

TOWN PLANNING BOARD

Minutes of 384th Meeting of the Metro Planning Committee held at 9:00 a.m. on 7.11.2008

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

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

Dr. Winnie S.M. Tang

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

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mrs. Shirley Lee

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

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

Secretary

Absent with Apologies

Mr. Leslie H.C. Chen

Professor N.K. Leung

Dr. Ellen Y.Y. Lau

Mr. Maurice W.M. Lee

Assistant Director(2), Home Affairs Department
Mrs. Ann Ho

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. Kathy C.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 383rd MPC Meeting held on 24.10.2008

[Open Meeting]

1. The draft minutes of the 383rd MPC meeting held on 24.10.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Approval of Outline Zoning Plans

2. The Secretary reported that on 4.11.2008, the Chief Executive in Council (CE in C) approved the following four draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) and approval of the OZPs would be notified in the Gazette on 14.11.2008 :

- (i) Kennedy Town & Mount Davis OZP (to be renumbered as S/H1/16);
- (ii) Shek Kip Mei OZP (to be renumbered as S/K4/23);
- (iii) Ma Tau Kok OZP (to be renumbered as S/K10/20); and
- (iv) Kwun Tong North OZP (to be renumbered as S/K14N/11).

(b) Reference Back of OZPs

3. The Secretary also reported that on 4.11.2008, the CE in C referred the following four approved OZPs to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Ordinance and the reference back would be notified in the Gazette on 14.11.2008 :

- (i) Wan Chai OZP No. S/H5/25;
- (ii) Kai Tak OZP No. S/K22/2;
- (iii) Cheung Chau OZP No. S/I-CC/3; and
- (iv) Wo Keng Shan OZP No. S/NE-WKS/8.

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K3/1 Application for Amendment to the Notes of the
Draft Mong Kok Outline Zoning Plan No. S/K3/25
for the “Government, Institution or Community” and “Open Space” zones,
a site at the junction of Yim Po Fong Street and Nelson Street,
Mong Kok
(MPC Paper No. Y/K3/1)

4. The Secretary said that the application site was the subject of a previously approved planning application (No. A/K3/205) submitted by the then Land Development Corporation (LDC). As the Urban Renewal Authority (URA) was the developer agent for the Hong Kong Playground Association (HKPA) (i.e. the land grantee for the application site) and was one of the commenters of the current application, the following Members had declared interests in this item :

Mrs. Ava Ng as the Director of Planning)	being a non-executive director of URA
Mr. Walter K.L. Chan)	
Mr. Maurice W.M. Lee)	
Ms. Olga Lam as the Assistant Director of Lands Department	-	being an assistant to the Director of Lands who was a non-executive director of URA
Mrs. Ann Ho as the Assistant Director of Home Affairs Department	-	being an assistant to the Director of Home Affairs who was a co-opt member of the Planning, Development and Conservation Committee of URA
Professor Bernard V.W.F. Lim	-	having current business dealings with URA

5. The Committee noted that Mr. Maurice W.M. Lee and Mrs. Ann Ho had tendered

apologies for not attending the meeting, and considered that the other Members' interests direct and should leave the meeting. Since the Chairperson had declared interest, Members agreed that the Vice-chairman should chair the meeting.

[Mrs. Ava S.Y. Ng, Ms. Olga Lam, Mr. Walter K.L. Chan and Professor Bernard V.W.F. Lim left the meeting temporarily at this point.]

Presentation and Question Sessions

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

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|---------------------|--|
| Ms. Heidi Y.M. Chan | - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK) |
| Mr. C.K. Soh | - Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK) |

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

- Dr. Au Yeung Chi-shing
- Mr. Michael Kwok
- Mr. Ng Wing-fai
- Mr. Lam Ho-yeung
- Mr. Siu Leong-sing
- Mr. Tsang Chiu-wai

8. The Vice-chairman extended a welcome and explained the procedures of the hearing. The Vice-chairman then invited Mr. C.K. Soh, STP/TWK, to brief Members on the background to the application.

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

- (a) the application was for amending the Notes of the draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/25 for the subject site which was zoned “Government, Institution or Community” (“G/IC”) and “Open Space” (“O”) by stipulating that (i) the maximum plot ratio (PR) should be 3; (ii) the total permitted gross floor area (GFA) above and below ground levels should be equally divided; (iii) the site should only be used for Government, institution or community (GIC) and open space uses; and (iv) “Flat” should not be permitted;

- (b) the application site was currently occupied by the Queen Elizabeth II (QE II) Stadium/Youth Centre, part of the Macpherson Playground and a children playground. The QE II Stadium/Youth Centre was held by HKPA under Government lease;

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

- (c) on 20.12.1991, the Town Planning Board (the Board) approved an application (No. A/K3/205) submitted by the then LDC for a commercial/residential development cum sports stadium and youth centre at the site. The surrender and regrant of the site was endorsed by the Executive Council in 1997. Due to economic downturn, HKPA in 2000 decided not to proceed with the development. In 2006, the redevelopment project was reactivated and incorporated in the URA’s 2005/06 Business Plan. The land exchange was executed in October 2008. Building plans for the approved development were first approved in 1994. The latest building plans were approved in March 2008;

- (d) the approved scheme (Application No. A/K3/205) was a 24-storey residential tower over a 5-storey podium comprising of sports stadium and youth centre and one basement floor at a domestic PR of 6.984 and a non-domestic PR of 3.36. The site area for PR calculation covered only the “G/IC” part (i.e. 2 400m²) and the two adjoining uncovered playgrounds (1 650m²) which were zoned “O” were not included;

- (e) the District Lands Officer/Kowloon West objected to the application as the legal documents for the land exchange had already been executed in October 2008 and registration in the Land Registry was being processed. As such, a binding contract had been entered into between HKPA and the Government;
- (f) the District Officer (Yau Tsim Mong) advised that the concerned District Councillor and the Chairman of Yau Tsim Mong North Area Committee had no adverse comment on the application, but suggested that PlanD and other relevant authorities should handle the application in accordance with the standard procedures and principles that had been adopted previously;

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

- (g) a total of 43 public comments were received during the statutory publication period. Two public comments from URA and HKPA objected to the application mainly on the grounds that it would adversely undermine an approved development by the Board and the Government; it would be more cost-effective to redevelop the existing building in view of the substantial repairing and maintenance costs; the approved scheme would provide a well-equipped and modern stadium and youth centre; co-operating with private developer to redevelop the facilities could save public money; the net income generated by the stadium and commercial basement would be counted towards reducing the yearly Government subvention to HKPA; and the proposal was well supported by the District Council (DC). Eleven public commenters supported the application on the premise that it would provide a buffer area to reduce the overall density of the district, provide an open space for the public, and improve air ventilation; the control on building height and development intensity should be further tightened; redevelopment of Macpherson Playground would adversely affect the provision of open space in the district; extra tall buildings would create wall effect, reduce sunshine exposure, affect air ventilation, strengthen urban heat island effect, and destroy local characteristics of the area; a maximum PR of 3 could help limit the traffic

flow in the district; and the approved scheme would mean a double subsidy to HKPA and set a bad precedent. The remaining 30 commenters considered that the future residential development would be subject to noise pollution generated by road and rail traffic nearby; high-rise development would increase population density in Mong Kok; more open/civic space and greening, and activity area such as community centre, self-study room, library and indoor sports centre should be provided; and the lowering of PR to 1:1.5 with commercial development below ground level was supported; and

- (h) PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper. The proposed commercial/residential development cum sports stadium and youth centre at the site was approved by the Board in 1991 and still remained valid. URA and HKPA could still proceed with the implementation of the approved development even if the Notes of the OZP were amended in accordance with the current application. The approved development with a building height of 90mPD was considered not excessive and it was not incompatible with the surrounding developments. The applicant's proposal to tighten the development restrictions of the site might not represent an optimum use of the site. The approved scheme had demonstrated that higher development intensity at the site was feasible. Regarding public comments on noise pollution, provision of GIC facilities and open space and traffic impact, the approved scheme was subject to an approval condition to incorporate practicable noise mitigation measures to the satisfaction of the Director of Environmental Protection (DEP) or of the Board; the redevelopment project would provide a sports stadium and youth centre and improve the open space for public enjoyment; and the Transport Department (TD) had no objection to the approved scheme as long as the parking and loading/unloading requirements were complied with.

