

TOWN PLANNING BOARD

**Minutes of 394th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 17.4.2009**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Mr. 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. Sam Wong

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

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

Secretary

Absent with Apologies

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Mr. K.Y. Leung

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. Kathy C.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 393rd MPC Meeting held on 27.3.2009

[Open Meeting]

1. The draft minutes of the 393rd MPC meeting held on 27.3.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Approval of Draft Outline Zoning Plans

2. The Secretary reported that on 31.3.2009, the Chief Executive in Council approved the following two draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) and approval of the OZPs would be notified in the Gazette on 24.4.2009 :

- (a) Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP (to be renumbered as S/K15/17); and
- (b) Tung Chung Town Centre Area OZP (to be renumbered as S/I-TCTC/16).

(ii) Town Planning Appeal Received

Town Planning Appeal No. 4 of 2009 (4/09)

Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Agriculture” Zone, Government Land in DD 9, Tai Wo Village, Tai Po
(Application No. A/NE-KLH/374)

3. The Secretary reported that an appeal against the decision of the Town Planning Board (the Board) on 16.1.2009 to reject on review an application (No. A/NE-KLH/374) for a proposed house (NTEH – Small House) at a site zoned “Agriculture” (“AGR”) on the Kau Lung Hang OZP was received by the Appeal Board Panel (Town Planning) on 31.3.2009.

The reasons for rejection by the Board were that the application was not in line with the planning intention of the “AGR” zone. No strong justifications had been provided in the submission for a departure from the planning intention. The proposed development, which affected the mature trees and an ecologically important stream, was not supported from nature conservation point of view. The hearing date of the appeal was yet to be fixed. The Secretary would represent the Board to handle the appeal in the usual manner.

(iii) Town Planning Appeal Statistics

4. The Secretary said that as at 17.4.2009, a total of 24 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows :

Allowed	:	23
Dismissed	:	109
Abandoned/Withdrawn/Invalid	:	130
Yet to be Heard	:	24
Decision Outstanding	:	1
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Total	:	287

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

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K20/3 Application for Amendment to the
Approved South West Kowloon Outline Zoning Plan No. S/K20/22
to Amend the Notes for the “Comprehensive Development Area” zone
and to Reduce Eleven High-rise Blocks to Five Blocks
with the Designation of Four Air Ventilation Corridors,
West Rail Nam Cheong Station, West Kowloon Reclamation
(MPC Paper No. Y/K20/3)

5. The Secretary said that the application site was the subject of a previously approved planning application (No. A/K20/82) submitted by the then Kowloon-Canton Railway Corporation (KCRC). Mr. Anthony Loo, being an assistant to the Commissioner for Transport who was a Non-executive Director of Mass Transit Railway Corporation Ltd. (MTRCL), had declared an interest in this item as the two railway corporations were merged in December 2007.

[Mr. Anthony Loo left the meeting temporarily at this point.]

Presentation and Question Sessions

6. Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Mr. Roy Tam, the applicant's representative, were invited to the meeting at this point. The Chairman extended a welcome and explained the procedures of the hearing. The Chairman then invited Ms. Heidi Y.M. Chan, DPO/TWK, to brief Members on the background to the application.

7. With the aid of a Powerpoint presentation, Ms. Heidi Y.M. Chan presented the application as detailed in the Paper and made the following main points :

- (a) the application was submitted by the Green Sense for amending a previously approved development scheme at West Rail Nam Cheong Station (NCS) (Application No. A/K20/82) (submitted by the then KCRC) by reducing the eleven high-rise blocks to five blocks with the designation of four air ventilation corridors (AVCs) and amending the Notes for the "Comprehensive Development Area" ("CDA") zone of the subject site to incorporate the following development restrictions:
 - (i) maximum domestic and non-domestic plot ratio (PR) of 3.5 and 0.5 respectively;
 - (ii) maximum building height restriction of 100mPD;
 - (iii) designation of four 35m wide AVCs (with maximum height restriction of 30mPD) and consequential deletion of four low-rise blocks;

- (iv) designation of a 15m wide non-building area along Sham Mong Road;
 - (v) maximum 60% site coverage for the podium;
 - (vi) maximum 30 car parking spaces (for both residents and visitors);
and
 - (vii) installation of openable windows for 90% of the non-domestic floor area;
- (b) the applicant indicated that they had collected public views at Fu Cheong Estate and neighbouring areas between late February 2009 and 6.3.2009 and had received 425 supporting comments and 20 partially supportive comments on the application (a copy of the comments were provided by the applicant at the meeting for the Committee's reference);

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

- (c) the first scheme for a comprehensive residential and commercial development at the subject site (Application No. A/K20/27) was approved by the Committee on 17.12.1999. The proposed development, with a total PR of 8 and a maximum building height of 218.2mPD, comprised ten high-rise and nine low-rise residential blocks as well as one high-rise office tower all above a 5-storey podium accommodating commercial/retail shops, clubhouse and car-parking with railway station and public transport interchange (PTI) at G/F. The latest scheme (Application No. A/K20/82), with a total PR of 8 and a maximum building height of 196.5mPD, was approved by the Committee on 15.10.2004 which comprised ten high-rise and nine low-rise residential blocks as well as one high-rise office tower all above a 5-storey podium accommodating a shopping centre, internal parking facilities and a PTI at G/F. As compared to the latest approved scheme, the current application proposed to reduce the overall development intensity of the site by almost 50% mainly in that the total PR was reduced from 8 to 4, the total number of blocks from 20 to 10 and the maximum building height from 196.5mPD to 100mPD;

- (d) in response to the concerns from the Sham Shui Po District Council (SSP DC), the then KCRC consulted the SSP DC on 5.7.2005 on the potential wall effect of the latest approved scheme at the site. The SSP DC passed a motion requesting the Government to amend the scale and design of NCS development to safeguard air ventilation of the Sham Shui Po district. At the SSP DC meeting held on 31.7.2007, the then KCRC agreed to look into possible options to reduce the development intensities of the NCS development with a view to improving the air ventilation and minimizing the wall effect. On 8.4.2008, the MTRCL (after the merger of KCRC and MTRCL) submitted a revised scheme proposing improvements including reduction in GFA (-18%), total PR (from 8 to 6.6), maximum building height (from 196.5mPD to 181.7mPD), podium levels (from 5 to 3) and residential units (from 4 247 to 3 321); and introduction of terraced podium, a landscaped open plaza (1 000m²), 2-storey basement and two breezeways. On 6.1.2009, the SSP DC was consulted on this revised scheme and passed a motion requesting the removal of three high-rise tower blocks in the revised scheme and the provision of three AVCs;

- (e) Members' attention was drawn that the MTRCL on 19.3.2009 submitted a planning application (A/K20/104) proposing amendments to the latest approved scheme which was scheduled for consideration by the Committee on 8.5.2009. In this proposed revised scheme, the amendments included deletion of two high-rise towers; reduction in total GFA by 18% and total PR from 8 to 6.6; introduction of three 20-30m wide AVCs and two basement parking floors; relocation of PTI; and provision of 1 000m² landscaped plaza at ground level;

- (f) departmental comments – the Assistant Commissioner for Transport/Urban, Transport Department (TD) objected to the application as the proposed parking provision was substantially below the standard requirement under the Hong Kong Planning Standards and Guidelines (HKPSG) (i.e. a minimum of 1 009 parking spaces) and was vastly insufficient to meet the demand of the development. The Director of Housing (D of H) objected

to the application as the proposed development restrictions had not been supported by technical studies in optimising the desired impacts to local residents and the environment, and would adversely affect the effective use of mass transit transport by reducing the flat production and diminishing the design flexibility for the site. Also, the proposed parking provision was not in line with the HKPSG and was not sufficient to meet the transport needs of local residents and commuters. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) commented that while the proposed development restrictions would help further reducing the development bulk and result in a development with less visual impact, the visual impacts should be balanced against other planning considerations including development potentials and the previously approved scheme;

- (g) a total of 31 public comments were received during the statutory publication period. Thirty of the public comments were from private individuals expressing support to the application on the grounds that (i) excessive high-rise development in the West Kowloon Reclamation had resulted in negative image of the area and reduction of PR was a feasible and the most effective means to avoid “wall effect”; (ii) the building height of NCS development should not exceed 30 storeys (or 100mPD) as the adjacent Fu Cheong Estate was 20-35 storeys high; excessive building height and density would block wind flow and deter heat dissipation, and low-rise buildings at the waterfront might help reduce the “heat island” effect; (iii) air ventilation should be reinforced by wider building separation between building blocks and reduction in number of building blocks; (iv) the urban design guidelines recommended stepped height profile with low-rise buildings located at the waterfront; and (v) as adequate public parking spaces were provided in the existing car park in Fu Cheong Estate, together with the mass transportation system at NCS, it could help reduce the frequency of car usage and slow down the global warming effect. On the other hand, the MTRCL objected to the application on the grounds that (i) the planning intention of building development nodes near railway stations was to help reducing vehicular trip generation, rationalising traffic

flows and minimising the level of traffic-induced pollution; (ii) there was a strong preference and demand from the public to live near railway station to utilise the mass transit service; optimising the development potential at the site would help meet this significant housing demand; (iii) a balanced approach had been adopted between reduction in development density and optimum utilisation of scarce land resources in the revised scheme; (iv) effective measures had been introduced in the design scheme to enhance air ventilation and visual permeability with due consideration of the surrounding environment; (v) various technical assessments undertaken were supportive of the revised scheme in planning, urban design, traffic, environmental, infrastructure and visual impact terms; and (vi) considerable improvements in wind performance at Fu Cheong Estate and Nam Cheong Estate were demonstrated in the air ventilation assessment;

