

TOWN PLANNING BOARD

**Minutes of 395th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 8.5.2009**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

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

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

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

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

Secretary

Absent with Apologies

Professor N.K. Leung

Dr. Ellen Y.Y. Lau

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Ms. Doris S.Y. Ting

Agenda Item 1

Confirmation of the Draft Minutes of the 394th MPC Meeting held on 17.4.2009

[Open Meeting]

1. The draft minutes of the 394th MPC meeting held on 17.4.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Approval of Draft Outline Zoning Plans

2. The Secretary reported that on 5.5.2009, the Chief Executive in Council (CE inC) approved the following three draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) and they would be notified in the Gazette on 15.5.2009 :

- (a) Wang Tau Hom and Tung Tau OZP (to be renumbered as S/K8/19);
- (b) Hung Hom OZP (to be renumbered as S/K9/22); and
- (c) Ho Man Tin OZP (to be renumbered as S/K7/20).

(ii) Reference Back of Approved Outline Zoning Plans

3. The Secretary reported that on 5.5.2009, the CE in C referred the following three approved OZPs to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Ordinance and they would be notified in the Gazette on 15.5.2009 :

- (a) Chek Lap Kok OZP No. S/I-CLK/10;
- (b) Sai Ying Pun and Sheung Wan OZP No. S/H3/22; and
- (c) South West Kowloon OZP No. S/K20/22.

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

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H3/3 Application for Amendment to the Approved Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/22 and the Approved Land Development Corporation (LDC) Peel Street/Graham Street Development Scheme Plan (DSP) No. S/H3/LDC4/2 from “Residential (Group A)”, “Commercial/Residential” (“C/R”) and areas shown as ‘Road’ and ‘Pedestrian Precinct/Street’ to “Other Specified Uses” annotated “Special Design Area” (“OU(SDA)”), to Re-incorporate the Area zoned “Comprehensive Development Area” (“CDA”) on the Approved DSP into the OZP and to Amend the “CDA” Zoning to “OU(SDA)”, to Amend the “C/R” Zoning of a Number of Streets Within the Application Site to “Other Specified Uses” annotated “Market Street” (“OU(MS)”) and to Incorporate Notes and Explanatory Statements into the OZP for the “OU(SDA)” and “OU(MS)” Zonings, An Area Generally bounded by Aberdeen Street, Wellington Street, Cochrane Street, Lyndhurst Terrace, Hollywood Road, Old Bailey Street and Elgin Street
(MPC Paper No. Y/H3/3B)

4. The Secretary reported that the following Members had declared interests in this item :

Mrs. Ava S.Y. Ng]	
as the Director of Planning]	being non-executive directors of
]	Urban Renewal Authority (URA)
Mr. Walter K.L. Chan]	
]	
Mr. Maurice W.M. Lee	-	being a former non-executive director of URA (the term of office was ended on 30.11.2008)

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
Professor Bernard V.W.F. Lim	- having current business dealings with URA
Mr. Raymond Y.M. Chan	- being a Member of the Home Purchase Allowance (HPA) Appeals Committee

5. The Committee noted that Mr. Maurice W.M. Lee was no longer a non-executive director of the URA since 30.11.2008 and the function of the HPA Appeals Committee, in which Mr. Raymond Y.M. Chan served as a member, was to consider appeals against the decision of the Director of Lands regarding HPA cases and was not directly related to the works of the URA, Members agreed that Messrs. Maurice W.M. Lee and Raymond Y.M. Chan could stay in the meeting to join the discussion.

6. Members noted that Mr. Andrew Y.T. Tsang had tendered an apology for being unable to attend the meeting, Professor Bernard V.W.F. Lim, Messrs. Walter K.L. Chan, Maurice W.M. Lee, Raymond Y.M. Chan had not yet arrived to join the meeting.

[Mrs. Ava S.Y. Ng and Ms. Olga W.H. Lam left the meeting temporarily at this point.]

7. The Vice-chairman chaired the meeting at this point. Ms. Starry W.K. Lee also declared interest on this item as she was a member of the Kowloon City District Advisory Committee (DAC) of the URA. The Committee noted that the DAC to which Ms. Lee belonged was a government advisory body whose area of work did not relate to this area. Members considered Ms. Lee's interest as remote and she could stay in the meeting to participate in the discussion.

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

Presentation and Question Sessions

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

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

Ms. Lily Y.M. Lam - Senior Town Planner/Hong Kong, PlanD (STP/HK)

Mr. Leung Wing Hong - Chief Health Inspector, FEHD (CHI)

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

Mr. John Batten

Ms. Katty law

Mr. Amil Khan

Ms. Patsy Cheng

Mr. Ian Brownlee

Ms. Anna Wong

10. The Vice-chairman extended a welcome and explained the procedures of the hearing. The Vice-chairman then invited Ms. Lily Y.M. Yam, STP/HK, to brief Members on the background of the application.

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

The Proposal

(a) the applicant proposed the following amendments to the OZP and DSP for the application site :

(i) to rezone the "R(A)" and "C/R" zones and the areas shown as 'Road' and 'Pedestrian Precinct/Street' on the OZP to "Other Specified Uses" annotated "Special Design Area" ("OU(SDA)");

- (ii) to reincorporate the area zoned “CDA” on the DSP into the OZP and to amend the “CDA” zoning to “OU(SDA)”;
 - (iii) to amend the “C/R” zoning of a number of streets covered by the OZP to “Other Specified Uses” annotated “Market Street” (“OU(MS)”); and
 - (iv) to incorporate Notes and Explanatory Statements into the OZP for the “OU(SDA)” and “OU(MS)” zones;
- (b) according to the applicant, the planning intention of the “OU(SDA)” zone was primarily for retaining the character of small-scale residential developments, to encourage gradual redevelopment of buildings which were beyond their physical and economic life, to encourage redevelopment to integrate with the existing street markets and would not generate additional vehicular traffic to the road network. As for the “OU(MS)” zone, the planning intention was to reflect the existing use of the market streets, to preserve the market streets as a major part of the character and history of the area while providing services to the public;
- (c) the set of Notes for the “OU(SDA)” and “OU(MS)” zones as proposed by the applicant were included respectively in paragraphs 1.3 and 1.4 of the Paper at F-Appendix I of the Paper. Apart from the schedule of uses, the applicant also proposed the following development controls for the “OU(SDA)” zone:
- (i) a maximum plot ratio (PR) of 5 and a maximum height of 12 storeys;
 - (ii) restrict amalgamation of development to a maximum of two lots;
 - (iii) no requirement for car parking or loading/unloading facilities; and
 - (iv) retain existing trees on private land and include planters/tree pits along the street frontage.

Moreover, development for Column 1 or 2 uses within “OU(SDA)” should be accompanied with a design statement to demonstrate that the external design and appearance of the new building would be consistent with the design of

any existing neighbouring buildings when submitting for building plan approval;

Application site

- (d) the application site (the Area), involving an area of 4.72 ha, was generally bounded by Aberdeen Street, Wellington Street, Cochrane Street, Lyndhurst Terrace, Hollywood Road, Old Bailey Street and Elgin Street. The Area was predominantly occupied by residential buildings with commercial uses on lower floors. The existing buildings were mostly under 8 storeys high with PRs mostly below or equivalent to about 5. A number of high-rise commercial buildings were mainly found along Hollywood Road, Wellington Street, Gage Street and Lyndhurst Terrace;

Background

- (e) the Chief Executive in Council approved the LDC Peel Street/Graham Street DSP on 9.11.1999;
- (f) on 4.5.2007, URA's Master Layout Plan (MLP) for the DSP area for a comprehensive residential and commercial development with the provision of public open space and Government, Institution or Community facilities (H18 project) was approved by the Town Planning Board (the Board) with conditions;
- (g) on 27.1.2009, URA's revised MLP was approved with conditions by PlanD under the delegated authority of the Board;

