

TOWN PLANNING BOARD

Minutes of 390th Meeting of the Metro Planning Committee held at 9:00 a.m. on 13.2.2009

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. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

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

Assistant Director (Environmental Assessment),

Environmental Protection Department
Mr. C.W. Tse

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

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

Secretary

Absent with Apologies

Professor Bernard V.W.F. Lim

Mr. Felix W. Fong

Dr. Ellen Y.Y. Lau

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. W.S. Lau

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

Agenda Item 1

Confirmation of the Draft Minutes of the 389th MPC Meeting Held on 23.1.2009

[Open Meeting]

1. The draft minutes of the 389th MPC meeting held on 23.1.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Approval of Outline Zoning Plans (OZPs)

2. The Secretary reported that the Chief Executive in Council (CE in C) on 10.2.2009 had approved the draft Ting Kok OZP (to be renumbered as S/NE-TK/15) and the draft Peng Chau OZP (to be renumbered as S/I-PC/10) under section (9)(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of the draft OZPs would be notified in the Gazette on 20.2.2009.

(ii) Reference Back of OZP

3. The Secretary reported that the CE in C on 10.2.2009 had referred the approved Shek Kip Mei OZP No. S/K4/23 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the approved OZP for amendment would be notified in the Gazette on 20.2.2009.

[Dr. Daniel B.M. To, Ms. Sylvia S.F. Yau and Ms. Starry W.K. Lee arrived to join the meeting at this point.]

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H5/3 Application for Amendment to the
Approved Wan Chai Outline Zoning Plan No. S/H5/25
from “Open Space” to “Commercial”,
QRE Plaza, 196-206 Queen’s Road East, Wan Chai
(MPC Paper No. Y/H5/3)

4. The Secretary said that the application was submitted by a subsidiary of Hopewell Holdings Ltd. (Hopewell). Mr. Felix W. Fong, having current business dealings with Hopewell, had declared an interest in this item. Members noted that Mr. Fong had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

5. Members noted that a replacement page 11 of the Paper, which was sent to Members on 12.2.2009, had been tabled at the meeting for Members’ consideration.

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

Ms. Brenda K.Y. Au - District Planning Officer/Hong Kong (DPO/HK)

Ms. Donna Y.P. Tam - Senior Town Planner/Hong Kong (STP/HK)

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

Ms. Keren Seddon

Ms. Cindy Tsang

Ms. Gladys Ng

Mr. Albert Yeung

Ms. Erica Law

8. The Chairperson extended a welcome and explained the procedures of the hearing. Ms. Donna Y.P. Tam, STP/HK, was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Ms. Tam did so as detailed in the Paper and made the following main points :

- (a) the applicant proposed to rezone the application site from “Open Space” (“O”) to “Commercial” (“C”) on the approved Wan Chai Outline Zoning Plan (OZP) No. S/H5/25. The applicant’s justifications were detailed in paragraph 2 of the Paper;
- (b) the application site was private land and currently occupied by a commercial/office building (namely QRE Plaza) completed in November 2007. QRE Plaza had a building height of 25 storeys (93.35mPD) and a plot ratio of 15.42 (or gross floor area of 7,156.543m²) and provided with a footbridge across Queen’s Road East;
- (c) the history of the subject site was highlighted in paragraph 4 of the Paper. In brief, the site was originally zoned “Residential (Group A)” (“R(A)”) on the draft Wan Chai OZP No. LH5/35D gazetted in 1981. On 15.5.1981, planning permission under Application No. H5/64P for a proposed office building was granted by the Town Planning Board (TPB) which was not subject to any time limit condition. In 1994, the site was rezoned from “R(A)” to “O”. In 1999, building plans for the office development were first approved. In accordance with the planning permission granted in 1981 and three subsequent permissions for minor amendments to the approved scheme granted between 2004 to 2005, QRE Plaza was completed in November 2007. Between 2007 and 2008, eight planning applications for in-situ conversion of various floors of QRE Plaza from ‘Office’ use to ‘Eating Place’/‘Shop and Services’ uses were approved with conditions or approved with conditions on a temporary basis;

- (d) concerned Government departments had no objection to the application as detailed in paragraph 9 of the Paper;
- (e) during the statutory publication period of the application, a total of 4,584 public comments were received with 2,676 supporting, 1,907 objecting to and 1 providing comments on the application. The public comments were highlighted in paragraph 10 of the Paper and summarised below:
 - for those who supported, the major grounds were that the “C” zone could reflect the actual uses of the site; the private property right of the site should be protected; resumption of the site by Government for open space use would not be supported by the general public; the site was not suitable for open space development; there was adequate provision of open spaces in the area; the site was suitable for commercial use and there were demands for restaurants and shops in the area; and
 - for those who opposed, the major grounds were that the site was offered as public open space by the developer in 1994 and hence the application should not be approved unless the developer would surrender another site for open space use; the rezoning of the site to “O” in 1994 was in line with the public interest to address the shortfall in public open space; the Government should not sacrifice the public open space which belonged to the public; the surrounding developments were all zoned “R(A)” and there was no reason to rezone the site to “C”; the rezoning would set a precedent for other developers to have expectation for rezoning other sites from “R(A)” to “C”; rejecting the application meant that the site for public open space use was still belonging to the public and the developer would incur no loss except the need to apply for permission for minor amendments; and approval of the application would allow the developer to have higher development intensity upon redevelopment;
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the proposed rezoning based on the assessment in paragraph 11 of the Paper

which was summarised below :

[Dr. Winnie S.M. Tang and Mr. Raymond Y.M. Chan arrived to join the meeting at this point.]