- (h) the District Officer (Sham Shui Po) advised that based on the earlier revised scheme consulted on 6.1.2009, the SSP DC had passed a motion requesting for deletion of three residential blocks and incorporation of three AVCs in the development; and
- (i) PlanD's views – PlanD did not support the application for amendment based on the assessment made in paragraph 11 of the Paper which was highlighted below:

Plot Ratio

- in view of the increasing community concerns on wall effect and adverse air ventilation impacts caused by new developments particularly near the waterfront, the MTRCL had comprehensively reviewed the latest approved scheme (Application No. A/K20/82) for the subject site and proposed improvements including reduction in overall development intensity (-18%), introduction of breezeways/visual corridors and other urban design measures (e.g. recessed/stepped podium). In response to the SSP DC's request, the MTRCL had further proposed three AVCs within the site;

- as it was the planning intention to place higher density developments near rail stations, a total PR of 4 as proposed by the applicant was too low for a development located above the NCS in the urban area;

Building Height

- if a reasonable level of development intensity was to be achieved on site, the maximum building height of 100mPD proposed by the applicant would likely result in a bulky and massive building layout;
- the applicant's proposals of designating four 35m wide AVCs with maximum height restriction of 30mPD and a 15m wide non-building area along Sham Mong Road were not substantiated by any technical assessment or study;

Podium Size

- the proposed maximum podium coverage of 60% was not substantiated by any technical assessment;

Car Parking Provision

- the proposed maximum number of car parking spaces at 30 for both residents and visitors was objected by TD as the comprehensive residential and commercial development on site would require a minimum of 1 009 parking spaces (862 for residential, 54 visitors and 93 for commercial) in accordance with the HKPSG;

Openable Windows

- the applicant's request for installation of openable windows for 90% of the non-domestic floor area could be addressed at the building plan submission stage; and
- as regards the public comments on health deterioration caused by poor air ventilation and "heat island effect", concerned departments had no adverse comments on these aspects. D of H considered that the

number, location and design of AVCs should be set out with reference to the project's technical air ventilation study.

8. The Chairman then invited Mr. Roy Tam, the applicant's representative, to elaborate on his justifications for the application. Mr. Tam made the following main points :

- (a) the purpose of this application was to prevent the blocking of air ventilation and sunlight to some 4 000 residents in Fu Cheong Estate as the proposed NCS development, which was located to the south-west of the estate, would block the south-westerly wind in summer season;
- (b) the applicant was disappointed by the MTRCL's revised scheme (November 2008) which had only deleted two high-rise towers and the "wall-effect" problem still persisted. In the latest revised scheme submitted by the MTRCL in March 2009, the three AVCs introduced were resultant from reducing the building gaps between T3/T4 and T5/T6 and could not serve the genuine function of an AVC. Moreover, there was no reduction in the overall development intensity. The revised scheme was considered unsatisfactory for the reasons that the building height was still very high, the layout of the tower blocks was in a linear shape, and the design of the AVCs could not serve their purpose;
- (c) to improve the situation, the applicant proposed that only five high-rise blocks should be developed on site with four 35m wide AVCs. The maximum building height was proposed to be 100mPD, which would be lower than Fu Cheong Estate so as to achieve a stepped height profile. As the AVCs were introduced by deleting the in-between tower blocks originally proposed, it would not affect the piles already constructed for the station topside development. The proposal would have a lower PR and reduced building bulk. The proposed layout design would ensure a better air ventilation for Fu Cheong Estate and the Sham Shui Po district, as the existing buildings in the inland area were only 4-15 storeys high;

- (d) according to the Metroplan Selected Strategy promulgated in 1991, the West Kowloon Reclamation (WKR) area was to be developed to lower the population density in the Metro area to a level similar with that in the New Towns. It was estimated that disposal of new sites in the WKR area would bring about a land revenue of \$50 billion to the Government. Up to 2007, the total land revenue from WKR was about \$58.9 billion which had already reached the target;
- (e) there were too many high-rise developments in the WKR area. Their excessive development intensities and building heights as well as the building disposition in a linear shape had created wall effect and hindered the wind flow to the inland areas. The situation was worsened as most of these newly developed high-rise buildings were located at waterfront locations;
- (f) large podiums had also impeded air flow at pedestrian level. The applicant therefore proposed a non-domestic PR of 0.5 for the NCS development in order to reduce the bulk of the podium as it would be placed above the railway station which was already more than 10m high;
- (g) the wall effect created by those recently completed high-rise buildings, which were 2-3 times higher than the old buildings, was a planning mistake and should be rectified. The high-rise buildings were incompatible with the inland areas, and residents living there could not enjoy the view of the sky;
- (h) according to the HKPSG, a 15% discount should be applied to the provision of residential car parking spaces where over 50% of the site area of the development fell within a 500m radius of railway stations. Referring a report in Ming Pao dated 25.9.2008, he quoted that the Permanent Secretary for Planning and Lands said that the excessive building heights were attributed to the over-provision of car parks, and TD had been requested to review the standards of car parking provision with a view to reduce the building bulk. The applicant considered that the

requirements stipulated in the HKPSG were out-dated and the required 1 009 numbers of parking spaces were excessive. PlanD and TD should critically review the car parking provision for the NCS development. The applicant only proposed 30 parking spaces taking into account that the future residents of NCS development should travel by rail and less commercial floor area was proposed. Moreover, apart from relocating the PTI to the adjacent “CDA” site (i.e. Site 6 in WKR), some of the commercial floor space and car parking provision could also be relocated to Site 6 in order to reduce the building bulk of the NCS development;

- (i) the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) would cost a huge amount of public funds (\$39.5 billion) was considered not worthwhile since its alignment overlapped with the West Rail and the Kowloon Southern Link, and it ran from the boundary to West Kowloon without any intermittent station in the New Territories. The applicant’s proposal only required the deletion of three more blocks from the latest revised scheme which would only cost \$5 billion. The loss in land revenue was worthwhile as public health of the Fu Cheong Estate residents could be improved;

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

- (j) although the applicant had not submitted any technical assessment to substantiate the application, the merits of the proposal could be supported by common sense; and
- (k) a letter from one of his students about the shortcomings of MTRCL’s revised scheme and its adverse impacts on Fu Cheong Estate residents was shown at the meeting. The applicant reiterated that although their proposal would result in a loss in land revenue, the Government had already gained much land revenue from disposing sites in WKR.

9. In reply to a Member’s question, Mr. Roy Tam said that the applicant did not have adequate resources to conduct various kinds of technical assessments to support the

current application. Nonetheless, he believed that common sense would be sufficient to justify the proposal as it was obvious that the more AVCs provided on site and the wider the building gaps, the better the air ventilation to the inland areas. In reply to an enquiry from a Member, Ms. Heidi Y.M. Chan said that, according to the information submitted by MTRCL, the wind performance of the latest revised scheme (Application No. A/K20/104) in terms of velocity ratio would be improved by 20% and 10% at Fu Cheong Estate and Nam Cheong Estate respectively.

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

10. This Member asked whether it was feasible to introduce an additional AVC at the northeastern part of the site under the MTRCL's latest revised scheme. Ms. Heidi Y.M. Chan said that the layout of the NCS development was constrained by the location of piles which had already been in place. Moreover, if a PR of 6.6 as proposed by the MTRCL was to be maintained, the additional AVC might result in taller buildings which would affect the preservation of public views to the ridgelines and have adverse visual impact.

11. Another Member said that, in the absence of technical assessments, it was doubtful whether the indicative scheme presented by the applicant was achievable and whether the resultant building form would become fatter since four 35m wide AVCs were provided but the maximum building height was restricted to 100mPD. Mr. Roy Tam said that they had sought assistance from some planners in formulating the indicative scheme which was conceptually achievable. With a reduction in PR and building height, it was possible to provide the four 35m wide AVCs. He pointed out that without a corresponding reduction in the overall PR, the introduction of AVCs as proposed by the MTRCL was not effective in improving the air ventilation for the inland areas.

12. A Member was concerned about the development intensity for the NCS development and enquired whether it was possible to further lower the PR of the MTRCL's scheme. Ms. Heidi Y.M. Chan said that since the approval of the latest scheme for the site in 2004, relevant Government bureaux/departments had rounds of discussion with the MTRCL, particularly on the visual impact and air ventilation on Fu Cheong Estate and Nam Cheong Estate. She pointed out that, as the subject site was a scarce land resource in the urban area, the assessment of a "no development scenario", as advocated by the applicant,

was not conducted by the MTRCL as it was the Government's intention to optimise the use of the site. The Chairman suggested that the discussion should be focused on the merits of the current application instead of on the MTRCL's revised scheme which would be considered by the Committee in the next meeting to be held on 8.5.2009.

13. Another Member asked if it was possible to transfer some PR of the subject site to the adjoining Site 6 and whether the level of parking provision could be lowered. Ms. Heidi Y.M. Chan informed that Site 6 was planned for public housing development and a planning brief of the site would be submitted to the Committee for approval in future. She further said that the proposed relocation of PTI from the subject site to Site 6 had already been agreed by the TD. Regarding the 615 car parking spaces proposed by MTRCL in the latest revised scheme, TD was still examining the proposal which was lower than the requirements set out in the HKPSG.

14. As the applicant's representative had no further points to make and Members had no further questions to raise, the Chairman informed him that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in his absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representative as well as PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

15. The Chairman remarked that in consideration of the application, the previous approved schemes for the subject site, transport-oriented development strategy in land use planning, and optimisation of scarce land resources were relevant considerations.

16. A Member did not support the application but had some reservations on the reasons to reject the application. According to PlanD's assessment, there was insufficient information in the submission to demonstrate that the proposed development restrictions for the site would improve air ventilation and environmental impacts in the area. This Member considered that this might not be a sound reason as further reduction in the development intensity, number of blocks and building heights, as proposed by the applicant, should be able to achieve a better environment for the area concerned. Secondly, this Member opined that

optimisation of the use of the site would be the concern of the Government instead of the Town Planning Board (the Board). The Board's role was to strike a balance among the interests of various parties. Lastly, a flexible approach should be adopted by the TD in the car parking requirements for the NCS development as it was right above the MTR station.