10. The Vice-chairman then invited the applicant's representatives to elaborate on their justifications for the application. Mr. Michael Kwok made the following main points :

- (a) a number of recent examples indicated that mixed development with residential use and public open space (POS) was not desirable as users of POS would cause nuisance to residents, particularly at night time;
- (b) the approved scheme, with a building of 30 storeys high (including one basement), was surrounded by buildings of similar height, creating wall effect and aggravating the heat island effect in this part of Mong Kok which was very densely populated and congested. The design of the development scheme approved in 1991 was not in line with the current standards and public aspirations for good planning and design. It was not appropriate to emphasize the validity of the 1991 approved scheme; and
- (c) the building plan approval obtained in 1994 for the redevelopment project was still valid because under the Buildings Ordinance, the approval period could be extended only when some minor amendments to the building plans were made. This was a loophole in the building plan approval process as the building plans approved in early years would unlikely meet the latest public aspirations for good design. A similar case was the commercial development at Queen's Road East opposite Hopewell Centre.

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

11. With the aid of a Powerpoint presentation, Mr. Ng Wing-fai made the following main points :

- (a) redevelopment of QE II Stadium into a 30-storey building with residential use was undesirable as there was a shortage of POS in the Mong Kok area and the redevelopment would aggravate the shortfall. The redevelopment scheme would also affect air ventilation and air quality which were already poor at the subject site as well as the Mong Kok Pedestrianisation Area nearby. PlanD should propose improvement measures on such aspects;
- (b) the Government had demonstrated good urban planning principles in some cases, such as the incorporation of wind corridors and reduction in

development intensity for the Oil Street Depot site and the proposed land exchange to preserve the heritage buildings of King Yin Lei. Nonetheless, there were many other bad examples and Hong Kong was only ranked the 41st in terms of livability by an international report;

- (c) paragraph 11 of the Paper had not provided any assessment on the current situation or proposed improvement measures with regard to the provision of POS, air quality at street level, traffic/pedestrian flow and improvement to pedestrianised streets. There was no indication on whether any effort had been made to redevelop or relocate the QE II Stadium. There was no assessment on whether the PR of 1.5 below ground level as proposed by the applicant was a better option. He also queried the bad precedent of using public land for private development; the role of URA and HKPA which resembled a private developer; the lack of air ventilation assessment (AVA) for the approved redevelopment scheme; the current guidelines on the validity period of planning permission; and the demand of GIC sites in the district; and
- (d) he said that the financial situation of HKPA should not be a relevant consideration of the Board.

12. Mr. Lam Ho-yeung made the following main points :

- (a) HKPA claimed in paragraph 10.2(b) of the Paper that the DC was well informed of the redevelopment proposal and it was supported by the DC. He said that the DC was only consulted at a late stage and discussion on this item was not in detail; and
- (b) as stated in paragraph 7.1(i)(e) of the Paper, the two roads abutting the site were heavily trafficked. There were also public comments stating that there were a number of trunk roads in Mong Kok district resulting in congested pedestrian and traffic flow (paragraph 10.3(a) of the Paper). He wondered why there was no comment from TD on the traffic impact generated by the approved scheme which was located in the high-density

Mong Kok area.

13. Mr. Siu Leong-sing said that the local residents in the area had not been consulted on the approved development scheme of HKPA. He queried about the necessity and urgency of the redevelopment scheme as it had been held in abeyance for 17 years. The approved high-rise building would affect the air quality and the health of residents and users of playgrounds nearby. It was the URA's mission to redevelop old and dilapidated residential buildings with a view to improving people's living environment. However, in the subject case, URA was engaged in the redevelopment project of HKPA and turned public assets into private assets.

14. Mr. Tsang Chiu-wai said that the benefits gained by the redevelopment scheme should not be at the expense of the public's living environment including the air quality, activity area and public space. He noted from the newspaper that the shop operators affected by the URA's Sai Yee Street project would be provided with cash compensation to relocate their businesses to the new shops at the subject site upon its redevelopment. He considered that URA should undertake a comprehensive development plan for the area concerned and present the whole picture to the public, instead of using the current approach on a project-by-project basis. He was disappointed to find out that there was neither public consultation nor social impact assessment conducted for the redevelopment of QE II Stadium. He said that the Government had the responsibility to provide necessary funding for the development of sports facilities. If HKPA did not have the funding to maintain its facilities, it could return them to the Government. Allowing HKPA to implement the private development project was a kind of transfer of benefits from the Government to the private sector.

15. With the aid of a Powerpoint presentation, Dr. Au Yeung Chi-shing made the following main points :

- (a) it was understood that the current application was a "dead case" since all necessary approvals for the redevelopment scheme at the subject site had already been secured from relevant authorities, and tender had been awarded to a developer to proceed with the development. However, it should be noted that the development would destroy the nature and quality

of the entire Macpherson Playground and affect the air quality/sunlight/view corridors of the old Mong Kok area;

- (b) the applicant supported redevelopment of the QE II Stadium/Youth Centre as well as the entire Macpherson Playground, but the redevelopment should not change the existing uses. The quality of living environment should remain the same, if not better;
- (c) it was doubtful if the HKPA, a non-governmental organisation (NGO), was entitled to redevelop the site into a property development. The Government should only approve change of use for land granted to NGOs under exceptional situation and for the fulfillment of public interest, and should from time to time assess the need for services provided by NGOs;
- (d) he said that the need to respect law and contractual spirit was the major argument put forward in supporting the implementation of the approved redevelopment scheme. However, it did not mean that nothing could be changed once a contract was signed. Change could be made subject to the agreement of both parties. A contract which was against the public interest should be voided, and the contracting parties and the community needed to have great moral courage to do this;
- (e) the subject site was an important open space which was located in the centre of Mong Kok district;

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

- (f) the redevelopment of QE II Stadium would only require about \$0.15 billion which was an insignificant amount in comparison with the annual government expenditure. He was shocked to find that the air quality/sunlight/view corridors of this part of Mong Kok was sacrificed for a mere \$0.15 billion;
- (g) as the site was granted to HKPA by the Government for providing public

services, the public should be consulted if the site was to be redeveloped for private residential use. Being an NGO, HKPA had the moral obligation to re-assess the 1991 approved scheme environmentally and financially and should not use the loophole of the building plan approval process to extend the building plan approval obtained 17 years ago which did not meet the present public aspirations for better living environment. Moreover, the government policy had overstressed the importance and self-sustainability of NGO. It failed to assess the necessary funding needed for redevelopment of NGO facilities and the damage which would be caused to the environment and quality of living in the neighbourhood. He also queried the role of URA as a facilitator in the redevelopment project, and the insufficient attention paid to the environmental impacts in the approved scheme;

- (h) a number of high-density and high-rise developments had been approved by the Board or PlanD in the past, such as the residential towers at the West Kowloon Reclamation, the Latitude and the Manhattan etc., resulting in wall effect and aggravating the heat island effect in the Mong Kok and Tai Kok Tsui areas. Given that only two public comments raised objection to the current application, which were from HKPA and URA, it was very clear that the approved scheme was not accepted by the majority of the general public; and
- (i) to conclude, he said that decision should be made based on good urban planning principles. The interests and liabilities of the developer were not relevant planning considerations. URA, HKPA and the developer should be requested to review and revise the approved scheme to fulfil their social and environmental protection obligations. The underground development as proposed by the applicant could be an alternative to keep the existing open space intact.