Planning History and Planning Intention

- the site was proposed for surrender to the Government for open space use in association with a proposed hotel development under Application No. A/H5/217 (now known as Hopewell Centre II project) approved by the Committee on 7.1.1994. In considering the application, the Committee was of the view that the application should be considered based on the planning merits instead of other non-planning matters such as land exchange. Therefore, the Committee had only advised the applicant to negotiate with the Government on the land to be surrendered;
- in April 1994, the Committee decided to rezone the site from “R(A)” to “O” in order to meet the shortfall of 4.1 ha of open space provision in Wan Chai at that time and, in the longer term, to amalgamate with the adjacent properties to form a larger comprehensive redevelopment scheme with public open space provision to facilitate land use restructuring in the area. The site was rezoned to “O” on the draft Wan Chai OZP No. S/H5/8 gazetted in June 1994;
- however, the two main considerations in rezoning the site to “O” in 1994 were no longer valid. According to the latest assessment, the existing deficit would be fully met by the planned open space provision in Wan Chai North area and in various Urban Renewal Authority (URA) schemes in Wan Chai. Even if the site was rezoned from “O” to “C”, the planned open space provision of 34.1 ha in Wan Chai district was more than the requirement of 31.8 ha for a planned population of 159,200 persons. In 1998, the site was once included in the Lee Tung Street/McGregor Street Development Scheme Plan (DSP), but the TPB decided to uphold an objection by the developer by excising the site from the DSP. In

considering the objection, the TPB noted that the “O” zoning for the subject site might no longer be relevant and consideration could be given to reflect the most appropriate zoning of the site upon subsequent amendment to the OZP. The relevant DSP had been approved by the Chief Executive in Council in June 1999 and planning permission for comprehensive development of the development scheme area had been granted in May 2007;

Land Use Compatibility

- the commercial use of the site was not incompatible with the surrounding developments which were commercial and mixed commercial/residential in nature. The rezoning was to reflect the existing use of the site, which was already noted by the Committee in considering the previous applications for change of uses within QRE Plaza between 2007 and 2008;

Implementation

- back in 1994, the Government had already decided pursuant to the Government’s land exchange policy not to include the site for surrender in the proposed land exchange for the hotel development approved under Application No. A/H5/217. There was also no public works programme to develop the subject piece of private land as a public open space. Due to the need to ensure that the office development would be developed in accordance with the approved scheme and the relevant approval condition, the site could not be rezoned until the completion of QRE Plaza in November 2007; and

Proposed Amendments

- should the Committee decide to approve the application, it was proposed to rezone the site to “C(3)” with the stipulation of a maximum building height of 94mPD, taking into account the height of the existing building at 93.4mPD at main roof level.

9. The Chairperson then invited the applicant's representatives to elaborate on the application. With the aid of a Powerpoint presentation, Ms. Keren Seddon made the following main points :

- (a) QRE Plaza had been completed in November 2007. None of the existing uses at the subject site were reflected in the Column 1 uses of the subject "O" zone. There was clearly a mismatch between the existing uses and the "O" zoning of the subject site which was intended primarily for the provision of outdoor open-air public space for active and/or passive recreational users serving the needs of local residents as well as the general public;
- (b) the existing uses at the subject site were Column 1 uses under the "C" zone and were in line with the planning intention of the "C" zone which was intended primarily for commercial developments, which might include uses such as office, shop and services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre(s) and regional or district commercial/shopping centre(s). These areas were usually major employment nodes. The target tenants/customers of QRE Plaza were similar with that of Pacific Place III which had been recommended by PlanD to rezone from "R(A)" to "C" to reflect the existing use. The proposed "C" zoning of the subject site was compatible with the predominant commercial/office uses in the area;
- (c) implementation of the open space on private land with virtually unrestricted lease was not a viable option as the Government would not agree to non in-situ land exchange for open space development. There was no prospect of implementing the open space at the subject site as QRE Plaza had already been built. On the other hand, the implementation of QRE Plaza at the subject site had overcome planning blight and provided public planning gains, including the revitalisation of the local economy, provision of local employment opportunities, supporting the growth of commercial node in Wan Chai South, enhancement of the streetscape and retail frontages, and provision of a covered pedestrian walkway across Queen's

Road East;

- (d) the subject site was not suitable for open space use due to the small site area of about 460m², the piecemeal zoning and lack of integration with the other open spaces in the area. Being located abutting Queen's Road East, the site was subject to noise and air pollution generated by the heavy traffic;
- (e) there were 14 existing and 4 planned open spaces in the vicinity of the subject site. The existing ones were located within 500m walking distance of the subject site and enjoyed better environmental conditions as compared with the subject site. In addition, about 9,000m² of planned open spaces would be available in the vicinity, including those implemented under the Hopewell Centre II project and the three URA projects at Lee Tung Street/McGregor Street, Mallory Street/Burrows Street and Stone Nullah Lane/Hing Wan Street/King Sing Street;
- (f) the proposed rezoning was in line with the TPB/Committee's own suggestions in that the TPB back in 1999 noted that the "O" zoning of the subject might no longer be relevant and the Committee noted that the Wan Chai OZP should be amended to reflect the existing use on the site in considering the previous applications for change of uses within QRE Plaza between 2007 and 2008 as detailed in paragraphs 4.6 and 4.7 of the Paper;
- (g) concerned Government departments had no objection or no comment on the application. The District Officer/Wan Chai advised that most consultees had no comment, but some expressed disagreement to the proposed rezoning due to the potential disturbance to local residents and one commented on the complicated planning mechanism and the possible confusion to the public;
- (h) far more commenters supported than objecting against the application. For the 1,907 public comments objecting against the application, they were mainly on the grounds that the open space should be retained to safeguard public interest, to address the shortfall in open space provision and to avoid

redevelopment of the subject site into higher development intensity. These grounds did not stand in that the subject site was not suitable for open space use, there was no shortfall in open space provision according to the latest assessment undertaken by the PlanD, and the subject site had already been fully developed as permitted under the Buildings Ordinance; and

- (i) the applicant agreed to the PlanD's suggestion to rezone the subject site to "C(3)" with the stipulation of a maximum building height of 94mPD. However, it was suggested to incorporate the standard clause allowing for section 16 application for minor relaxation of the building height restriction. The applicant had consistently demonstrated corporate social responsibility by pursuing initiatives to revitalise Wan Chai for the benefits of the local residents, workers and visitors. The provision of a public footbridge at QRE Plaza was an example. The proposed rezoning of the site to "C" would not detract the applicant's on-going efforts to revitalise Wan Chai.

10. Members had the following main views and questions on the application :

- (a) where was the nearest and sizeable open space that could be enjoyed by the local residents and when would the planned open spaces in the area be implemented;
- (b) as the building plans for the office development had been approved in 1999, what were the reasons for not rezoning the subject site earlier;
- (c) were there any similar cases involving the development of commercial buildings at sites zoned "O" in Wan Chai; and
- (d) noting that there was public dissatisfaction about the developer's withdrawal of the previous undertaking in surrendering the subject site for open space use, whether the applicant would consider surrendering other sites for open space development under the Hopewell Centre II project.