17. The Secretary said that, without the support of any technical assessment, the applicant's claim that reduction in development intensity would improve the air ventilation could not be substantiated. As stated in PlanD's assessment, air ventilation and heat island effect were subject to many variables, such as interplay among land uses, built form, street pattern, prevailing wind, and detailed design and building disposition within the subject site. The appropriate number and width of the AVCs as well as their location within the site should also be substantiated by relevant technical studies. As regards optimisation of the use of the site referred to in the Paper, this related to the planning intention to place higher density developments near railway stations and to capitalise the accessibility afforded by mass transport system. The Chairman added that about 90% of passenger journeys in Hong Kong relied on public transport which was among the highest in cities worldwide. Many car owners only drove at weekends. The proposed 30 car parking spaces by the applicant were far below the requirement under the HKPSG.

18. A Member did not support the application and opined that the proposed 30 car parking spaces in the current application were far below the standard and were grossly insufficient to meet the demand. Moreover, relevant data and studies were necessary to demonstrate that to what extent the proposed reduction in PR and the proposed number and width of AVCs would improve the air ventilation of the area. Such information was important to the Committee in making a decision on the application.

19. Another Member showed sympathy to the lack of resources for the applicant to conduct relevant technical assessments, but did not agree that the impacts could be simply judged by common sense without any supporting evidence. There should be a fair playing field for all applicants, regardless whether they were developers or social groups. This Member pointed out that the claimed improvement in air ventilation could be very localised since Fu Cheong Estate itself had already blocked the wind flow to the lower buildings in the inland areas. Moreover, this Member considered that optimisation of land resources was a relevant consideration since more people were accommodated in the above-station

development would help reduce the use of public transport facilities such as feeder buses and reduce traffic emission and save energy. Furthermore, the proposed 30 car parking spaces were far too little bearing in mind the scale of the development and the need of parking spaces for service vehicles.

20. Members generally considered that there was no strong ground to support the application, and then reviewed the reasons of rejection of the application and agreed to amend the reasons suggested in the Paper.

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

- (a) the proposed maximum domestic plot ratio of 3.5 and non-domestic plot ratio of 0.5 would not capitalise on the high accessibility of the site which was directly above the West Rail Nam Cheong Station and would result in an under-utilisation of a valuable land resource in the urban area;
- (b) there was insufficient information in the submission to demonstrate the extent of improvements in air ventilation and environmental quality of the area by imposing the proposed development restrictions for the site; and
- (c) the proposed parking provision was substantially below the requirement of the Hong Kong Planning Standards and Guidelines and was seriously insufficient to meet the demand of the development.

[Ms. Starry W.K. Lee left the meeting; Dr. Daniel B.M. To and Dr. Winnie S.M. Tang left the meeting temporarily; and Mr. Anthony Loo returned to join the meeting at this point.]

[Mr. C.K. Soh, 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/K3/514 Proposed Office Development
 in “Residential (Group A)” zone,
 115-123A Prince Edward Road West,
 Mong Kok
 (MPC Paper No. A/K3/514)

Presentation and Question Sessions

22. Mr. C.K. Soh, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed office development;
- (c) departmental comments – the Assistant Commissioner for Transport/Urban, Transport Department (TD) considered the layout of loading/unloading (L/U) facilities not satisfactory and did not support the application. He pointed out that the two L/U bays for light goods vehicles at 3/F should be relocated to G/F to ensure convenient vehicular access and avoid on-street L/U of goods;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yau Tsim Mong); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed office building was not in line with the planning intention of the “Residential (Group A)” zone. The site was located in a

predominantly residential area without any major office buildings in the vicinity. The proposed office development was considered not compatible with the residential nature of the surrounding area. The arrangement on L/U facilities within the proposed office development was not acceptable to TD. Approval of the application would set an undesirable precedent for similar office developments to intrude into the residential neighbourhood, the cumulative effect of which would adversely affect the general character of the area.

23. Members had no question on the application.

Deliberation Session

24. A Member did not support the application on the grounds that the L/U facilities at 3/F were not accepted by TD. Another Member asked whether the proposed L/U facilities would be acceptable if a vehicular ramp instead of car lift was provided. Mr. Anthony Loo of TD said that they were concerned about the location of the L/U facilities at 3/F which were not convenient to users and would likely induce roadside L/U activities.

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

- (a) the proposed development was not in line with the planning intention of the “Residential (Group A)” zone which was primarily intended for residential use;
- (b) the proposed office development was considered not compatible with the residential nature of the surrounding area;
- (c) the arrangement on loading/unloading facilities within the proposed office development was not satisfactory; and
- (d) the approval of the application would set an undesirable precedent for similar office developments to intrude into the residential neighbourhood,

the cumulative effect of which would adversely affect the general character of the area.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/515 Shop and Services
 in “Residential (Group E)” zone,
 Unit 3, G/F, Henley Industrial Centre,
 9-15 Bute Street, Mong Kok
 (MPC Paper No. A/K3/515)

Presentation and Question Sessions

26. Mr. C.K. Soh, 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 – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period indicating no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The shop and services use was in line with the planning intention of the “Residential (Group E)” zone for phasing out of the existing industrial uses. The applied use was not incompatible with the other uses in the industrial

building and would not cause adverse impact to the surrounding.

27. Members had no question on the application.

Deliberation Session

28. 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 provision of fire service installations in the application premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2009;
- (b) the submission of an assessment on the change in sewage discharge as a result of the applied use and implementation of necessary sewerage upgrading works within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.10.2009; and
- (c) if any of the above planning conditions (a) or (b) 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.

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

- (a) apply to the District Lands Officer/Kowloon West, Lands Department for lease modification or temporary waiver for the shop and services use at the application premises;
- (b) consult the Chief Building Surveyor/Kowloon, Buildings Department on the fire resistance construction requirements for the application premises according to the Code of Practice for Fire Resisting Construction; and

- (c) note the Commissioner for Transport's comments that he had the right to impose, alter or cancel any parking, loading/unloading facilities and/or no-stopping restrictions on road to cope with changing traffic conditions and needs. The applicant should not expect the Government to provide such facilities for his use.

[The Chairman thanked Mr. C.K. Soh, STP/TWK, for his attendance to answer Members' enquiries. Mr. Soh left the meeting at this point.]

Hong Kong District

Agenda Item 6

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H3/4 Application for Amendment to the Approved Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/22 to Incorporate a Building Height Restriction of 77mPD and a Minor Relaxation Clause for this Restriction into the Notes for the "Other Specified Uses" annotated "Historical Site Preserved for Cultural, Recreational and Commercial Uses" ("OU(HSPCRUCU)") zone and to Incorporate into the Explanatory Statement of the OZP the Reasons for Imposing the Building Height Restriction for the "OU(HSPCRUCU)" zone, Former Central Police Station, Victoria Prison and Central Magistracy Compound bounded by Hollywood Road, Arbuthnot Road, Chancery Lane and Old Bailey Street
(MPC Paper No. Y/H3/4)

Presentation and Question Sessions

30. The Committee noted that the applicant requested on 3.4.2009 for a deferment of the consideration of the application to allow time for preparing responses to address various departmental comments on the application and for the Government departments to consider

their responses in advance of the meeting.

Deliberation Session

31. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of further 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, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/386 Proposed Religious Institution
in “Commercial/Residential” zone,
20/F, Kenbo Commercial Building,
335-339 Queen's Road West,
Sheung Wan
(MPC Paper No. A/H3/386)

Presentation and Question Sessions

32. 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 religious institution which was an extension of a Chinese temple currently operating on 21/F of the subject commercial building. Although a planning permission (Application No. A/H3/365) had been given in 2005 for an extension of the existing temple use to 19/F, the applicant indicated in the current submission that the use of 19/F for religious purpose would be abandoned since 20/F could be more easily integrated with the existing operation on 21/F;

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

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that smoke produced by burning religious papers would affect nearby residents;
- (e) the District Officer (Central & Western) advised that an objection was received from a District Council (DC) member. It had been forwarded to the Town Planning Board Secretariat and included as a public comment. Taking into account the views of the DC member and past complaints on the applicant, he considered that should the application be approved, appropriate safeguards should be instituted to reduce possible environmental nuisance to nearby residents; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Temple as a type of religious institution use was not incompatible with the existing commercial uses of the subject commercial building, which mainly comprised office use with shops and a church on the lower floors, and a few education centres and clinics on the upper floors. The application premises would be used as general office, storage, activity area and altar/worshipping area for the deceased. There would only be limited incense burning at the application premises without any incineration activities, and the smoke

generated by incense burning would be extracted into the proposed smoke inlets and transported to three proposed smoke outlets at the northern part of the premises. Several exhaust fans would be provided to maintain good ventilation within the premises. The proposed religious institution was unlikely to give rise to adverse environmental impact on the surrounding residential developments in terms of air pollution. Fire safety facilities would be provided under the proposal and the Director of Fire Services had no objection to the application. Regarding the concern of a DC member on the potential air impact arising from the burning of religious papers, the applicant had indicated that only limited incense burning would take place at the premises. To ensure that there were no incineration activities at the premises, it was suggested that an approval condition forbidding such activities at all times at the application premises be imposed if the application was approved. Besides, air pollution was subject to control under the Air Pollution Control Ordinance.

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

33. A Member enquired about the views of the subject building's owners' committee on the proposed religious institution and whether religious rituals for the deceased would be carried out in the application premises and generated noise nuisance. Ms. Lily Y.M. Yam said that only one public comment was received from a Central & Western DC member during the three-week statutory publication period, and no comment was received from the owners' committee of the subject building. When considering the previous application (No. A/H3/354) in 2004 for the regularisation of an existing temple use on 21/F and the roof of the subject building submitted by the same applicant, it was noted that some locals and DC members were concerned about the burning of religious papers and the noise generated from religious rituals. The application was approved with conditions, one of which stipulated that no incineration activities would be allowed at all times at the premises. For the noise nuisance, it would be subject to control under the Noise Control Ordinance.