Applicant's justifications

- (h) the justifications put forth by the applicant, as summarized in paragraph 2 of the Paper at F-Appendix I of the Paper, were that the Area was Hong Kong's original Old City. In view of its cultural significance, the Area should be conserved and the change be managed cautiously. The application proposed a means for allowing change whilst not altering the fundamental characteristics of the Area. The approved URA development scheme which was incompatible with the surrounding low-rise and

residential area and the historic street markets needed to be reconsidered. The planning blight caused by the “CDA” site had prevented the normal process of maintenance and renewal and affected the street market where public services had become badly run-down. The permitted PR of “R(A)” zone in the SoHo area was too high and out of character with the existing neighbourhood and the resultant traffic might overload the existing road network. The “OU(SDA)” and “OU(MS)” zonings were designed to establish the statutory planning framework for the Area and to put in place a system of planning controls and incentives to retain the Area’s character. The proposed development intensity would give a reasonable balance between maintaining the character of the Area and the reasonable expectation of development potential by landowners;

Major departmental comments

- (i) the Assistant Commissioner for Transport/Urban of Transport Department (AC for T/U, TD) had reservation on the suggested nil requirement/provision of car parking and loading/unloading facilities;
- (j) the Commissioner for Heritage, Development Bureau and the Antiquities and Monuments Office while supporting the preservation of historic buildings, could not provide comment from heritage conservation aspect as there was no development scheme submitted by the applicant;
- (k) the Development Bureau (DEVB) commented that the proposed development parameters could result in buildings of a similar built form upon redevelopment which did not support the applicant’s claim to maintain diversity and variety. The proposed development restrictions were rather restrictive and could hinder future development/redevelopment and the impact on property owners could be significant. It was unclear as to the delineation of the site boundaries and how the required design statement could be enforced. The development of street markets would depend on a number of factors and the proposal would not be necessary nor adequate to ensure that the existing street markets would continue to thrive;

- (l) the Director of Food and Environmental Hygiene (DFEH) advised that there was no policy support on the so-called “Market Street”, and his department had no plan to provide any market within the Area. The possibility of issuing new hawker licenses for new operators in the Area would depend on the outcome of the ongoing licensing policy review and many other factors;
- (m) the District Officer (Central & Western), Home Affairs Department (DO(C&W), HAD) advised that the Culture, Leisure and Social Affairs Committee of the Central & Western District Council (C&WDC) were of the view that a balance had to be struck between the need for conservation and the need for development and there were concerns from local residents that the application might adversely affect the interests of the residents in the Area;

Public Comments

- (n) a total of 493 public comments were received during the statutory publication period. 383 of them supported the application, 20 objected to and 90 provided comments on it;
- (o) major supporting comments from local residents, members of the public, a green group, academics, professionals and business operators were (i) the ‘Old City’ area and the street layout should be preserved; (ii) any redevelopment in the area should be in keeping with the history and characteristics of the area and surrounding historic features; (iii) organic regeneration of the area by retaining individual property owners should be encouraged; (iv) further over-development would impede air ventilation, natural sunlight and increase vehicular traffic; and (v) large-scale property development would eat away small streets in URA’s Plan and old shops could not operate after the redevelopment;
- (p) major objecting comments from local residents, members of the public and land owners were (i) concerns on development rights; reduction in

development potential; and reasonable investment return by landowners; (ii) the rezoning proposal did not offer measures to preserve those local or Chinese business still operating in Central; (iii) lack of assessment, scientific or local historical study to justify the proposed rezoning boundary and development restrictions; (iv) proposed development controls not in line with the lease terms of the lots and contravene the Basic Law on protection of private ownership right; and (v) street markets were undergoing change to meet the needs of the customers and could be conserved without these controls;

- (q) additional objecting comments made by URA were (i) no control mechanisms to preserve and protect the local character other than the introduction of PR and building height controls; and no explanation on how and why these development controls were conducive to the continuous vibrancy and diversity of the application site; (ii) the restriction on PR and amalgamation would result in a more dense streetscape affecting air ventilation and light penetration; (iii) restricting site amalgamation would further aggravate the traffic conditions of the area; (v) ‘alfresco dining’ allowed on public streets would drive away existing hawkers which was contradictory to the planning intention of preserving the street market; (vi) the refined H18 MLP catered for both the hawker operations on the 2 public streets and the wet-goods shops. The phased development would minimise disturbance to hawkers;
- (r) other major comments from local residents, members of the public, professionals, business operators and C&WDC members included (i) the potential safety issue should be considered when rezoning Peel Street and Graham Street to “OU(MS)” as these sections of streets were relatively steep, currently used by vehicles and were for emergency vehicular access; (ii) a large-scale public consultation exercise should be conducted with the setting up of a “historic district management board” to formulate conservation measures and perform day-to-day management work; and (iii) the area from Lower Albert Road to the Former Hollywood Road Married Police Quarters should be rezoned as “historic conservation area” and a

comprehensive traffic impact assessment should be conducted for this area;
and

PlanD's views

- (s) PlanD did not support the application based on the assessments in paragraph 11 of the Paper in F-Appendix I of the Paper. The application which covered an extensive area of 4.27 ha would have significant implications on private development rights and concerned a larger policy issue. Without extensive public debate and any thorough study of the implications involved, the proposed rezoning was considered not appropriate. There was a lack of basis for the delineation of the "OU(SDA)" zoning and boundary of the application site. The applicants were unable to demonstrate how the proposed development control measures would be conducive to the vibrancy and revitalization of the application site. There was no information to justify the development restrictions for the "OU(SDA)" zone and how they would encourage the private land owners to preserve the character of the area. The proposed stringent development restrictions and control on site amalgamation would discourage redevelopment of buildings. AC for T/U of TD had reservation on the proposed nil requirement/provision of car parking and loading/unloading spaces for the "OU(SDA)" zone as internal transport facilities should be provided according to the requirements of Hong Kong Planning Standard and Guidelines for new developments. In addition, there was no mechanism under the Town Planning Ordinance for the Board to rescind the planning permission already granted to URA's H18 project. FEHD advised that there was no policy support for the so-called "Market Street" and there was no plan to provide any market in the area surrounding the H18 project. Without any policy support, the proposed "OU(MS)" zone would not be implementable.

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

12. The Vice-chairman then invited the applicant's representatives to elaborate on their justifications for the application. Mr. Ian Brownlee briefly introduced the background of other representatives and clarified a mistake in Remark (1) of the proposed Notes for "OU(SDA)" zone in Appendix A of the Planning Statement (Appendix Ia of the Paper at F-Appendix I of the Paper) being that the maximum PR for the building upon development and/or redevelopment should not be more than 5 (instead of 3) as stated therein. He then continued to make the following main points:

- (a) the application was submitted purely for the benefits and interests of the community after a lengthy and thorough discussion between the applicant and the community;
- (b) it was disappointing to note that PlanD had recommended rejection of all the proposals of the application as some of these proposals were good and compatible with PlanD's current planning exercise of imposing development restrictions onto OZPs;
- (c) noting the comments from various bureaux/departments, it seemed that the Government was still not receptive to new idea to the planning system and did not understand the new and sustainable approach to develop this important part of Central as proposed by the applicant; and
- (d) the Administration should be open-minded and should accept good ideas from the general public.

13. With the aid of some photos, Mr. John Batten made the following main points:

- (a) the application was submitted by a group of local residents protesting against high-rise developments in a basically low-rise and 'living' area;
- (b) the Area involved a mix of different types of buildings on relatively small lots. The width of these lots represented the standard size of a wooden beam for the original Chinese buildings built about 150 years ago. The existing buildings were mostly 4 to 6 storeys with lower floors for shops

and upper floors for flats. The mixed uses neighbourhood was a typical development pattern of Hong Kong. The eastern portion of the Area which included the Graham Street Market was a lively and vibrant area where people shopped and met every day. There were four existing pedestrianized streets including Gage Street and the applicant worried that Transport Department might turn Gage Street into a thoroughfare connecting Aberdeen Street, should the URA H18 project be developed. The SoHo area, located in the western portion of the Area, had been undergoing gradual refurbishment and improvement and was currently characterised by a great variety of small boutiques, restaurants and art galleries. The place had been enlivened by the construction of the Central-Mid-levels escalators. However, these areas, without proper development control, were constantly under threat for redevelopment into high-rise buildings;

- (c) the steep streets and the small lots in the Area were unsuitable for cars. Instead, it provided a fantastic walking area easily accessible on foot through the escalators system and SoHo had become a vibrant social place for after-work gathering in view of its close proximity to Central;
- (d) the Area had great potential to become a more special area when the heritage sites like the Central Police Station complex and the former Hollywood Road Police Married Quarters in the vicinity were to be preserved for adaptive re-use; and
- (e) the application had gained wide public support from local residents and he quoted a few points from three supporting comments (Comments No. 5-136, 5-240 and 5-359 at Appendix III of F-Appendix I of the Paper), highlighting that the important historic area of Hong Kong should be preserved and the district should maintain a low-rise building area with some streets to be retained for market activities which added colour to Hong Kong's street life.

