

TOWN PLANNING BOARD

Minutes of 388th Meeting of the Metro Planning Committee held at 9:00 a.m. on 9.1.2009

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Raymond Y.M. Chan

Ms. Starry W.K. Lee

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

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

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

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

Secretary

Absent with Apologies

Professor Bernard V.W.F. Lim

Mr. Walter K.L. Chan

Mr. Felix W. Fong

Mr. K.Y. Leung

Dr. Ellen Y.Y. Lau

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Assistant Director(2), Home Affairs Department
Mr. Andrew Tsang

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. Ivan M.K. Chung

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

Agenda Item 1

Confirmation of the Draft Minutes of the 387th MPC Meeting Held on 19.12.2008

[Open Meeting]

1. The draft minutes of the 387th MPC meeting held on 19.12.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Town Planning Appeals Received/Abandoned

- (a) Town Planning Appeal No. 11 of 2008
Temporary Warehouse for Storage of Metalware
for a Period of 3 Years in “Residential (Group C)” zone,
Lots 1096(Part), 1841A, 1843A(Part), 1843RP, 1844A, 1845A(Part) and
1845B(Part) and Adjoining Government Land in DD 124,
Hung Shui Kiu Main Street, Ping Shan, Yuen Long
(Application No. A/YL-PS/283)

2. The Secretary reported that an appeal (No. 11/08) was received by the Town Planning Appeal Board (TPAB) on 15.12.2008 against the decision of the Town Planning Board (TPB) on 26.9.2008 relating to a section 17 review of an application (No. A/YL-PS/283) for a temporary warehouse for storage of metalware for a period of 3 years in the “Residential (Group C)” zone on the approved Ping Shan Outline Zoning Plan No. S/YL-PS/11. On 19.12.2008, Appeal No. 11/08 was abandoned by the Appellant of his own accord. The abandonment had been confirmed by the TPAB on 22.12.2008 in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

- (b) Town Planning Appeal No. 13 of 2008
Proposed Minor Amendments
to an Approved Scheme of Residential Development

in “Residential (Group A)” and “Residential (Group C)7” zones on the approved Mid-Levels West Outline Zoning Plan No. S/H11/14, 2A – 2E Seymour Road, 23 – 29 Castle Road and 2, 4A, 6 and 6A Castle Steps, Mid-levels West, Hong Kong (Application No. A/H11/87-1)

3. The Secretary reported that an appeal (No. 13/08) against the decision of the TPB to reject a review application seeking to delete Condition (h) attached to the planning permission granted under a section 16A application (No. A/H11/87-1) was received by the TPAB on 29.12.2008. Condition (h) stipulated that in the event that the TPAB’s decision of 25.2.2008 in Appeal No. 5/05 in respect of the originally approved scheme under Application No. A/H11/87 was set aside, the planning permission in respect of its amendment scheme approved under section 16A of the Town Planning Ordinance (No. A/H11/87-1) should lapse automatically without any further act on the part of the TPB.

4. The review application was rejected by the TPB on 17.10.2008 for the reason that Condition (h) was to set out clearly the legal consequence that the approved amendment scheme would fall away if the judicial review application lodged by the TPB succeeded in setting aside the decision of the TPAB to allow the original planning application. The condition was appropriate, reasonable and necessary.

5. The hearing date of Appeal No. 13/08 was yet to be fixed. The Secretary would act on behalf of the TPB in dealing with the appeal in the usual manner.

(ii) Town Planning Appeal Statistics

6. The Secretary reported that as at 9.1.2009, 20 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	23
Dismissed	:	109
Abandoned/Withdrawn/Invalid	:	130
Yet to be Heard	:	20
<u>Decision Outstanding</u>	:	<u>1</u>

Total : 283

Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K18/3 Application for Amendment to the
Draft Kowloon Tong Outline Zoning Plan No. S/K18/14
from “Commercial (1)” to “Government, Institution or Community (7)”,
322 Junction Road, Kowloon Tong (NKIL5748)
(MPC Paper No. Y/K18/3)

7. The application was submitted by the Hong Kong Baptist Hospital (HKBH). The Secretary reported that Professor N.K. Leung, who might use HKBH to provide services for his patients, had declared an interest in this item. Members noted that Professor Leung’s interest was direct and that he had not yet arrived at the meeting.

Presentation and Question Sessions

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

Mr. Eric C.K. Yue - District Planning Officer/Kowloon (DPO/K)
Mr. C.C. Lau - Senior Town Planner/Kowloon (STP/K)

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

Mr. Derek Sun
Miss Pearl Hui
Dr. Raymond Chen
Mr. Fung Hak Ming

Mr. Geoffrey Lau
Mr. Patrick Chui
Miss Carmen Chan
Mr. Derek Ho
Mr. Nelson Tang

10. The Chairperson extended a welcome and explained the procedures of the hearing. Mr. Eric C.K. Yue, DPO/K, was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Mr. Yue did so as detailed in the Paper and made the following main points :

- (a) the applicant proposed to rezone the application site from “Commercial (1)” (“C(1)”) to “Government, Institution or Community (7)” (“G/IC(7)”) on the draft Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/14 to facilitate the redevelopment of an existing commercial building (namely Wah Do House) into a hospital block, namely Block E, as an extension of the Hong Kong Baptist Hospital (HKBH);
- (b) the applicant’s proposals and justifications were detailed in paragraphs 1 and 2 of the Paper. According to the indicative development scheme, the proposed Block E was located immediately next to the existing Block D of the HKBH (i.e. Au Shue Hung Health Centre) with connection on all floors, except the car park floors. The proposed Block E would have a total gross floor area (GFA) of 5,547m² (equivalent to plot ratio of 7.496) and a building height (BH) of 10 storeys (over 2 basements) and 69.95mPD at main roof level. Building setbacks of 1.5m and 0.9m would be provided at Junction Road and Kam Shing Road respectively for landscaping/tree planting. A landscaped garden would be provided on the 4/F podium;
- (c) the existing commercial building on site was owned by the applicant and mainly used as office, training centre and clinic of the HKBH. The surrounding land uses included the HKBH and the Hong Kong Baptist University in the north and west, a commercial building in the east and the Kowloon East Barracks in the south;

- (d) although the application site was highly visible along Junction Road, the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the application site was not located along the major view corridor and hence the proposed BH of the proposed development was acceptable from urban design perspective. Other concerned Government bureaux/departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (e) during the statutory publication period of the application, one public comment was received raising objection to the proposed change in use and plot ratio mainly on grounds of adverse impacts on traffic and commercial value of the adjacent property; loss of car parking spaces; and increase in health risk to the neighbourhood; and
- (f) the Planning Department (PlanD)'s views – PlanD partially supported the application based on the assessment in paragraph 11 of the Paper. The proposed change of use of the application site from “C(1)” to “G/IC(7)” was considered not unacceptable because of the fading function of the subject commercial building as a local shopping centre; the rising need for private hospital services; and the compatibility of the proposed hospital use with the surrounding land uses. The proposed BH of 10 storeys (over 2 basement floors) and 69.95mPD (at main roof level) were the same as those of the adjoining Block D. Taking into account the locality of the application site, the small site area of about 740m², the need for private hospital services and no significant adverse impacts on traffic, environmental quality, sewerage and infrastructure provisions, the proposed GFA of 5,547m² was considered not unacceptable. However, the current “G/IC(7)” zone was only subject to a maximum BH of 10 storeys (excluding basement floor(s)) on the OZP. Should the Committee agree to rezone the application site to “G/IC”, a new “G/IC(11)” sub-zone subject to a maximum GFA restriction of 5,547m² and a maximum BH restriction of 10 storeys (excluding basement floor(s)) and 70mPD were proposed for the application site. The proposed development restrictions

would be applicable to the proposed hospital development only.