34. In reply to a Member's question, Ms. Lily Y.M. Yam said that, according to the applicant's information, only "photo-plates" of ancestors but no niches would be placed in the application premises.

Deliberation Session

35. Some Members were concerned about the noise generated from religious rituals for the deceased in the application premises which would cause noise nuisance and emotional disturbance to occupants of the subject building and nearby residents. Ms. Lily Y.M. Yam said that no complaints had been received by the Environmental Protection Department (EPD) on environmental nuisance related to the temple use in the subject building since 2005.

36. While the applicant indicated that only limited incense burning would be allowed and the smoke would be emitted through the proposed smoke outlets at the northern part of the premises, some Members were concerned about the smoke nuisance to other occupants of the subject building as well as surrounding residential buildings. Another Member also enquired which department would be responsible for the enforcement of emission nuisance. Mr. Sam Wong of EPD, noting that 21/F and 20/F of the subject building were owned by the applicant, considered that operation of the temple would not have adverse impact on other occupants of the commercial building. Incense burning without incineration only would unlikely generate significant smoke nuisance, and hence would not cause emission nuisance to the surrounding buildings. If complaints on air quality were received, EPD would investigate and take appropriate enforcement action under the provisions of the Air Pollution Control Ordinance. As no complaints were received by EPD in the past few years regarding the temple use in the subject building, they had no objection to the application.

37. A Member, noting that planning permissions had been given for temple use on 19/F and 21/F related to the same applicant, said that approval of the current application might encourage similar developments within the same building and the cumulative impact would adversely affect the daily livings of nearby residents. This Member opined that such use should not be located within a residential neighbourhood. However, if the application was approved, the applicant should be requested to minimise noise and smoke nuisance caused to nearby residents.

38. After some discussions, Members generally had no objection to the application as previous approvals for the same use on 19/F and 21/F was granted by the Committee, no incineration activities would be allowed at the premises and measures to mitigate smoke

emission nuisance were proposed. However, Members requested that the applicant should be advised to minimise noise and smoke nuisances to the occupants of the subject building and nearby residents.

39. 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 17.4.2013, 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) no incineration activities would be allowed at all times at the application premises; and
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department relating to the imposed load on 21/F and the roof and the construction of smoke outlets; and
- (b) minimise noise nuisance generated from religious rituals for the deceased and smoke nuisance from incense burning in the application premises, particularly during festivals.

[Mr. Walter K.L. Chan left the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/387 Proposed Comprehensive Residential and Commercial Development
with the Provision of Government, Institution or Community Facilities
and Public Open Space
in “Comprehensive Development Area” zone,
the Site of the Urban Renewal Authority Development Scheme
at Staunton Street/Wing Lee Street
(Master Layout Plan Submission)
(MPC Paper No. A/H3/387)

Presentation and Question Sessions

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

- | | | |
|---|--------|--|
| Mr. Jimmy C.F. Leung
as the Director of Planning |)
) | being non-executive directors of URA |
| Mr. Walter K.L. Chan |) | |
| Mr. Maurice W.M. Lee | - | being a former non-executive director of URA |
| Ms. Olga Lam
as the Assistant Director of Lands | - | being an assistant to the Director of Lands who was a non-executive director of URA |
| Mr. Andrew Tsang
as the Assistant Director of Home Affairs | - | being an assistant to the Director of Home Affairs who was a non-executive director of URA |
| Mr. Raymond Y.M. Chan | - | being a Member of the Home Purchase Allowance (HPA) Appeals Committee |
| Professor Bernard V.W.F. Lim | - | having current business dealings with URA |

42. The Committee noted that Professor Bernard V.W.F. Lim and Mr. Andrew Tsang

had tendered apologies for being unable to attend the meeting, and Mr. Maurice W.M. Lee had not yet arrived at the meeting. As the applicant had requested the Committee to defer consideration of the application, Members agreed that the Chairman, Mr. Walter K.L. Chan, Ms. Olga Lam and Mr. Raymond Y.M. Chan were allowed to remain in the meeting.

43. The Committee noted that the applicant requested on 8.4.2009 for a deferment of the consideration of the application to the next meeting to allow time to properly assess and address the concerns of relevant Government departments and the public on the application.

44. Mr. Raymond Y.M. Chan said that the HPA Appeals Committee was not under the URA and enquired whether there was a need for him to declare interest on applications related to the URA. The Secretary recalled that the Committee had in the past discussed about the circumstances that might constitute potential conflict of interest. It had been explained that certain interest should better be declared taking into account the sunshine test, and it would be up to the Committee to decide whether the interest was direct and substantial that the Member should withdraw from the meeting. In this case, it was likely that the HPA Appeals Committee was appointed by the Development Bureau. A Member said that if the HPA Appeals Committee was appointed by the Administration, it should not constitute any potential conflict of interest. The Secretary said that the Town Planning Board Secretariat would check whether there was a need for Mr. Chan to declare interest on applications related to the URA.

Deliberation Session

45. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration at the next meeting on 8.5.2009 subject to no further information requiring publication was submitted by the applicant.

[The Chairman thanked Ms. Lily Y.M. Yam, STP/HK, for her attendance to answer Members' enquiries. Ms. Yam left the meeting at this point.]

[Ms. Donna Y.P. Tam, STP/HK, was invited to the meeting at this point.]

[Mr. Maurice W.M. Lee arrived to join the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/381 Proposed Commercial Bathhouse and Massage Establishment
in “Commercial/Residential” zone,
Shop 1 of G/F and 1/F to 3/F,
Hyde Centre,
221-226 Gloucester Road, Wan Chai
(MPC Paper No. A/H5/381)

Presentation and Question Sessions

46. 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 commercial bathhouse and massage establishment, highlighting that an internal staircase linking the entrance of the proposed use on G/F up to 3/F would be provided;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) a total of 53 public comments were received during the statutory publication period with 44 (22 in standard letters) objecting to, 8 (all were standard comments) supporting and 1 indicating no comment on the application. The comments were submitted by owners/tenants of various premises of the subject building, a District Council Member, a property management agent and an occupant of a nearby commercial building.

While the supporting comments did not provide any reason for support, those public comments raising objection to the application were mainly on the grounds that the proposed development was totally undesirable to residents on upper floors of the building as 1/F to 3/F were accessible from the lifts and fireman's lift which also connected to the upper floors. The proposed establishment would attract a lot of strangers to the building affecting the privacy of residents and the tranquil environment as well as security of the building especially during night time. The application premises was designed to be used as normal commercial offices and not for handling huge number of people associated with a massage parlour and bathhouse. The proposed establishment would affect fire safety, sewerage system, water and electricity supplies and environmental hygiene of the building. It would also attract parking and loading/unloading activities in front of the building along Gloucester Road. An independent traffic impact assessment should be conducted by the Transport Department. Moreover, there were already a lot of similar establishments nearby;

- (e) the District Officer (Wan Chai) advised that one of the locals consulted expressed concern on potential leakage from the bathhouse and structural safety of the building; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed commercial bathhouse and massage establishment was not incompatible with the surrounding developments which were a mixture of commercial and composite commercial/residential (C/R) buildings. It was located within the non-domestic portion of a composite C/R building and was not incompatible with the existing uses therein. The proposed development had its own entrance separated from the main entrance to the building for other users on the upper floors. Besides, independent internal staircases from G/F up to 3/F within the application premises would be provided. Although the application premises was accessible to the lifts and common staircases leading to other floors of the building, the applicant had clarified that they would be used as emergency exits only and security

alarm would be installed to prevent future users of the premises from loitering. The application was in line with the planning criteria set out in the relevant Town Planning Board Guidelines. Regarding the public comments, it was considered that the nature of the proposed commercial bathhouse and massage establishment, being located in the non-domestic portion of a composite C/R building and provided with separate access and independent staircases, would unlikely cause any significant nuisance/disturbance to the occupants of the same building as well as the nearby commercial buildings.

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

47. Referring to Drawing A-2 of the Paper, a Member enquired for the reason of locating a reception counter on 1/F near the lift lobby instead of near the internal staircases within the application premises. Ms. Donna Y.P. Tam said that there was a formal reception counter and waiting area on G/F of the application premises. The reception counter on 1/F might only serve as a “secondary” service counter for the operational need of the proposed establishment on upper floors.

Deliberation Session

48. A Member noted that while there was a separate entrance at Gloucester Road to the application premises, judging from the design of the reception counter on the 1/F, it was likely that the lifts and common staircases which were accessible to the upper floors of the building would also be used for the proposed development. This Member opined that, if the application was approved, appropriate measures/control should be imposed prohibiting the shared use of lifts with residents of the same building, particularly in view of the large number of objections submitted by owners/tenants of the subject building.

49. Another Member shared the same concern and pointed out that the applicant should be required to appoint a staff manning a counter on each floor within the application premises in order to ensure that the lifts and common staircases leading to upper floors of the building were used as emergency exits only.

50. In view of local concerns on disturbances of the proposed use to residents of the same building, Members generally agreed that an additional approval condition should be imposed prohibiting access to 1/F to 3/F of the application premises via the shared lifts with the residents in the same building. A Member supported a temporary approval taking into account the local complaints related to the operation of an existing private club on G/F to 2/F of the building. Some Members suggested that a temporary approval for a period of 3 years should be granted in order to monitor the operation of the proposed use. Members agreed.

51. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the provision of a security alarm system at the emergency exits on 1/F to 3/F of the shared lifts and staircases, which would be triggered when the security doors were opened, to the satisfaction of the Director of Planning or of the TPB; and
- (c) no access to the proposed commercial bathhouse and massage establishment via the shared lifts with the residential portion would be allowed.

