 4.3 of the Paper, Mr. David C.M. Lam said that although the transformation process was gradual, a few office and I-O developments in the area had been completed and a number of planning/lease modification applications for hotel use had been approved. An update assessment undertaken by PlanD in 2006 still recommended to retain the WCHBA as an employment centre. The transformation process was expected to accelerate with the implementation of the SIL(E) and the redevelopment plan of the Ocean Park.

12. As the applicant's representatives had no further points to add 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 and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

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

13. A Member said that the existing “OU(B)” zoning for the WCHBA, including the application site, was still appropriate to help realise the long-term planning intention of transforming the WCHBA for general business uses. The applicant had not provided sufficient information to justify the rezoning of the application site from “OU(B)1” to “R(E)2” for residential use. As such, the application could not be supported.

14. The Chairperson remarked that during the transitional period of transforming an industrial area to commercial uses, it was not possible to phase out the existing polluting industrial uses all at once. In considering any rezoning request for residential use in an industrial area yet to be fully transformed, it was important to ensure that no insurmountable environmental problems would arise and the possibility that the potential environmental problems could be redressed at the subsequent section 16 planning application stage. Past experience showed that it would be difficult to provide satisfactory mitigation measures to address the “I/R” interface problem for piecemeal residential development/redevelopment in the midst of existing industrial developments which were yet to be phased out. Members generally shared the Chairperson’s views and agreed that the application could not be supported given the “I/R” interface problem.

15. A Member said that the single aspect design for the proposed residential development was considered undesirable and should only be adopted as a last resort. That Member enquired if alternative approaches could be adopted at the application site to address the environmental problems. While there were many factors affecting the dispersion of air pollutants, Mrs. Shirley Lee reiterated that the predicted sulphur dioxide concentration had already approached the maximum limit of the HKAQO and it was normal practice to allow for a safety margin. In addition, the neighbouring industrial premises could always be put back to the permissible industrial uses. Although there were licensing requirements for chimneys, existing chimneys would be allowed to stay in the business and new licences had to be issued for those in compliance with the licensing requirements. In light of the above, the application site was not considered suitable for residential use from environmental planning point of view.

[Ms. Starry W.K. Lee arrived to join the meeting at this point.]

16. A Member asked if DEP could tighten up the licensing requirements of chimneys for new tenants in the area, taking into consideration that the WCHBA had been rezoned to “OU(B)” with the intention primarily for non-polluting industrial uses. Mrs. Shirley Lee replied in the negative as this was outside the scope of the current statutory framework. The Chairperson added that it would be difficult to control the change in tenancy or operating mode in existing industrial buildings in the WCHBA.

17. Another Member said that the Lai Yue Building and Yuen Man Centre at Kwun Tong, being located close to industrial buildings with chimneys and the MTR viaduct, had been facing similar environmental problems. Such problems were difficult to resolve and should be avoided in allowing sites for residential use in close proximity to industrial use.

18. After further deliberation, the Committee decided not to agree to the application and the reasons were :

- (a) the existing “Other Specified Uses” annotated “Business” (“OU(B)”) zoning was considered appropriate for the Wong Chuk Hang Business Area, including the application site, which was intended for an employment centre. There was no strong justification for a change of the planning intention;
- (b) the current “OU(B)” zoning had provided sufficient land use flexibility to facilitate the transformation of the area for business use while ensuring land use compatibility. Piecemeal rezoning of the application site to residential use would create potential “industrial/residential” interface problem with the presence of industrial developments near the application site; and
- (c) the approval of the application would set an undesirable precedent for similar applications in the area. There was insufficient information in the submission to demonstrate that the cumulative impact of approving similar applications would not result in inadequate provision of infrastructure, Government, institution or community facilities and open space in the area.

the meeting. If a Member was the employer/employee of the consultant of the application, such interest should better be declared taking into account the sunshine test. Depending on how close the relationship was, a Member who acquainted with the applicant/consultant of the application might need to declare an interest. The onus of making such declaration rested with individual Member who was in the best position to judge what constituted an interest warranting a declaration. It would be up to the Committee/TPB to decide whether the interest was direct and substantial that the Member should withdraw from the meeting. Being worked with the consultant of the application in the same project team or institution should not constitute any potential conflict of interest and hence there was no need to declare such interest.

21. Noting the Secretary's explanation, Mr. Raymond Y.M. Chan declared an interest in this item as his company had previously employed a consultant of the application. The Committee noted that Dr. Winnie S.M. Tang had tendered her apology for being unable to attend the meeting and considered that the interests of the other Members who had declared an interest in this item were remote and indirect. As such, the Committee agreed that they could stay in the meeting and join the discussion.