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

11. The Chairperson then invited the applicant's representatives to elaborate on the application. With the aid of a Powerpoint presentation, Mr. Derek Sun made the following main points :

- (a) there was a need for expansion of the HKBH in view of the significantly rising demand for private hospital services and the nearly 100% bed-occupation rate. To meet the demand, an addition of 102 hospital beds, a training centre, a speciality medical centre and other hospital facilities would be required;
- (b) the following options had been explored to meet the expansion requirements of the HKBH :
 - (i) in-situ expansion of the Main Block of the HKBH – this option would pose major disturbance to the existing hospital services and was therefore considered not feasible;
 - (ii) conversion of the existing commercial building at the application site – this option would be constrained by the existing building structure e.g. insufficient floor-to-floor height and small lift size and was therefore considered not feasible;
 - (iii) redevelopment of the existing commercial building in accordance with the current OZP restrictions at a maximum BH of 6 storeys (excluding basement(s)) and a maximum plot ratio of 5.8 - this option could only accommodate 70 beds and a GFA of 2,800m² for speciality and training centers which would be inadequate to meet the demand for private hospital services; and
 - (iv) rezoning of the application site to the proposed “G/IC(7)” zone subject

to a maximum BH of 10 storeys (excluding basement(s)) on the OZP - this option was taken forward as it could minimize disturbance to the existing hospital services; optimize the use of valuable land resources; and was considered more cost-effective in that the proposed development at a BH of 10 storeys could be connected with the adjoining Block D on all floors (except car park floors) for sharing facilities and creating synergy effect;

- (c) in formulating the indicative development scheme based on the selected option, various considerations, including the compatibility of the proposed development with the existing low to medium density character of the Kowloon Tong area, had been taken into account. Comparing the original scheme submitted in May 2008 with the current scheme submitted in December 2008, efforts had been made to reduce the proposed development intensity and bulk in order to minimize the visual impacts of the proposed development. For instance, part of the plant rooms of the proposed extension were put at the basement floors. While this would increase the construction cost, the BH and hence visual impact of the proposed development could be reduced;
- (d) technical assessments on visual, traffic, environment and sewerage aspects confirmed that no adverse impacts would be generated by the proposed development; and
- (e) in sum, the application was to meet the policy and social needs for private hospital services. The proposed development at the application site was located near the existing hospital compound of the HKBH for flexible sharing of resources. The proposed BH of the proposed development was consistent with the adjoining Block D. Efforts had also been made to improve the indicative development scheme to alleviate the visual concerns.

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

12. Members had the following views/questions on the application :

- (a) with the proposed setback of the proposed development at Junction Road and Kam Shing Road, whether there were proposals to improve the street environment at the setback area;
- (b) the expansion need to cater for the rising demand for private hospital services was recognised. Noting that the BH of the proposed development was 74.55mPD (including roof top structures), whether the applicant considered the currently proposed BH restriction of 70mPD under the new “G/IC(11)” sub-zone acceptable and feasible to accommodate its expansion needs;
- (c) whether there was scope to further reduce the BH of the proposed development;
- (d) apart from the landscaping proposals, whether there would be any special building designs for the proposed development; and
- (e) was it common to designate land use zoning with development restrictions tailor-made for specific development proposals as in the current case.

13. In response to Members’ questions in paragraphs 13(a) to (d) above, Mr. Derek Sun and Mr. Patrick Chui made the following main points :

- (a) upon redevelopment, the proposed Block E would be setback from Junction Road by 1.5m. A wider pedestrian pavement could be provided at the setback area, offering opportunities for landscaping/tree planting to improve the streetscape. Although Kam Shing Road was not the main access to the HKBH, similar setback from the road by 0.9m with landscaping provision would be provided;
- (b) it was the established practice of the Town Planning Board (TPB) to exclude roof-top structures in measuring the BH of a development, unless

otherwise specified. As the BH of the proposed development was 69.95mPD (excluding roof-top structures), the currently proposed BH restriction of 70mPD under the new “G/IC(11)” sub-zone was considered acceptable and feasible to accommodate the expansion requirements of the HKBH;

- (c) although roof-top structures were generally not included in measuring the BH of a development, efforts had already been made to locate some plant rooms of the proposed development at the basements, thereby reducing the roof-top structures to 1 storey only;
- (d) the proposed development at a BH of 10 storeys would be the same as that of the adjoining Block D. This could allow the proposed Block E to connect with Block D on all floors, except the car park floors, for flexible sharing of facilities such as nurse stations, patient lifts and other back-of-house facilities. This synergy effect could reduce the GFA requirements at the proposed Block E, thereby allowing a lower development intensity and bulk at the application site. If the BH of the proposed development had to be further reduced, this could be done by either reducing the total number of storeys or the floor-to-floor storey height, which would both affect the synergy effect and were considered undesirable. In the latter circumstances, ramps had to be built to align with the individual floors of Block D; and
- (e) in achieving design consistency and compatibility with the adjoining Block D, similar building façade treatment would be adopted for the proposed Block E. Choice of building materials would be carefully considered. Lift facilities would be carefully located in between Blocks D and E and be setback from the site boundary such that the building mass of the two blocks could be separated. The proposed setbacks at Junction Road and Kam Shing Road could also further address the building mass effect of the proposed development.

14. In response to Members’ questions in paragraph 13(e) above, Mr. Eric C.K. Yue

said that it was not uncommon to designate land use zonings with development restrictions based on the development parameters of specific schemes agreed by the Committee. For this case, the existing “G/IC” zones on the relevant OZP had only stipulated the maximum BH restriction in terms of the number of storeys. To accommodate the proposed development with a GFA of 5,547m² and a BH of 10 storeys (over 2 basement floors) and 69.95mPD, a new “G/IC(11)” sub-zone was therefore proposed for Members’ consideration.

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

Deliberation Session

16. A Member gave his support to the application, having regard to the locality of the application site and rising need for private hospital services. This Member added that the proposed BH restriction of 70mPD which was sufficient to accommodate the expansion requirements of the HKBH was considered acceptable.

17. Another Member had no strong view on the proposed hospital use, but raised traffic concern as the proposed hospital would likely generate more traffic than the existing commercial use. The Chairperson remarked that the applicant had submitted a traffic impact assessment (TIA) to demonstrate that no adverse traffic impacts would be generated by the proposed development. The Assistant Commissioner for Transport/Urban, Transport Department considered the TIA was acceptable and hence had no objection to the application.

18. A Member asked if it was a usual practice to stipulate the exact GFA figure of the proposed development in the Notes of the statutory plans. The Chairperson said that it was not uncommon to incorporate the major development parameters of the approved section 16 applications, section 12A applications or rezoning requests in the statutory plans. For this case, subject to Members’ views, consideration could be given to restricting the development intensity in terms of maximum plot ratio rather than maximum GFA.