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

- (a) a temporary approval for a period of 3 years was given in order to monitor the operation of the proposed commercial bathhouse and massage establishment;
- (b) note the requirements of Building (Planning) Regulation 72 for the provision of access and facilities for persons with a disability;
- (c) apply to the Police Licensing Office for a massage establishment licence;

and

- (d) apply to the Food and Environmental Hygiene Department for a commercial bathhouse licence.

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H24/15 Proposed Shop and Services (Bank, Retail Shop, Fast Food Shop, Service Trades) and Eating Place (Restaurant) in “Other Specified Uses” annotated “Pier and Associated Facilities” zone, Shops A, B, C on Lower Deck and Shops D, E, F on Upper Deck of Central Pier 7, Shops H, I, J, K & P on 1/F of Central Terminal Building and Shop U on Lower Deck of Central Pier 8
(MPC Paper No. A/H24/15)

Presentation and Question Sessions

53. 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 shop and services (bank, retail shop, fast food shop, service trades) and eating place (restaurant);
- (c) departmental comments – the Secretary for Home Affairs (SHA) had no objection to the application but was concerned about the possible competition between the proposed fast food shop and restaurant uses at

Shop U of Central Pier 8 and the future cafe of the proposed Maritime Museum at the same pier;

- (d) one public comment was received during the statutory publication period suggesting a pedestrian flow survey to be included in the submission for consideration;
- (e) the District Officer (Central & Western) advised that, in previous Central & Western District Council (C&WDC) meetings and Committee meetings, C&WDC members had expressed support to develop the harbour-front by bringing in commercial elements, such as café and shops, for the purpose of promoting public enjoyment of the waterfront promenade. Members had also pointed out that a balance should be struck between developing the harbour-front with commercial elements and retaining sufficient space for unrestricted access and public enjoyment; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. This application covered bank, retail shop, fast food shop, service trades and restaurant uses to be operated within the existing shop units at the piers, which were of similar nature and would not generate any incompatibility problem. The proposed uses were in line with the planning intention of the “OU” annotated “Pier and Associated Facilities” zone which was to recreate the existing Star Ferry icon and identity at the new Central waterfront with the provision of integrated retail/restaurant/tourism-related facilities and pier-roof open space for public enjoyment. The proposed uses would unlikely cause disruption to the pier operation, passenger circulation and pedestrian access to the public viewing decks in the piers. Nonetheless, an approval condition was recommended to restrict loading/unloading activities of the proposed restaurant within non-peak hours. Regarding SHA's concern, Shop U had already been approved for gallery/restaurant use under the previously approved scheme (Application No. A/H24/7) and the currently proposed uses were considered not incompatible with the pier use. The extent of eating facilities to be

provided at the piers would be suitably determined by market forces. Regarding the public comment on the submission of a pedestrian survey, the proposed uses would unlikely cause disruption to the pier operation, passenger circulation and pedestrian access, and the Transport Department had no objection to the application on this aspect.

54. Members had no question on the application.

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

Deliberation Session

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 17.4.2013, 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 fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the implementation of the sewerage upgrading/connection works as identified in the SIA under approval condition (b) to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the future tenants/operators should carry out loading/unloading activities outside peak hours at the Man Kwong Street cul-de-sac to the satisfaction of Commissioner for Transport or of the TPB.

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

- (a) apply for commercial concession areas from the Government Property Administrator and/or obtain approval from the Secretary for Development for the proposed uses under the Tenancy/Franchise Agreement;
- (b) the future tenants/operators should confine the proposed uses within the application premises without encroachment upon the public areas;
- (c) obtain appropriate food licence/permit from the Director of Food and Environmental Hygiene on the operation of food business at the application premises;
- (d) ensure that the air-conditioning system(s) and the fresh air intake(s) would be properly designed, located, installed and operated to ensure no unacceptable air pollutant impact on the public at the proposed uses due to the nearby air emissions from ferries; and
- (e) note the Director of Fire Services' comments that fire service installations (FSI) and equipment should be provided in accordance with paragraph 4.14 "Commercial Buildings – Low Rise" of the FSI code.

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

[Mr. Derek W.O. Cheung, STP/HK, was invited to the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H9/64 Eating Place
 in “Open Space” zone,
 G/F, 29B A Kung Ngam Village Road,
 Shau Kei Wan
 (MPC Paper No. A/H9/64)

Presentation and Question Sessions

57. Mr. Derek W.O. Cheung, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the eating place use;
- (c) departmental comments – the District Lands Officer/Hong Kong East (DLO/HKE) considered the application not acceptable as the application premises fell within government land and no prior consent/approval was given by his Office to the subject premises. The Director of Leisure and Cultural Services (DLCS) advised that the application site fell within an “Open Space” (“O”) zone in which there were existing residential dwellings. The land resumption matters had to be resolved before his department might proceed with the open space development. There was no implementation programme for the development of the subject open space. The Director of Drainage Services had no objection to the application provided that the sewerage pipe from the eating place was properly connected to the public sewerage system at the applicant’s own cost;
- (d) no public comment was received during the statutory publication period

and no local objection was received by the District Officer (Eastern); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to approving the application on a temporary basis for a period of 3 years based on the assessment made in paragraph 10 of the Paper. The application premises involved the G/F of an existing semi-detached house which had existed for some decades. In terms of land use, the eating place was considered not incompatible with the surrounding industrial and industrial-office buildings and might serve the needs of workers in the area. The eating place was small in scale and would not cause adverse impact on the surrounding area. Although the application premises fell within the “O” zone, DLCS advised that there was no implementation programme for the open space development. While the eating place use on a permanent basis might affect the long-term planning intention for open space development within the “O” zone, a temporary approval for a period of 3 years might be considered. Regarding DLO/HKE's concerns, land administrative matters fell outside the purview of the Committee. The applicant would be advised to sort out the land matters with the Lands Department (LandsD) at the licensing stage should the application be approved on a temporary basis by the Committee.

58. Members had no question on the application.

Deliberation Session

59. A Member said that A Kung Ngam Village and the houses thereat had existed for 60-70 years without proper sewerage facilities. It would be very costly for the applicant to connect the sewerage pipe from the eating place to the public sewerage system as required by the Drainage Services Department. Apart from the land ownership issue, any parking in front of the application premises would obstruct traffic on the road. Moreover, the eating place use was operated without proper licence and prior approval from the Committee. Approval of the application would set an undesirable precedent. Some Members also did not support the application as it involved illegal occupation of Government land which was undesirable and should be discouraged.

60. The Chairman said that land matters were outside the purview of the Town Planning Board and should be sorted out between the applicant and the LandsD separately. Some Members noted that the village houses had existed for decades and the eating place use would not have any incompatibility problem from land use planning point of view, and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “O” zone as there was no immediate development programme for this part of the “O” zone. These Members considered that sympathetic consideration could be given to approving the application on a temporary basis.

61. Since Members’ views on the application were divided, the Chairman decided that a vote would be necessary for the determination of the application. As there were five Members for and five Members against the application, the Chairman casted his vote for approving the application on a temporary basis for a period of 3 years on the grounds that the concerns on environmental hygiene of the eating place could be controlled under the relevant licensing system, and that land matters were not relevant considerations for the application which should be separately dealt with by LandsD. Nevertheless, to ensure that the approval condition requiring the provision of sewer connection would be complied with by the applicant, the Secretary suggested that Members could consider to impose a time limit for this approval condition and non-compliance with the condition would result in revocation of the planning permission. Members agreed.

62. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 17.4.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the provision of sewer connection from the proposed eating place to the public sewerage system within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.1.2010; and

- (c) if the above planning condition (b) 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.

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

- (a) sort out the land matters involving the use of Government land with the Director of Lands; and
- (b) note the comments of the Director of Environmental Protection to fully comply with the relevant pollution control ordinances (including the Air Pollution Control Ordinance, Noise Control Ordinance and Water Pollution Control Ordinance), minimise the nuisances to the nearby residents and adopt any measures deemed necessary.

[The Chairman thanked Mr. Derek W.O. Cheung, STP/HK, for his attendance to answer Members' enquiries. Mr. Cheung left the meeting at this point.]

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

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

Agenda Item 12

[Open Meeting]

Draft Planning Brief for the "Comprehensive Development Area (1)" Site
at 14-30 King Wah Road, North Point
(MPC Paper No. 11/09)

64. The Secretary reported that the application site was owned by a subsidiary of Henderson Land Development Co. Ltd. (the Henderson). Mr. Raymond Y.M. Chan had

declared an interest in this item as he had current business dealings with the Henderson. Mr. K.Y. Leung had also declared an interest in this item as he had a flat at Cloud View Road which might have a view of the subject site. The Committee noted that Mr. Leung had tendered apologies for not attending the meeting, and considered Mr. Chan's interest direct and should leave the meeting temporarily for the item.

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

65. The Secretary also reported that the "Coalition Against the Proposed Development on King Wah Road" (the Coalition) launched a petition against the draft planning brief (PB) for the subject site in the morning. A copy of their letter to the Town Planning Board (the Board) was tabled at the meeting for Members' reference.