Presentation and Question Sessions

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

- (a) background to the application, highlighting that the application site was the subject of four previous approved applications (No. A/TWW/73, A/TWW/73-2, A/TWW/73-4 and A/TWW/86), one rejected application (No. A/TWW/88) as well as a section 17 review of another rejected application (No. A/TWW/89) which was deferred by the Town Planning Board (TPB) on 13.6.2008 pending the advice of concerned Government departments on the applicant's landscaping proposal. They were all for proposed house development with the major development parameters summarized in paragraph 5 and Appendix II of the Paper;
- (b) the proposed house development at plot ratio of 1.2;

- (c) departmental comments – the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD) advised that lease modification would be required for the proposed development, including the building height which would exceed the lease restriction with the inclusion of the proposed 1.1m high parapet wall. Miss Erica S.M. Wong said that the applicant had responded that the parapet wall might be constructed with perforated materials for exemption from the building height measurement and this would be dealt with at building plan submission stage. The Chief Town Planner/Urban Design and Landscape, Planning Department had no objection to the application from landscape planning and urban design perspectives. The landscape design had been improved as compared with the previous applications. At a development intensity of plot ratio 1.2, the scope for further improvement on the landscape design would be limited. The current scheme would have similar visual impact as compared with the previous approved schemes. Other concerned Government departments had no objection to or adverse comments on the application;

- (d) during the statutory publication period of the application, one public comment from the owner of Lot 416RP in DD 399 was received, who provided comments/suggestions on the landscape proposal, the proposed drainage and sewerage arrangements, and the possible mitigation measures to minimize the environmental impacts caused by the roof-top car parks of the proposed development; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. The proposed house development at a plot ratio of 1.2 was in line with the planning intention of the subject “Residential (Group C)2” (“R(C)2”) zone provided that the noise impact from Castle Peak Road could be mitigated to the satisfaction of the TPB. The applicant had demonstrated that such suitable mitigation measures could be implemented and the Director of Environmental Protection had no objection to the application. Besides,

the proposed development intensity was considered compatible in scale and bulk with the surrounding developments. To address the Committee's concerns in rejecting the previous Application No. A/TWW/89, the applicant had revised the layout to increase the provision of landscaped area from 1,020m² to 1,437 m² in the current scheme, boosting the proposed greening ratio from 38% to 54%. The dispersed open spaces had also been amalgamated into wider pockets to allow for the provision of more functional and practical landscaped areas. In addition, the number of houses had been reduced from 11 to 6 with increased gap between individual houses and more setback at the rear of the upper houses from the retaining wall. This could allow better air ventilation and lighting. As regards the public comment on drainage, sewerage and environmental issues, relevant Government departments had no objection to the application. The technical issues raised by the concerned Government departments could be addressed either at building plan submission stage or by imposing appropriate approval conditions.

23. Referring to page 7 of the Paper, a Member asked for the reasons for the various unauthorized building and geotechnical slope works found at the application site. Miss Erica S.M. Wong said that lease modification for the current scheme had not yet been made and hence the undertaking of works relating to the current scheme might not be in compliance with the current lease conditions. Mr. James Merritt, Assistant Director (Kowloon), LandsD, confirmed that his office had not received any application for lease modification for the current scheme. The applicant had once ceased unauthorized works upon issuance of warning letters by LandsD. However, unauthorized works were reactivated according to the recent site inspection. If the application was not approved by the Committee, LandsD would request the applicant to cease the unauthorized works and reinstate the application site.

Deliberation Session

24. A Member considered that the current scheme had merits over the previous schemes, including the increase of gap between individual houses which would allow better ventilation and the adoption of innovative curvilinear design of individual houses. Noting

the presence of a large concrete retaining wall abutting the southern edge of the application site, that Member suggested the applicant to explore if vertical greening could be provided along the southern edge to help greening the retaining wall. The Chairperson said that this suggestion could be dealt with by the approval condition requiring the applicant to submit and implement a revised Landscape Master Plan as recommended in paragraph 12.2(d) of the Paper. The Member's suggestion could be conveyed to the applicant. Mr. James Merritt supplemented that the concerned retaining wall was under the jurisdiction of the Highways Department, which should be consulted on any vertical greening proposals that might affect the retaining wall. Members agreed that greening proposals should be implemented, subject to views of the Highways Department.

25. After further 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 1.8.2012, 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 implementation of noise mitigation measures as proposed in the application to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the design, provision and future maintenance of the discharge pipe from the on-site sewerage treatment plant as an interim measure of the proposed development to the existing box culvert under Tsing Long Highways along Castle Peak Road to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the design and provision of the connection from the proposed development to the public sewerage system when available to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB;

- (e) the design and provision of loading/unloading arrangement to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the design and provision of emergency vehicular access and fire-fighting facilities to the satisfaction of the Director of Fire Services or of the TPB;
- (g) the design, provision and future maintenance of a section of local access road R3 via Castle Peak Road to the satisfaction of the Director of Highways or of the TPB; and
- (h) the submission and implementation of site formation plan including the investigation of stability of all geotechnical features and surface channel with upstand to the satisfaction of the Director of Civil Engineering and Development or of the TPB.