14. With the aid of some photos, Ms. Katty Law made the following main point :
- (a) the Graham Street market was the oldest open-air market in Hong Kong and was a renowned market in the World attracting a wide spectrum of visitors ranging from students to foreign reporters and heritage experts. All these visitors considered the market a fascinating and extremely special area where they could experience the liveliness and warmth of the community, in great contrast to the coldness brought by the high-rise concrete jungle in Central;
 - (b) a number of campaigns to preserve the Graham Street market had been organised in the past few years and were widely supported by local residents who found this place vibrant and homely;
 - (c) the approved URA development scheme entailing four high-rise buildings was of a completely different character to the rest of the predominately low-rise and residential area. It would also be incompatible with the historic street market along Gage Street, Graham Street and Peel Street. Although there was some minimal provision in the URA scheme to retain components of the market, the construction process and the new form of development would render retention of the existing market difficult. The scale of the phased development as recently proposed by URA was large and the construction process would turn stall operators away and disrupt the current retail buying patterns of residents;
 - (d) a paper about Graham Street market had recently been submitted and discussed in the UNESCO World Heritage Conference on 'Historical urban landscape' held in Hanoi. Issues concerning the preservation of 'Old City' area were discussed and it was found that other countries/cities had formulated certain kind of preservation policies/guidelines. For example, Kyoto had regulations and planning controls on developments within some historically significant areas. Moreover, many 'tong lau', similar to those commonly found in Graham Street and SoHo area, had been carefully preserved and revitalised for restaurants and boutique hotels use in the 'Old

City' area of Hanoi which demonstrated that the historical city could be converted into a vibrant area widely enjoyed by tourists and local residents;

- (e) the UNESCO had promulgated some guidelines on preservation of historic urban landscape which advocated the preservation of a wider historic area rather than a single building as currently carried out by our Government. It was time to change our mind-set towards the preservation policy and we should start to explore a new methodology to preserve and replan this historically significant area. This was in line with the Secretary for Development's announcement that the preservation of historic sites in the Hollywood Road area should be conducted comprehensively; and
- (f) there were still chance for the Government to revert to a reasonable decision by preserving our historical urban landscape as the Graham Street Market was still in existence and functioning. Should there be no development control for the approved Master Layout Plan for the URA scheme, the existing low-rise urban landscape of the Hollywood Road area would be totally destroyed and replaced by high-rise buildings of 20 to 40 storeys.

15. With the aid of some photos, Mr. Amil Khan made the following main points :

- (a) being a developer creating boutique properties, his company was specialised in adaptive reuse of tenement structures since 2004 and had been adopting a new concept of 'green residency' since 2008 to regenerate all structures to incorporate eco-friendly built features. His company also advocated the Washington Charter signed in UNESCO which stood to protect irreversible cultural, social and economic loss to rapid developments in characteristic parts of global city;
- (b) the cities' historic 'Tong Lau' buildings was a part of the unique cultural heritage and shared history which needed to be preserved;
- (c) the culturally rich area with characteristic buildings in this part of Central

should be retained if Hong Kong was to maintain its competitiveness with other world cities which placed higher emphasis on urban regeneration; and

- (d) Hong Kong as an Asia World city should struck a right balance between preservation and development through innovative and visionary method of development. Our globally well-known urban fabric should not be eradicated and it was time to set the right policy and regulations on development in order to enhance our competitiveness with other world cities.

16. Ian Brownlee made the following main points on behalf of a restaurant owner who could not attend the meeting :

- (a) the character of SoHo was an area for eating and dining with quality buildings. Smaller buildings in the Area allowed the restaurant operators to conduct their business more flexibly than in new forms of standard buildings. It was the great variety of different themes and interests of these small restaurants which made the SoHo areas special and attractive; and
- (b) new form of high-rise buildings or a large development with a shopping arcade would totally remove the characteristics of SoHo area.

17. With the aid of a Powerpoint presentation, Mr. Ian Brownlee continued to make the following main points as a response to the points made by PlanD in the Paper:

- (a) there had been a change in the hawker licensing policy, as evidenced in a recent paper presented to the Advisory Council on Food and Environmental Hygiene on 15.1.2009, which allowed the existing fixed pitch hawkers to expand their operation area by acquiring the adjacent vacant fixed pitches on payment of fees, and the preservation and eradication of the 'Dai Pai Tong' could be handled flexibly. Such policy change was complementary to the proposed concept of retaining the market street. The terminology of 'market street' was proposed because it was easily understood by people.

The term could be changed to 'hawker bazaar' which served equally the same purpose and might better fit in the licensing policy of FEHD;

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

- (b) regarding PlanD's concern on the lack of public debate on the proposal, the application was the result of on-going public debates which was a more open consultation process than what PlanD had conducted when it recommended the imposition of development restrictions on OZPs. The current proposal was publicly notified and well received with a total of 493 public comments and only 20 commenters objected to the proposal. Most Government departments had no objection to the application. Moreover, the current proposal of imposing a plot ratio and building height control over the area was compatible to PlanD's ongoing job of systematic introduction of building height control to meet public aspirations and to avoid out-of-context buildings at random locations. It was important for the Board to seize this opportunity to retain the existing character of a cultural significant area;
- (c) as for the concern on the delineation of the boundary of the application site, the rationale was generally explained in section 2 of the Planning Statement. The boundary of the application site generally followed major streets like Aberdeen Street, Wellington Street, Cochrane Street, Lyndhurst Terrace, Hollywood Road and Old Bailey Street which included areas with the greatest concentration of low-rise residential buildings with limited commercial uses on lower floors, streets with special characters and streets with market and hawker stalls. The adjacent areas with concentration of tall buildings and buildings with frontage and access to Caine Road was excluded from the boundary of the application site;
- (d) buildings in the Area were mostly 4 to 8 storeys high developed on small lots. There was a need to impose development control in order to preserve the existing character of the Area. This was in line with the planning intention of imposing development control for the sensitive areas (such as

the sub-areas of “Residential (Group C)” (“R(C)”) zone in the Mid-levels West OZP) in order to preserve the existing character of the existing and planned developments, and restraining traffic growth. The proposed development intensity would allow a reasonable balance between maintaining the character of the Area and the expectation of development potential by developers. Moreover, a design statement for new developments was also proposed to ensure that the character of the Area was retained. Although the currently proposed plot ratio and building height restrictions were the same as that for the “R(C)” zone of the same OZP, a new zoning of “OU(SDA)” was proposed because the “R(C)” zone did not encourage commercial uses which was an important component to maintain the vibrancy of the Area;

- (e) regarding the traffic and parking requirements, since the Area was already very congested and most of the roads were steep and narrow, it was unsuitable for traffic and small sites could not accommodate parking and loading/unloading facilities. There was a need to restrain the injection of additional traffic and car parking facilities by proposing a nil parking requirement under the proposed “OU(SDA)” zone. The application of standard parking requirement for the approved URA development would attract additional vehicles which was contrary to the intention of preserving the existing character of the Area;
- (f) contrary to PlanD’s views that there was lack of policy support for the current proposal, various policies in different aspects did exist to support the application. For example, policy support for imposing building height restrictions and reducing development intensities as stated in the Chief Executive’s policy address; policy support for heritage preservation, though a broader approach on preserving a wider area instead of a single building was needed; policy of DEVB to respond to public aspirations and concerns; and FEHD’s recent policy change in favour of fixed pitch hawkers and ‘Dai Pai Tongs’;