11. In response to Members' questions in paragraphs 10(a) to (c) above, Ms. Brenda

K.Y. Au, DPO/HK, made the following main points :

- (a) with the aid of a plan showing open space provisions in the area, an existing open space was located close to the subject site at Sam Pan Street. Apart from the existing open spaces mentioned by the applicant's representative in her presentation, there was an additional existing one near Ruttonjee Hospital;
- (b) the major planned open spaces in the area were located in Wan Chai North area and in various URA projects in Wan Chai. Adjoining the subject site was the URA project at Lee Tung Street/McGregor Street with a planned open space provision of not less than 3,000m². The Hopewell Centre II project opposite the subject site across Queen's Road East would also provide a public open space of about 5,880m² (or 5,450m² after deducting the existing Ship Street Playground);
- (c) on implementation aspect, the planned open spaces in Wan Chai North area would be implemented in tandem with the Wan Chai Phase II development. As regarded the URA project at Lee Tung Street/McGregor Street, the relevant land grant for the development scheme was already under processing and it was expected that the development scheme could be completed in about 2 to 3 years time upon actual commencement of building work;
- (d) it was an established practice of the TPB to rezone a site to reflect an approved/existing use until the completion of the approved scheme in order to ensure that the development would be implemented in accordance with the approved scheme and the approval condition(s), if any, would be complied with. For the subject site, the rezoning had not been done earlier because the planning permission for the approved office development granted in 1981 was subject to a condition on the building design which included the design of the footbridge across Queen's Road East. Planning permission for office/commercial development was not required under the "C" zone. As such, pre-mature rezoning of the site to

“C” before completion of the development in November 2007 was undesirable as there was no mechanism to ensure that the developer would develop the site following the approved scheme or complying with the approval condition; and

- (e) there were no similar cases involving the development of commercial buildings at sites zoned “O” in Wan Chai.

12. In response to Members’ questions in paragraphs 10(b) and (d) above, Ms. Keren Seddon and Mr. Albert Yeung made the following main points :

- (a) the applicant was aware of the established practice of the TPB to rezone a site to reflect an approved/existing use pending the completion of the approved scheme. As QRE Plaza was completed only in November 2007, the proposed rezoning had not been done earlier; and
- (b) as far as the subject site was concerned, in considering the proposed land exchange for the hotel development in June 1994, the Government did not agree to include the site which fell outside the future regrant lot for surrender in the land exchange based on the prevailing land policy at that time. However, noting the public aspiration for open space development in the area, the applicant had recently undertaken to preserve and revitalize Nam Koo Terrace which was zoned “O” on the Wan Chai OZP and located next to the Hopewell Centre II project. The applicant would develop the land surrounding Nam Koo Terrace into an open space of about 1,700m² for public use.

13. 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

14. Members generally had no objection to the application, basically based on two counts, namely, zoning the site as “O” was no longer valid and the rezoning was to reflect the existing use upon completion of the development in accordance with the established practice of the TPB. However, Members raised concerns on the mismatch between the land use zoning and the approved/existing use on site and commented that the situation could be avoided if the rezoning was done earlier. The continued zoning of the subject site as “O” on the OZP might give false expectation to the public on the use of the site. On the other hand, the current rezoning might be misconstrued by the public as rectifying a planning mistake and accepting a fait accompli. Review of similar cases involving long completed commercial or other developments at “O” sites should be undertaken to recommend the appropriate rezoning proposals as early as possible. As there was a time lag between the granting of planning permission and completion of the approved scheme, a Member asked whether the rezoning for other similar cases could be undertaken prior to the completion of the approved scheme.

15. The Chairperson explained that the subject case was rather unique. The planning permission for the approved scheme was granted more than two decades ago in 1981, but the building plans were approved in 1999 and the approved scheme was completed in November 2007. The lease of the subject site was virtually unrestricted and hence no lease modification would be required to implement the approved scheme. Should the site be rezoned to “C” earlier under which commercial uses were permitted as of right, there was no mechanism for the TPB to monitor the compliance of the approved scheme and the approval condition. In light of the above, the rezoning of the subject site had to be undertaken upon the completion of the approved scheme and the compliance of relevant approval condition. This was in accordance with the established practice of the TPB. In cases where lease modification was required to implement the approved scheme with conditions which could be incorporated as lease conditions, the TPB could retain regulatory control on satisfactory implementation of the scheme and the approval conditions and hence the rezoning could be undertaken earlier.

16. The Chairperson continued to say that in the past, it was not uncommon to have private land zoned as “O” for open space development in order to address the shortfall in

open space provision in old urban districts such as Yau Ma Tei, Wan Chai and Sheung Wan. There could be planning permission for development on part of the “O” zone leaving the remaining part for open space use. In considering such applications, the TPB had been mindful of the programme of open space development, private land interest and other planning considerations such as land use compatibility, adequacy of infrastructural provisions, the environmental and traffic impacts, etc. Rezoning of these sites to reflect the actual use upon completion of the development had been progressively undertaken by the TPB.

17. The Secretary supplemented that there was previously no rezoning request mechanism which was only introduced in 1989/90 and the section 12A application system which was only introduced in 2005 under the Town Planning (Amendment) Ordinance. In the old version of the Notes to OZP, ‘Flat’ was previously a Column 2 use under the “O” zoning allowing applicants to make applications to the TPB to turn the entire or part of the “O” site for residential use. However, the Notes for the “O” zone had been amended to remove ‘Flat’ use from Column 2.

18. Noting that the site was subject to virtually unrestricted lease, a Member asked if the various requirements embodied in the approved scheme and the approval condition of the planning permission granted in 1981 were still applicable. If affirmative, such requirements might need to be incorporated in the relevant OZP to control future redevelopment. The Chairperson said that QRE Plaza had been completed with provision of a footbridge as required by the approval condition. Upon redevelopment, the subject site would be subject to the Schedule of Uses and the building height restriction of the proposed “C(3)” zone. The Secretary added that the footbridge could be shown on the OZP to ensure the pedestrian linkage would be retained upon redevelopment. Members agreed that it was worthwhile to show the footbridge linkage at the subject site across Queen’s Road East on the OZP to require provision of the footbridge upon future redevelopment of the site.

19. Noting that the application had attracted many negative public comments, two Members considered that the commenters should be duly explained about the reasons for not undertaking the rezoning of the subject site earlier which were technical in nature.