16. A Member asked if any measures could be taken by Government departments to address the local concerns on environmental impacts and traffic congestion problem arising from the approved redevelopment scheme. Ms. Heidi Y.M. Chan, DPO/TWK, said that the

commercial/residential development cum sports stadium and youth centre was approved by the Board on review on 20.12.1991. The main concern at that time was the noise impact of the railway on the future residents and hence an approval condition was imposed requiring the incorporation of practicable noise mitigation measures to the satisfaction of DEP. There was no discussion on air ventilation issues at that time. Mr. Anthony Loo of TD said that he had no information at hand as to whether a detailed traffic impact assessment (TIA) was conducted by the then LDC for the 1991 approved scheme. Nonetheless, sufficient car parking and loading/unloading facilities should be provided within the development.

17. Another Member said that the redevelopment scheme which included residential and commercial uses as well as sports stadium and POS, together with the Mong Kok Pedestrianisation Area nearby, would attract many people to this locality and asked if there was information on the future pedestrian flow and the availability of a buffer zone. Mr. Ng Wing-fai said that the applicant did not have the resources to carry out detailed technical assessments. He said that assessments such as TIA or AVA should be carried out by PlanD and the results should be incorporated in the Paper for consideration of the Committee. Ms. Heidi Y.M. Chan said that PlanD would consult relevant Government departments in assessing the various impacts generated by a proposed development. She supplemented that the future population of the residential portion of the approved scheme would be about 850 persons and hence the impact on pedestrian flow might not be significant. She also pointed out that the existing POS of 1 650m would be reprovisioned within the new development and there would be no loss in POS. In response to this Member's follow-up question, Ms. Heidi Y.M. Chan said that there was no information on pedestrian flow analysis in the submission of the 1991 approved scheme.

18. A Member said that, since the approval of the redevelopment scheme in 1991, there had been significant changes in public aspirations for a better living environment. The developments in Mong Kok around the application site were also very different. This Member asked whether it was legally possible to request the applicant of the approved scheme to revise his scheme to take into account the concerns of the public. Ms. Heidi Y.M. Chan said that PlanD had already met with URA a few times to discuss how the detailed design of the approved scheme could be improved, in particular in terms of permeability, to address the concern of local residents, especially its impacts on air ventilation.

19. In response to a Member's question and the Vice-chairman's query, Ms. Heidi Y.M. Chan said that the approved scheme was recently discussed at the Yau Tsim Mong DC on 28.8.2008. Referring to the minutes of the DC meeting, Ms. Chan highlighted the major points discussed at the DC meeting including the height of the new stadium, the development programme, the reprovisioning of basketball courts, wall effect of the residential building, ownership of the podium garden, scope of co-operation, and the air ventilation performance of the podium design etc. Ms. Chan said that the DC Vice-chairman reported in the DC meeting that HKPA had written to express their gratitude to the DC's support of the project so that it could finally be implemented after waiting for 20 years, and hope that it would provide modern facilities to the Yau Tsim Mong district. Ms. Chan also read out the last paragraph of the minutes in verbatim that "the Chairman concluded that the works would commence in October and believed that the project would bring new face to the Mong Kok district. As Members had no other comments to make, the Chairman said that the discussion of this item had been completed." The applicant's representatives queried that the position of DC was unclear on whether DC supported the whole redevelopment or just the sports stadium, and doubted if there had been a vote before making the conclusion. The Vice-chairman pointed out that the Committee was not in a position to comment on the proceedings of the DC meeting.

[Mr. K.Y. Leung left the meeting at this point.]

20. As the applicant's representatives had no further points to make and Members had no further questions to raise, the Vice-chairman 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 Vice-chairman thanked the applicant's representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

21. A Member said that the local residents' concerns on environmental and traffic impacts were appreciated and asked if the Committee could give some suggestions to URA and HKPA to improve the approved scheme on the relevant aspects. This Member also said that, according to Mr. Lam Ho-yeung's presentation, it was doubtful whether the

redevelopment scheme had the support of the Yau Tsim Mong DC. The Vice-chairman said that DC should have an established practice in handling consultation on development proposals submitted to DC. It was evident from the information provided by DPO/TWK that the redevelopment of QE II Stadium had been thoroughly discussed at the DC meeting and support of DC was obtained.

22. A Member opined that the Committee should explore ways to address the local concerns. Another Member enquired whether there was any mechanism to request the applicant of the approved scheme to comply with present day environmental and traffic requirements. The Secretary explained that the 1991 scheme was approved with conditions and the applicant had to follow strictly the approved scheme and comply with the planning conditions in its subsequent implementation. A set of building plans in compliance with the 1991 approved scheme was approved by the Building Authority (BA) in 1994. There were two aspects in respect of the approval, namely the validity of the planning approval and the validity of the building plans. On the first aspect, according to the Town Planning Board (TPB) Guidelines No. 35A on 'Extension of Time for Commencement of Development', once the building plans were approved, an approved development was deemed to have commenced, and the planning permission would remain valid. The Secretary continued to say that after the enactment of the Town Planning (Amendment) Ordinance in 2005, the TPB Guidelines were reviewed such that the applicant could apply to extend the validity period of the planning permission no longer than the original validity period. In this regard, a planning permission which was valid for four years could apply for an extension of time for only four more years. However, the part relating to what constituted "commencement of development" remained unchanged.

23. On the second aspect, according to the Practice Note for Authorised Persons and Registered Structural Engineers (PNAP) No. 215, while the Buildings Ordinance (BO) did not prescribe a validity period of approved building plans, section 16(3)(d) of the BO allowed the BA to review building plans that were approved more than two years ago upon the application for consent to commence works. However, legal advice indicated that, as long as the building proposal complied with the up-to-date building standards, section 16(3)(d) should not be applied to refuse an application for consent to commence approved building works which would contravene the extant outline zoning plan. In this regard, any change in the previously approved scheme would require a change in the established guidelines and

practices. However, the building plans approval process was not under the ambit of the Board. A few Members suggested asking the Development Bureau to review the building plans approval process. In response to Members' concern, the Secretary said that the relevant TPB Guidelines could be reviewed in respect of the criteria constituting the commencement of an approved development.

24. Noting the various aspects of comments and concerns raised, a Member asked if Government departments could propose improvement measures for URA to consider. Another Member also suggested asking URA to carry out TIA and AVA for the redevelopment scheme. The Secretary reminded Members that the application under consideration by the Committee was a rezoning application submitted by a member of the public to reduce the development intensity of the zoning at the application site. She said that the Committee should focus on considering the justifications provided by the applicant instead of assessing the redevelopment scheme of HKPA which was approved in 1991. The Secretary told Members that PlanD had included the QE II Stadium redevelopment scheme in the preparation of the Area Improvement Plan for the Shopping Areas of Mong Kok. She understood that URA had commissioned environmental consultants to study how the environmental condition of the surrounding area could be improved. She said that there was no statutory mechanism under the Town Planning Ordinance to require URA to revise the approved scheme. However, Members' concerns on environmental and traffic impacts could be relayed to URA for their consideration in implementing the project.

25. A Member said that while the applicant had not provided sufficient justification on the proposed reduction in PR to 3, the Committee could consider approving the subject application to send a message to the public that their concerns were noted by the Committee although the approval would not affect the 1991 approved scheme. This view was not agreed by other Members as the message conveyed to the public would be even more confusing. Besides, the applicant did not advance sufficient argument that PR 3 was the most appropriate intensity for the site. In this regard, the Vice-chairman agreed that there was insufficient justification for the proposed zoning amendments.

26. A Member enquired whether there were other similar cases with valid planning permission but had not been implemented for a long time. The Secretary said that there was no information at hand. However, she said that this was not uncommon as developers

would always try to wait for the best time in the market so as to maximise their profit.