66. Mr. Tom C.K. Yip, STP/HK, informed that a replacement page for Plan A of the Paper was tabled at the meeting for Members' reference. With the aid of a Powerpoint presentation, he then presented the following main points as detailed in the Paper :

The Site

- (a) the subject site, with an area of 3 490m², was rezoned to "Comprehensive Development Area (1)" ("CDA(1)") on the North Point Outline Zoning Plan (OZP) in December 2000. The planning intention of the "CDA(1)" zone was for a comprehensive development/redevelopment of the area for residential, commercial, leisure and tourism related uses with the provision of open space and other supporting facilities. The site was divided into two parts as demarcated by a pecked line on the OZP and subject to a maximum BH of not exceeding the soffit level of Island Eastern Corridor (IEC) for the northern part (about 20% of the site); and a maximum plot ratio (PR) of 15 and a maximum building height (BH) of 165mPD for the southern part (about 80% of the site). According to the lease of the site, the southern part of the site was restricted for industrial purpose and the northern part should not be taken into account for the purpose of calculating the PR and site coverage (SC) permitted under the Buildings Ordinance. Application for lease modification or land exchange would be required if the site was to be used for commercial/office or residential uses;

Surrounding Land Uses

- (b) the site was within an area of mixed residential and commercial developments including some office buildings and hotels. To the north-east of the site was a newly completed hotel development (Harbour Grand Hong Kong) and the ex-Government Supplies Department (ex-GSD) depot site at Oil Street which was intended for comprehensive residential/office/hotel/commercial development. To the south-west was the Causeway Bay Community Centre and a residential development (Harbour Heights). To the south-east across King Wah Road, the predominant land use was commercial/residential developments with some office developments, i.e. AIA Tower and Manulife Tower;

Background

- (c) on 1.9.2006, the Committee agreed to a section 12A application (No. Y/H8/2) submitted by the owner of the site to amend the Notes for the “CDA(1)” zone by including ‘Flat’ use as a Column 2 use. However, the Committee considered the development intensity of the indicative scheme excessive at a waterfront setting (i.e. two 48-storey residential buildings with a BH of 165mPD at the southern part and a 2-storey cultural/tourism-related use complex at the northern part with a total PR of 8.15);
- (d) taking note of the Committee’s concern, the owner of the site submitted on 2.11.2007 a section 16 application (No. A/H8/387) for a proposed residential development with lower PR (reduced from 8.15 to 8 which was calculated on the basis of the southern part of the site only) and reduced BH (from 165mPD to 138mPD). While considering the use, development intensity and BH of the proposed development acceptable in principle, the Committee raised concerns on the building design of non-openable curtain wall façade towards the harbour as such design would require more energy consumption for air-conditioning. The application was deferred pending the applicant’s submission of further information to demonstrate whether the proposed non-openable curtain wall design was the only effective noise mitigation measure and to revise the building design, disposition and layout

for an environmentally sustainable and energy efficient development. The applicant submitted the further information in March 2008. Consideration of the application was further deferred by the Committee on 4.7.2008 and 19.9.2008 respectively for the applicant to conduct an air ventilation assessment (AVA). The AVA for the proposed residential development was submitted by the applicant on 19.11.2008;

- (e) on 19.9.2008, the owner of the site submitted another planning application (No. A/H8/392) for a proposed office development with a PR of 13.5 and a BH of 123mPD. The application was deferred by the Committee on 24.10.2008 for the applicant to address traffic issues. Further information including a new pedestrian study and revised traffic data was submitted by the applicant on 9.3.2009;
- (f) in view of the submission of development schemes with different uses and development intensities for the site and the general public concern on the development intensity of the site, the Committee agreed on 7.11.2008 for the preparation of a PB for the site by the Planning Department (PlanD), and decided to defer a decision on the two relevant planning applications (No. A/H8/387 and A/H8/392) pending the endorsement of the PB by the Committee;

Views Received

- (g) on 8.5.2008, the Planning, Works and Housing Committee of the Eastern District Council (EDC) passed a motion requesting the Administration to further reduce the PR and BH of the site to 3 and 80mPD respectively so as to tally with those proposed for the ex-North Point Estate site;
- (h) on 30.6.2008 and 4.11.2008, the LegCo Case Conference considered a complaint lodged by the Coalition against the alleged failure of the Board, PlanD and other relevant Government departments in giving regard to the adverse impacts of the proposed development at the site. PlanD was requested to brief the Case Conference on the draft PB before consultation with EDC;

- (i) on 23.1.2008 and 19.11.2008, the Sub-committee on the Harbour Plan Review of Harbour-front Enhancement Committee (HEC) was consulted on Applications No. A/H8/387 and A/H8/392. The Sub-committee had no strong views against the proposed residential development (A/H8/387) and appreciated the proposed podium setback to facilitate public access to the waterfront and enhance air circulation, which were in line with HEC's harbour planning principles and guidelines. The Sub-committee considered that the design, layout and disposition of the residential blocks should be improved to further enhance air ventilation. For Application No. A/H8/392, the Sub-Committee considered that the integration of the proposed office development with the waterfront and the surrounding areas was important; the proposed 9m setback along the north-western boundary of the site for a public passageway could improve accessibility to the waterfront; further reduction of the width of building to improve air ventilation, though might increase the BH, might be considered; and the overall intensity in North Point should be reduced and traffic condition in the district should be improved;

Draft PB

- (j) the draft PB for the site had taken into account the planning intention for the "CDA(1)" zone, the waterfront setting, surrounding land uses, HEC's harbour planning principles and guidelines, and the views expressed by the Committee and various parties on the proposed development at the site. It set out the intended uses, development parameters, planning requirements and design guidelines to facilitate the preparation of the Master Layout Plan (MLP) submission by the applicant to the Board;
- (k) both residential and office uses were considered compatible with land uses in the surrounding areas, and supporting shop and services use was allowed. As the site was relatively small, co-existence of residential and office blocks was not envisaged;
- (l) two options were proposed for determining the appropriate PR and BH

restrictions for the site. In terms of BH, Option 1 proposed a maximum BH of 110mPD which was compatible with the OZP restrictions for the adjoining commercial and residential sites. Option 2 proposed a higher BH restriction at 120mPD in view of that there were some existing developments in the vicinity with BHs exceeding 110mPD, and such a BH could help reduce the SC so as to improve air ventilation and allow wider building separation and visual corridors. For the PR restriction, a maximum PR of 8 was adopted for residential development under both Options 1 and 2 which was the maximum permitted PR for a Class A site under the BO. A PR of 8 had also been adopted in the residential scheme under Application No. A/H8/387 and was acceptable to the Committee. Regarding office development, taking into account the existing and proposed developments in the surrounding areas and the location of the site near to the waterfront, it would be appropriate to adopt a PR of 12 as a guidance under Option 1. For comparison purpose, Option 2 adopted a PR of 13.5 as proposed by the owner;

- (m) photomontages comparing the indicative office and residential schemes under Options 1 and 2 from the public vantage points at Tsim Sha Tsui and Hung Hom waterfront promenades were shown. Both options would achieve a reduction of PR and BH when compared with the maximum level under the OZP for the “CDA(1)” zone, i.e. PR of 15 and BH of 165mPD. The proposed PRs of 12 and 13.5 for office development under Options 1 and 2 represented a 20% and 10% reduction respectively, whereas the maximum BH of 110mPD and 120mPD under Options 1 and 2 denoted a reduction by about 34% and 28% respectively in terms of absolute BH. The photomontages demonstrated that both options would not have significant visual impact on the waterfront environment;
- (n) relevant Government departments had no adverse comment on the options, except that the Transport Department (TD) supported in principle a lower PR for the site from traffic point of view;
- (o) after evaluation of the options, Option 1 was preferred since a lower

maximum BH of 110mPD was more responsive to the waterfront environment and consistent with the BH restrictions for the adjacent sites. Also, a lower PR of 12 for office development would result in a smaller overall building bulk and more space between buildings. Moreover, TD supported Option 1 for its relatively lower development intensity;

[Ms. Olga Lam of Lands Department left the meeting at this point.]

- (p) in order to minimise the building bulk at the site to enhance air ventilation and visual permeability, a maximum SC of 60% for office development, and 60% and 33.33% respectively for the podium and above-podium part of residential development were adopted. To further enhance the visual accessibility to the waterfront and the passage of sea breeze through the site, a non-building area (NBA) of 8m along the south-western boundaries of the site was designated. This NBA could serve as a visual and wind corridor, and a public landscaped walkway leading to the proposed public open space on the waterfront. The northern part of the site, with a width of 15m, was designated as NBA (above ground floor) to provide separation between the future building block(s) and IEC, and should be landscaped to allow better integration with the “Open Space” zone and the landscaped area of the adjoining hotel on its two sides. To provide a wider building gap between the site and the residential developments on the other side of King Wah Road and to enhance streetscape and openness, the future development at the site should be set back from King Wah Road by at least 6m. Future planning applications should be supported by a MLP and relevant technical assessments, such as AVA, TIA, Visual Impact Assessment and Environmental Assessment; and

Way Forward

- (q) subject to the Committee’s agreement, PlanD would brief the LegCo Case Conference and consult the EDC and HEC on the draft PB. The views collected together with the revised PB incorporating the relevant comments, where appropriate, would be submitted to the Committee for further consideration and endorsement.