20. A Member considered that the subject site was not entirely suitable for open space development given the location of abutting the busy Queen’s Road East and the poor

environmental conditions due to the heavy traffic. A few Members considered that the environmental condition of the existing open space at Sam Pan Street was better as compared with the subject site.

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

21. A Member asked if there were cases involving sites zoned “C” but developed for open space. The Chairperson said that comprehensive development at sites zoned “Comprehensive Development Area” (“CDA”) might include open space provision. In undertaking the review of “CDA” sites, proposed zoning amendments to reflect the completed development, including the open space, would be made.

22. A Member raised concerns about the mismatch in priority accorded by the Leisure and Cultural Services Department (LCSD) to the implementation of open spaces to address the shortfall in open space provision to serve the needs of the local residents. The LCSD should be urged for early implementation of the public open spaces, particularly in the old urban areas with large shortfall. Clarification was also sought on the current mechanism on implementation of public open spaces. Other Members shared the same view and suggested that consideration should be given to putting this implementation responsibility under the Development Bureau for better co-ordination.

23. On the Member’s question on implementation of public open spaces, the Chairperson said that while statutory plans provided a framework to guide public and private sector developments in a co-ordinated and orderly manner, implementation of public open spaces would be subject to the resources allocation and priority by the LCSD.

24. After further deliberation, the Committee decided to partially agree to the application. The application site would be rezoned from “Open Space” to “Commercial(3)” subject to a maximum building height restriction of 94mPD to prevent excessively tall building upon redevelopment in future. The footbridge linkage at the subject site across Queen’s Road East should also be shown on the Outline Zoning Plan. The proposed amendments to the approved Wan Chai Outline Zoning Plan No. S/H5/25 would be submitted to the Committee for consideration prior to gazetting for public inspection under section 5 of the Town Planning Ordinance. Members noted that the minor relaxation clause

as suggested by the applicant at the meeting was a standard provision in incorporating building height restriction into the OZP and would be included in the proposed amendments as appropriate.

25. The Committee also requested the Secretariat to duly inform the commenters the reasons of why the application site had not been rezoned earlier for better understanding by the community and to relay Members' concerns and suggestions on implementation of public open spaces to the Development Bureau and the Leisure and Cultural Services Department for consideration.

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/376 Proposed Partial Demolition and Addition & Alteration Works
in "Other Specified Uses" annotated "Open Space and Historical
Buildings Preserved for Cultural and Commercial Uses" zone,
1-11 Mallory Street, 6-12 Burrows Street and Adjacent Government Land,
Wan Chai
(MPC Paper No. A/H5/376A)

26. The Secretary said that the application was submitted by the Urban Renewal Authority (URA) and the buildings at the application site were Grade II historical buildings. As such, 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 the URA;
Mr. Walter K.L. Chan	}	
Mr. Maurice W.M. Lee	-	being a former non-executive director of the URA with the term of office ended on 30.11.2008;

- | | |
|---|---|
| Professor Bernard V.W.F. Lim | - having current business dealings with the URA and being a Member of the Antiquities Advisory Board (AAB); |
| Mr. Leslie H.C. Chen | - being a former Member of the AAB with the term of office ended on 31.12.2008; |
| Ms. Olga Lam
as the Assistant Director of the
Lands Department | - being an assistant to the Director of Lands who was a non-executive director of the URA; and |
| Mr. Andrew Tsang
as the Assistant Director of the
Home Affairs Department | - being a co-opt member of the Planning, Development and Conservation Committee of the URA. |

27. The Committee noted that Professor Bernard V.W.F. Lim and Mr. Andrew Tsang had tendered apologies for being unable to attend the meeting whereas Mr. Maurice W.M. Lee had not yet arrived at the meeting. As Mr. Leslie H.C. Chen was no longer a Member of the AAB whose role was only advisory in nature, the Committee agreed that Mr. Chen's interest was indirect and could stay at the meeting. The other Members' interests were direct and should leave the meeting for the item. As the Chairperson had to leave the meeting, the Committee agreed that the Vice-chairman should take over and chair the meeting for the item.

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

28. The Vice-chairman chaired the meeting at this point. Ms. Starry W.K. Lee also declared an interest in this item as she was a member of the Kowloon City District Advisory Committee of the URA. The Secretary explained that Ms. Lee, being a member of a public advisory body whose role was only advisory in nature, should declare an interest but could be allowed to stay in the meeting as previously agreed by the Committee in similar situation. Members agreed.

Presentation and Question Sessions

29. The Vice-chairman said that a replacement page 12 of the Paper had been sent to

Members and tabled at the meeting for Members' consideration.

30. 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 partial demolition and addition and alteration (A&A) works (hereinafter referred as 'the proposed works') to facilitate the in-situ preservation and adaptive re-use of the six historical buildings at Mallory Street for cultural and commercial uses and provision of a public open space of not less than 300m² with demolition of the four existing buildings, except the front façade, at Burrows Street. The proposed adaptive re-uses of the historical buildings, including eating place, shop and services (including cultural use/gallery/art studio) and public open space, were permitted as of right under the subject "Other Specified Uses" ("OU") zone under the concerned Development Scheme Plan (DSP);
- (c) departmental comments – while having no in-principle objection to the application, the Chief Building Surveyor/Hong Kong East, Buildings Department advised that details of the development scheme would be considered at building plans submission stage. The proposed building works should comply with the prevailing building regulations, but favourable consideration would be given to any proposed alternative design achieving the same performance requirements. The Antiquities and Monuments Office (AMO) had no objection to the planning application subject to the applicant's undertaking to comply with the preservation of the list of architectural features agreed with his office. Other concerned Government departments had no objection to nor adverse comments on the application;
- (d) during the statutory publication periods of the application and further information, 7 public comments were received with 3 supporting, 1 objecting, 2 providing comments and 1 having no comment on the application. The major supporting grounds were that the proposed works

would facilitate the preservation scheme; help revitalizing the obsolete buildings for higher economic use; consolidate identity for the local community; and facilitate the provision of public open space, cultural and commercial uses to serve the public. The major opposing grounds included the adverse impacts on traffic, air quality, noise nuisances, the daily living of the locals and their social network. A social impact assessment and thorough consultation should be undertaken prior to implementation of the project; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. The proposed works to facilitate the conservation of the historical buildings/façade, adaptive re-use of the conserved buildings for cultural and commercial uses, and the provision of open space were generally in line with the planning intention of the subject “OU” zone and the requirements stipulated in the Planning Brief (PB) for the development scheme. The applicant had undertaken a conservation study to ascertain the detailed requirements for conservation of the existing buildings. The extent of the proposed works, including the provision of the extended structure, had been minimized to ensure structural safety and to meet the prevailing building and safety regulations. An approval condition requiring the applicant to preserve the architectural features as agreed with the AMO had been recommended in paragraph 11.2(a) of the Paper. Although the proposed works included an extended structure which would be one-storey higher than the conserved buildings at Mallory Street, the applicant had demonstrated that the roof of the extended structure would not be visible from the street level along Mallory Street and Burrows Street.