27. A Member suggested that, as URA was also implementing other redevelopment projects in the Mong Kok district, it should undertake a comprehensive review on the planning of all the projects involved and provide a full picture for consultation with the local residents.

28. Mr. Anthony Loo said that he shared Members' concern on the heavy traffic and pedestrian flow in the Mong Kok district, especially at the junction of Yim Po Fong Street and Argyle Street. He asked whether the Committee could request URA to update the TIA for the approved scheme. The Secretary said that there was no provision for the Committee to require the URA to submit a revised TIA as the section 16 approval had not contained an approval condition to this effect.

29. Mrs. Shirley Lee of EPD supplemented that the public concerns on environmental impacts were not confined to the application site itself, but on a larger area within the Mong Kok district. She pointed out that the approved scheme itself was not a source of pollution, and the general traffic-generated pollution problems could not be resolved by the development alone. When considering the scheme in 1991, the environmental concern was on the railway noise impact to the future residents on the site, which would be addressed through the approval condition imposed under the planning permission.

30. The Vice-chairman concluded that Members generally did not support the application as there was insufficient justification to support the proposed amendments. Noting Members' views expressed above, he suggested URA should be advised to consider improvement measures in the detailed design of the approved scheme, taking into account the concerns on traffic and pedestrian flow, environmental improvement and better consultation with the local community.

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

- (a) a proposed commercial/residential development cum sports stadium and

youth centre at the application site had obtained planning permission and there was no strong reason to stipulate additional planning control on the site which would have no effect to the implementation of the approved scheme; and

- (b) the implementation of the approved commercial/residential cum sports stadium and youth centre development at the application site would provide recreational and community facilities to serve the local residents and the general public.

[The meeting adjourned at 11:30 a.m. for a short break of 10 minutes.]

[Mrs. Ava S.Y. Ng, Ms. Olga Lam and Mr. Walter K.L. Chan returned to join the meeting, and Professor Bernard V.W.F. Lim left the meeting at this point.]

32. Members agreed to consider section 12A application under Agenda Items 9 and 10 first as the applicant's representatives had arrived.

Agenda Item 9

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"
with a maximum plot ratio of 5.8 and
a maximum building height of 91 mPD,
Shau Kei Wan Inland Lot No. 761 (Part),
1-10 Sai Wan Terrace, Quarry Bay
(MPC Paper No. Y/H21/1B)

Agenda Item 10

Section 12A Application

Y/H21/2 Application for Amendment to the
Draft Quarry Bay Outline Zoning Plan No. S/H21/24
from “Residential (Group B)” and “Green Belt”
to “Residential (Group B)1” with a maximum plot ratio of 5.8 and
a maximum building height of 170mPD,
Shau Kei Wan Inland Lot No. 761,
1-10 Sai Wan Terrace, Quarry Bay
(MPC Paper No. Y/H21/2)

33. As Applications No. Y/H21/1 and Y/H21/2 were related to the same site and both applicants did not agree to the Planning Department (PlanD)’s request for a deferment of the consideration of the two applications, the Committee and the two applicants agreed to consider the two applications together.

34. 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. The Committee considered that Mr. Chan’s interest direct and should leave the meeting.

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

Presentation and Question Sessions

35. The following representatives from PlanD were invited to the meeting at this point :

- Ms. Brenda K.Y. Au - District Planning Officer/Hong Kong (DPO/HK)
- Mr. Tom C.K. Yip - Senior Town Planner/Hong Kong (STP/HK)

36. The following applicants’ representatives were invited to the meeting at this

point :

Mr. Ma Ting-sum - Representative of Application No. Y/H21/1
Ms. Kimmy Wong) Representatives of Application No. Y/H21/2
Ms. Candy Chan)
Mr. Ian Brownlee - Consultant of Application No. Y/H21/2

37. The Chairperson extended a welcome and invited Mr. Tom C.K. Yip, STP/HK, to brief Members on the background to the application.

38. Mr. Tom C.K. Yip presented the two applications and covered the following aspects as detailed in the Papers:

- (a) the Sai Wan Terrace Concern Group submitted a section 12A application (No. Y/H21/1) on 7.4.2008. At that time, the application site was zoned “Residential (Group B)” (“R(B)”) on the draft Quarry Bay Outline Zoning Plan (OZP) No. S/H21/24 with no plot ratio (PR) or building height (BH) restrictions. The applicant proposed to rezone the site from “R(B)” to “R(B)1” and impose a maximum PR of 5.8 and a maximum BH of 91mPD for the “R(B)1” zone;
- (b) on 9.5.2008, another section 12A application (No. Y/H21/2) was received from the owner of the lot proposing to rezone the application site and an adjoining small area zoned “Green Belt” (“GB”) within the same lot from “R(B)” and “GB” to “R(B)1”, and to impose a maximum PR of 5.8 and a maximum BH of 170mPD, or the PR and BH of the existing building, whichever is the greater for the “R(B)1” zone;
- (c) as the two applications were related to the development restrictions of the same “R(B)” site, the Committee decided on 20.6.2008 to defer a decision on Application No. Y/H21/1 for two weeks so that the two applications could be considered by the Committee at the same meeting on 18.7.2008;
- (d) On 4.7.2008, the applicant of Application No. Y/H21/1 requested to defer

the consideration of its application for two months to allow time for preparing supplementary information to address departmental comments on the application. On 18.7.2008, the Committee decided to defer a decision on the application and agreed that Application No. Y/H21/2 should also be deferred so that the two applications would be considered at the same meeting;

- (e) on 25.7.2008, the draft Quarry Bay OZP No. S/H21/25 (i.e. the current draft OZP) incorporating mainly amendments to impose BH restrictions for various development zones was exhibited for public inspection. A BH restriction of 120mPD was imposed on the subject site. During the plan exhibition period, a total of 296 objections were received. Among them, 106 were against mainly the BH restriction for the application site, including one from the land owner requesting for relaxing the BH restriction for the “R(B)” zone covering the application site and Floridian to 170mPD and imposing a PR restriction of 5.8 for the “R(B)” zone. The remaining 105 objections were from Sai Wan Terrace Concern Group, an Eastern District Councillor and local residents, all requesting to lower the BH restriction to 91mPD and imposing a PR restriction of 5.8 for the site. The preliminary consideration of the objections by the Town Planning Board (the Board) was tentatively scheduled for November 2008; and
- (f) as the BH restriction of 120mPD for the application site was the subject of 106 objections to the current draft OZP, and the objections were yet to be considered by the Board and the Chief Executive in Council (CE in C), a decision on the two section 12A applications would pre-empt the decision of the Board and CE in C on the objections. In line with the practice of the Board, PlanD recommended to defer a decision on the applications pending CE in C’s final decision on the objections.

39. The Chairperson then invited the representative of Application No. Y/H21/1 to elaborate on their reasons against the request for deferral. Mr. Ma Ting-sum said that the applicant objected to PlanD’s request to defer the consideration of the application pending CE in C’s decision on the objections and the reasons were :

- (a) the processing of section 12A applications and objections to OZP was governed by different provisions under the Town Planning Ordinance (the Ordinance). If his application was deferred until the objections had been heard and decided, it would also pre-empt the Committee's decision on his application;
- (b) the subject application involved the imposition of PR and BH restrictions for the "R(B)1" zone whereas the OZP amendments only involved the imposition of BH restriction on the application site. Hence the subject matters involved were not the same;
- (c) PlanD's recommendation to consider the objections first was not justified. It should be noted that the 106 objections were against the BH restriction of 120mPD for the application site and not the BH restriction of 91mPD proposed under his application. Also, the section 12A application had been published for public comment in accordance with the requirements of the Ordinance. He did not agree that it was necessary for the Board to hear the 106 objections first;
- (d) the number of public comments received for the section 12A application were far more than the 106 objections to the OZP amendments for the application site. Relevant government departments had also provided comments on the application. The Board should have sufficient information to make a decision on the application. Whether the section 12A applications were approved or rejected by the Committee would not have any implication on the objection hearing; and
- (e) consideration of the section 12A applications should be proceeded. If it was transpired by the Board in the consideration of the section 12A applications that more information relating to the 106 objections was needed, the Board could then decide whether the decision had to be deferred. He considered that such an approach was more reasonable.