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

- (g) the applicant's proposal was the only alternative to preserve the existing character of the Area. The scope and scale of URA's project focused only on a small area and ignored the character of the surrounding area. The Administration had no comprehensive planning on the Area and new developments within the existing "R(A)" and "C/R" zoning were allowed to be developed up to the maximum permissible under the "B(P)R", hence destroying the existing character;
- (h) the application was not one proposal but contained several parts including building height control, plot ratio control, concept of 'market street', the design requirements and site amalgamation restriction, and vehicular access restriction. The acceptance of any one part of the proposal could already help preserve the existing special character of the Area to a certain extent and serve as a starting point for further effort in preservation; and
- (i) the applicant urged the Board to accept the principles that the Area was historically and socially important, the activities within the Area were functioning and economically viable, its special character should be retained, and there were alternative ways to upgrade and redevelop the Area. As these principles were supported by the public, the Board should go through the statutory public consultation process by amending the OZP as currently proposed.

18. A video was shown to the Committee in which the following major comments from the visitors and hawkers of Graham Street Market were presented:

- (a) the Graham Street market with over 100 years of age was a very special bazaar with 'Dai Pai Tong' and market stalls which could rarely be found in other parts of Hong Kong;
- (b) people liked to shop in this open-air market because of the better air quality and the availability of a great varieties of fresh produce and products offered at a cheaper price. They had a deep feeling in the area as some of

the local residents had been shopping in this market for generations;

- (c) the existing market was important to the livelihood of those grass-root hawkers; and
- (d) the retention of a market with special character in the Central area would be attractive to tourists who enjoyed the special atmosphere of the market and the friendliness of the hawkers.

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

19. In response to a Member's question regarding the applicant's responses to two of the comments made by DEVB as stated in paragraphs 9.1.15(b) and (d) of the Paper at F-Appendix I of the Paper, Mr. Ian Brownlee made the following main points:

- (a) in view of the sloping nature of the Area, developments restricted to the same number of storeys would still result in a varying building height profile due to different site formation level. In this regard, the existing character of the Area with different building heights could still be maintained even if there were new developments with building height up to a maximum of 12 storeys as currently proposed. However, the current proposal was intended to encourage refurbishment of existing buildings of 4 to 8 storeys rather than redevelopment; and
- (b) the proposed requirement for a design statement for developments within the "OU(SDA)" zone could be implemented by requiring the submission of the design statement with the building plans to demonstrate that the new building would be consistent with the design of the adjacent developments.

20. Mr. John Batten said that the value of properties was not always reflected in the its redevelopment potential. A lot of 'Tong Laus' with only a few flats had an unique value not found in other high-rise developments and the economic value of these properties could also be very high after proper refurbishment. Hence, the assumption of DEVB that every old buildings in the Area would be torn down and replaced by 12 storeys new buildings

might not be correct.

21. Mr. Amil Khan said that the existing urban fabric of this particular Area would be changed to an odd urban landscape with ‘toothpick’ buildings located in the midst of low-rise developments if no development control was in place and the developers were allowed to maximise the overall plot ratio and building height according to the prevailing Building (Planning) Regulations (B(P)R).

22. In response to another Member’s question on the feasibility of retaining the existing Graham Street Market taking into account the prevailing hawker licensing policy, Ms. Katty Law, Ms. Patsy Cheng and Mr. Ian Brownlee made the following main responses:

- (a) it was encouraging to learn that the Administration was actively reviewing the existing hawker licensing policy in view of the increasing public aspirations to retain these existing open-air hawker bazaars which were unique in character and could create employments;
- (b) the existing open market at Graham Street would be greatly disturbed even though the approved URA development would be implemented by phases. The development of high-rise commercial buildings in the surrounding area was incompatible with the environment and atmosphere of the market;
- (c) it was understood that some upgrading works to the existing market at Tai Yuen Street, Wan Chai were to be carried out by the URA consequent to the CE’s announcement to revitalise that area. The same approach could be undertaken to introduce some improvement works to the historic Graham Street Market; and
- (d) since the existing Graham Street Market and other adjacent streets was zoned “C/R” on the OZP, they were under threat to be closed for developments. If the importance of the market streets was recognised by the Board by amending the areas to an appropriate zoning, it would encourage the Administration and the District Council to facelift the entire area.

[Mr. K. Y. Leung returned to join the meeting at this point.]

23. Ms. Brenda Au, DPO/HK, said that the URA was mindful of the need to retain the existing markets and had set up a special panel comprising C&WDC members, historians, local residents and hawkers to advise URA on the heritage and market issues of H18 project since the first approval of the development scheme in May 2007. In January 2009, PlanD under the delegated authority of the Board approved a s.16A application for minor amendments to the approved scheme which included, inter alia, the provision of a 2-storey low-rise retail block at Site B to accommodate 14 wet goods stalls, deletion of loading/unloading bays in basements of Sites A and C and changes in the phased development so as to minimise disturbance to the hawkers and provide opportunities for the wet goods stalls to remain in operation during the construction stage.

24. Mr. Leung Wing Hong, CHI, said that while the hawker licensing policy was still under review by the Administration, he understood that the URA had allowed the continued operation of the existing market in-situ and none of the existing hawkers within the street markets would be affected by the URA H18 project. Moreover, his department would work closely with the URA to ensure the safety of the hawkers and visitors during the construction of the URA development.

25. Mr. Ian Brownlee said that the markets to be preserved by the URA within its development scheme boundary was only a small portion of the whole Graham Street market. The whole market extended beyond the URA scheme boundary up to Hollywood Road in the west and Queen's Road Central in the east. While the same principle of preservation of market streets was also adopted in the URA scheme, the current proposal had taken a broader approach.

26. In response to DPO/HK's previous clarifications that the URA would develop a 2-storey retail centre for reprovisioning of the wet goods stalls, Ms. Katty Law said that according to her understanding, the use of the proposed 2-storey retail centre would require the payment of full market rent of a shop in Central which was totally unaffordable to the operators. Moreover, the vibrancy of the existing market with stalls located close to each other would be lost as the hawker stalls along Graham Street would be sparsely separated

upon completion of the URA scheme.

27. Ms. Patsy Cheng said that the business of the hawkers were already affected by the proposed implementation of the URA scheme, though in phases, since some local residents had already moved out and the business environment of the market was expected to be worsen during the construction period. However, the applicant's proposal to introduce the 'market street' concept would entail a more gradual transformation of the area which would give some certainty to the hawkers to retain their current businesses.

28. In response to the same Member's question on whether the prevailing hawker licensing policy could be adjusted to assist the continuation of the existing market in the Area, Mr. Leung Wing Hong said that in the ongoing review of the hawker licensing policy, there was recommendation to allow the existing fixed pitch hawkers to use the adjacent vacant pitches for expansion provided that the total number of fixed pitch hawker licences would remain unchanged.

29. Another Member asked if the existing major streets within the URA development scheme area would be affected by the H18 project. Ms. Brenda Au replied that the existing market stalls were located along Peel Street and Graham Street and the proposed URA development scheme would not affect the existing road networks.

30. Mr. John Batten said that the URA scheme was first approved in 2007 without much public discussion. With the increasing public concern on the future of the wet market in the last two years, URA subsequently changed its original scheme by converting the 2-storey retail centre to house the wet market stalls. However, with such development and the 6-year construction period of the URA scheme, the existing market would unlikely survive and the existing character of the area would disappear.

31. Mr. Ian Brownlee said that the URA was adopting a 'bulldozing' approach in redevelopment which resulted in new developments incompatible with the existing urban fabric. The applicant's proposal to rezone the Area including the URA Development Scheme Plan area into "OU(SDA)" with the imposition of a plot ratio of 5 and a maximum building height restriction of 12 storeys was a more sympathetic attempt to retain the existing character of the Area. Although there was no provision to rescind the approval given to the

URA scheme, the Board could reject its application for renewal of the planning approval when the original approval expired in 2011 if the Board accepted the applicant's current proposal.