31. Members had the following questions and comments :

- (a) the idea of preserving the historical buildings at Mallory Street for adaptive re-use was generally supported whereas the need for the proposed works which were mainly to ensure the structural safety and to comply with the prevailing building and safety requirements was also recognised;

- (b) referring to Drawing A-9 of the Paper, the demolition of the existing buildings at Burrows Street leaving only a 4m deep front façade without any adaptive re-use would render the retained façade like the props of a film. There were also blank walls without any design details at the four previous ground floor shops. These were considered unsatisfactory. Consideration should be given to improve the design for the retained façade and allow certain adaptive re-uses at the concerned previous ground floor shops;
- (c) whether the public open space at the application site would have adequate sunlight as it would be surrounded by buildings;
- (d) apart from the sections, whether the applicant had submitted a model to facilitate better understanding of the proposed works under application, in particular the proposed extended structure which would be one storey higher than the conserved buildings at Mallory Street;
- (e) whether the public could access the open space within the application site from both Mallory Street and Burrows Street;
- (f) whether one of the kitchens at the rear of the historical buildings at Mallory Street could be conserved for heritage preservation purpose;
- (g) to attract visitors, the conserved buildings/façade at the application site could be connected with other historical sites in Wan Chai such as the preserved tenement houses at 60-66 Johnston Road, the Blue House and Pak Tei Temple. Notwithstanding, there was concern on the potential adverse impacts on traffic and pedestrian flow with more visitors being attracted to the area;
- (h) although public access to the balconies at the retained façade at Burrows Street would not be allowed, the applicant should ensure the structural safety of these balconies; and

- (i) apart from the third floor level which would be provided with an elevated walkway for the public to view the public open space, whether the corridors of the other floor levels of the conserved buildings could be accessed by the public.

[Ms. Sylvia S.F. Yau left the meeting at this point.]

32. In response to Members' questions in paragraphs 31(b) to (f) and (i) above, Ms. Donna Y.P. Tam made the following main points :

- (a) Drawings A-8 and A-9 of the Paper were two photomontages submitted by the applicant to broadly illustrate the general views of the development scheme with and without the proposed works. While the detailed design of the retained façade at Burrows Street were not yet available at this stage, it was unlikely that the ground floor of the retained façade had blank walls with no design details upon conservation. Public access to the balconies of the retained façade would be restricted in order to avoid any major structural strengthening and the resultant adverse impact on the authenticity of the balconies;
- (b) although the public open space would be surrounded by buildings, the conserved buildings/façade were low-rise with four storeys high. As such, there would not be significant adverse impacts on sunlight penetration to the public open space;
- (c) the applicant had not submitted any model that showed the proposed works. However, in considering the draft Mallory Street/Burrows Street DSP and PB by the Town Planning Board (TPB) on 8.7.2005, the applicant had submitted various plans, including an aerial view of the development scheme. Upon considerations of all relevant factors, the TPB had already agreed to the planning intention of the subject site which was primarily to preserve the historical buildings at Mallory Street for cultural and commercial uses and to provide a public open space by demolishing the

existing buildings at Burrows Street with retention of the front façade as an entrance feature to the open space. The Notes for the subject “OU” zone under the concerned DSP stipulated that any demolition of, or addition, alteration and/or modification to (except those minor alteration and/or modification works which were ancillary and directly related to the always permitted uses) or redevelopment of an existing building required planning permission from the TPB. As such, the applicant submitted the current application for the proposed works as required under the Notes of the DSP;

- (d) according to the applicant, the extended structure behind the conserved buildings at Mallory Street had to be one storey higher than the conserved buildings in order to allow the visitors to appreciate the special architectural features on the pitched roof of the conserved buildings and to accommodate the lift over-run and fire services water tank which were part of the essential building services in compliance with the prevailing building and safety regulations to serve the adaptive re-uses of the conserved buildings. Efforts had been made by the applicant to minimize the bulk and height of the extended structure as far as possible;
- (e) it was stipulated in the concerned PB that access to the public open space at the application site should be provided from both Mallory Street and Burrows Street;
- (f) according to the applicant’s submission, the side wall and most of the rear façade of the kitchen at No. 1 Mallory Street and the segmental-arched doorways at the entrance leading into the kitchens would be retained; and
- (g) while the public could access the corridors on different floor levels at the conserved buildings, the conserved buildings at Mallory Street were only linked up with the retained façade at Burrows Street at the third floor level via the proposed 2m wide elevated walkway.

33. In response to the Vice-chairman’s follow-up questions, Ms. Donna Y.P. Tam clarified that visitors could view the special architectural features on the pitched roof of the

conserved buildings at Mallory Street on the fourth floor level, rather than the roof level that accommodated the roof-top structures, of the extended structure.

34. In response to Members' concerns/suggestions in paragraphs 31(f) to (h) above, the Vice-chairman suggested to advise the applicant to take note of the Members' concerns/suggestions regarding the potential traffic/pedestrian flow problems, retention of a kitchen at the rear of the historical buildings at Mallory Street and structural safety of the balconies at the retained façade at Burrows Street. The applicant should also explore ways to address Members' concerns and to take into account Members' suggestions in taking forward the development scheme. Members agreed.

35. Referring to an aerial view of the development scheme as submitted by the applicant to the TPB for consideration in 2005, a Member said that while it could provide a useful reference material, some proposed works under application, including the proposed extended structure and elevated walkway, were not included in the aerial view which was prepared several years ago. Besides, the green area at the bottom left hand corner of the aerial view was Ying Fat House rather than a vacant area. Enclosed by Ying Fat House, other existing buildings and the conserved buildings/façade, the public open space at the application site would be fairly a confined space.