19. The Secretary supplemented that the statutory plans were small scale plans. As such, in preparing/revising statutory plans, it was the common practice of the TPB to restrict the development intensity of a site in terms of maximum plot ratio in order to provide flexibility for possible change in site area, for example due to the setting out of the site boundary at implementation stage. As for some zoning amendments aimed at reflecting the completed developments on site or the approved development proposals, the Town Planning Board would also specify the existing/agreed development parameters such as GFA figures in the relevant Notes of the statutory plans for the sake of clarity.

20. The same Member asked if the building design proposals of the proposed development would be submitted to the Committee for further consideration in future. The Chairperson replied that as the proposed hospital use at the application site was not subject to sensitive visual concerns as advised by the concerned departments, it might not warrant the imposition of an additional clause under the proposed “G/IC(11)” sub-zone requiring the applicant to submit the building design of the proposed development to the Committee for consideration through the section 16 planning application mechanism. Ms. Olga Lam, the Assistant Director (Kowloon), Lands Department, supplemented that exterior building design would not be subject to lease control. The Member further asked if there was mechanism to ensure that the building design proposals such as building setbacks and provision of landscaped garden would be implemented by the applicant. The Secretary said that these requirements could be stipulated in the Explanatory Statement of the OZP and the lease, where appropriate.

21. After further deliberation, the Committee decided to partially agree to the application. The application site would be rezoned from “Commercial (1)” to “Government, Institution or Community (11)” subject to a maximum plot ratio restriction of 7.5 and a maximum building height restriction of 10 storeys (excluding basement floor(s)) and 70mPD. Suitable amendments to the draft Kowloon Tong Outline Zoning Plan No. S/K18/14 would be submitted to the Committee for consideration prior to gazetting under section 7 of the Town Planning Ordinance.

Tsuen Wan and West Kowloon District

[Mr. P.C. Mok, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/666 Proposed Temporary Shop and Services
(Showroom for Garments, Shoes, Handbags and Accessories)
with Ancillary Storage for a Period of 3 Years
in “Other Specified Uses” annotated “Business” zone,
Flat A (Portion), G/F, Ka Ming Court, 688-690 Castle Peak Road
(MPC Paper No. A/K5/666)

Presentation and Question Sessions

22. 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 temporary shop and services (showroom for garments, shoes, handbags and accessories) with ancillary storage for a period of 3 years;
- (c) departmental comments – concerned Government departments, including the Director of Fire Services, had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessment in paragraph 11 of the Paper. The proposed temporary showroom was in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone and complied with the requirements set out in the Town Planning Board Guidelines No. 22D for “Development within “OU(Business)” zone”. The proposed use was considered not incompatible with the uses of the subject industrial building and would unlikely generate adverse traffic or environmental impacts to the surrounding areas.

23. Members had no question on the application.

Deliberation Session

24. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 9.1.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

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

- (a) to apply to the District Lands Officer/Kowloon West, Lands Department for temporary waiver to permit the proposed use under application; and
- (b) to note the Assistant Commissioner for Transport/Urban, Transport Department’s advice that the Transport Department had the right to impose, alter or cancel any parking loading/unloading facilities and/or any no-stopping restrictions, etc. on all local roads to cope with the changing

traffic conditions and needs. The applicant should not expect the Government to provide such facilities for use of the premises.

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

[Professor N.K. Leung arrived to join the meeting at this point.]

[Mr. Y.S. Lee, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TY/105 Proposed Warehouse
(Godown for Storage of Steel Plates and Steel Materials)
in "Other Specified Uses" annotated
"Boatyard and Marine-oriented Industrial Uses" zone,
Ground Floor of Tsing Yi Town Lot (TYTL) 14 (Part)
and Adjacent Government Land, Tam Kon Shan Road, Tsing Yi
(MPC Paper No. A/TY/105)

Presentation and Question Sessions

26. Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed warehouse (godown for storage of steel plates and steel materials) on the ground floor of an existing two-storey building structure at the eastern portion of the application site with the western portion being used for turnaround, parking and loading/unloading purposes;

- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support the proposal from traffic management viewpoint unless space would be allowed for vehicular access, turnaround, parking and loading/unloading facilities within the application site in accordance with the relevant standards and provisions under the Hong Kong Planning Standards and Guidelines. Other concerned Government departments had no objection to or adverse comments on the application;

- (d) two public comments were received during the statutory publication period. One objected to the application on the grounds of environmental impacts and traffic congestion to Tam Kon Shan Road whereas the other agreed to the proposed use for the convenience of the concerned industrial development; and

- (e) the Planning Department (PlanD)'s views – PlanD originally had no objection to the application based on the assessment in paragraph 9 of the Paper. The proposed warehouse was not incompatible with the surrounding land uses that were mostly characterised by boatyards. As the proposed warehouse was an enclosed structure with no workshop use, it would unlikely generate significant adverse environmental impact on the surrounding areas. The Director of Environmental Protection had no objection to the application. To address the AC for T/NT, TD's concerns, an approval condition requiring the applicant to provide vehicular access, turnaround space, parking and loading/unloading facilities within the application site to his satisfaction had been recommended. However, after issuance of the Paper, further comments from the AC for T/NT, TD were received clarifying that “given the site layout (a very narrow rectangular shaped site within one-side frontage, it is considered not feasible to come up with an acceptable layout design to allow turn-round of goods vehicles thereat. If the proposal is approved, it would only give a false expectation that the Transport Department would ultimately provide approval to the scheme, which, based on the submitted information received today, is

untenable. Accordingly, we do not agree that there is scope for approving the case by including suitable approval condition and therefore suggest this application should be rejected". In the circumstance, it appeared that the application should be rejected on traffic engineering ground.

27. In response to the Chairperson's enquiries, Mr. Y.S. Lee said that it was the applicant's proposal to provide turnaround space in the open area at the western portion of the application site as shown in Drawing A-1 of the Paper. Given that there was a level difference of about 1m between Tam Kon Shan Road and the application site, the applicant had also proposed to build a ramp at the southern site boundary fronting the road.

28. The Chairperson asked if it was feasible to provide turnaround space within the application site as suggested by the applicant. Mr. Anthony Loo, the Assistant Commissioner for Transport (Urban), TD, said that the concerned open area was only about 12m wide, it was thus considered not feasible to provide turnaround space within such narrow site while meeting the TD's standard. As such, approving the application with the imposition of an approval condition relating to such provision would give a false expectation to the applicant.

29. Noting that the application site comprised two portions as shown in Plan A-2 of the Paper, the Chairperson sought clarification on the width of the application site. Mr. Y.S. Lee confirmed that the width of the open area at the western portion of the application site was about 12m. However, there was an existing two-storey building structure at the eastern portion of the application site. If the applicant could utilize the ground floor of that building structure, the total width of the application site that could be used for turnaround purpose might be doubled to about 24m. The Chairperson remarked that there was no information in the submission demonstrating the feasibility of the above arrangement for turnaround purpose.

Deliberation Session

30. In light of the TD's adverse comments, a Member said that swept path(s) showing sufficient room for vehicles to turnaround within the application site should be submitted by the applicant. In the absence of such information, the application could not be

supported having regard to TD's views. Mr. Anthony Loo reiterated that it was not feasible to provide up-to-standard turnaround space based on the currently submitted information and the feasibility of utilizing the ground floor of the concerned building structure was yet to be demonstrated by the applicant. Referring to Plan A-4 of the Paper, Mr. Y.S. Lee said that there was an existing entrance on the ground floor of the concerned building structure. While it might be feasible to widen that entrance for turnaround purpose, it was uncertain if the structural safety of the concerned building structure would be affected as a result.