32. Referring to two letters from the Hong Kong Institute of Architects and Urban Design Alliance commenting on the URA H18 development scheme, Ms. Katty Law said that the H18 scheme was strongly criticised by the general public and professional bodies for its scale and density which was incompatible with the low-rise and low density historic area in the surrounding. She urged the Board to accept the current proposal which provided a better alternative in preserving the existing character of the Area and the historic Graham Street market.

33. As the applicant's representatives had no further points to make and Members had no further questions to raise, the Vice-chairman informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their and the Government's representatives absence and inform the applicant of the Committee's decision in due course. The Vice-chairman thanked the applicant's representatives and the Government's representative for attending the meeting. They all left the meeting at this point.

[The meeting adjourned for a short break of 2 minutes at this point.]

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

Deliberation Session

34. A Member showed appreciation to the applicant's efforts in preparing the current proposal to preserve this area which was of great historical significance. Noting that the URA had already obtained planning permission for an approved development scheme in the Graham Street/Peel Street area, this Member asked whether the Committee should revisit the URA scheme which comprised high-rise commercial/residential developments, taking into account the small re-housing population involved in the area as compared with URA projects in other areas such as Kwun Tong, Mong Kok and Wan Chai. This Member also suggested looking into the merits of the applicant's proposal in preserving the Area as a whole instead

of focusing on individual buildings. This Member considered that the Committee should strive to preserve vibrancy of the existing historic Graham Street Market.

35. In response to the Vice-chairman's question on the implications of the s.12A application, if approved, on the approved URA scheme, the Secretary explained that the Area under the subject s.12A application covered an extensive area which included the URA development scheme area at Graham Street/Peel Street. The DSP was approved in 1999 and the Master Layout Plan submitted by URA for a comprehensive development was approved by the Board in 2007 with a 4-year approval period until 2011. If building plans approval was obtained for the approved MLP, the development would be deemed to commence and renewal of the planning permission in 2011 was not necessary. Hence, even if the s.12 application was approved and the OZP was amended to incorporate the applicant's proposal, the URA scheme would not be affected. The Secretary pointed out that the Board's ongoing effort in imposing building height restrictions on various OZPs generally did not involve a reduction in plot ratio, hence would not affect the development rights of the private lots involved. The applicant's proposal to reduce the plot ratio of the whole 'Old City' area to 5 would have wide ramifications and would have to be supported by a thorough study to assess its implications but such assessment/study was lacking. Moreover, the proposal would have policy implications and needed to be carefully considered at the policy level. The proposed PR reduction would affect development right and extensive public debate on the subject matter was required. She asked the Committee to take the above into consideration in making a decision on the applicant's proposal.

36. One Member, though appreciated the vision and effort of the applicant in preserving the character of the 'Old City' area, shared the view that in the absence of a comprehensive preservation policy and a detailed study to justify the proposed development control parameters, it might not be appropriate to approve the application at this stage. However, the proposals put forward by the applicant in preserving the existing character of the Area were worthy to be further pursued by the Administration in a comprehensive manner. This Member further said that in view of the special character of the Area, special consideration on the imposition of lower building height for the Area might be considered upon the completion of a thorough study. If the general building height restriction imposed in future could not accommodate the permissible development intensity of specific site, the case could be submitted to the Board for consideration based on its own merits.

37. The Secretary said that should a comprehensive study be carried out, it should not only limit to this particular area but should include other parts of the territory. Moreover, a comprehensive approach on preservation would require policy support. The Board should consider planning proposals within the policy context endorsed by Executive Council.

38. One Member agreed to the need for comprehensive study on preservation and said that the study should cover other parts of the territory. This Member opined that there was always a dilemma between preservation and development where some demanded for the preservation of an older area while others urged for early redevelopment with a view to improving the living condition. This Member asked whether the Committee could still provide comments to URA on the approved H18 project.

39. The Secretary explained that Members could submit their views to URA on the H18 project for consideration but Members should bear in mind that the MLP had already been approved and there was no provision under the Town Planning Ordinance for the Board to rescind the planning approval.

40. Another Member said that, in considering the current application, the approved URA scheme in Graham Street/Peel Street which only covered a small portion of the Area should not be the main concern. The application was more related to whether the 'Old City' area should be preserved and how it could be done. In the absence of an overall policy on the preservation of an 'Old City' area and a clear understanding on the benefit to the community, it would be hard to approve the application at this stage. This Member said that the Board could request the Administration to review the existing preservation policy taking into account overseas experience.

41. Another Member said that even without the URA scheme, the existing character of the Area would gradually diminish as a result of redevelopment in the Area. This Member supported the view that the preservation policy would need to be reviewed.

42. While not supporting the application, a Member agreed that a study on the preservation of old market streets in Hong Kong should be conducted. This Member commented that if the market stalls within the URA development were to be managed by

FEHD, the same rent as other stalls licensed by FEHD should be charged. Moreover, the URA should be requested to minimise the disruption to the existing street market and to further improve the design to facilitate the continued operation of the market stalls.

43. Another Member said that implementation of the URA scheme required the coordinated support of relevant Government departments. Moreover, the URA could only rely on the established mechanism of land resumption and compensation which limited its flexibility to adopt other approach to meet the different needs of the community. A balance had to be struck between the different interests of stakeholders, with some urging for early implementation of redevelopment projects and others supporting preservation. The Administration should carry out a review on the preservation policy with particular respect to the 'Old City' area.

44. Two Members expressed a strong concern towards the need for preservation of the 'Old City' area and earnestly requested the Administration to review the overall policy on preservation.

45. The Secretary said that as the Administration was conducting a review on the Urban Renewal Strategy (URS), Members might consider taking the opportunity to invite the DEVB to brief the Board on their latest thinking on the subject, Members could then express their views to DEVB direct.

46. The Vice-chairman concluded that while Members generally showed appreciation for the passion and efforts of the applicant in preserving this older parts of Hong Kong, the Committee, however, considered that the planning of the 'Old City' area would require a comprehensive study and an overall policy on preservation which covered not only the subject area but other parts in the territory. The Committee thus agreed that it was premature to approve the application at this stage. Besides, Members agreed it was important to convey the message of the need to preserve 'Old City' areas to the Administration in view of the increasingly strong public sentiments. Members decided to invite DEVB to brief the Board and listen to Members' views on issues relating to URS and the preservation of 'Old City' areas.

47. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the application site covered an extensive area and the proposed “Other Specified Uses” annotated “Special Design Area” (“OU(SDA)”) zoning and associated development control measures would have significant implications on private developments rights within the site. Without extensive public debate and any thorough study of the implications involved, the rezoning proposal for the application site was considered not appropriate;
- (b) there was a lack of basis for the delineation of the boundary of the application site. The applicant was unable to demonstrate how the proposed development control measures would be conducive to the vibrancy and revitalisation of the application site. There was also no information to justify the development restrictions for the “OU(SDA)” zone, which might discourage redevelopment of buildings which were beyond their physical and economic life and lead to planning blight in the area affected;
- (c) there was no information in the submission to justify the nil requirement/provision of car parking and loading/unloading spaces under the “OU(SDA)” zone; and
- (d) the implementability of the proposed “Other Specified Uses” annotated “Market Street” zoning would be in doubt without any policy support.

[Messrs. Felix W. Fong and Nelson W.Y. Chan left the meeting temporarily at this point.]

[Ms. Starry W.K. Lee, Dr. Winnie S.M. Tang and Mr. Leslie H.C. Chen left the meeting at this point.]