40. The Chairperson then invited the representatives of Application No. Y/H21/2 to elaborate on their reasons against the request for deferral. The Secretary reported that the applicant had written to the Board on 5.11.2008 and a copy of the letter was sent to Members on 6.11.2008 and also tabled at the meeting. Mr. Ian Brownlee made the following main points :

- (a) the subject application was submitted six months ago but was still yet to be considered by the Committee. The hearing was originally scheduled for 1.8.2008. However, the Committee on 8.7.2008 asked the applicant whether there was any objection to defer the hearing as the applicant for Application No. Y/H21/1 had requested a deferment of two months. The applicant replied that in principle, postponement of the hearing was not supported. However, the applicant indicated that the two applications should be considered by the Committee at the same meeting on the assumption that the Committee would hear the applications within the 2-month period;
- (b) on 18.7.2008, the Board decided to defer the two applications. Nonetheless, at the same meeting on the same day, the Board agreed the proposed amendments to the draft Quarry Bay OZP No. S/H21/24 by imposing BH restrictions for various zones. The objections to the current draft OZP were not related to the earlier draft OZP No. S/H21/24 under which the subject application was submitted. Hence, PlanD's view in paragraph 2 of the Paper was fundamentally and legally wrong as the Board's decision on the subject application did not form part of the consideration of the current draft OZP;
- (c) the hearing of the application was rescheduled for 7.11.2008. However, the applicant was surprised to find that PlanD recommended the hearing to be further deferred without any prior notice to the applicant. Also, the applicant had not been invited to attend the meeting when the Paper was presented to the Board, which was procedurally wrong;
- (d) while PlanD proposed that the hearing of the application be deferred until

the current draft OZP was approved by CE in C, it was noted that since the OZP was last referred by CE in C to the Board for amendment on 22.10.2002, the OZP had been amended eight times and was yet to be submitted to CE in C for approval. Hence, there was no guarantee that the subject application would be heard in the near future; and

- (e) the Town Planning Board (TPB) Guidelines No. 33 on 'Deferment on Decision on Representations, Comments, Further Representations and Applications' stated that decision on a section 16 application would be deferred if the zoning of the application site was subject to outstanding adverse representation yet to be submitted to CE in C for consideration. However, there were no guidelines saying that this criterion would also be applicable to section 12A application. The applicant requested the Board to proceed with the subject section 12A application and the hearing of the application be conducted at the next meeting on 21.11.2008.

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

41. A Member questioned whether the consideration of the section 12A application would be indefinitely deferred, as claimed by Mr. Ian Brownlee, since there had been a substantial delay in submitting the draft OZP to CE in C for approval. Ms. Brenda K.Y. Au, DPO/HK, said that the objections to the current draft OZP would be processed under the pre-amended Ordinance and the preliminary consideration of the objections was scheduled for 28.11.2008. If the objections were not withdrawn after the preliminary consideration, they would be heard by the Board under section 6(6) of the pre-amended Ordinance. She went on to explain that the draft OZP had not been submitted to CE in C for approval because one of the objectors to the draft OZP No. S/H21/18, which was exhibited on 4.4.2003, applied for judicial review (JR) against the Board's decision not to uphold the objection. In April 2005, the Court of First Instance (CFI) quashed the decision of the Board and remitted the matter to the Board for a re-hearing. The Board re-heard the objection and maintained its previous decision of not upholding the objection. The appellant challenged the Board's decision afresh by way of another JR to the CFI, and then to the Court of Appeal and the Court of Final Appeal. The application for leave was only dismissed by the Court of Final Appeal on 8.9.2008. As such, there should not be further delay to submit the current draft

OZP to CE in C for approval after giving consideration to the objections. She supplemented that, since the reference back of the OZP in November 2002, amendments to the OZP were all necessary, including the incorporation of the Revised Master Schedule of Notes to Statutory Plans and the subsequent refinements as well as the imposition of development restrictions for various zones to take on board the policy initiatives in the 2007 Policy Address. Mr. Ian Brownlee said that there was a possibility that legal proceedings would be taken by the objectors against the Board's decision on their objections and hence there was still uncertainty in the submission of the draft OZP to CE in C for approval. This would cause an indefinite delay to the consideration of the section 12A application.

42. This Member followed up to seek clarification on whether the subject matters of the objections and the section 12A applications were different. Ms. Brenda K.Y. Au said that the objections related to the subject site were against the BH restriction of 120mPD stipulated on the OZP and proposed a PR of 5.8. Hence, there were related issues between the objections and the section 12A applications.

43. As the applicants' 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 proposed development and the objection to deferral by the applicants in their absence and the applicants would be informed of the Committee's decision in due course. The Chairperson thanked the applicants' representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

44. A Member said that if the consideration of section 12A applications would not have any implication on the objection hearing, deferring a decision on the section 12A applications until the clearance of the objections might not be fair to the applicants. Another Member also said that the applicants requested to separate the two procedures and to proceed with the consideration of the section 12A applications was not unreasonable. The Secretary reported that, according to legal advice, paragraph 3.3(b) of the TPB Guidelines No. 33 was applicable to section 16 application and section 17 review, but not section 12A application. Only paragraph 3.3(c) of the said Guidelines could be referred to in deciding on the deferral of section 12A application. She also said that there were no guidelines governing the

deferment of section 12A application for amendment to an OZP which was exhibited under the pre-amended Ordinance.

45. A Member enquired about the reason of not inviting the applicants to the meeting, as claimed by Mr. Ian Brownlee. The Secretary said that according to paragraph 3.5 of the TPB Guidelines No. 33, the applicant would normally not be required to attend the meeting for a request for deferral which met the criteria for deferment and generally agreeable by the Committee. However, in this case, as the applicants did not agree to the recommended deferment by PlanD and requested to present at the meeting, they were invited to the meeting to elaborate on their reasons. The Chairperson supplemented that in accordance with the Guidelines, if the Board decided not to accede to the request, the cases would be considered at the following meeting.

46. After further deliberation, the Committee decided not to defer a decision on the two section 12A applications. The Committee also agreed that the two applications should be submitted to the Committee for consideration at the next meeting to be held on 21.11.2008.

[Mr. P.C. Mok, STP/TWK, was invited to the meeting at this point.]

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed office;
- (c) departmental comments – the District Lands Officer/Kowloon West advised that the proposed office use was not permitted under the lease conditions unless consent from the Director of Lands was obtained;
- (d) one public comment was received during the statutory publication period raising query that the site had been used by the applicant as offices since 1985 and there were also offices on other floors, but application was only made until 2008 and covered 13/F only; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 12 of the Paper. The office use was considered not incompatible with the subject telephone exchange (TE) building and was in line with the Town Planning Board (TPB) Guidelines No. 16 on development within “Government, Institution or Community” (“G/IC”) zone in that the application premises for office use occupied only about 2.25% of the total gross floor area (GFA) of the building. The office use would not generate adverse environmental and traffic impacts. Regarding the office use in other parts of the TE building, as all the waivers for office use had expired, such use would be subject to enforcement action by the Lands Department (LandsD). The current application would need to be considered on individual merits in accordance with the TPB Guidelines. As such, approval of the application would not set a precedent for other similar applications within the TE building or the “G/IC” zone.