26. The Committee also agreed to advise the applicant of the following :

- (a) to explore if vertical greening could be provided along the southern edge of the application site to help greening the adjoining retaining wall as suggested by the Committee in consultation with the Highways Department;
- (b) to apply for a discharge licence from the relevant Local Control Office of the Environmental Protection Department before discharging effluent from the proposed on-site sewage treatment and disposal facilities;
- (c) to apply to the Director of Lands for lease modification if the proposed development was found in breach of the lease conditions; and
- (d) to consult the Director of Buildings on the detailed design of the residential buildings and site formation for compliance with the Buildings Ordinance and its subsidiary legislations.

[The Chairperson thanked Miss Erica S.M. Wong, STP/TWK, for her attendance to answer

Members' enquiries. Miss Wong left the meeting at this point.]

Hong Kong District

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H1/85 Proposed Hotel
 in "Residential (Group A)" zone,
 454-462A Des Voeux Road West and 3 Cheung Kan Lane,
 Kennedy Town
 (MPC Paper No. A/H1/85)

Presentation and Question Sessions

27. The Committee noted that the applicant's representative had requested on 24.7.2008 for deferment of the consideration of the application in order to allow one month for the applicant to respond to the comments of relevant Government departments.

Deliberation Session

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

[Mr. Stanley Y.F. Wong and Mr. Raymond Y.M. Chan left the meeting at this point.]

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/383 Proposed Hotel
 in “Residential (Group A)” zone,
 338-346 Queen’s Road West,
 Sai Ying Pun
 (MPC Paper No. A/H3/383)

Presentation and Question Sessions

29. Ms. Lily Y.M. Yam, STP/HK, said that a replacement page 14 had been tabled at the meeting and the absolute building height of the proposed hotel in paragraph 1.4 of the Paper should read “about 117m”. She then 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 – the Chief Town Planner/Urban Design and Landscape, Planning Department did not support the application from visual point of view as the proposed hotel with a plot ratio of 15 and building height of 130mPD was out of keeping with the neighbouring buildings which were of lower development intensities and building heights. The Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had no in principle objection to the application provided that the gymnasium and coffee shop within the proposed hotel would only serve the hotel guests and hence would not generate additional traffic;
- (d) four public comments were received during the statutory publication period. Three commenters objected against the application mainly on grounds of traffic congestion, insufficient parking and loading/unloading facilities,

adverse impact on the living environment and redundancy of the proposed hotel in a non-tourism district. The remaining one expressed concern on the traffic congestion problem; and

[Mr. Leslie H.C. Chen left the meeting temporarily at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 9 of the Paper. For the past one year, except three hotel applications which either involved amendments to an approved scheme or in-situ conversion of existing commercial/office buildings, no proposed hotel developments with a plot ratio of 15 within the “Residential (Group A)” (“R(A)”) zone on the Hong Kong Island had been approved by the Committee or the Town Planning Board due to incompatibility with the adjoining residential developments in terms of building bulk and development intensity. A plot ratio of about 12 was considered generally acceptable for new hotel developments within “R(A)” zone as the development intensity was more compatible with the surrounding residential developments with permitted plot ratio of 8 to 10. The proposed hotel, being located in an area with a mixture of commercial and residential developments, was not considered incompatible with the surrounding land uses. However, the proposed hotel with a plot ratio of 15 and building height of about 130mPD was considered incompatible with the surrounding residential developments which had building heights generally below 10 storeys with the tallest not exceeding 32 storeys (about 107mPD) and plot ratios ranging from 3.1 to 11.7. There was also insufficient information to demonstrate that the proposed hotel would have no adverse visual impact. Approval of the application would set an undesirable precedent. Regarding the AC for T/U, TD's comments, there was no mechanism to ensure that the gymnasium and coffee shop within the proposed hotel would not be open to the public.

30. Members had no question on the application.

Deliberation Session

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

- (a) the proposed hotel development, with a plot ratio of 15, was considered incompatible with the surrounding residential developments in terms of building bulk and development intensity;
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not result in adverse visual impact on the neighbourhood; and
- (c) the approval of the application would set an undesirable precedent for similar hotel developments within the district, the cumulative effect of which would adversely affect the general amenity in the area.