Agenda Items 4 & 5

Section 16 Applications

[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
(MPC Paper No. A/H3/387)

A/H3/388 Proposed Comprehensive Residential and Commercial Development with Government, Institution or Community Facilities and Public Open Space in “Comprehensive Development Area” zone, 60-66 and 88-90 Staunton Street, 4-6 Chung Wo Lane, 8 and 13 Wa In Fong East, 2-10 and 16 Wa In Fong West, 2-10 and 17-19 Shing Wong Street, 1-12 Wing Lee Street, Bridges Street Market and Refuse Collection Point and Adjoining Government Land
(MPC Paper No. A/H3/388)

48. The Secretary reported that as Applications No. A/H3/387 and A/H3/388 were related to the same application site of the Urban Renewal Authority’s development scheme at Staunton Street/Wing Lee Street, the following Members had declared interests in this item :

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| Mrs. Ava S.Y. Ng
as the Director of Planning |]] | being non-executive directors of |
| Mr. Walter K.L. Chan |]] | Urban Renewal Authority (URA) |
| Mr. Maurice W.M. Lee | - | being a former non-executive director of URA (the term of office was ended on 30.11.2008) |
| Ms. Olga W.H. 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 Y.T. 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 |

- | | |
|------------------------------|---|
| Professor Bernard V.W.F. Lim | - having current business dealings with URA |
| Mr. Raymond Y.M. Chan | - being a Member of the Home Purchase Allowance (HPA) Appeals Committee |

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

49. The Secretary further said that as the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) had submitted a supporting comment on Application No. A/H3/387, Ms. Starry W.K. Lee and Mr. Felix W. Fong, being member of the Central Committee of DAB, should declare interest in this item and be invited to leave the meeting temporarily during the discussion and determination of the applications.

50. The Committee noted that Mr. Maurice W.M. Lee was no longer a non-executive director of the URA since 30.11.2008 and the function of the HPA Appeals Committee, in which Mr. Raymond Y.M. Chan served as a member, was not directly related to the works of the URA, Members agreed that Messrs. Maurice W.M. Lee and Raymond Y.M. Chan could stay in the meeting to join the discussion.

51. Members noted that Mr. Andrew Y.T. Tsang had tendered an apology for being unable to attend the meeting, Mrs. Ava S.Y. Ng, Ms. Olga W.H. Lam and Mr. Felix W. Fong had left the meeting temporarily while Ms. Starry W.K. Lee had left the meeting, and Professor Bernard V.W.F. Lim and Mr. Walter K.L. Chan had not yet arrived to join the meeting.

Presentation and Question Sessions

52. The Secretary informed the Committee that the applicants of the Application No. A/H3/388 had recently submitted another s.12A application (No. Y/H3/5) proposing to amend the Approved URA Staunton Street/Wing Lee Street DSP No. S/H3/URA1/2 which were also related to the same application site as the current two applications. On 29.4.2009, the applicants' representative for Applications No. A/H3/388 and Y/H3/5 submitted a letter requesting the Committee to defer consideration of application No. A/H3/387 submitted by URA and their application No. A/H3/388, and that both applications be considered on the same

date as application No. Y/H3/5. A copy of the applicants' representative's letter and another letter dated 29.4.2009 from Chan, Wong & Lam Solicitors in support of the deferral request had been tabled for Members' information. After considering the legal advice obtained and having regard to Town Planning Board Guidelines No. 33, the Secretariat considered it prudent to defer consideration of the two applications to the same date when application No. Y/H3/5 was submitted to the Committee for consideration and had no objection to the request for deferment.

Deliberation Session

53. After deliberation, the Committee decided to defer a decision on the two applications to the same date when application No. Y/H3/5 was submitted to the Committee for consideration. The consideration of the three applications were tentatively scheduled for 10.7.2009.

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

Agenda Item 6

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H4/2 Application for Amendment to the Approved Central District Outline Zoning Plan No. S/H4/12 from area shown as "Road" to "Government, Institution or Community" zone with "Religious Institution" use under Column 1; or "Other Specified Uses" annotated "Synagogue and Open Space for Public Use" zone with "Religious Institution" use under Column 2; or "Open Space" zone with "Religious Institution" use under Column 2, Land between Cotton Tree Drive and Kennedy Road Peak Tram Station, Central
(MPC Paper No. Y/H4/2F)

Presentation and Question Sessions

54. The Secretary reported that the applicant's representative, on 17.4.2009, wrote to the Secretary of the Board and requested for a defer consideration of the application for further 1 month to allow further consultation with Central & Western District Council (C&WDC) on the proposed use on the application site vis-à-vis other potential Government-owned sites. A separate discussion meeting with the C&WDC was scheduled for 8.5.2009. As such, additional time was required for the applicant to address public concerns and to make any necessary modifications to the application.

Deliberation Session

55. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further information from the applicant. The Committee agreed that the applicant should submit the further information immediately following further consultation with the Central and Western District Council (C&WDC) on 8.5.2009 and in any case no later than mid May 2009. The application would be submitted to the Committee for consideration within 3 months upon receipt of further submission from the applicant. The Committee also agreed to advise the applicant that the Committee had allowed a further period up to mid May 2009 for further consultation with the C&WDC and preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

[Mr. David C.M. Lam, 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/H15/236 Shop and Services (Retail Shop)
 in “Other Specified Uses” annotated “Business(1)” zone,
 Two Units on G/F, Remex Centre, 42 Wong Chuk Hang Road,
 Aberdeen, Hong Kong

 (MPC Paper No. A/H15/236)

56. The Secretary reported that Mr. Raymond Y.M. Chan had declared interest in this item as the applicant’s representative, Charterwealth Professional Ltd. was owned by his brother. Mr. Raymond Y.M. Chan should be invited to leave the meeting temporarily during the discussion of and deliberation on the application.

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

Presentation and Question Sessions

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

- (a) background to the application, highlighting that the application premises comprised two separate units with the western part being used as a local provisions shop while the eastern part an electrical shop without planning permission;
- (b) shop and services (retail shop) use;
- (c) departmental comments – the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD) objected to the application as the 2 shop units currently at the premises were unauthorised building works without prior approval or consent from BD. Other concerned Government departments including the Director of Fire Services (D of FS) had no objection to or no adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Southern); and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The shop and services (retail shop) use was in line with the planning intention of “Other Specified Uses (Business)” (“OU(B)”) zone and complied with the relevant considerations in the Town Planning Board Guidelines for Development within “OU(B)” zone (TPB PG-No. 22D). The retail shop use was considered not incompatible with the uses in the same building and with the surrounding developments. The retail shops which were small in size and directly accessible from Heung Yip Road would not induce fire safety problems, environmental concerns or adverse traffic impact. Relevant departments consulted had no adverse comment on the application. As regards CBS/HKW, BD's comments on the unauthorized building works at the premises, the issue could be dealt with at the building plan submission stage.

58. Members had no question on the application.

Deliberation Session

59. The Committee noted that the application was generally in line with the relevant TPB Guidelines.

60. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service installations for the shop and services (retail shop) use in the subject premises, within six months

from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2009; and

- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

61. The Committee also agreed to advise the applicant :

- (a) to note that prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to apply to the District Lands Officer/Hong Kong West and South, Lands Department for a temporary waiver;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department regarding the unauthorized building works at the application premises and the need for building plan submission for the two retail shops for approval under the Buildings Ordinance; and
- (d) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans.