Deliberation Session

36. A Member said that a "point, line, plane" approach should be adopted in considering heritage conservation projects. The Secretary said that this approach had been adopted by the Government and URA. Instead of planning individual historical site in a piecemeal manner, PlanD would take into account the setting or local character of the concerned site. The URA had also prepared a master plan for the preservation and revitalisation of the old Wan Chai area which stressed on holistic rather than piecemeal conservation.

37. A Member gave his support to the application, having regard to the need for the proposed works which were mainly to ensure structural safety and to meet the prevailing building and safety regulations. As regards the balconies at the retained façade at Burrows Street, the design of the rails was not conducive to prevent visitors from falling over and could

not comply with the prevailing building regulations. If public access to the balconies was to be allowed, major alterations to the rails would be required which would adversely affect the authenticity of the balconies. In light of the above, this Member considered that public access to the concerned balconies should not be allowed.

38. Two Members supported the retention of one of the kitchens at the rear of the historical buildings at Mallory Street. Another Member reiterated the concern on the potential adverse impacts on traffic and pedestrian flow with increasing visitors to the area.

39. Several Members expressed concerns about the 4m deep retained façade at Burrows Street mainly for reasons that the retained façade would look like the props of a film and there was lack of adaptive re-use upon conservation. One of them had no strong objection to the current proposal while two others suggested to restore at least one of the ground floor shops at the retained façade to its original state as far as possible for heritage conservation purpose or to increase the depth of the retained façade at ground floor level, say to 8m, so as to accommodate certain adaptive re-uses.

40. The Secretary said that the subject site was previously zoned “Open Space” (“O”) on the draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/22. In considering the draft DSP and PB for the subject site in 2005, the TPB had a long deliberation on whether it was appropriate to demolish the four existing buildings at Burrows Street, which were in poor condition, for open space development, taking into account the “O” zoning of the subject site at that time. Notwithstanding, the front façade of the buildings should be retained as an entrance feature to the public open space and to highlight the heritage character of the development scheme. If the existing buildings at Burrows Street would not be demolished, it would not be possible to provide the planned public open space at the application site. Against this background, the TPB agreed to rezone the subject site from “O” to the subject “OU” zone which was primarily intended to facilitate in-situ preservation and adaptive re-use of the historical buildings fronting Mallory Street for cultural and commercial uses, together with the provision of outdoor open-air public space for recreational uses serving the need of the local residents as well as the general public. While the demolition of the buildings at Burrows Street with retention of the front façade had already been agreed by the TPB, the current application was only related to the proposed partial demolition and A&A works to the existing buildings as required under the Notes of the subject “OU” zone. Ms. Donna Y.P.

Tam added that the TPB noted in 2005 that the possibility of retaining the front façade would still be subject to study by the applicant. If the façade could not be preserved, the area would be used for landscaping. The above intentions for the subject site had been stipulated in the concerned DSP and PB.

41. The Vice-chairman said that according to the applicant's submission in 2005, the ground floor shops at the retained façade would not be blocked by walls and might be able to serve as passage way for the public to access the public open space at the application site. The Vice-chairman suggested and Members agreed to advise the applicant to take note of and explore ways to address Members' concerns regarding the retained façade at Burrows Street as stated in paragraphs 31(b) and 39 above.

42. 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 13.2.2013, 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 preservation of the architectural features for the historic buildings at 1-11 Mallory Street and 6-12 Burrows Street in accordance with the agreed proposal to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by the Buildings Department;

- (b) to liaise with the District Lands Officer/Hong Kong East, Lands Department for the land grant;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong East, Buildings Department on the provision of Means of Escape and extinguishment and decking over of public lane in paragraph 8.1.3 of the Paper;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department regarding the waterwork reserves in paragraph 8.1.12 of the Paper; and
- (e) to note Members' concerns regarding the potential traffic/pedestrian flow problems, structural safety of the balconies at the retained façade at Burrows Street and the retained façade at Burrows Street as well as Members' suggestion to retain a kitchen at the rear of the historical buildings at Mallory Street. The applicant should also explore ways to address Members' concerns and to take into account Members' suggestion in taking forward the development scheme.

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

[Mrs. Ava S.Y. Ng, Mr. Walter K.L. Chan and Ms. Olga Lam returned to join the meeting whereas Mr. Raymond Y.M. Chan and Dr. Winnie S.M. Tang left the meeting temporarily at this point.]

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

Agenda Item 5

[Open Meeting]

Proposed Amendments to the
Draft Quarry Bay Outline Zoning Plan No. S/H21/25
(MPC Paper No. 6/09)

44. The Secretary said that a site which was subject to the proposed amendments under consideration was owned by a subsidiary of Swire Pacific Ltd. (SP). Mr. Raymond Y.M. Chan, having current business dealings with SP, had declared an interest in this item. As the item was related to the plan-making process and Mr. Chan had no landed interest, the Committee agreed that he could stay at the meeting. Dr. Winnie S.M. Tang, having a property in Quarry Bay, had also declared an interest in this item. The Committee agreed that her interest was direct and should leave the meeting for this item. The Committee noted that Mr. Chan and Dr. Tang had left the meeting temporarily.

Presentation and Question Sessions

45. With the aid of a Powerpoint presentation, Mr. Tom C.K. Yip, STP/HK, presented the proposed amendments to the draft Quarry Bay OZP No. S/H21/25 and covered the following main aspects as detailed in the Paper :

Rezoning of a "G/IC" Site South of Mansion Street

- (a) in considering the proposed amendments to the draft Quarry Bay OZP No. S/H21/24 on 18.7.2008, the Committee considered that the existing "Government, Institution or Community" ("G/IC") zoning of a site south of Mansion Street could be retained to provide flexibility to cater for the future demand of government, institution or community (GIC) facilities in the Eastern District and a further study on the function of the section of Tsat Tsz Mui Road within the site and the possible traffic impact on closure of the road should be undertaken. In the review, opportunity was also taken to include an adjoining cut slope within the same "G/IC" zone;