[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 and Ms. Donna Y.P. Tam, STPs/HK, were invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H4/82 Proposed Fast Food Shop
in "Comprehensive Development Area(2)" zone,
Portion of Lower Deck,
Central Pier 5, Central
(MPC Paper No. A/H4/82)

Presentation and Question Sessions

32. Ms. Donna Y.P. Tam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed fast food shop;
- (c) departmental comments – concerned Government departments, including the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) and Government Property Agency, had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment in support of the application was received as the proposed use could add vibrancy and improve the service level for commuters; and
- (e) the Planning Department (PlanD)’s views – PlanD had no in-principle objection to the application for the reasons as detailed in paragraph 10 of the Paper. The proposed fast food shop use was considered not incompatible with the pier use and would provide convenient services to the passengers, local visitors and tourists using the piers and the waterfront areas. It would unlikely cause disruption to pier operation and passenger circulation. In order not to frustrate the comprehensive development of the subject “Comprehensive Development Area(2)” zone in the long term, approval of the application on a temporary basis for a period of 3 years was recommended.

33. Referring to Plan A-4 of the Paper, a Member was concerned that the proposed fast food shop would block views and affect air ventilation and passenger circulation of the pier. For the area in front of the fee-paying turnstiles, there were already convenience stores on the same side and opposite side of the application premises. With the addition of the proposed fast food shop, both sides of the pier in that area would be blocked.

34. In reply, Ms. Donna Y.P. Tam said that the lower deck of the pier was used for

ferry embarkation/disembarkation. The remaining area for passenger circulation as shown in Plan A-3 of the Paper was highlighted. The AC for T/U, TD had advised that the proposed fast food shop would not affect the operation of ferry services. The pier was basically open-sided. As such, the remaining side frontage of the pier could still allow air ventilation and provide open views of the harbour. Besides, the public could also view the harbour on the upper deck of the pier.

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

Deliberation Session

35. While having no objection to the application, a Member shared the same concern on passenger circulation near the entrance of the pier. The Member pointed out that similar problem was found in Mass Transit Railway (MTR) stations. While the commercial uses at piers or MTR stations were generally small scale in nature and could provide convenient services to passengers, there were concerns about the increasing level of provision of such uses, the cumulative impact of which might affect passenger circulation. In this regard, such proposals would need to be carefully considered by the Town Planning Board or relevant Government departments. Another Member said that many MTR stations had similar passenger circulation problems created by the commercial uses within the station. As planning permission for commercial uses at MTR stations was generally not required, the Chairperson suggested to relay Members' concerns for consideration of the Transport Department. The Secretary supplemented that the Planning Department would also look into these aspects when commenting on proposals to increase commercial provision within MTR stations.

36. In addressing the air ventilation concern as raised earlier at the meeting, a Member suggested to shift the location of the application premises northward such that a gap could be provided in between the proposed fast food shop and the adjacent convenience store on the same side. The Chairperson said that this might render part of the application premises not usable due to the presence of a column. As the two sides of the pier were not enclosed, there should be sufficient space for air ventilation.

37. After further deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years up to 1.8.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

38. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the Government Property Agency regarding the need for prior written consent of the landlord pursuant to the tenancy agreement for granting concession for the proposed fast food shop;
- (b) to obtain a food licence from the Director of Food and Environmental Hygiene on the operation of food business at the application premises; and
- (c) to note that the future tenants should carry out loading/unloading activities outside peak hours to optimise the use of loading/unloading facilities at Man Kwong Street.

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/372 Proposed Office
 in “Residential (Group A)” zone,
 24-34 Hennessy Road,
 Wan Chai
 (MPC Paper No. A/H5/372)

Presentation and Question Sessions

39. Ms. Donna Y.P. Tam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the application site was currently occupied by an existing 29-storey office building completed in 1977 with a plot ratio of 19.3;
- (b) the proposed office;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application. While having no in-principle objection to the application, the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) commented that the traffic impact assessment report should be revised to include the proposed shop and services use on the 1/F of the proposed office and other technical issues as detailed in paragraph 9.1.3(b) of the Paper;
- (d) during the statutory publication period, one public comment raising objection to the application was received for the reasons that the proposed office would generate environmental and vibration problems during redevelopment as well as increase the pedestrian flow upon redevelopment. While having no objection to the application, the District Officer (Wan Chai) cautioned about the traffic burden added to the area; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons as detailed in paragraph 11 of the Paper. The proposed office was considered not incompatible with the nearby developments at Hennessy Road and Johnston Road which were commercial and mixed commercial/residential in nature. Although the proposed office would have a plot ratio and site coverage lower than that of the existing building, the plot ratio permissible for residential developments under the “Residential (Group A)” (“R(A)”) zone was about 8 to 10. The proposed office with a plot ratio of 15 was not intended for and was considered excessive under the “R(A)” zone. Approval of the application would set an undesirable precedent. In view of the increasing demand for more office developments/redevelopments in the area, it was considered

more appropriate to address the issue through comprehensive planning of the area by undertaking a comprehensive land use review to assess if suitable sites could be rezoned to “Commercial” (“C”) or other appropriate zonings for office use.