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

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

Agenda Item 8

[Open Meeting]

Building Design and Landscaping Proposals for the
Proposed Government Refuse Collection Point
in “Government, Institution or Community (1)” zone and ‘Road’ area
at the junction of Victoria Park Road and Gloucester Road, Causeway Bay
(MPC Paper No. 12/09)

62. Mr. Tom C.K. Yip, Senior Town Planner/Hong Kong (STP/HK) and the following applicant’s representatives were invited to the meeting at this point:

Mr. N.L. Shum] Food and Environmental Hygiene Department (FEHD)
Mr. Wong Kwai Ping]
Mr. Daniel C.H. Wong] Highways Department
Mr. Elven Tang]
Mr. C.S. Lo	Architectural Services Department (Arch.SD)
Mr. Eric Chan] Able Engineering Co. Ltd.
Mr. S.W. Choi]

63. With the aid of a Powerpoint presentation, Mr. Tom C.K. Yip presented the proposals as detailed in the Paper and made the following main points :

- (a) the subject application for a proposed RCP to replace the existing one at Paterson Street affected by the proposed road widening works was approved with conditions by the Metro Planning Committee (the Committee) on 5.12.2008. While approving the application, Members considered that the submitted building and landscape design of the RCP could be further improved and hence decided to impose an approval condition requiring the submission of the revised building design and landscape proposals to the Committee for consideration. Major concerns raised by Members were highlighted as below:
 - (i) to reduce the building bulk of the RCP and the building height of the two-storey ancillary block;
 - (ii) to explore the possibility of relocating facilities such as fire services

- pump room and water tank to underground level;
- (iii) to reduce the handcraft storage area and headroom of the water scrubber plant room, and the triangular space between the two blocks was not necessary; and
 - (iv) excessive landscape treatment;
- (b) according to the applicant, due to functional and technical requirements, the scope for reducing the size of the plant rooms and storage area was limited, and only the circulation and covered landscaped areas of the ancillary block could be reduced. In order to address Members' concerns, the applicant had made the following revisions as compared with the previous submission:
- (i) the total GFA of the proposed RCP had been reduced from 369m² to 348.3m² (-20.7m²) and the total site coverage was reduced from 59.22% to 56.19% (-3.03%);
 - (ii) the height of the operation block had been reduced from 6.8m to 6.65m (-0.15m) while the height, length and width of the ancillary block were reduced by 0.15m, 1.12m and 4.8m respectively;
 - (iii) the external staircase of the ancillary block under the previous proposal had been relocated to the western part of the block as an internal staircase and an urban void was thus created which was visually penetrative;
- (c) the applicant explained that the two-block design was better than single-block design due to the concentration of clean functions at the ancillary block to screen off the operation block from public view from the south. Photomontages comparing the visual appearance of two designs demonstrated that the proposed two-block design with a lower building height, was visually less obtrusive;
- (d) relocating the fire service water tank and pump room underground would require additional building services support and circulation access. Moreover, there was risk of flooding and would impose additional

environmental burdens such as additional waste generated by the excavation and the greater recurrent energy consumption generated by mechanical ventilation;

- (e) the handcart storage area which included spaces for manual waste recovery and recycling point, and the headroom of the water scrubber plant room at 3.35m had been kept to the minimum requirement. As for the triangular area between the two blocks, the area was necessary to provide natural lighting and ventilation to improve the hygiene of the RCP;
- (f) to address Members' concern on excessive landscape treatment, the number for trees and bamboos at the north-eastern and south-western corners of the site had been reduced and compensated by vertical planting;
- (g) concerned Government departments consulted had no objection to or no adverse comments on the revised proposal; and
- (h) PlanD had no objection to the revised proposal based on the assessments in paragraph 5 of the Paper in that the revised building design and landscape proposals were considered an improvement to the previous submission.

64. The Chairperson then invited the applicant' representatives to make a presentation on the revised proposal. With the aid of a Powerpoint presentation, Mr. C.S. Lo, Arch.SD elaborated on the rationale for adopting a two-block design for the proposed RCP and made the following main points:

- (a) the single-block design of an RCP (e.g. a generic small RCP at Yee Kuk Street with an operation area of about 170m²), with clean and refuse handling functions mixed together, was undesirable as it gave an overall unpleasant perception to the general public;
- (b) as the facilities within a single-block RCP could be separated into clean and refuse handling zones, the layout of the proposed RCP at the application site could be rationalised by putting the clean functions at the southern part

of the same block in order to suit the traffic of the site. Given the prominent location of the site, the building volume of the RCP could be substantially reduced by eliminating the need to provide F.S. sprinkler tank and pumps (125m²) if one large block of RCP was splitted up into two smaller, free-standing blocks (i.e. the ancillary clean block and the refuse handling operation block) of size less than 230m² each and separated by circulation space in between. Moreover, the two-block design of RCP would improve light, air ventilation and hygiene, broke up the elevation and scale of building, and projected a more decent image to the neighbourhood;

- (c) the disposition of the two blocks of the subject RCP generally aligned with the adjacent roads and buildings which humanised the circulation space between the two blocks by enhancing natural lighting, ventilation and landscaping, and resulting in a proper, completely clean and site responsive built form when viewed from Gloucester Road and Paterson Street;
- (d) a daylight study was conducted for the subject RCP which demonstrated that different facades of the two blocks were susceptible to extensive sunlight penetration throughout the day and all year round;
- (e) a creative way of integrating the water scrubber room with the operation area had reduced the building height to the minimum, and the staggered building height further broke up the building block into three slender strips, hence reducing the overall building bulk. Moreover, the operation block in the north of the site and the exit of the refuse collecting vehicles were further screened off by sliding the ancillary block further west when viewed from the south;
- (f) comparing with the building height of other single-block RCPs in Yee Kuk Street (from 9m to 12m) and Luard Road (about 12m), the proposed two-block RCP had a much lower building height with the maximum height of 6.65m for the operation block in the north descending towards the ancillary block in the south at 5.5m;

- (g) photomontages demonstrated that the two-block RCP was visually more acceptable and would not obstruct the views towards Victoria Harbour when viewed from Gloucester Road and Paterson Street in the south at a level of 6m above ground;
- (h) the fire services water tank was relocated to the east end of the ancillary block and the original space became an urban void with aspiring landscaping to animate the building and the environment; and
- (i) the reasons for not relocating certain facilities underground and the revised landscape proposal were already covered by PlanD's presentation in paragraphs 65(d) and (f) above respectively.

65. A Member asked if consideration had been given to introduce creeping plants on the concrete walls of the RCP to improve its appearance as well as freeing up the space occupied by proposed planters. In response, Mr. C.S. Lo said that according to the revised landscaping proposal, the proposed RCP would be surrounded by extensive landscape treatment on all sides except the vehicular ingress/egress. As the maximum height of the proposed RCP was only 6.65m, the possible adverse visual impacts of the RCP could be satisfactorily mitigated by the planting of trees, bamboos and planters on the periphery of the RCP.

66. The Chairperson suggested that the proposal of introducing more vertical greening for the RCP could be further explored by the applicant at the detailed design stage.

67. In response to another Member's question on the egress point of the proposed RCP, Mr. C.S. Lo said that the two traffic lanes to the west of the site were to serve as an egress to the RCP and an ingress to the adjoining petrol filling stations (PFS) separately so as to avoid any conflict between the traffic flow for the RCP and the PFS.

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

68. One Member commented that the proposed RCP with a building façade of 18.35m in length fronting the waterfront should be further improved by creating stepped/recessed profile as the existing one or by using different building materials to break up the long façade, so as to minimise the adverse ‘blank wall’ effect along the waterfront. This Member further suggested reducing the number of signboards at prominent location and improving the design and size of the signboards.

69. Mr. Tom C.K. Yip explained that the applicant had reduced the building bulk and the long façade of the RCP fronting Gloucester Road at the request of Members when the subject RCP was considered by the Committee on 5.12.2008. He further said that by making reference to Drawing A-6 of the Paper, the size of the original signboard displayed at the eastern side of the operation block had been reduced and relocated to a less conspicuous location.

70. Mr. N. L. Shum, FEHD, said that he would take into account Members’ concerns and liaise closely with Arch.SD on the design and provision of signboards to minimise any possible visual impact.

71. After further deliberation, the Committee had no in-principle objection to the revised building design and landscape proposals submitted by the applicant and agreed that the approval condition (a) in respect of Application No. A/H6/66 had been satisfactorily discharged. The Committee also agreed to advise the applicant to take into account Members’ views in respect of vertical greening, building façade treatment and building bulk in the detailed design of the proposed refuse collection point.

[The Chairperson thanked Mr. Tom C.K. Yip, STP/HK, and the applicant’s representatives for their attendance to answer Members’ enquiries. They left the meeting at this point.]

[Mr. Maurice W.M. Lee left the meeting at this point.]