31. Another Member said that there was public concern on the traffic congestion to Tam Kon Shan Road that might be brought about by the proposed development. Besides, the existing entrance on the ground floor of the concerned building structure was very small as shown in Plan A-4 of the Paper. Substantial alteration to the existing entrance would likely be required in order to provide sufficient room for vehicles to turnaround within the application site. As such, this Member shared TD's concerns and agreed that the application should be rejected.

32. After further deliberation, the Committee decided to reject the application and the reason was that there was no information in the submission to demonstrate that goods vehicles could be turnaround within the application site.

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

Hong Kong District

[Ms. Phoebe Y.M. Chan, District Planning Officer/Hong Kong (DPO/HK), Mr. Tom C.K. Yip, Senior Town Planner/Hong Kong (STP/HK), Dr. Peter A. Hitchcock and Mr. K.S. Wong, Air Ventilation Specialists of CLP Power Wind/Wave Tunnel Facility (Air Ventilation Specialists), were invited to the meeting at this point.]

Agenda Item 6

[Open Meeting (whole agenda item)]

Revised Draft Planning Brief

for the Proposed Developments at the ex-North Point Estate Site

(MPC Paper No. 2/09)

33. With the aid of a Powerpoint presentation, Mr. Tom C.K. Yip, STP/HK, presented the Paper and covered the following main points as detailed in the Paper:

The Endorsed Draft Scheme

- (a) on 4.1.2008, the Committee agreed to the proposed uses and development parameters for the ex-North Point Estate site and its adjoining bus terminus and sitting-out area (collectively referred to as the Site) as the basis for carrying out an Air Ventilation Assessment (AVA);
- (b) under the endorsed draft scheme, the western part of the Site (known as Site A) was proposed for hotel development and the remaining part of the Site (known as Site B) for residential development with commercial use, public transport terminus (PTT), public coach park and government, institution or community (GIC) facilities;
- (c) Sites A and B would have a plot ratio of 6 and 5.39 (calculated on net site area basis) respectively. The total gross floor area (GFA) of the entire development scheme would be 122,110m²;
- (d) to address the open space shortfall in the North Point District, a total of 15,000m² of at-grade public open space, including a 20m-wide promenade along the entire northern site boundary, would be provided under the endorsed draft scheme;

Findings of the AVA Study

- (e) an AVA study comprising an expert evaluation and a wind tunnel testing to

assess the air ventilation impacts of the endorsed draft scheme at pedestrian level within the Site and its surrounding areas was completed in December 2008;

- (f) on an annual basis, the predominant winds for the Site were easterly and north-easterly winds. The prevailing winds mainly came from the southern and western directions in summer as well as the eastern and north-eastern directions in winter;
- (g) in terms of the local wind environment, the Site benefited from the generally unobstructed harbour frontage and exposure to prevailing easterly and north-easterly winds, though the prevailing summer winds would be blocked by developments and hill slopes to the south of the Site. Besides, the endorsed draft scheme contained many open spaces which could facilitate wind penetration from the eastern and north-eastern directions. As such, the AVA confirmed that the endorsed draft scheme would unlikely cause adverse air ventilation impact to the wind environment at the pedestrian level of the surrounding areas;
- (h) the AVA study did not recommend any change to the major development parameters for the Site, but proposed the following improvement measures:
 - (v) the podium accommodating the PTT presented an obstacle to prevailing winds, resulting in low wind velocity ratios along Java Road to the south of the podium. Although such effects were localized, it was proposed to reduce the size, height and solidity of the podium;
 - (vi) the effective air paths along the major north-south oriented streets, including Tong Shui Road, Shu Kuk Street, Kam Hong Street and Tin Chui Street, and the spacings between the proposed buildings within the Site should be retained/enhanced to facilitate air ventilation; and
 - (vii) relatively high wind velocity ratios were measured at the eastern part of the Site and at elevated points on the podia of the proposed

developments at the western and central parts. Porous windbreak, such as mature trees, should be provided to provide shelter from strong winds;

- (i) taking into account the above proposed improvement measures, it was proposed to stipulate the following requirements in the revised draft Planning Brief (PB) for the Site:
 - (i) to adopt an open-sided design, at least open on two sides, for the proposed PTT, ;
 - (ii) to designate the wind corridors along Shu Kuk Street and Kam Hong Street as non-building areas; and
 - (iii) to provide windbreaks at the eastern part and on the podia of the proposed developments;

Government's Responses to Members' Concerns Raised on 4.1.2008

- (j) Performance Venue for Cantonese Opera – at the meeting held on 4.1.2008, Members suggested the Government to consider providing a small to medium size venue for Cantonese Opera at the Site and designing the proposed community hall (CH) at the Site as a multi-purpose venue for Cantonese Opera and other cultural performances. The Home Affairs Bureau was generally supportive of upgrading the proposed CH for Cantonese Opera performances to meet local demand. The District Officer (Eastern) advised that it was possible to upgrade the proposed CH, but cautioned that it might not be comparable to a purpose-built performance venue. In light of the above comments, it was recommended to stipulate in the revised draft PB that the proposed CH at the Site should have upgraded facilities to make it suitable for small-scale cultural performances, including Cantonese Opera, as necessary;
- (k) Additional Pedestrian Subway - the endorsed draft scheme included a

pedestrian subway connecting the Site and the North Point MTR station. At the meeting on 4.1.2008, Members asked whether an additional pedestrian subway to the east of Shu Kuk Street with direct connection to MTR station could be provided. The Transport Department (TD) advised that the MTR Station was far away from the eastern part of the Site, rendering it difficult to construct the suggested additional subway. The Mass Transit Railway Corporation Limited also advised that there were utilities underground posing obstruction to the suggested additional subway. Notwithstanding, to promote direct connection between the waterfront promenade and the MTR station, TD proposed to extend the currently proposed pedestrian subway to the piazza in front of the pier;

Updated Government's Requirements

- (l) Reduced Coach Parking Area – based on the latest coach parking demand, TD advised that the GFA for the proposed coach park at the Site could be reduced from 3,000m² to 2,500m². Given the Committee's previous agreement to the development intensity of the Site, it was considered appropriate to maintain the same overall GFA by increasing the domestic GFA for Site B by 500m² in tandem with the reduction of GFA for the proposed coach park;
- (m) Road Widening - taking into account the latest traffic condition and requirement, TD proposed to widen section of Tong Shui Road and North Point Estate Lane abutting Site A to facilitate the provision of a two-lane carriageway to Site A without routing through Shu Kuk Street which was the access route to the PTT. The previously proposed cul-de-sac at the end of Shu Kuk Street was no longer required and could be absorbed into Site B. This would result in changes in the site area figures and hence corresponding changes to the plot ratio figures;

Revised Draft PB

- (n) the revised development parameters and updated requirements for the Site as incorporated in the revised draft PB were highlighted in paragraph 5 of

the Paper;

- (o) three photomontages comparing the views with and without the revised scheme from the Hung Hom Waterfront Promenade, the ex-Airport Runway at Kai Tak and the North Point Vehicular Ferry Pier were shown. In general, the revised scheme would not cause adverse impacts to the surrounding areas in that the building height of the proposed developments at the Site would be lower than the developments located inland whilst spacing between buildings had been provided; and

Way Forward

- (p) subject to the Committee's agreement, the Planning Department (PlanD) would consult the Harbour-front Enhancement Committee (HEC) and the Eastern District Council (EDC) on the revised draft PB. The results of the consultation together with relevant amendments to the draft North Point Outline Zoning Plan (OZP) would be submitted to the Committee for further consideration.