40. A Member asked about the plot ratio of the three previous approved applications (No. A/H5/311, 322 and 334) for office use within the “R(A)” zone in Wan Chai area as stated in Appendix II of the Paper and the programme of the comprehensive land use review. Referring to Plan A-1 of the Paper, Ms. Donna Y.P. Tam replied that the three applications were related to the same application site which had been developed as Phase III of the Pacific Place at a plot ratio of 15.59. The comprehensive land use review was now being undertaken by PlanD and the recommendations would be submitted to the Committee for consideration once available.

Deliberation Session

41. Noting that there were already completed office developments/redevelopments within the “R(A)” zone in Wan Chai area with plot ratio of 15 or above, a Member raised doubt if there were strong justifications to reject the proposed office under application with also a plot ratio of 15. In reply, Ms. Donna Y.P. Tam reiterated that the proposed office use was not considered incompatible with the surrounding land uses. Notwithstanding, the on-going comprehensive land use review would examine the development potential of the area and identify suitable sites for rezoning for commercial use, having regard to all relevant considerations, including the adequacy of infrastructural provision, land use compatibility and environmental impacts. The possible zoning amendments with height restriction to the OZP would then provide a clear framework to guide the private sector initiatives in future development/redevelopment of the area. This would enhance flexible redevelopment without the need to seek amendment to the proposal under application whenever there was a change in design in the course of redevelopment. Prior to the completion of the comprehensive land use review, individual development proposals by way of section 16 planning application as in the case of the current application should not be supported.

42. Another Member opined that there was demand for both residential and commercial uses in Wan Chai given its locational advantage in proximity to the Central

Business District in Central. Careful considerations should thus be given on how to strike a balance in addressing the demand for different uses in Wan Chai area. A Member said that many redevelopments had taken place in Wan Chai, gradually eroding the feeling of the old Wan Chai character. Both Members expressed support to undertake and complete the comprehensive land use review prior to consideration of individual planning applications for office use and hence did not support the application. The rejection reasons should also be suitably amended to reflect Members' views. Other Members agreed.

43. After further deliberation, the Committee decided to reject the application and the reason was that the approval of the application would set a precedent for similar developments of a higher plot ratio within the "Residential (Group A)" zone, the cumulative impact was yet to be assessed.

44. The Committee also agreed to advise the applicant that the Planning Department would undertake a land use review of the area. Besides, the Committee requested the Planning Department to complete the land use review and report to the Committee as soon as possible.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/373 Proposed Hotel
 in "Residential (Group B)" zone,
 4 Monmouth Terrace,
 Wan Chai
 (MPC Paper No. A/H5/373)

Presentation and Question Sessions

45. Ms. Donna Y.P. Tam, 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 – the Chief Town Planner/Urban Design and Landscape, Planning Department did not support the application from urban design perspective in that the proposed hotel at a plot ratio of 12 was not in keeping with the planning intention of the subject “Residential (Group B)” (“R(B)”) zone and approval of the application would set an undesirable precedent. The Director of Leisure and Cultural Services advised that there were several mature trees within or close to the application site. As no tree impact assessment and protection measures had been provided, the applicant should be advised to preserve and protect all existing trees as far as possible. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, four public comments were received raising objection to the application mainly on grounds of undesirable precedent, attraction of outsiders, parking problem, adverse impacts on the environment, traffic, tree preservation and tranquility of the residential neighbourhood. Besides, the proposed hotel was against the public sentiment for lower development intensity. The District Officer (Wan Chai) commented that the proposed hotel would destroy the tranquility of the neighbourhood which was purely residential in nature. The nearby residents had grave concern on the poor traffic condition of Kennedy Road and the likely impacts caused by the proposed Mega Tower Hotel. Any further changes of the area would not be welcomed by the local community; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons as detailed in paragraph 10 of the Paper. The proposed hotel was not in line with the planning intention of the subject “R(B)” zone which was primarily intended for medium-density residential developments. There was no strong justification to merit a departure from

the planning intention. The application site was located in a predominantly residential neighbourhood with some schools nearby and was separated from the densely built-up Wan Chai area comprising a mixture of commercial and commercial/residential developments. The proposed hotel was not compatible with the distinctive residential character of the area. Besides, the proposed hotel with a plot ratio of 12 was considered excessive and not compatible with the surrounding medium-density residential developments. Approval of the application would set an undesirable precedent.

46. In response to the Chairperson's enquiry, Ms. Donna Y.P. Tam said that the subject "R(B)" zone had no plot ratio control under the relevant Outline Zoning Plan.

Deliberation Session

47. Members generally agreed that the proposed hotel was considered incompatible with the surrounding land uses which were predominantly residential and hence did not support the application.

48. Given that there was no plot ratio control under the subject "R(B)" zone and building plan approval for a 28-storey residential development with plot ratio of 7.998 and building height of 134.65mPD at the application site had been obtained, the Chairperson said that it might not be appropriate to regard the area a "medium-density" residential area. Members shared the same view and agreed that the rejection reasons should be amended accordingly.