- (b) the results of the review undertaken by the Planning Department (PlanD) in consultation with the concerned Government departments were highlighted in paragraphs 3.4 to 3.9 of the Paper:
- (i) the concerned section of Tsat Tsz Mui Road was a dead-end public road and the adjoining buildings could be accessed by vehicles via King's Road and/or Mansion Street. In light of the above, the Assistant Commissioner for Transport/Urban, Transport Department advised that closure of the road would not have significant adverse traffic impact. However, the Director of Fire Services advised that the road served as an emergency vehicular access for the adjacent buildings and the Chief Building Surveyor/Hong Kong East & Heritage Unit, Buildings Department commented that closure of the road for built structures would adversely affect the adjacent buildings in terms of provision of means of escape, natural lighting and ventilation and open space under the Buildings Ordinance (BO). The site classification of the adjacent Golden Horse Mansion would also be changed from Class B to Class A, which would result in a lower permissible plot ratio and site coverage under the BO upon redevelopment. As such, it was proposed to rezone the concerned section of Tsat Tsz Mui Road from "G/IC" to 'Road';
 - (ii) the existing 3.5m wide lane between the North Point Government Primary School and CASA 880 within the site was Government land and served as means of escape/service lane for CASA 880. It was thus proposed to rezone the lane from "G/IC" to 'Road' to reflect its current use;
 - (iii) the tenure of a temporary maintenance depot at the southern part of the site would expire in early 2010. With a flat area of about 380m², it could be used to accommodate small-scale GIC facilities. It was thus considered appropriate to retain the "G/IC" zoning and to impose a building height restriction of one storey, similar to the restriction already imposed on the refuse collection point to the north; and

- (iv) the slopes at the western part of the site were considered unsuitable for development due to its steep gradient, extensive slope works and tree felling involved. It was thus proposed to rezone this part of the site to “Green Belt” (“GB”) to integrate with the “GB” zone to the southwest;

Rezoning and Imposition of Plot Ratio Restriction for 1-10 Sai Wan Terrace

- (c) in accordance with the Committee’s decision on 21.11.2008 in partially agreeing to a section 12A application (No. Y/H21/1), it was proposed to rezone a site at 1-10 Sai Wan Terrace from “Residential (Group B)” (“R(B)”) to “R(B)1” and to impose a maximum plot ratio restriction of 5.8 on the “R(B)1” zone;

Revision to the Notes and Explanatory Statement of the OZP

- (d) the Notes for the “R(B)” zone and the Explanatory Statement (ES) of the draft Quarry Bay OZP No. S/H21/25 were revised to take into account the proposed amendments and/or to reflect the latest planning circumstances of the OZP;

Consultation

- (e) the comments of concerned Government departments had been taken into account and incorporated in the Paper where appropriate; and
- (f) prior public consultation for the proposed amendments was not considered necessary as they were mainly to reflect the current uses of the site and the Committee’s previous decision. Subject to the Committee’s agreement to the proposed amendments, the Eastern District Council would be consulted during the exhibition period of the draft Quarry Bay OZP No. S/H21/26 for public inspection under section 7 of the pre-amended Town Planning Ordinance.

46. Members had no question on the proposed amendments.

Deliberation Session

47. After deliberation, the Committee decided to:

- (a) agree to the proposed amendments to the draft Quarry Bay OZP No. S/H21/25 as set out in paragraph 4 of the Paper and that the Amendment Plan No. S/H21/25A (to be renumbered as S/H21/26 upon exhibition) and its Notes at Attachments IV(A) and IV(B) of the Paper respectively were suitable for exhibition for public inspection under section 7 of the pre-amended Town Planning Ordinance; and
- (b) adopt the revised ES at Attachment IV(C) of the Paper for the draft Quarry Bay OZP No. S/H21/25A (to be renumbered as S/H21/26 upon exhibition) as an expression of the planning intentions and objectives of the Town Planning Board (TPB) for the various land use zonings of the OZP, and the revised ES was suitable for exhibition together with the OZP and issue under the name of the TPB.

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

[Mr. Maurice W.M. Lee arrived to join the meeting whereas Mr. Raymond Y.M. Chan and Dr. Winnie S.M. Tang returned to join the meeting at this point.]

[Dr. Daniel B.M. To and Mr. Walter K.L. Chan left the meeting temporarily at this point.]

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 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/667 Shop and Services (Showroom for Garments)
in “Other Specified Uses” annotated “Business” zone,
Workshop C3 (Portion), G/F, Block C, Hong Kong Industrial Centre,
489-491 Castle Peak Road, Cheung Sha Wan
(MPC Paper No. A/K5/667)

Presentation and Question Sessions

48. 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 shop and services (showroom for garments) use;
- (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 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 showroom 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. Application No. A/K5/603 submitted by the same applicant for temporary showroom for garments for a period of 3 years had previously been approved by the Committee on 13.1.2006 and the approval condition had been complied with. There was no material change in planning circumstances since the approval of the previous application.

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 was subject to the following conditions :

- (a) the submission and implementation of fire service installations in the subject premises within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.8.2009; 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.

51. The Committee also agreed to advise the applicant to consult the Chief Building Surveyor/Kowloon, Buildings Department to ensure that the change in use was complying with the Buildings Ordinance, in particular the provision of 2-hour fire resisting separation walls between the subject premises and the remaining portion of the building in accordance with the Building (Construction) Regulation and Code of Practice for Fire Resisting Construction 1996.

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

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/338 Shop and Services
 in “Other Specified Uses” annotated “Business” zone,
 Workshop No. 8 on G/F, Favor Industrial Centre,
 2-6 Kin Hong Street, Kwai Chung (Kwai Chung Town Lot No. 361)
 (MPC Paper No. A/KC/338)

Presentation and Question Sessions

52. 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 shop and services use;
- (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

shop and services use 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 shop and services use was considered not incompatible with the uses of the subject building and would unlikely generate adverse traffic or environmental impacts to the surrounding areas.

53. Members had no question on the application.

Deliberation Session

54. The Chairperson remarked that the application complied with the relevant Town Planning Board Guidelines and was thus considered acceptable.

55. 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 13.2.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department for a temporary wavier for the applied use;

- (b) to consult the Chief Building Surveyor/New Territories West, Buildings Department on the submission of building plans in respect of the implementation of the non-exempted building works and provision of at least 2 hours fire resisting separation wall between the subject premises and other portions of the building; and
- (c) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction administered by the Buildings Department.