34. Several Members had the following views/questions on the revised scheme :

- (a) Plan F-7 of the Paper showed that adequate spacing between the proposed residential blocks had been allowed in the revised scheme. However, there was concern about the massiveness of the non-domestic block located near the harbour frontage from visual and ventilation viewpoints;
- (b) noting that the PTT at the Site would be covered under podium, there was concern about the possible noise and exhaust air nuisances arising from the PTT;
- (c) whether there was scope to reduce the podium height accommodating the PTT and to improve its design to further enhance air ventilation along Java Road as positive responses to public aspiration;

- (d) although Site B was subject to a maximum site coverage of 65%, the podium to accommodate the PTT seemed to be bulky. To address the visual concerns, consideration should be given to reduce the size of the PTT such that the size of the concerned podium structure could be correspondingly reduced;
- (e) regarding the reduction in size of the public coach park by 500m², where the concerned coach park was located and whether consideration had been given to using the GFA released for providing more commercial or GIC uses at the Site instead of increasing the domestic GFA at Site B;
- (f) referring to Plan F-6 of the Paper, the four residential blocks at the central and eastern portions of the Site fronted onto Java Road. To enhance the air circulation and create a more open and comfortable environment for pedestrians and nearby residents, whether there was scope to setback the four concerned blocks from Java Road; and
- (g) the proposed building blocks at the Site should be laid out and oriented to maximize penetration of the prevailing winds in the eastern and north-eastern directions as revealed in the AVA study.

35. In response to Members' views/questions, Ms. Pheobe Y.M. Chan, DPO/HK, and Mr. Tom C.K. Yip made the following main points :

- (a) while the non-domestic block located near the harbour frontage had a total width of about 70-80m, the AVA study had confirmed that the endorsed draft scheme would not have adverse air ventilation impact on the Site and the surrounding areas;
- (b) the proposed PTT at the Site would be under podium with developments atop in order to better utilize the scarce land resource in the urban areas. The portion of the podium accommodating the PTT was about 10m in height to meet the basic requirements of the TD, in line with the design of other PTTs in the territory;

- (c) the more crucial air ventilation concern was generally at pedestrian level up to 2m above it. According to the AVA study, the podium structure accommodating the PTT at the central portion of the Site would affect wind penetration along Java Road. To minimize wind blockage, the PTT would adopt an open-sided design, which should at least be opened on two sides as stipulated in the revised draft PB and preferably be on the northern and southern sides of the PTT. The development concept stated in the PB for the Site was for indicative purpose only. The prospective developer would prepare its own scheme based on the requirements as set out in the PB and with reference to the recommendations of the AVA study. If the proposed scheme deviated from the development concept in the PB, the prospective developer would be required to carry out an AVA for the proposed scheme to demonstrate that no adverse air ventilation impact would be generated. Members' concern on the design of the PTT to further improve the air ventilation of the area could be further examined at detailed design stage;
- (d) the PTT would have a GFA of 8,000m² which was determined in consultation with the TD, having regard to the need to accommodate a total of 15 bus routes, public light bus terminus and taxi stand. In view of the Members' concerns, the Planning Department (PlanD) would further review the size of the PTT in consultation with the concerned departments, including TD;
- (e) the proposed PTT had to comply with the relevant environmental standards under the Hong Kong Planning Standards and Guidelines to minimise the potential noise and air pollution nuisances. Besides, the revised draft PB had stipulated that the exhaust air outlets of the PTT had to be located away from the nearby residents or other receptors;
- (f) the public coach park was located at the basement at the central portion of the Site. Under the revised scheme, a commercial GFA of 15,000m² to serve the local residents, visitors to the promenade and ferry passengers

would be provided. Various types of GIC facilities, including a public toilet, health centre, integrated family service centre and a community hall, would be provided at the Site having regard to the requirements of the relevant Government departments. The current provision of GIC facilities as required in the revised draft PB was considered adequate by these Government departments. The amount of GFA released from the public coach park was very small (i.e. 500m²) and hence there would not be significant increase in the development intensity and bulk of the residential development at Site B; and

- (g) the disposition of building blocks at the Site, including the possibility of locating the four residential blocks at the central and eastern parts of the Site away from Java Road, could be further explored by the prospective developer at detailed design stage.

36. While agreeing to further review the size of the PTT, Mr. Anthony Loo, the Assistant Commissioner for Transport (Urban), TD, cautioned that the current size of the PTT was already congested, thus the scope of reducing the size of the PTT might not be great.

37. As regards a Member's suggestion of using the GFA released from the public coach park for commercial or GIC purposes, the Chairperson remarked that if the currently planned GIC facilities were already considered adequate by the concerned Government departments, it would be difficult to identify new GIC uses to be operated by the relevant departments given the resource implications.

38. After deliberation, the Committee agreed that the revised draft PB as set out in Appendix IV of the Paper was suitable for consultation with the HEC and EDC. The Committee also agreed to request the PlanD and TD to review the scope of reducing the size of the podium accommodating the PTT.

[The Chairperson thanked Ms. Phoebe Y.M. Chan, DPO/HK, Mr. Tom C.K. Yip, STP/HK, as well as Dr. Peter A. Hitchcock and Mr. K.S. Wong, Air Ventilation Specialists, for their attendance to answer Members' enquires. They left the meeting at this point.]

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

39. The Committee noted that the applicant on 23.12.2008 had requested for deferment of the consideration of the application in order to allow time to fine-tune the building layout of the proposed development to address the departmental comments. The further submission would be made within two months.

Deliberation Session

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

[Ms. Lily Y.M. Yam, Ms. Donna Y.P. Tam and Mr. Tom C.K. Yip, Senior Town Planners/Hong Kong (STPs/HK), were invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H1/88 Proposed Public Utility Installation
 (Telecommunications Radio Base Station)
 in area shown as 'Road',
 Lamp Pole No. 39657, Victoria Road and an Adjacent Area
 (MPC Paper No. A/H1/88)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (telecommunications radio base station (TRBS)) comprising an equipment cabinet on the pavement of Victoria Road and an antenna on the top of an existing lamp pole;
- (c) departmental comments – the Director of Health advised that there was no convincing scientific evidence showing that the operation of TRBS would cause adverse health impacts if the operation met the relevant sets of exposure limits recommended by the International Commission on Non-ionizing Radiation Protection (ICNIRP). The Director-General (DG) of Telecommunications supported that application and advised that all mobile network operators were required to follow the relevant code of practice to demonstrate that the level of non-ionizing radiation generated by TRBS would comply with the limits recommended by the ICNIRP. While having no objection to the application from landscape planning viewpoint, the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) raised concerns that the proposed equipment cabinet would take up considerable portion of the pedestrian pavement. Efforts should be made to minimize its size and maximize its

setback from the road kerb. Other concerned Government departments had no objection to or adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 9 of the Paper. The proposed TRBS was to improve the mobile radio coverage for the public area around Victoria Road and would unlikely cause adverse health impact. As regards the CTP/UD&L's concerns, the applicant advised that efforts had been made to minimize the size of the equipment cabinet. After its installation, the subject pavement would still have a clear width of 1.8m, which was greater than the Highways Department's requirement of 1.5m. The subject pavement was located away from the major populated area with low pedestrian flow. The Assistant Commissioner for Transport/Urban, Transport Department considered that the proposed TRBS would not obstruct traffic/pedestrian flow. The DG of Telecommunications confirmed that the proposed TRBS was small in size and the application had been made in accordance with the relevant guidance note for considering the installation of micro-cell base station using Government land or highway facilities.