48. A Member asked whether the applicant was requested to submit planning

applications for the current office use on other floors of the TE building. Mr. P.C. Mok said that as all the previous temporary waivers for office use at the TE building had expired, LandsD had requested the applicant to obtain planning permission from the TPB for office use before the waiver would be renewed. He supplemented that, according to the TPB Guidelines No. 16, if the aggregate floor area for non-GIC uses was more than 50% of the total GFA of the TE building, the applicant should apply for rezoning of the site to an appropriate use.

Deliberation Session

49. As there were current office uses on other floors, a Member asked why the current application only covered portion of 13/F and whether the offices on the other floors would be subject to enforcement action as they were not covered by planning approval. The Chairperson explained that there was no provision under the Town Planning Ordinance for planning enforcement in the urban area, enforcement action on unauthorised uses had to be carried out under the lease or Buildings Regulation. Ms. Olga Lam of LandsD said that the subject lot should not be used for any purpose other than telephone exchange and the ancillary facilities. LandsD would consider taking lease enforcement action, subject to their own priority.

50. A Member asked whether approving the current application would set a precedent for similar use on other floors of the subject building. Mr. P.C. Mok said that any future applications would be considered individually on their own merits in accordance with the TPB Guidelines No. 16.

51. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 7.11.2012, 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.

52. The Committee also agreed to advise the applicant to apply to the District Lands Officer/Kowloon West for a consent to permit office use at the application premises.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/400 Proposed Temporary Office and Shop and Services
for a Period of 5 Years in “Industrial” zone,
Hing Yip Centre, 72-76 Texaco Road,
Tsuen Wan (Lot 462 in DD 443)
(MPC Paper No. A/TW/400)

Presentation and Question Sessions

53. The Committee noted that the applicant requested on 17.10.2008 for a deferment of the consideration of the application to allow time for preparing further information to address the concerns of relevant Government departments.

Deliberation Session

54. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Hong Kong District

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

Agenda Item 6

[Open Meeting (Presentation and Question Sessions Only)]

Land Use Review of the Area

to the Southwest of the junction of Hennessy Road and Johnston Road

(MPC Paper No. 28/08)

Presentation and Question Sessions

55. With the aid of a Powerpoint presentation, Ms. Donna Y.P. Tam, STP/HK, presented the following main points as detailed in the Paper :

- (a) on 1.8.2008, the Committee rejected an application (No. A/H5/372) for a proposed office development at 24-34 Hennessy Road covering the Tai Sang Commercial Building site within the “Residential (Group A)” (“R(A)”) zone on the approved Wan Chai Outline Zoning Plan (OZP) No. S/H5/25. While the proposed office development was considered not incompatible with the surrounding land uses, there was concern that approval of the application would set a precedent for similar developments of a plot ratio (PR) higher than the residential developments permitted in the “R(A)” zone. The Committee noted that a land use review was being carried out by the Planning Department (PlanD) on the development potential of the area for rezoning to commercial use having regard to adequacy of infrastructure, land use compatibility and environmental impacts, etc.;
- (b) the study area was generally bounded by Hennessy Road to the north,

Landale Street and Wing Fung Street to the east, Queen's Road East and Star Street to the south and Monmouth Path to the west. The area was mainly zoned "R(A)" on the Wan Chai OZP. The area covered 16 sites, seven of them had already been developed for commercial uses. Except Sincere Insurance Building (Site 1) and Tai Sang Commercial Building (Site 6) which were built or with building plans approved before the first publication of the Wan Chai OZP No. LH 5/29 in 1968, the others were the subject of planning permissions for commercial/office developments granted by the Town Planning Board (the Board) between 1976 and 2003. The Wesley Hong Kong (Site 5) zoned "Government, Institution or Community" was a hostel with a children and youth centre and a nursery on the lower floors. The remaining eight sites were occupied by existing residential developments with shops on lower floors;

- (c) for the six existing residential developments (Sites 4, 7 and 10 to 13) to the north of Queen's Road East, taking into account the building age of 31 to 51 years, their existing development intensities and their locations in between existing commercial developments, there was a great potential for them to be redeveloped for commercial uses including office and hotel. In terms of land use, redevelopment of existing residential buildings to commercial developments was considered compatible with the predominately commercial uses in the area, which could be an extension to the Central Business District in Central and Admiralty;
- (d) on the proposed rezoning of the whole area from "R(A)" to "Commercial" ("C"), the Transport Department (TD) considered that the traffic flows generated by such redevelopment to commercial use were quite significant, and a traffic impact assessment (TIA) was required to ascertain the development intensity of individual sites or the area as a whole;
- (e) in view of TD's concern, it was considered not appropriate to propose a wholesale rezoning of the "R(A)" sites in the area to "C" to permit commercial development as of right without any detailed TIA. Retaining the existing "R(A)" zoning would still allow planning applications for

redevelopment of these sites for commercial use which would be considered on individual merits. Such applications should be supported by a detailed TIA and necessary traffic improvement measures to ensure no adverse traffic impact. The imposition of relevant approval conditions would also ensure adequate provision of car parking and loading/unloading facilities within the future developments; and

- (f) for Three Pacific Place (Site 14) which occupied most of the street block bounded by Queen's Road East, Monmouth Path, Star Street and Wing Fung Street, it could be rezoned to "C" upon full compliance with all approval conditions.

56. A Member noted that the proposed wholesale rezoning of the "R(A)" sites in the area to "C" to permit commercial development as of right was not recommended in view of TD's concern. This Member enquired about the time required to complete a TIA and the level of details required. Ms. Brenda K.Y. Au, DPO/HK, said that TD had concern about the traffic flows generated by the redevelopment of residential sites for commercial development, particularly on Queen's Road East. It was considered that such redevelopments should be justified by a detailed TIA submitted by the applicant to ensure no adverse traffic impact. She also said that as majority of the sites were covered by unrestricted leases, redevelopment to be monitored by way of the planning permission system could ensure that necessary improvement works and parking and loading/unloading facilities would be provided through the imposition of approval conditions.

[Ms. Starry W.K. Lee left the meeting temporarily at this point.]

Deliberation Session

57. After deliberation, the Committee noted the findings of the land use review of the area to the southwest of the junction of Hennessy Road and Johnston Road.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/377 Proposed Office
 in “Residential (Group A)” zone,
 24-34 Hennessy Road, 2-12 Anton Street and 1-11 Landale Street,
 Wan Chai

 (MPC Paper No. A/H5/377)

58. The Secretary reported that the application was submitted 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. The Committee considered that Mr. Chan’s interest direct and should leave the meeting.

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

Presentation and Question Sessions

59. 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 office;
- (c) departmental comments – the Assistant Commissioner for Transport/Urban (AC for T/U) had reservation on the application and considered the submitted traffic impact assessment (TIA) inadequate in terms of the traffic flow data, trip rates adopted and junction performance calculations. Additional traffic counts and an updated TIA were required. Further justifications for the proposed ingress/egress and provision of kerbside space on Anton Street for public use were also required;

- (d) three public comments were received during the statutory publication period. Two of them supported the application on the grounds that the proposed office development was compatible with the surrounding area which was mainly commercial in nature, and it would increase the office stock in Wan Chai. The remaining one commented that a traffic flow study to alleviate traffic congestion in this locality was required, and the proposed loading/unloading facilities and parking spaces might be inadequate to serve the proposed development;
- (e) the District Officer (Wan Chai) advised that some locals were worried about affecting air circulation in the area and traffic impacts. They considered that the redevelopment proposal required supporting analysis; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper. While the proposed office development was considered not incompatible with the nearby developments at Hennessy Road and Johnston Road which were commercial and mixed commercial/residential in nature, redevelopment of the site for an office development to a higher plot ratio (PR) of 15 should be fully supported by detailed assessments to demonstrate no adverse impacts. However, there was insufficient information to demonstrate no adverse traffic impacts from the proposed office development. In this regard, AC for T/U had reservation on the application and requested for an updated TIA. There were also concerns on traffic condition in the area raised in the public comments received.