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

- (a) the proposed hotel development was not in line with the planning intention of the residential neighbourhood in the "Residential (Group B)" zone. There was no strong justification in the submission to merit a departure from the planning intention;
- (b) the proposed hotel development was not compatible with the surrounding

area which was predominantly residential in character and the proposed plot ratio of 12 for the development was considered not compatible with the residential developments in the area; and

- (c) the approval of the application would set an undesirable precedent for similar hotel developments within the residential neighbourhood, the cumulative effect of which would adversely affect the general amenity in the area.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H19/57 Minor Relaxation of Site Coverage to not more than 35%
in “Residential (Group C)” zone,
12 Stanley Mound Road
(MPC Paper No. A/H19/57)

50. 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 minor relaxation of site coverage (SC) restriction from 25% to not more than 35%;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application. While having no in-principle objection to the application, the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD) had provided technical comments, including the gross floor area (GFA) calculation of various facilities of the proposed residential development under the Buildings Ordinance which would be dealt with at the building plan

submission stage;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Southern); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. The proposed minor relaxation of SC restriction did not exceed the maximum permissible domestic SC of 50% which was agreed by the Town Planning Board as a general guideline on 24.3.2000. It was mainly intended to provide for design flexibility by allowing a stepped height design for the proposed residential development. The GFA/plot ratio and building height of the proposed residential development did not exceed the relevant restrictions under the Outline Zoning Plan (OZP). Besides, the proposed building height at 10.6m would be roughly the same as that of the existing building (i.e. 10.4m) and complied with the lease restriction. The proposed relaxation would not cause any adverse impacts, including tree felling. As regards the CBS/HKW, BD's comments, if any facilities of the proposed residential development were found to be GFA accountable at building plan submission stage causing the proposed plot ratio to exceed the OZP restriction, a fresh application would be required.

51. Members had no question on the application.

Deliberation Session

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 1.8.2012, 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; and

- (b) the provision of water supply for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

53. The Committee also agreed to advise the applicant of the following :

- (a) that 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 ancillary facilities was not granted by the Building Authority and the proposed plot ratio would exceed the plot ratio restriction as stipulated under the relevant Outline Zoning Plan, a fresh planning application to the TPB for minor relaxation of the plot ratio restriction would be required;
- (b) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department regarding the right of way, development intensity, covered landscaped area, ancillary utility facilities, emergency vehicular access and the storey height of the carpark;
- (c) to note the comments of the Director of Fire Services regarding the compliance of Code of Practice for Means of Access for Firefighting and Rescue and the provision of enhanced fire safety measures; and
- (d) to resolve any land issue relating to the proposed development with other concerned owner of the application site.

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

[Ms. Starry W.K. Lee, Mr. Leslie H.C. Chen and Professor Bernard V.W.F. Lim left the meeting temporarily at this point.]

Agenda Item 11

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H25/6-4 Extension of Time for Compliance with Condition (c)
for the Approved Temporary Exhibition Hall for Motor Vehicles
for a Period of Three Years under Application No. A/H25/6
for a Further 6 Months up to 3.2.2009
in “Open Space” zone,
Basement Level B1 of the Car Park Complex,
Hong Kong Convention and Exhibition Centre,
1 Harbour Road, Wan Chai
(MPC Paper No. A/H25/6-4)

Presentation and Question Sessions

54. Ms. Donna Y.P. Tam, STP/HK, said that a Supplementary Paper on the applicant’s additional information submitted on 24.7.2008 and the related departmental comments had been tabled at the meeting. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the application premises was the subject of two previous approved applications (No. A/H25/2 and A/25/6) for the temporary exhibition hall for motor vehicles for a period of three years. In considering application No. A/H25/6, the Committee was dissatisfied with the non-compliance with the approval condition on fire safety aspect attached to the previous application No. A/H25/2. A time-limited approval condition (c) on fire safety aspect for compliance within 6 months by 3.5.2007 was therefore imposed, failing which the permission would be revoked. Subsequently, the compliance period had been extended three times to a total of 21 months until 3.8.2008 under applications No. A/H25/6-1, A/H25/6-2 and A.H25/6-3;
- (b) the proposed extension of time (EOT) for compliance with approval

condition (c) under Application No. A/H25/6 for a further six months up to 3.2.2009;

- (c) departmental comments – concerned Government departments, including the Director of Fire Services (D of FS), had no objection to or adverse comments on the application. D of FS was unable to confirm whether approval condition (c) had been complied with as the applicant had not submitted any documentary evidence to demonstrate that the proposed fire safety measures had been implemented;

[Ms. Starry W.K. Lee and Mr. Leslie H.C. Chen returned to join the meeting at this point.]