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

42. In response to a Member's question on the use of the area delineated by roadside railing as shown in Drawing A-4 of the Paper, Ms. Lily Y.M. Yam clarified that it was a photo submitted by the applicant showing a similar micro-cell base station that had been built elsewhere. As shown in Plan A-3 of the Paper showing the existing site conditions, the Chairperson said that the proposed TRBS under application had yet to be built.

43. Another Member asked about the number of existing TRBSs in the urban areas and opined that TRBSs should not be necessarily painted in grey colour. This Member considered that the design and colouring of such facility should be improved in order to

improve the visual qualities of the street environment. The Chairperson suggested to relay the Member's suggestion to the relevant Government departments for consideration. As regards the number of TRBSs in the urban areas, Ms. Lily Y.M. Yam said that there was no such information in hand.

Deliberation Session

44. Two Members agreed that improving the design, material and/or colouring of street furniture like TRBS could have a positive impact on the streetscape. One of them said that the Government had previously organised campaigns for children to draw paintings on lamp poles. Similar campaigns could be organised to beautify TRBSs. Another Member cautioned that different utilities had their own colour code for easy differentiation. The Chairperson said that Members' suggestions could be relayed to the relevant Government departments for consideration.

45. 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 9.1.2013, 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.

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

- (a) to note the comments of the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) that his office reserved the right to request removal/relocation of the proposed facilities for necessary road widening/improvement works in future at the cost of the applicant;
- (b) to note the comments of the Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD) that approval from the AC for T/U, TD, Chief Engineer/Lighting, CHE/HK and Regional Office of HyD on the proposal might be required and the proposal should be circulated to all utility undertakings for comments; and

- (c) to note the comments of the Director of Electrical and Mechanical Services that the “Code of Practice on Working near Electricity Supply Lines” and the “Code of Practice for the Electricity (Wiring) Regulations” should be observed when carrying out the construction and electrical works.

47. The Committee also agreed to request the Secretariat to relay Member’s suggestion on improving the design, material and/or colouring of TRBS to the relevant Government departments for consideration.

[Professor N.K. Leung left the meeting temporarily at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/378 Proposed Hotel
 in “Residential (Group A)” zone,
 43-63 Tai Yuen Street and 242-246 Queen’s Road East, Wan Chai
 (MPC Paper No. A/H5/378)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – while having no objection to the application, the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) suggested the applicant to consider providing an additional egress for taxi and private car only onto McGregor Street to avoid vehicles backing onto Tai Yuen Street. The applicant had agreed to consider TD’s

suggestion at detailed design stage. Other concerned Government departments had no objection to or adverse comments on the application;

- (d) a total of 7 public comments raising objection to the application were received during the statutory publication period. The major grounds of objection included insufficient parking spaces, excessive plot ratio and building height of the proposed hotel, as well as adverse impacts on traffic, drainage, sewerage, ventilation, sunlight penetration and the tranquil environment of the area. The District Officer (Wan Chai) commented that the locals were concerned about the traffic impact and considered that the subject application should be considered in the overall planning context of the area; and

[Professor N.K. Leung returned to join the meeting and Mr. Leslie H.C. Chan left the meeting temporarily at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. Located in an area with a mixture of commercial and commercial/residential developments, the proposed hotel was considered not incompatible with the surrounding land uses. Besides, the proposed plot ratio of 12 (excluding bonus plot ratio) was considered not incompatible with the existing developments in the surrounding areas. In considering the previous applications for hotel developments in “Residential (Group A)” zones on Hong Kong Island, the Committee considered that a plot ratio of about 12 was generally acceptable and compatible with the residential developments with permitted plot ratio up to 8 to 10. The applicant's claim for bonus plot ratio would be subject to the approval of the Building Authority. The proposed building height of 27 storeys was considered not incompatible with the existing developments in the immediate vicinity, which ranged from 16 to 48 storeys.

49. Members had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.1.2013, 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 Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the implementation of the sewerage upgrading works identified in the SIA in condition (a) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the design and provision of access, car parking and loading/unloading spaces, and junction improvements as proposed by the applicant to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the widening of footpath along Queen's Road East, Tai Yuen Street and McGregor Street and provision of corner splays at junctions of Queen's Road East/Tai Yuen Street and Queen's Road East/McGregor Street as proposed by the applicant to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (f) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply that the non-domestic plot

ratio of the proposed hotel development, the proposed gross floor area (GFA) exemption for back-of-house facilities and bonus plot ratio for the surrendering for corner splay and dedication for footpath widening would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. In addition, if hotel concessions, in particular the non-domestic plot ratio of the development and bonus plot ratio, were not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the TPB would be required;

- (b) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department regarding the licensing requirements under the Hotel and Guesthouse Accommodation Ordinance;
- (c) to note the comments of the Assistant Commissioner for Transport/Urban, Transport Department regarding the provision of an additional egress for taxi and private car only onto McGregor Street;
- (d) to apply to the District Lands Officer/Hong Kong East for lease modifications before carrying out the proposed hotel development; and
- (e) the arrangement on Emergency Vehicular Access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H7/151 Proposed Minor Relaxation of Building Height Restriction
for a Proposed Residential Development
in “Residential (Group B)” zone,
1A Wang Tak Street and 4 Po Shin Street, Happy Valley
(MPC Paper No. A/H7/151)

Presentation and Question Sessions

52. The Secretary said that the application site was the subject of 29 representations against, among others, the amendment incorporated in the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/14 to impose building height (BH) restriction for the site. After giving consideration to the representations on 8.8.2008, the Town Planning Board (TPB) decided not to make any amendment to the BH restriction of the application site. On 17.12.2008, the Court of First Instance approved a consent of summons in respect of a judicial review (JR) requesting for an order of interim stay of the submission of the draft OZP pending the determination of the JR proceedings or until further order. The hearing date of the JR was not yet fixed. As the draft Wong Nai Chung OZP and the representations were yet to be submitted to the Chief Executive in Council (CE in C) for consideration, the consideration of the subject application would pre-empt the CE in C's decision. It was therefore considered appropriate to defer consideration of the application pending the submission of the draft OZP and the final decision of the CE in C on the representations.

Deliberation Session

53. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department pending the submission of the draft Wong Nai Chung OZP to the CE in C and the final decision of the CE in C on the representations.

[Mr. Leslie H.C. Chen returned to join the meeting and Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H13/27 Proposed Public Utility Installation (Micro-cell Base Station)
 in “Green Belt” zone,
 Pavement of Mount Butler Drive,
 Jardine Hill (Between Jardine Court and Amber Lodge)
 (MPC Paper No. A/H13/27)

54. The Secretary said that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Raymond Y.M. Chan and Felix W. Fong, having current business dealings with SHK, had declared interests in this item. The Committee noted that Mr. Fong had tendered an apology for being unable to attend the meeting whereas Mr. Chan’s had left the meeting for the item.