60. In response to a Member's question, Ms. Brenda K.Y. Au, DPO/HK, said that the red dotted line shown on Drawing A-2 of the Paper represented the site boundary. As the proposed development would use an open plan design on ground floor, AC for T/U's comment was that there might not be a need to set back the site boundary for a wider footpath.

61. A Member said that as the land use review conducted by PlanD for this locality indicated that redevelopment of existing residential sites to commercial development in this area was considered compatible with the surrounding commercial uses, could the application be supported subject to an approval condition to provide further details on the TIA. Mr. Anthony Loo of Transport Department (TD) said that they had raised a number of queries on the TIA and the applicant had subsequently provided additional information to clarify the matters. There was no objection to the application from traffic point of view, but the applicant should provide additional data and an updated TIA for their consideration.

62. A Member raised concern on the building mass of the proposed office, taking into account the existing character of the area with different building heights and building mass. Another Member also indicated concern on the cumulative effect when the old buildings were redeveloped. Ms. Brenda K.Y. Au said that, even when all the existing residential developments were redeveloped into commercial/office developments, the increase in the overall gross floor area was estimated to be about 18 280m², which was not considered to be a significant increase in development intensity. The Chairperson said that as this area was located immediately adjoining the Central Business District (CBD) facing the junction of Hennessy Road and Johnston Road, it was likely to be transformed into an extension area of the CBD and the proposed development was considered not incompatible. Some Members considered that, in the light of the assessment of the Land Use Review, and TD's comments that the traffic impact was not insurmountable and the concerns were on technical matters, the proposed office development was not unacceptable. A Member opined that the residential character of Star Street and its neighbourhood should however be maintained.

63. 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 7.11.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of a revised traffic impact assessment and the implementation of necessary traffic improvement measures identified

therein to the satisfaction of the Commissioner for Transport or of the TPB;

- (b) the provision of car parking, motorcycle parking spaces, vehicular access and internal queuing spaces for the car lifts to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of a sewerage impact assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the implementation of necessary local sewerage upgrading/sewerage connection works as identified in the SIA in planning condition (c) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the submission of a drainage impact assessment and implementation of the drainage improvement works identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the temporary and permanent reprovisioning of an affected road light to the satisfaction of the Director of Highways or of the TPB;
- (g) 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
- (h) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) consult Mass Transit Railway Corporation Limited on full details of the development and comply with their requirements with respect to the operation, maintenance and safety of the railway line; and
- (b) note that the arrangement on emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting

and Rescue which was administrated by the Buildings Department.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H4/83 Proposed Eating Place (Restaurant)
in “Other Specified Uses” annotated “Pier” zone,
Portion of Level 2, Central Pier No. 2, Central
(MPC Paper No. A/H4/83)

Presentation and Question Sessions

65. 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 eating place (restaurant);

[Ms. Starry W.K. Lee returned to join the meeting and Mr. Walter K.L. Chan left the meeting at this point.]

- (c) departmental comments – the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD) objected to the application on the grounds that the proposed layout might not comply with the current building regulations and Codes of Practices, and the applicant had not demonstrated adequate means of escape and fire separation for the proposed restaurant at portion of Level 2 and the remaining area of the pier. The Assistant Commissioner for Transport/Urban (AC for T/U) had reservation on the proposed restaurant as it would entail loading/unloading activities at the laybys outside the Central Piers which were already busy and might further disrupt the traffic on Man Kwong Street. There should

be assessment on parking, loading/unloading requirement, patronage of the proposed restaurant and traffic conditions on Man Fai Street to address potential traffic impact on the surrounding area. The proposed restriction on the time of deliveries was not practically enforceable. However, the Ferry and Paratransit Division of Transport Department commented that the proposed restaurant would help generating non-fare-box revenue to cross-subsidise ferry operations, whereby relieving the pressure for fare increase. It might also add vibrancy to the pier area and help attract people to the harbourfront;

- (d) one public comment was received during the statutory publication period supporting the application as the proposed use would increase the number of recreational facilities for residents, visitors and commuters on the Central waterfront;
- (e) the District Officer (Central and Western) advised that Members of the Central & Western District Council expressed support to develop the harbourfront by bringing in commercial elements, such as café and shops, to promote public enjoyment of the waterfront promenade. However, a balance should be struck between developing the harbourfront with commercial elements and retaining sufficient space for unrestricted access and public enjoyment; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 10 of the Paper. The proposed restaurant use was considered not incompatible with the existing pier use at the subject premises. Depending on its mode of operation, it could provide dining services to passengers using the piers, local visitors and tourists and would add vibrancy to the waterfront area. However, CBS/HKW, BD objected to the application on grounds of fire safety and compliance with building regulations. Also, AC for T/U had concerns on the loading/unloading activities at the laybys outside the Central piers which would further disrupt the traffic on Man Kwong Street. There was insufficient information in the submission to address the fire

safety and traffic concerns.

66. Members had no question on the application.

Deliberation Session

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

- (a) there was insufficient information in the submission to demonstrate satisfactory provision of means of escape and fire separation for the proposed restaurant use; and
- (b) there was insufficient information in the submission to demonstrate that the proposed use would have no adverse traffic impact.

[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. Tom C.K Yip, STP/HK, was invited to the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/392 Proposed Office, Eating Place and Shop and Services
in "Comprehensive Development Area (1)" zone,
14-30 King Wah Road, North Point
(MPC Paper No. A/H8/392)

68. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (the Henderson). Mr. Raymond Y.M. Chan, having current business dealings with the Henderson, had declared interest in this item. The

Committee noted that Mr. Chan had already left the meeting.

69. The Secretary also reported that the “Coalition Against the Proposed Development on King Wah Road” petitioned against the application. A copy of their letter to the Town Planning Board (the Board) was tabled at the meeting for Members’ reference.

Presentation and Question Sessions

70. Mr. Tom C.K Yip, STP/HK, presented the following main points as detailed in the Paper :

- (a) request for deferment – the applicant requested on 24.10.2008 for a deferment of the consideration of the application to allow time to address the comments raised by the Transport Department on the traffic impact assessment. The applicant stated that the responses to comments would be submitted within two months;
- (b) planning brief (PB) – on 1.9.2006, the Committee agreed to a section 12A application (No. Y/H8/2) submitted by the applicant for amending the Notes of the “Comprehensive Development Area (1)” (“CDA(1)”) zone to include ‘Flat’ use under Column 2. The Committee however considered that the indicative scheme, i.e. a 48-storey residential development at plot ratio (PR) of 8.15 and building height (BH) of 165mPD, was excessive given its waterfront location, and requested the Planning Department (PlanD) to review the development intensity and BH of the application site and to prepare a PB;
- (c) on 2.11.2007, the applicant submitted a planning application (No. A/H8/387) for a residential development at the site. As compared with the indicative scheme under the rezoning application, the PR and BH of the development were reduced from 8.15 to 8 and from 165mPD to 138mPD. While considering the use, development intensity and BH of the proposed residential development acceptable in principle, the Committee on 4.1.2008 decided to defer a decision on the application pending the submission of

further information on building design and noise mitigation aspects. The consideration of the application was further deferred by the Committee on 4.7.2008 and 19.9.2008 to allow time for the applicant to conduct an air ventilation assessment;

- (d) as the Committee's concern on the development intensity and BH of the proposed development on the site was addressed under Application No. A/H8/387, the preparation of a PB was not absolutely necessary at that time. However, the "Coalition Against the Proposed Development on King Wah Road" lodged a complaint to the Legislative Council on 9.6.2008 against the alleged failure of the Board, PlanD and other relevant Government departments in giving regard to the adverse impacts of the proposed development at the site, and demanded that a PB should be prepared for the site. Moreover, the applicant on 19.9.2008 submitted the current application for a proposed office development with a higher PR of 13.5 and a BH of 123mPD, which might not be able to address the concerns previously raised by the Committee; and
- (e) PlanD's views – the applicant's request for deferment of the current application was in line with the criteria for deferment set out in the Town Planning Board (TPB) Guidelines No. 33. However, in view of the latest developments, PlanD considered that it would be appropriate to prepare a PB for the subject site. The PB would be prepared by PlanD and submitted to the Committee for consideration and endorsement. The Eastern District Council would be consulted in the process in accordance with the procedures laid down in the TPB Guidelines No. 39. As the process would take about 6 months to complete, a decision on the two planning applications related to the subject site, i.e. Application No. A/H8/387 and the current application, would need to be deferred pending the endorsement of the PB by the Committee. The applicant of the two applications would be informed accordingly.