- (d) the District Officer (Wan Chai) received seven local comments on the application. One objected the application on ground of violation of fire safety regulations. Two supported and the remaining four had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the EOT application for the reasons as detailed in paragraph 8 of the Paper and paragraph 3 of the Supplementary Paper. The time limit for compliance with approval condition (c) had been extended three times up to 21 months. During the consideration of the last EOT application No. A/H25/6-3, the Committee had clearly indicated that it would be the last EOT for compliance with approval condition (c) and no further EOT would be granted. The applicant had been advised of the Committee's decision on 22.2.2008. Under the current EOT application, the applicant claimed that continuous efforts had been put towards fulfilling approval condition (c), including the approval of building plan for the related alteration and addition (A&A) works by the Building Authority, submission of drainage and structural (A&A) plans and the consent for commencement of site works would be obtained in early October 2008. However, there was no information to demonstrate any progress of implementation in the provision of fire service installations within the 21-month compliance period. Moreover, at building plan submission stage, the Assistant Commissioner

for Transport/Urban, Transport Department (AC for T/U, TD) had commented that the parking spaces affected by the proposed staircases and lift had to be reinstated before the expiry of the subject temporary permission. There was no information to demonstrate how the A&A works and fire service installations could be implemented with documentary proof within the further 6-month period and that sufficient time had been allowed for the subsequent reinstatement of the affected parking spaces before the expiry of the subject temporary permission.

55. The Chairperson asked whether the applicant had made any submission to the D of FS for compliance with approval condition (c). Ms. Donna Y.P. Tam responded that the applicant had to implement the related A&A works with the provision of fire service installations at the application premises prior to obtaining self-certification to demonstrate to the D of FS that the fire safety measures had been implemented. However, no works had been undertaken by the applicant so far.

Deliberation Session

56. In response to the Chairperson's enquiry on whether there would be sufficient time to implement the fire service installations in compliance with approval condition (c), Ms. Donna Y.P. Tam said that the Chief Building Survey/Hong Kong East, Buildings Department advised that the processing of the submitted drainage and structural (A&A) plans would be due in August 2008. It was thus considered reasonable that the consent for commencement of site works could be obtained in early October 2008 as claimed by the applicant provided that the necessary approval could be granted. Notwithstanding, the required site works might require a few months to implement and the applicant was also required to reinstate the affected parking spaces before the expiry of the subject temporary permission.

57. Irrespective of whether there would be sufficient time to implement the provision of fire service installations, a Member said that the current EOT application could not be supported as the Committee had clearly indicated that no further EOT would be granted in considering the last EOT application No. A/H25/6-3. Other Members agreed.

58. After further deliberation, the Committee decided to reject the application for

extending the time limit for compliance with approval condition (c) and the reasons were :

- (a) there were insufficient justifications to demonstrate why the approval condition could not be complied with within the prescribed time limit; and
- (b) the applicant had not demonstrated that reasonable actions had been taken to comply with the approval condition.

[The Chairperson thanked Ms. Donna Y.P. Tam, STP/HK, for her attendance to answer Members' enquiries. Ms. Tam left the meeting at this point.]

[Mr. C.C. Lau, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Kowloon District

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/227 Proposed Hotel (Guesthouse) cum Flat
in "Residential (Group A)4" zone,
84-102 Wuhu Street,
Hung Hom
(MPC Paper No. A/K9/227)

Presentation and Question Sessions

59. The Secretary said that the applicant had proposed to retain an existing 5-storey residential building at 84-86 Wuhu Street and transfer the remaining plot ratio permissible under the relevant Outline Zoning Plan (OZP) to the proposed new hotel at 88-102 Wuhu Street within the same application site. As the applicant's proposal involved transfer of plot ratio, the Planning Department requested the Committee to defer consideration of the application in order to allow time to seek legal advice from the Department of Justice on the

implications of the applicant's proposal.

Deliberation Session

60. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee also agreed that the application should be submitted to the Committee for consideration within two months to allow time to seek legal advice from the Department of Justice.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/228 Proposed Hotel
 in "Residential (Group A)4" zone,
 105-113 Wuhu Street,
 Hung Hom
 (MPC Paper No. A/K9/228)

Presentation and Question Sessions

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

- (a) background to the application, highlighting that the application site was the subject of a previous application (No. A/K9/225) for the same hotel use which was approved by the Committee on 28.3.2008;
- (b) the proposed hotel;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer (Kowloon City); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 10 of the Paper. The proposed hotel was located at the predominant vibrant commercial/residential area in Hung Hom and was considered not incompatible with the surrounding developments. As compared with the previous approved application, the current application involved mainly minor reduction in the building height and changes in the internal layout, floor uses, total number of hotel rooms and average room size. There was no change in the major development parameters, including the total gross floor area, plot ratio as well as provision of car parking and loading/unloading facilities. The proposed plot ratio and building height of the proposed hotel did not exceed the relevant restrictions under the Outline Zoning Plan. As such, it would not cause significant adverse impacts on the environment, traffic and infrastructure provisions in the area.