Presentation and Question Sessions

55. Mr. Tom C.K. Yip, STP/HK, said that a replacement page 11 had been sent to Members and tabled at the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (micro-cell base station (MCBS)) comprising an equipment cabinet on the pavement of Mount Butler Drive and an antenna on the top of an existing lamp pole;
- (c) departmental comments – both the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) and the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) raised concerns that the proposed equipment cabinet would pose obstruction to pedestrians. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) three public comments were received during the statutory publication

period. One supported the application as long as proper shield would be provided to protect the public from any possible adverse health effects. One objected to the application without any reason. One commented that the proposed MCBS would pose obstruction to pedestrians and was out of place with the landscape in the area. An alternative location near the junction of Mount Butler Road and Price Road was considered more appropriate for the proposed MCBS; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed MCBS was generally in line with the Town Planning Board Guidelines No. 10 for “Application for Development within the “Green Belt” zone” in that its scale was small; it was an essential facility for enhancing mobile phone service for the area; and it would not involve extensive clearance of the existing natural vegetation. To blend in with the surrounding environment, the proposed equipment cabinet could be painted with subtle colour as suggested by CTP/UD&L, PlanD and the proposed antenna would be covered by fiber glass with a colour matched with the lamp pole. No adverse visual and landscape impacts were anticipated. As regards the concerns on possible obstruction to pedestrians, the subject pavement was located away from the populated area with low pedestrian flow. After deducting the width of the proposed equipment cabinet and roadside service channel, the subject pavement still had a clear width of 1.8m. The Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had no objection to the application and approval conditions requiring the applicant to maintain a clear width of 1.5m for the subject pavement and a horizontal clearance of 0.5m between the equipment cabinet and the road kerb as suggested by the AC for T/U, TD had been recommended. As regards the concerns on adverse health impacts, the Director of Health advised that there was no convincing scientific evidence showing that the operation of MCBS would cause adverse health impacts if the operation met the relevant sets of exposure limits recommended by the International Commission on Non-ionizing Radiation Protection. Besides, all radio

base stations should comply with the relevant code of practice issued by the Office of Telecommunications Authority. With the aid of a diagram, the alternative location suggested by a commenter would result in reduction of the mobile phone coverage area.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.1.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of a clear width of not less than 1.5m for the pedestrian pavement after the installation of the proposed equipment cabinet to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of a horizontal clearance of not less than 0.5m between the kerb line of Mount Butler Drive and the proposed equipment cabinet to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the provision of a clear width of not less than 0.45m between the water main near the application site and the proposed micro-cell base station (MCBS) to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) to note the comments of the Director of Health regarding the direct on-site measurements upon commissioning of the concerned MCBS;
- (b) to note the comments of the Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD) on the need to seek approval from

the Assistant Commissioner for Transport/Urban, Transport Department, Chief Engineer/Lighting and Regional Office of HyD on the proposal and to circulate the proposal to all utility undertakings for comments, as well as his right to request removal/relocation of the proposed facilities for necessary road widening/improvement works in future at the cost of the applicant;

- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department regarding the painting of the proposed MCBS with a subtle colour to blend with the surrounding environment; and
- (d) to note the comments of the Director of Electrical and Mechanical Services regarding the compliance with the “Code of Practice on Working near Electricity Supply Lines” and the “Code of Practice for the Electricity (Wiring) Regulations”.

[The Chairperson thanked Ms. Lily Y.M. Yam, Ms. Donna Y.P. Tam and Mr. Tom C.K. Yip, STPs/HK, for their attendance to answer Members’ enquires. They left the meeting at this point.]

[A short break of 3 minutes was taken.]

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

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/54 Proposed Minor Relaxation of
Plot Ratio and Site Coverage to a Maximum of 0.9 and 36% respectively
in “Residential (Group C) 4” zone,
13 Big Wave Bay Road, Shek O
(MPC Paper No. A/H18/54)

Presentation and Question Sessions

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

- (a) background to the application, including that the application site was the subject of a previous approved application (No. A/H18/56) for minor relaxation of site coverage (SC) to not more than 31% to facilitate the development of a 4-storey house with a plot ratio (PR) of 0.9;
- (b) the proposed minor relaxation of PR and SC restrictions to a maximum of 0.9 and 36% respectively;
- (c) departmental comments – while having no objection to the application, the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD) had provided preliminary comments relating to the gross floor area (GFA) implication of some detailed design of the proposed house development. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed relaxation of SC to a maximum of 36% did not exceed the maximum permissible level of 50% adopted by the Town Planning Board

as a general guideline for Residential Zone 3 Area in which the application site was located and was considered generally in line with the planning criteria for assessing applications for relaxation of SC restriction. For the proposed relaxation of PR to 0.9, the application site was already entitled to a maximum PR of 0.9 for a 4 domestic-storey development under the subject “Residential (Group C)4” zone, but the applicant chose to reduce the height to 3 storeys for better integration with the surroundings. In this regard, there would be no adverse impacts on the traffic, infrastructure or visual amenity in the area arising from the proposed PR and SC relaxation. The CBS/HKW, BD’s preliminary comments on GFA calculation could be dealt with at the building plan submission stage. Should the PR of the proposed development be found to exceed the relevant restriction as stipulated on the Outline Zoning Plan during building plan submission, a fresh planning application would be required and an advisory clause on this aspect had been recommended. The number of trees to be felled/transplanted under the current application were the same as the previously approved application (No. A/H18/56). To ensure that the tree felling works would be subject to appropriate planning control, relevant approval condition had been recommended as stated in paragraph 12.2(a) of the Paper.

60. Members had no question on the application.

Deliberation Session

61. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.1.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a tree preservation proposal and a landscape proposal, and the submission of quarterly tree monitoring reports during the implementation stage, to the satisfaction of the Director of

Planning or of the TPB;

- (b) the submission of a Geotechnical Planning Review Report and implementation of the necessary stabilisation/mitigation works identified therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB; and
- (c) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval of the application did not imply that gross floor area (GFA) exemption for voids, headroom and covered areas proposed in the development would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the GFA exemption for the proposed spaces was not granted by the Building Authority and the proposed plot ratio exceeded the restriction as stipulated on the Outline Zoning Plan, a fresh planning application to the TPB would be required;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation and the Director of Leisure and Cultural Services on the tree felling proposal;
- (c) to note the comments and requirements of the Chief Engineer/Hong Kong & Islands, Drainage Services Department on the sewer connection and drainage system as well as on the submission of drainage plans for the proposed development at the application site; and
- (d) to note the comments of the Director of Fire Services regarding the compliance of Code of Practice for Means of Access for Firefighting and Rescue; and

- (e) to resolve any land issues relating to the development with the concerned owner of the application site.

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H21/128 Proposed Minor Relaxation of the Building Height Restriction
for a Proposed Commercial/Office Development
in "Commercial (2)" zone,
Inland Lot (IL) Nos. 7737 and 8687 at 863-865 King's Road, Quarry Bay
(MPC Paper No. A/H21/128D)

Presentation and Question Sessions

63. The Committee noted that the applicant on 9.12.2008 had requested for deferment of the consideration of the application for two months in order to allow time to undertake detailed design studies to evaluation options to improve the proposed scheme.