71. After deliberation, the Committee agreed that a planning brief (PB) for the application site should be prepared by the Planning Department. The Committee also agreed to defer a decision on the two planning applications related to the subject site, i.e. Applications No. A/H8/387 and A/H8/392, pending the endorsement of the PB by the Committee.

Agenda Item 12

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 Urban Renewal Authority Development Scheme at Staunton Street/Wing Lee Street, Hong Kong
(MPC Paper No. A/H3/381B)

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

Mrs. Ava S.Y. Ng as the Director of Planning) being a non-executive director of URA
Mr. Walter K.L. Chan)
Mr. Maurice W.M. Lee)
Ms. Olga Lam as the Assistant Director of Lands Department	- being an assistant to the Director of Lands who was a non-executive director of URA
Ms. Ann Ho as the Assistant Director of Home Affairs Department	- being an assistant to the Director of Home Affairs who was a co-opt member of the Planning, Development and Conservation Committee of URA
Professor Bernard V.W.F. Lim	- having current business dealings with URA and one of the consultants for the

application

73. The Committee noted that Mr. Maurice W.M. Lee and Ms. Ann Ho had tendered apologies for not attending the meeting, and Mr. Walter K.L. Chan and Professor Bernard V.W.F. Lim had already left the meeting. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mrs. Ava S.Y. Ng and Ms. Olga Lam were allowed to remain at the meeting.

Presentation and Question Sessions

74. The Committee noted that the applicant requested on 13.10.2008 and 20.10.2008 for a deferment of the consideration of the application for two months to allow time to prepare further information as required by the Government departments.

Deliberation Session

75. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairperson thanked Ms. Brenda K.Y. Au, DPO/HK, and Mr. Tom C.K Yip, STP/HK, for their attendance to answer Members' enquiries. Ms. Au and Mr. Yip left the meeting at this point.]

Kowloon District

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/187 Shop and Services
 in “Other Specified Uses” annotated “Business” zone,
 Workshop No. 4A (Portion), G/F,
 Laurels Industrial Centre,
 32 Tai Yau Street, San Po Kong
 (MPC Paper No. A/K11/187)

Presentation and Question Sessions

76. Miss Annie K.W. To, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period. The District Officer (Wong Tai Sin) advised that some locals expressed reservation on the application on the grounds that it might induce competition to the existing shops in the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on assessment as detailed in paragraph 11 of the Paper. The shop and services use complied with the Town Planning Board Guidelines No. 22D in that it would not have adverse impacts on fire safety and car parking provision in the existing industrial building. Similar applications for shop and services uses had been approved for other

workshop units in the vicinity of the application premises. Regarding the local concern on competition to existing shops in the area, it was considered that the use under application was in line with the planning intention of the “Other Specified Uses” annotated “Business” zone for general business uses. Previous applications (No. A/K11/158 and A/K11/177) for a florist shop and general shop and services use at the application premises were approved by the Committee. There was no change in planning circumstances since the approval of the previous applications. As the previous planning permission (Application No. A/K11/177) had been revoked due to the applicant’s failure to comply with the approval condition, a shorter compliance period was recommended in order to closely monitor the implementation of the condition.

77. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape and fire service installations in the application premises, within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2009; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) note that a shorter compliance period was imposed so as to monitor the

fulfilment of approval condition;

- (b) consult the Food and Environmental Hygiene Department regarding food licence for operation of food business under Food Business Regulation; and
- (c) note that no vehicular access from public road to the application premises would be allowed.

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

[Mr. C.C. Lau, STP/K, was invited to the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/255 Proposed School (Tutorial School)
 in "Residential (Group C) 1" zone,
 G/F (Portion), 10 York Road,
 Kowloon Tong
 (MPC Paper No. A/K18/255)

Presentation and Question Sessions

80. 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) at part of the kindergarten premises on the G/F of the subject building which would be operated in the evening during weekdays and in the daytime on Saturdays and Sundays after the

school hours of the kindergarten;

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) three public comments were received during the statutory publication period. Two of them supported the application for the reasons of compatibility with the land use in the area, demand on tutorial schools and contribution of education activity to the community. The remaining one raised objection to the application as its operation during night time on weekdays and day time on Saturdays and Sundays would have serious adverse impacts on the surrounding residential environment in Kowloon Tong and the tranquil living environment at night; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper. The proposed tutorial school complied with the Town Planning Board Guidelines No. 40 in that it was not incompatible with other uses within the same building which was an existing 2-storey kindergarten with classrooms on G/F and office and storage area on 1/F, as well as the surrounding residential areas with kindergartens, religious institution and community facility. The accesses to the application premises were via the kindergarten and hence would not cause major disturbance or nuisance to local residents. As far as the fire and building safety requirements were concerned, the Fire Services Department and the Buildings Department had no objection to the application. Regarding the local objection, the Environmental Protection Department had no adverse comment on the application. Moreover, an application for registration of the proposed tutorial school had been submitted under the Education Ordinance, under which the detailed operation of the tutorial school would be further considered.

81. Members had no question on the application.

Deliberation Session

82. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.11.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the design and provision of parking facilities and loading/unloading spaces and laybys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (b) the provision of fire service installations for the proposed development to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note that the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) consult the Registration Section of Education Bureau on school registration matters under the Education Ordinance and Regulations;
- (c) note that the landscape planting on the subject site should be maintained in good condition at all times; and
- (d) resolve any land issue relating to the development with the concerned owner of the application site.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/256 Proposed School (Primary School)
 in “Residential (Group C) 1” zone,
 105 Waterloo Road, Kowloon Tong
 (MPC Paper No. A/K18/256)

Presentation and Question Sessions

84. 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 (primary school);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period raising concern on the unnecessary felling of old trees for having more usable land and the recent influx of schools and kindergartens which had caused air pollution, illegal parking and traffic congestion in the Kowloon Tong area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 10 of the Paper. The proposed school was considered not incompatible with the surrounding areas as there were some other schools along Waterloo Road in the vicinity. The proposed plot ratio of 0.598 (including existing and new structures) and building height of 2 storeys complied with the development restrictions stipulated for the subject “Residential (Group

C)1” zone. The proposed primary school would not have major adverse traffic, environmental and infrastructural impacts on the area. Regarding the commenter’s concerns on the environmental and traffic problems caused by the existing schools in the area, relevant Government departments had no comments on these aspects. The concerns on tree felling would be addressed by imposing approval conditions on the submission and implementation of landscape and tree preservation proposal.

85. Members had no question on the application.

Deliberation Session

86. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.11.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the design and provision of vehicular access arrangement, parking facilities and loading/unloading spaces and laybys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of water supplies for fire-fighting and fire service installations for the proposed development to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission of a sewerage impact assessment and implementation of the sewerage improvement measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and

- (e) the implementation of the accepted landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note that the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) follow Chapter 9 of the Hong Kong Planning Standards and Guidelines in providing practicable noise mitigation measures; and
- (c) resolve any land issues relating to the development with the concerned owners of the application site.

[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 16

Any Other Business

88. There being no other business, the meeting was closed at 1:05 p.m..