67. Ms. Brenda K.Y. Au, DPO/HK, then provided the following responses to the letter submitted by the Coalition :

- (a) the Coalition pointed out that the proposed PR of 8 or 12 for residential or office development and a BH of 110mPD as recommended in the draft PB for the site were unreasonable and unfair to local residents. They requested for a lower PR of 3 and a BH not exceeding the original height of the warehouse previously existed on site. Ms. Brenda K.Y. Au said that, by referring to the old photos of the site, the height of the highest building previously existed on site was 10 storeys, but there was no information on the actual height of the warehouse;
- (b) the Coalition requested to follow the Urban Design Guidelines in that developments along the waterfront should be lower in height than those in the inland area. Ms. Brenda K.Y. Au said that the HEC's Harbour Planning Principles also encouraged diversity in building mass and varying building heights along the harbour-front so as to promote visual interest and create an interesting harbour image;
- (c) the PR and BH restrictions recommended in the draft PB for the site had taken into account various considerations including the planning intention of the "CDA(1)" zone, the maximum PR of 15 and BH of 165mPD currently stipulated on the OZP subject to the acceptance of various technical assessments, and the Committee's in-principle no objection to the proposed PR of 8 and BH of 135mPD under Application No. A/H8/387. The PR and BH restrictions as recommended had already struck a balance between community aspirations and optimization of land resources; and
- (d) regarding the Coalition's claim that paragraph 4.9 of the Paper on HEC Sub-committee on Harbour Plan Review's comments on the proposed residential development (Application No. A/H8/387) at the site was misleading, Ms. Brenda K.Y. Au, showing the minutes of the HEC Sub-committee meeting held on 23.1.2008, clarified that the Coalition in

their letter had only listed out the comments raised by individual Sub-Committee's Members at that meeting. HEC Sub-committee's comments as stated in paragraph 4.9 of the Paper were in fact based on the conclusion made by the Sub-Committee's Chairman, i.e. "the Sub-Committee had no strong views against the proposed development and appreciated the proposed podium setback to facilitate public access to the waterfront and enhance air circulation, which were in line with the Harbour Planning Principles/Guidelines; and the design, layout and disposition of the residential towers should be improved to further enhance air ventilation". The HEC Sub-committee's comments on Application No. A/H8/392 in paragraph 4.9 of the Paper were also based on the minutes of the HEC's Sub-committee meeting held on 19.11.2008. As such, the subject paragraph was not misleading as alleged by the Coalition.

68. In response to the Chairman's question, Ms. Brenda K.Y. Au said that the owner of the site did not have the intention to develop a composite office/residential building on the site. Also, the site area was too small for the co-existence of residential and office blocks. However, supporting shop and services use would be allowed which should be of small scale.

69. A Member commented that the planning for the harbour-front sites in this area was piecemeal which, when compared to the redevelopment of Wan Chai, lacked of synergy and vibrancy. There should be more comprehensive planning for this part of the harbour-front. The Chairman said that while the development pace in this area might be slower than that in Wan Chai or Causeway Bay, it had its own characteristics and vibrancy such as the emergence of a number of small but unique restaurants in the Tin Hau area. In addition, a study entitled Hong Kong Island East Harbour-front Study would soon be launched. It aimed to formulate a comprehensive plan for enhancement of the harbour-front covering, among others, North Point. The Secretary supplemented that sites along this part of harbour-front area were covered by the Wan Chai Development Phase II (WDII) project and waterfront public open space with different themes had been planned with a view to providing a continuous waterfront promenade from Wan Chai to North Point. Members had been briefed on the Concept Plan and the Recommended Outline Development Plan of the WDII project previously.

70. Taking note of the Coalition's comment on paragraph 4.9 of the Paper and DPO/HK's response to the comment, a Member suggested to seek confirmation from the Secretary of the HEC Sub-committee on Harbour Plan Review on whether paragraph 4.9 of the Paper had reflected their views on the applications for residential and office developments respectively at the subject site. The Secretary said that the Secretariat of the Board would follow up this matter.

71. After deliberation, the Committee agreed that the draft planning brief as set out in the Appendix of the Paper was suitable for briefing with the Legislative Council Case Conference and consultation with the Eastern District Council and the Harbour-front Enhancement Committee.

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

[Mr. Leslie H.C. Chen and Ms. Sylvia S.F. Yau left the meeting while Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

Kowloon District

[Mr. Wilson W.S. Chan, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

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

Agenda Item 13

[Open Meeting]

Proposed Amendments to the
Draft Kowloon Tong Outline Zoning Plan No. S/K18/14
(MPC Paper No. 13/09)

72. Mr. Wilson W.S. Chan, STP/K, presented the proposed amendments to the Kowloon Tong Outline Zoning Plan (OZP) and covered the following main aspects as detailed in the Paper :

- (a) the proposed amendments to the OZP, as detailed in paragraph 4.1 and Annex II of the Paper, were mainly to reflect the Committee's decision on a section 12A application (No. Y/K18/3) by rezoning a site at 322 Junction Road from "Commercial (1)" ("C(1)") with a maximum plot ratio (PR) restriction of 5.8 and a maximum building height (BH) restriction of 6 storeys (excluding basement floor(s)) to "Government, Institution or Community (11)" ("G/IC(11)") subject to a maximum PR restriction of 7.5 and a maximum BH restriction of 10 storeys (excluding basement floor(s)) and 70mPD. The proposed amendments also involved the rezoning of a strip of land at 322 Junction Road from "C(1)" to 'Road' and a strip of land at 330 Junction Road from "G/IC(7)" to 'Road' to reflect the existing road alignments and to tally with the lease boundary of the adjoining lots;
- (b) the proposed amendments to the Notes of the OZP, as detailed in paragraph 4.2 and Annex III of the Paper, were mainly to delete Remark (1) of the Notes for the "C(1)" sub-zone and to incorporate a new set of Notes for the "G/IC(11)" sub-zone;
- (c) opportunity was taken to update the Explanatory Statement of the OZP as detailed in Annex IV of the Paper to reflect the latest status and planning circumstances of the OZP; and
- (d) the departmental comments had been incorporated into the proposed amendments as appropriate. The Kowloon City District Council would be consulted during the exhibition period of the draft OZP for public inspection under section 7 of the Town Planning Ordinance.

73. Members had no question on the proposed amendments to the OZP.

74. After deliberation, the Committee decided to :
- (a) agree to the proposed amendments to the draft Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/14 and its Notes as set out in paragraphs 4.1 and 4.2 of the Paper;
 - (b) agree that the draft Kowloon Tong OZP No. S/K18/14A at Annex II (to be renumbered as S/K18/15 upon exhibition) and its Notes at Annex III of the Paper were suitable for exhibition for public inspection under section 7 of the Town Planning Ordinance;
 - (c) adopt the updated Explanatory Statement (ES) at Annex IV of the Paper as an expression of the planning intentions and objectives of the Town Planning Board (the Board) for the various land use zonings on the OZP; and
 - (d) agree that the updated ES was suitable for exhibition together with the draft Kowloon Tong OZP No. S/K18/14A (to be renumbered as S/K18/15 upon exhibition) and issued under the name of the Board.

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/93 Proposed School (Tutorial Learning Centre)
in “Residential (Group B)” zone,
Ground Floor, Rear Portion of 312 Prince Edward Road West,
Kowloon (KIL 2099 S.A ss.1 RP)
(MPC Paper No. A/K7/93)

Presentation and Question Sessions

75. Mr. Wilson W.S. Chan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (tutorial learning centre), highlighting that it was an extension to an existing tutorial centre located at G/F, 318 Prince Edward Road West operated by the same applicant which was approved by the Committee on 9.8.2002 under Application No. A/K7/54;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period supporting the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed tutorial learning centre complied with the Town Planning Board Guidelines No. 40 in that it was not incompatible with other uses within the subject residential development as well as the surrounding residential areas in which there were other tutorial schools and children learning centres approved by the Committee. The main entrance/exit of the application premises was located on the ground floor abutting Boundary Street and would not cause major disturbance and nuisance to local residents. It would also be exclusively used by the proposed tutorial learning centre and was separated from the domestic portion of the subject residential development by way of separate access located at Prince Edward Road West. As such, significant interface problem with residents of the development was not anticipated.

76. Members had no question on the application.

Deliberation Session

77. 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 17.4.2013, 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 provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) consult the Registration Section, Education Bureau on school registration process under the Education Ordinance and the Education Regulations;
- (c) submit an application for issuing of certificates and notices under section 12(1) of the Education Ordinance;
- (d) follow Chapter 9 of the Hong Kong Planning Standards & Guidelines (HKPSG) in providing practicable noise mitigation measures as far as possible, and/or as a “last-resort” measure providing acoustic insulation in the form of well gasketed windows as per Appendix 4.4 in Chapter 9 of the HKPSG and air-conditioning, to abate the excessive road traffic noise disturbance on the affected classrooms of the proposed school; and
- (e) resolve any land issue relating to the development with the concerned owner(s) of the application premises.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/232 Proposed Hotel (Guesthouse)
 in “Residential (Group A) 4” zone,
 88-102 (Even Number) Wuhu Street,
 Hung Hom (HHILs 508, 511, 512, 513, 516, 519 & 520)
 (MPC Paper No. A/K9/232)

Presentation and Question Sessions

79. The Committee noted that the applicant requested on 27.3.2009 for a deferment of the consideration of the application for 2 months to allow time to submit further information to address departmental comments.

Deliberation Session

80. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further 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. Maurice W.M. Lee left the meeting at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/259 Proposed School (Learning Centre) with Associated Staff Quarters
in “Residential (Group C) 1” zone,
10 Somerset Road, Kowloon Tong (NKIL 859)
(MPC Paper No. A/K18/259)

Presentation and Question Sessions

81. Mr. Wilson W.S. Chan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (learning centre) with associated staff quarters;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period. One of the commenters objected to the application for reasons of noise, nuisances and incompatible land-use, and had concerns that some Members of the Committee were “sympathetic” to the previous Application No. A/K18/247. The other commenter objected to the application on the grounds of incompatible land-use. Both commenters requested the Town Planning Board to release all relevant information regarding the application for the objectors to substantiate the grounds of objection; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed development was in line with the Town Planning Board Guidelines No. 40 in that the proposed learning centre at G/F was not

incompatible with the associated staff quarters on 1/F, which was only accessible by staff, within the same building block. It was also not incompatible with the surrounding residential areas where other schools, nurseries, elderly home and hotel were found. The Fire Services Department, Buildings Department (BD) and Education Bureau had no objection to the application. Regarding the public comments, the proposed learning centre was not incompatible with the surrounding areas. Besides, it was stated in the public consultation documents that all information/documents related to the application were available at the Public Enquiry Counters of PlanD for public inspection.