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

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

Kowloon District

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K15/86 Proposed Comprehensive Development
with Residential and Commercial Uses
in "Comprehensive Development Area" zone,
5, 8 and 10 Tung Yuen Street and Adjoining Government Land, Yau Tong
(MPC Paper No. A/K15/86)

57. The Secretary said that the application was submitted by subsidiaries of Cheung Kong (Holdings) Ltd. (CKH). Mr. Felix W. Fong, having current business dealings with CKH, had declared an interest in this item. Members noted that Mr. Fong had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

58. The Secretary said that the application site fell within the “Comprehensive Development Area” (“CDA”) zone at Yau Tong Industrial Area (YTIA). Three objections against the amendments incorporated in the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/16 to impose building height restriction for the “CDA” zone at YTIA had been received. After giving preliminary and further considerations to the objections on 12.9.2008 and 28.11.2008 respectively, the Town Planning Board (TPB) decided not to propose amendment to the OZP to meet the objections. As the draft OZP and the unwithdrawn objections were yet to be submitted to the Chief Executive in Council (CE in C) for consideration, it was considered prudent to defer consideration of the application pending the submission of the draft OZP to the CE in C and the final decision of the CE in C on the unwithdrawn objections. This was in accordance with the TPB Guidelines No. 33 on ‘Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance’.

Deliberation Session

59. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department pending the submission of the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan to the Chief Executive in Council (CE in C) and the final decision of the CE in C on the unwithdrawn objections.

[Ms. Jessica H.F. Chu, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K22/7 Proposed Public Utility Installation (District Cooling System Including Chiller Plant, Seawater Pump House and Above-ground Operational Facilities) in “Commercial (4)”, “Open Space” and “Residential (Group C)” zones, Middle Section of the Ex-Kai Tak Airport Runway, Kai Tak (MPC Paper No. A/K22/7)

Presentation and Question Sessions

60. Ms. Jessica H.F. Chu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (district cooling system (DCS) including chiller plant, seawater pump house and above-ground operational facilities) which was intended to provide chilled water to non-domestic buildings in the southern runway/apron area. The proposed chiller plant and seawater pump house would be located underground whereas the above-ground operational facilities (including four low-level ventilation shafts, four Type A ground accesses, one Type B ground access and two raised platforms) were required to serve the safety, operational and maintenance needs of the underground chiller plant and seawater pump house and would be planned along the edge of the Runway Boulevard;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period of the application, one public comment was received raising objection to the application mainly on the grounds that the proposed underground facilities would limit the future uses above ground which should be determined first. It was also suggested to locate the proposed development in/under the planned Metro Park as the

potential conflict in land use would be low; and

[Mr. Walter K.L. Chan returned to join the meeting at this point.]

- (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 provision of the DCS was in line with the environmental-friendly planning theme of Kai Tak and had policy support from the Environment Bureau. The proposed development involved mainly underground structures. The individual above-ground facilities occupied an area of 6m² to 15m² only, except the raised platforms each having an area of 42m². With a total building footprint of 175m², the above-ground facilities were small in scale and would be landscaped with greening features to blend in with the surrounding environment. They would unlikely cause adverse visual and landscape impacts to the area. The applicant would be advised to liaise with relevant Government departments to work out the final designs for the above-ground facilities to ensure that they would be suitably located and compatible with the future design of the Runway Boulevard. As regards the underground facilities which would encroach onto the fringe of the “Commercial (4)” and “Residential (Group C)” sites, the development potential of these sites as permitted under the concerned statutory plan would not be affected. Sufficient depth of soil of about 3m would be allowed for tree planting above the underground facilities. The proposed development would unlikely generate significant adverse environmental, traffic, drainage and engineering impacts on the surrounding areas. Regarding the public concerns, the building footprint and height of the above-ground facilities had been minimized and hence the disturbance and interface issues with the planned infrastructures and land uses in the area would be minimal. They would also be carefully located along the sides of the Runway Boulevard so as not to obstruct the open space at the central area for public enjoyment. The underground structures would be provided with acoustic treatments for sound attenuation and vibration absorption measures to minimize noise nuisances and vibrations. As the Metro Park would be built on a piled decking over the 600m opening at the former

runway, it might not be technically feasible to accommodate a DCS with underground plant rooms.

61. Members had no question on the application.

Deliberation Session

62. A Member supported the application which was for promotion of energy efficiency and conservation. Another Member also supported the application and said that similar energy-efficient facilities should be adopted at other important waterfront areas such as the Central. Mr. C.W. Tse, Assistant Director (Environmental Assessment), Environmental Protection Department (EPD), replied that the Environment Bureau and EPD would continue to spearhead and co-ordinate Government's efforts to promote energy efficiency and conservation in the territory.

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 13.2.2013, 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 condition that the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

64. The Committee also agreed to advise the applicant to consult and liaise with relevant Government departments (including the Architectural Services Department and the Leisure and Cultural Services Department) to work out the final designs for the above-ground operational facilities to ensure that these facilities would be suitably located and compatible with the future design of the Runway Boulevard.

[The Chairperson thanked Ms. Jessica H.F. Chu, STP/K, for her attendance to answer Members' enquires. Ms. Chu left the meeting at this point.]

Agenda Item 10

Any Other Business

[Open Meeting]

A/H20/158-1 Application for Extension of Time for Compliance with
Planning Condition - Shop and Services
(Real Estate Agency Office and Computer Retail Shop)
in "Other Specified Uses" annotated "Business" zone,
Workshop 1, G/F, Trend Centre, 29 Cheung Lee Street, Chai Wan
(MPC Paper No. A/H20/158-1)

65. The Secretary said that an application for extension of time (EOT) to comply with approval condition (a) under Application No. A/H20/158 was received on 23.1.2009. The application was approved with conditions by the Committee on 24.10.2008 for shop and services (real estate agency office and computer retail shop) use. Approval condition (a) relating to the submission and implementation of fire service installations should be complied with by 24.1.2009. The time limit for compliance with condition (a) had already expired on 24.1.2009 and the planning permission had been revoked on the same date. As such, the EOT application could not be considered as the planning permission no longer existed at the time of consideration by the Committee at this meeting. The Chairperson said that if the applicant would like to continue the shop and services (real estate agency office and computer retail shop) use at the application site, a fresh section 16 application would be required.

66. After deliberation, the Committee agreed that the application for extension of time could not be considered as the planning permission no longer existed at the time of consideration.

67. There being no other business, the meeting was closed at 11:40 a.m..