Deliberation Session

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

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/230 Proposed Public Utility Installation (Gas Pigging Station)
in “Other Specified Uses” annotated “Sewage Treatment Plant” zone,
near Sung Ping Street, To Kwa Wan
(MPC Paper No. A/K9/230A)

65. The Secretary said that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Mr. Raymond Y.M. Chan, having current business dealings with Henderson, had declared an interest in this item. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr. Chan could stay at the meeting, but noted that he had already left the meeting for this item.

Presentation and Question Sessions

66. The Committee noted that the applicant on 2.1.2009 had requested for deferment of the consideration of the application to allow time for preparing supplementary information.

Deliberation Session

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

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

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/257 Proposed Minor Relaxation of Plot Ratio and
Building Height Restrictions for Permitted Residential Development
in “Residential (Group C) 7” zone,
4 Beacon Hill Road, Kowloon Tong (NKIL 3821)
(MPC Paper No. A/K18/257)

Presentation and Question Sessions

68. 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 minor relaxation of plot ratio (PR) and building height (BH) restrictions to 1.81 and 6 storeys respectively to facilitate redevelopment of the existing 3-storey residential building at the application site;
- (c) departmental comments – the Chief Engineer/Railway Development, Railway Development Office, Highways Department relayed the Mass Transit Railway Corporation Limited’s advice that only pile foundation was restricted in the railway tunnel protection area, but not all foundation works. The Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) considered that the proposed carpark layout, provision of motorcycle parking spaces and vehicular access of the proposed scheme under application were not acceptable. The Chief Town Planner/Urban Design and Landscape, Planning Department objected to the application from urban design viewpoint mainly in that the proposed minor

relaxation would breach the smooth transition of the BH profile in the neighbourhood. It was also recommended to integrate the mature trees found at the application site into the proposed landscape design. The applicant had indicated that the trees would be preserved as far as possible, but no details were given. The Chief Architect/Advisory and Statutory Compliance, Architectural Services Department considered that there was insufficient information for further comments on the visual impact of the proposed relaxation. Other concerned Government departments had no objection to or adverse comments on the application;

- (d) one public comment was received during the statutory publication period raising objection to the application mainly for reasons of adverse impacts on the view and air ventilation of the surrounding low-density developments; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph 11 of the Paper in that there were insufficient justifications or design merits to justify the proposed minor relaxation; the AC for T/U, TD had adverse traffic comments on the proposed scheme under application; and the approval of the application would set an undesirable precedent for other similar applications.

69. Members had no question on the application.

Deliberation Session

70. The Chairperson said that based on the current submission made by the applicant, there were insufficient planning justifications and design merits that justified the proposed minor relaxation. Besides, no information had been given to justify the ground floor of the proposed development with a storey height of 5.8m to 7.7m. Members agreed.

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

- (a) there were insufficient planning justifications and design merits in the submission for the proposed relaxation of the plot ratio and building height restrictions;
- (b) there was insufficient information in the submission to demonstrate that the proposed redevelopment could not be achieved without minor relaxation of the plot ratio and building height restrictions;
- (c) the proposed carpark layout, provision of motorcycle parking space and vehicular access were not acceptable; and
- (d) the approval of the application would set an undesirable precedent for other similar applications.

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

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

Agenda Item 16

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K12/30-1 Application for Extension of Time for
 Commencement of the Approved Religious Institution (Temple)
 for a Period of 24 Months until 14.1.2011 in "Green Belt" zone,
 an area to the Southwest of Ngau Chi Wan Service Reservoir,
 Ngau Chi Wan
 (MPC Paper No. A/K12/30-1)

Presentation and Question Sessions

72. Ms. Annie K.W. To, STP/K, presented the application and covered the following

aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed extension of time (EOT) for commencement of the approved religious institution (temple) under Application No. A/K12/30 for an additional period of 24 months until 14.1.2011;
- (c) according to the planning permission granted under Application No. A/K12/30 by the Committee on 14.1.2005, the applicant had to comply with various approval conditions relating to landfill gas hazard assessment report, geotechnical planning review report, tree preservation and landscaping proposals, fire service installations and pedestrian access to the application site. The applicants advised that they had appointed a firm to prepare the estimated costs for the required works, but did not have enough money to carry out the works for the time being. The EOT application was thus required in order to allow time to seek financial support;
- (d) departmental comments – concerned Government departments had no objection to the EOT application and reiterated their previous requirements on the approval conditions. The District Lands Officer/Kowloon East, Lands Department advised that the short term tenancy (STT) for the approved temple had not yet been granted as the applicants had yet to comply with the pre-requisite conditions of the provisional offer;
- (e) the Planning Department (PlanD)'s views – PlanD did not support the EOT application based on the assessment in paragraph 9 of the Paper in that it did not comply with the relevant assessment criteria as stipulated in the Town Planning Board Guidelines No. 35A on “Extension of Time for Commencement of Development”. The applicants had not demonstrated that reasonable actions had been taken to implement the approved development. According to records, no submission had been made to comply with the approval conditions and there was no building plan submission to the Buildings Department. The pre-requisite conditions for

granting the STT for the approved temple had not yet been fulfilled. In addition, the applicants had not submitted any information or development schedule on the implementation of the approved development to demonstrate that there was a good prospect to commence the approved development within the extended time limit. As compared with the site conditions in 2004, the application site had now been formed with unauthorised temporary structures occupied by statues and spiritual tablets for worshipping purpose. There was concern that the unauthorized site formation might pose potential hazard on slope stability.

73. Members had no question on the application.

Deliberation Session

74. A Member considered that there was no justification to approve the EOT application, particularly having considered the potential slope stability problem. Notwithstanding, noting that illegal occupation of Government land for worshipping purpose was not uncommon at hillsides or the fringe of country parks, this Member asked if the Government could take enforcement action on such cases. Another Member raised similar concern about the unauthorized site formation works at the application site which might pose slope stability problem and hence a risk to life. The Chairperson said that the application site was a piece of Government land. Ms. Olga Lam, the Assistant Director (Kowloon), Lands Department (LandsD), confirmed that LandsD was responsible for taking enforcement action against illegal occupation of Government land. LandsD also maintained a register of man-made slopes on unallocated Government land and carried out routine maintenance inspections and works to such slopes.

75. The Chairperson remarked that the applicants had to seek financial support to implement the proposed temple which would involve the undertaking of various technical assessments and works as required under the approval conditions. The applicants were two individuals instead of charitable organizations or religious institutions. There was no information on whether the funding required to implement the concerned temple was likely to be available nor indication of when it would be available. If financial support was available in future, the applicants could submit a fresh section 16 application for the concerned temple.

Members shared the same views and agreed that the current EOT application should be rejected.

76. After further deliberation, the Committee decided to reject the application and the reason was that the application did not comply with the Town Planning Board Guidelines No. 35A on “Extension of Time for Commencement of Development” in that the applicants had not demonstrated that reasonable actions had been taken to implement the approved development and to comply with the approval conditions to the satisfaction of relevant Government departments, and that there was a good prospect to commence the approved development within the extended time limit.

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

Remarks

77. The Chairperson said that Agenda Item 17 would not be open for public viewing as it was in respect of a rezoning request submitted before the commencement of the Town Planning (Amendment) Ordinance 2004 on 10 June 2005.

Agenda Item 18

Any Other Business

82. There being no other business, the meeting was closed at 11:45 a.m..