82. Members had no question on the application.

Deliberation Session

83. 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 17.4.2013, 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 provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval of the application did not imply any compliance with the Buildings Ordinance (BO) and Regulations. The applicant should approach the Buildings Department direct to obtain the necessary approval. The applicant should also ensure the proposed change in use complied with the BO, in particular, justification should be submitted to demonstrate the existing building structure could withstand the live load pertaining to the learning centre use;
- (b) consult the Registration Section, Education Bureau on school registration process under the Education Ordinance and the Education Regulations;

- (c) properly maintain the existing landscape resources in the site; and
- (d) resolve any land issue relating to the development with the concerned owner(s) of the subject building.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/260 Proposed School (Kindergarten)
 in “Residential (Group C) 1” zone,
 5 Cumberland Road,
 Kowloon Tong (NKIL 685)
 (MPC Paper No. A/K18/260)

Presentation and Question Sessions

85. Mr. Wilson W.S. Chan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (kindergarten);
- (c) departmental comments – no objection from concerned Government departments was received. The Director of Environmental Protection (DEP) advised that a sewerage impact assessment (SIA) should be conducted to assess whether there would be an impact on the local sewerage system. The applicant should be responsible to implement the local sewerage upgrading/sewerage connection works as recommended in the SIA;

- (d) two public comments were received during the statutory publication period. One of them had no objection to the application. The other was submitted by a nearby kindergarten raising objection to the application on traffic, pedestrian safety and vehicular emission grounds. The commenter pointed out that approval of the application would bring about increased traffic in the area resulting in traffic congestion; pollution due to emission from vehicles; and safety problem to school children; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed kindergarten complied with the Town Planning Board Guidelines No. 23 in that it was not incompatible with the surrounding developments with some school uses. The provision of on-site parking and loading/unloading facilities and their proposed layout were acceptable to the Transport Department. No significant adverse impacts on traffic, environment and infrastructure provisions of the area were anticipated. Matters relating to building structure, fire safety and internal layout should be further considered by relevant Government departments in detail at the school registration stage. Regarding DEP's concern, it could be addressed by imposing appropriate approval condition. For the public comment objecting to the application on grounds of traffic problems, pedestrian safety and vehicular emissions, relevant Government departments had no objection to/adverse comment on the application.

86. Members had no question on the application.

Deliberation Session

87. 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 17.4.2013, 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 water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of a sewerage impact assessment and implementation of the sewerage improvement measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply any compliance with the Buildings Ordinance (BO) and Regulations. The applicant should approach the Buildings Department direct to obtain the necessary approval. The applicant should also ensure the proposed change in use complies with the BO, in particular, justification should be submitted to demonstrate the existing building structure could withstand the live load pertaining to the proposed school (kindergarten) use;
- (b) consult the Registration Section of the Education Bureau on the proposed kindergarten registration process under the Education Ordinance and Regulations; and
- (c) resolve any land issue relating to the development with the concerned owner(s) of the application site.

[The Chairman thanked Mr. Wilson W.S. Chan, STP/K, for his attendance to answer Members' enquiries. Mr. Chan left the meeting at this point.]

[Miss Helen L.M. So, STP/K, was invited to the meeting at this point.]

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/587 Proposed Place of Recreation, Sport or Culture
 (Redevelopment of Swimming Pool Complex)
 in “Open Space” zone,
 Portion of Kwun Tong Recreation Ground
 at the junction of Lei Yue Mun Road and Tseung Kwan O Road,
 Kwun Tong
 (MPC Paper No. A/K14/587)

Presentation and Question Sessions

89. Miss Helen L.M. So, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the existing Kwun Tong Swimming Pool Complex (KTSPC) and Kwun Tong Recreation Ground (KTRG) was under redevelopment which involved the provision of a swimming pool complex (SPC) with indoor and outdoor swimming pools at the southern portion of the redevelopment site, and reprovisioning of the existing KTRG facilities at the northern portion of the redevelopment site upon completion of the proposed SPC;
- (b) the proposed place of recreation, sport or culture (redevelopment of SPC);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) a total of six public comments were received during the statutory publication periods of the application and the further information. One of them urged the Government to redevelop the existing SPC into an all-weather and multi-purpose SPC up to international standard. Two

commenters suggested that an openable canopy built over the existing swimming pool would be more cost effective and environmental friendly to provide year-round swimming facilities; and podium/roof planting should be incorporated to compensate for the loss of the turf football field. The other three commenters objected to the application on the grounds that replacing the turf football field by a concrete SPC was contrary to Government initiative to promote urban greening; the SPC redevelopment was not a sustainable development which would remove existing turf and trees and the proposed massive building would obstruct view to the open space; public consultation was limited and lacked transparency; a free-of-charge public open space would be lost; the proposed SPC would not provide open-air swimming facilities; and the massive built structure would further deteriorate the air quality in the vicinity;

- (e) the District Officer (Kwun Tong) supported the application and urged relevant Government departments to proceed with the planning and construction of the proposed SPC as soon as possible. On 22.1.2009, the Kwun Tong District Council (KTDC)'s District Facilities Management Committee (DFMC) supported the proposed SPC redevelopment and passed a motion to urge for its early implementation; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed SPC was in line with the planning intention of the “Open Space” (“O”) zone and compatible with the adjoining open space uses and the surrounding areas. Apart from providing improved sports and recreational facilities, the provision of swimming facilities to the public would not be interrupted as the existing SPC would only be demolished after completion of the new one. Although the proposed SPC would take up land which was zoned “O” (about 9 150m²), there would be no loss of public open space since the site currently occupied by the open-air swimming pool would be used for the reprovisioning of open space. Upon redevelopment, a total of 24 500m² of public open space would be provided, representing an increase of 9 400m² when compared with the

zoned open space of 15 100m². The proposed 4-storey high SPC with a maximum height at 31.5mPD would not have any adverse visual impact on the nearby uses which mainly comprised G/IC uses (i.e. Kowloon East Government Offices and Kwun Tong Police Station). It was also at a distance (about 120m) from Tsui Ping Estate with a sizable open space in between. The applicant had made effort to reduce the building bulk such as adopting a twin pavilion design, using a semi-sunken filtration plant room to minimise the overall building height, and large glazing for the building façade facing north to improve the visual permeability and to integrate with the adjoining recreation ground. The proposed location of the SPC would enable the preservation of a number of trees with high amenity value. Greening concepts such as green podium, landscaped ramp, landscaped decks and vertical greening had been incorporated in the building design. Relevant Government departments had no adverse comments on the technical assessments on transport, drainage, sewerage and air quality aspects. The Chief Town Planner/Urban Design and Landscape of PlanD considered the air ventilation assessment acceptable. Regarding the public comments, the existing facilities of the KTRG, including an artificial turf football pitch, would be provided at the northern part of the redevelopment site. The proposed SPC was 120m away from the adjacent Tsui Ping Estate. The design and the proposed mitigation measures would minimise the visual impact. The redevelopment project was supported by the KTDC's DFMC. A temporary turf football pitch would be provided at Wai Lok Street in early 2010. On the suggestions put forward by the commenters, the applicant responded that there were technical constraints for roof top greening, and openable canopy was not cost effective to improve the existing SPC.

90. In response to a Member's questions, Miss Helen L.M. So said that pedestrian access to the site could be via Tseung Kwan O Road, junction of Lei Yue Mun Road and Tsui Ping Road, Tsui Ping Road and Kai Lim Road. There was also a vehicular entrance at the southwest along Lei Yue Mun Road. People living near the Lam Tin Mass Transit Railway Station could access the site via the pedestrian entrance at Tseung Kwan O Road. Regarding the open space area in between the proposed SPC and the reprovisioned soccer

itches, it would be open and accessible by the general public for enjoyment.

91. This Member followed up to suggest that there should be an additional entrance at the junction of Lei Yue Mun Road and Tseung Kwan O Road to facilitate residents of Lam Tin. This arrangement would also provide a pleasant alternative route for pedestrians using the adjoining pavement along the heavily trafficked Lei Yue Mun Road. In addition, the design of the proposed SPC should incorporate roof top greening and other mitigation features to alleviate the visual impact of the building complex. The Chairman said that the applicant could be advised to take into account such comments in the detailed design of the proposed SPC. Members agreed.

Deliberation Session

92. 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 17.4.2013, 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) submission and implementation of detailed set back proposal along Lei Yue Mun Road and Kai Lim Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) submission of a Traffic Impact Assessment prior to commencement of any construction work, including temporary traffic managements, vehicular access points, divergent streets/lanes, traffic/transport and pedestrian improvement works during the construction stage of the proposed development, and implementation of mitigation measures to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) submission and implementation of a landscape proposal including tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;

- (d) 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
- (e) submission and implementation of design measures to enhance the air ventilation of the locality to the satisfaction of the Director of Planning or of the TPB.

93. 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) follow the Air Pollution Control Ordinance and make the necessary submissions to Environmental Protection Department's Asbestos Management and Control Section before carrying out asbestos abatement works;
- (c) consider the feasibility of providing an additional pedestrian access at the junction of Lei Yue Mun Road and Tseung Kwan O Road, more greening on the subject site, and design features including roof top greening to mitigate the visual impact of the proposed swimming pool complex in the detailed design stage;
- (d) existing water mains might be affected by the proposed redevelopment. Diversion of water mains should be submitted to the Director of Water Supplies for approval prior to commencement of works;
- (e) details of site formation work should be submitted to the Director of Water Supplies for approval prior to commencement of works;
- (f) consult the Director of Drainage Services to avoid possible encroachment of the proposed development onto the drainage reserve along Lei Yue Mun Road; and

- (g) drainage improvement measures should be submitted to the Director of Drainage Services to mitigate possible flooding due to the proposed development.

[The Chairman thanked Miss Helen L.M. So, STP/K, for her attendance to answer Members' enquiries. Miss So left the meeting at this point.]

Agenda Item 19

[Closed Meeting]

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

Agenda Item 20

Any Other Business

- 95. There being no other business, the meeting was closed at 1:00 p.m..