Deliberation Session

62. Referring to Drawing A-1 of the Paper, Mr. Anthony Loo, Assistant Commissioner for Transport (Urban), Transport Department, asked if there would be any direct access from the parking and loading/unloading area to the hotel lobby on the ground floor level, without which the hotel guests would need to resort to the pedestrian path outside the application site to reach the hotel lobby. Mr. C.C. Lau replied in the negative. Notwithstanding, if the Committee decided to approve the case, this concern could be addressed by the imposition of an approval condition requiring the applicant to submit and implement a parking layout to the satisfaction of the Commissioner for Transport or of the Town Planning Board as recommended in paragraph 11.2(a) of the Paper.

63. 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 1.8.2012, 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 parking layout to the satisfaction of the Commissioner for Transport or of the TPB; and
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

64. The Committee also agreed to advise the applicant of the following :

- (a) that the approval of the application did not imply that the gross floor area exemption for back-of-house facilities included in the application would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to consult the District Lands Officer/Kowloon West, Lands Department regarding the lease matter of the proposed development; and
- (c) to consult the Office of the Licensing Authority of the Home Affairs Department on the licensing requirements for a hotel.

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/252 Proposed School (Tutorial School)
in “Residential (Group C)4” zone,
Shops D and E on G/F and Whole Basement,
6 Cambridge Road,
Kowloon Tong
(MPC Paper No. A/K18/252)

Presentation and Question Sessions

65. 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 (tutorial school) use with a capacity of 165 students;
- (c) departmental comments – the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD) advised that the proposed tutorial school was not acceptable under the existing lease conditions and it was the LandsD’s policy in relation to the Kowloon Tsai Garden Estate not to accede to any request for lease modification and temporary waiver. The Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) did not support the application due to non-provision of parking and loading/unloading facilities for a tutorial school with 120 or more students in accordance with the Town Planning Board Guidelines No. 40 for “Application for Tutorial School under section 16 of the Town Planning Ordinance”. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment raising objection to the application was received mainly on grounds of insufficient parking spaces, traffic congestion and safety problems, noise nuisance and

adequate school provision in the area; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 11 of the Paper. As the proposed tutorial school was located in a non-domestic building with access to public roads, no interface problem between the students and residents of the subject building would arise. However, the proposed tutorial school would generally rely on the patronage of outsiders. As such, it would affect the tranquil living environment of the neighbourhood, which was predominantly residential in nature. The operation of the proposed tutorial school from 9 a.m. to 9 p.m. might cause disturbance/nuisance to the residents of the surrounding areas. Moreover, the proposed tutorial school with a capacity of 165 students had not included any provision of parking and loading/unloading facilities. As the subject site had been fully occupied by the existing building, such provision under the current site condition would not be possible. In this regard, the proposed tutorial school could not satisfy the requirements under the prevailing Town Planning Board Guidelines. The application premises were located to the east of Waterloo Road in Kowloon Tong in which planning approval for tutorial school had not been granted. Approval of the current application would set an undesirable precedent for similar applications in the area.

66. Members had no question on the application.

Deliberation Session

67. A Member said that it was not considered appropriate to operate a tutorial school in the basement level and thus did not support the application.

68. While the non-provision of parking and loading/unloading facilities was considered a technical issue, a Member opined that the prime concern was whether the proposed tutorial school was in line with the planning intention of the subject “Residential (Group C)” (“R(C)”) zone. In this respect, the same Member enquired if the proposed

tutorial school could be regarded as a commercial use serving the residential neighbourhood as specified in the planning intention of the “R(C)” zone. In reply, the Chairperson said that the proposed tutorial school with a capacity of 165 students was of considerable scale as compared with other tutorial schools processed by the Town Planning Board before. The proposed tutorial school was also not compatible with the predominantly low-density residential neighbourhood of the area. Other Members shared the same views and agreed that it was not in line with the planning intention of the “R(C)” zone. As such, the application could not be supported. Other Members also agreed that the rejection reasons should be suitably amended to reflect Members’ prime concern on the incompatibility of the proposed tutorial school with the planning intention of the “R(C)” zone.

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

- (a) the proposed tutorial school was not in line with the planning intention of the “Residential (Group C)” zone which was intended primarily for low to medium-rise, low-density residential developments and was considered not compatible with the surrounding predominantly low-density residential neighbourhood;
- (b) the proposed tutorial school was not in line with the Town Planning Board Guidelines No. 40 for “Application for Tutorial School under section 16 of the Town Planning Ordinance” in that it had no provision of car parking and loading/unloading facilities for a tutorial school of the proposed scale; and
- (c) the approval of the application would set an undesirable precedent for similar applications in the same residential area, the cumulative impact of which would change the unique character of the predominant residential neighbourhood in the vicinity.

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

Agenda Item 15

Any Other Business

70. There being no other business, the meeting was closed at 12:15 p.m..