Tsuen Wan and West Kowloon District

[Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Mr. Rupert Y.K. Lo, Town Planner/ Tsuen Wan and West Kowloon (TP/TWK) were invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/672 Temporary Shop and Services for a Period of 5 Years
in “Other Specified Uses” annotated “Business” zone,
Workshop 1, G/F, Trust Centre, 912-914 Cheung Sha Wan Road,
Kowloon
(MPC Paper No. A/K5/672)

Presentation and Question Sessions

72. Ms. Heidi Y.M. Chan, DPO/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the application premises was currently occupied by a fresh provision shop at the front portion without planning application and food processing workshop and storage at the rear portion;
- (b) temporary shop and services for a period of 5 years;
- (c) departmental comments – the Director of Fire Services had no objection to the application and advised that the applied shop and services use was considered as commercial use and should be counted up to the aggregate commercial floor area on ground floor of the subject industrial building. Other concerned Government departments had no objection to or no adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The temporary shop and services use, with a floor area of 90m², had not exceeded the maximum permissible limit of 460m². In this connection, D of FS has no objection to the application. Other relevant Government departments consulted also had no in-principle objection to the application and no public comment on the application was received.

73. Members had no question on the application.

Deliberation Session

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 8.5.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape and fire service installations in the subject 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 8.11.2009; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

75. The Committee also agreed to advise the applicant :

- (a) to note that prior planning permission should have been obtained before

commencement of the development;

- (b) to consult the Chief Building Surveyor/Kowloon, Buildings Department to ensure that the change in use would comply with the Buildings Ordinance, in particular, the provision of 2-hour fire resisting separation walls between the Premises and the remaining portion of the building in accordance with Building (Construction) Regulation and Code of Practice for Fire Resisting Construction 1996; and
- (c) to resolve any land issues relating to the development with the concerned owner of the application premises.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/673 Shop and Services (Showroom for Garments)
in “Other Specified Uses” annotated “Business” zone,
Workshop C1, G/F, Block C, Hong Kong Industrial Centre,
489-491 Castle Peak Road, Kowloon
(MPC Paper No. A/K5/673)

Presentation and Question Sessions

76. Ms. Heidi Y.M. Chan, DPO/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the application premises, in part or in whole, was involved in four previously approved planning applications for temporary garment showrooms for a period of 3 years. The applicant had fulfilled all the approval conditions of the latest approved application (No. A/K5/609) regarding the provision of fire service installations;

- (b) shop and services (showroom for garments) use;
- (c) departmental comments – the Director of Fire Services (D of FS) had no in-principle objection to the application and advised that the showroom use should not be counted up to the aggregate commercial floor area on ground level of the subject industrial building. Other concerned Government departments had no objection to or no comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. Previous applications for temporary shop and services (showroom for garments) were approved by the Committee and the applicant had satisfactorily fulfilled the approval conditions of the previous application. There had been no material change in planning circumstances since approval of the previous application on 17.3.2006. Relevant Government departments consulted including D of FS had no in-principle objection to the application and no public comment on the application was received.

77. Members had no question on the application.

Deliberation Session

78. The Committee noted that the application was generally in line with the relevant TPB Guidelines.

79. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service installations in the

subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2009; and

- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/674 Proposed Shop and Services (Showroom)
in “Other Specified Uses” annotated “Business” zone,
Workshop A1, G/F, Block A, Hong Kong Industrial Centre,
489-491 Castle Peak Road, Kowloon
(MPC Paper No. A/K5/674)

Presentation and Question Sessions

81. Ms. Heidi Y.M. Chan, DPO/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the application premises was involved in two previous applications, with the latest one under Application No. A/K5/664 for fast food shop, retail shop and showroom approved with conditions by the Committee on 19.12.2008;

- (b) proposed shop and services (showroom) use;
- (c) departmental comments – the Director of Fire Services (D of FS) had no in-principle objection to the application and advised that the showroom use should not be counted up to the aggregate commercial floor area on ground level of the subject industrial building. Other concerned Government departments had no objection to or no comments on the application;
- (d) one public comment indicating no comment on the application was received during the statutory publication period and no local objection/view was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. Previous application for shop and services (fast food shop, retail shop and showroom) was approved by the Committee and there had been no material change in planning circumstances since approval of the previous application on 19.12.2008. Relevant Government departments consulted including D of FS had no in-principle objection to the application.

82. Members had no question on the application.

Deliberation Session

83. Members noted that similar applications at the application premises were previously approved by the Committee.

84. 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 8.5.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

85. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Kowloon West, Lands Department for the temporary wavier to permit the applied use; and
- (b) to consult the Chief Building Surveyor/Kowloon, Buildings Department to ensure that the change in use would comply with the Buildings Ordinance, in particular, the provision of 2-hour fire resisting separation walls between the Premises and the remaining portion of the building in accordance with Building (Construction) Regulation and Code of Practice for Fire Resisting Construction 1996.

[Messrs. K.Y. Leung and Anthony Loo left the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K20/104 Proposed Comprehensive Residential and Commercial Development
(Amendments to Approved Master Layout Plan)
in “Comprehensive Development Area” zone,
West Rail Nam Cheong Station, West Kowloon Reclamation
(MPC Paper No. A/K20/104)

86. The Secretary said that the application was submitted by the Kowloon-Canton Railway Corporation (KCRC) represented by Mass Transit Railway Corporation Limited

(MTRCL). Mr. Anthony Loo, being an assistant to the Commissioner for Transport who was a Non-executive Director of MTRCL, had declared an interest in this item. The Committee noted that Mr. Anthony Loo had already left the meeting.

87. The Secretary reported that two letters, one from the Association for Democracy and People's Livelihood and several residents service centres/associations/local concern groups/mutual aid committees of various public housing estates, and one from Green Sense were received during the petition this morning. The former letter requested the Committee to revise or reject the application and reiterated their three requests: (i) to delete the linear layout of four blocks which created wall effect; (ii) to adopt the principle of stepped height profile with height restriction descending towards the waterfront; and (iii) to provide additional community facilities and public open space. The latter letter considered the scale of reduction in the revised proposal scale inadequate. The two letters had been tabled at the meeting for Members' reference.

Presentation and Question Sessions

88. With the aid of a Powerpoint presentation, Ms. Heidi Y.M. Chan, DPO/TWK, presented the application and covered the following aspects as detailed in the Paper :

Background

- (a) the application site was the subject of three approved applications for comprehensive residential and commercial development with the latest one under Application No. A/K20/84 approved by the Committee on 15.10.2004. Since then, there have been increasing community concerns on wall effect and adverse air ventilation impacts caused by new developments particularly those at or near the waterfront;
- (b) on 5.7.2005, the Sham Shui Po District Council (SSPDC) passed a motion to request the Government to amend the scale and design of the Nam Cheong Station development to safeguard air ventilation of the Sham Shui Po district;
- (c) on 31.7.2007, at a SSP DC meeting to discuss the future development of

the Nam Cheong Station, the applicant agreed to look into the possible options to reduce the development intensities of the development;

- (d) on 8.4.2008, MTRCL submitted a revised scheme proposing to reduce the gross floor area (GFA), plot ratio (PR), maximum building height, podium levels and residential units, and introduction of recessed podium, a landscaped open plaza, 2 storeys basement car parks and 2 breezeways;
- (e) on 6.1.2009, the SSP DC was consulted on the revised scheme and passed a motion to request the removal of 3 high-rise tower blocks and the provision of 3 air ventilation corridors. Subsequently, MTRCL submitted a further revised scheme (the current proposal) taking into consideration SSP DC's comment to provide 3 air ventilation corridors;
- (f) on 5.2.2009, Green Sense submitted a s.12A application for proposed amendments to the approved scheme for the site, mainly to reduce the number of high-rise blocks from 11 to 5 and designation of 4 air ventilation corridors; and to amend the Notes of the "CDA" zone of the site to incorporate, inter alia, development restrictions including maximum domestic and non-domestic PR of 3.5 and 0.5 respectively, maximum building height of 100mPD, designation of four 35m wide air corridors (maximum height of 30mPD) and a 15m wide non-building area along Sham Mong Road, and a maximum site coverage of 60% for the podium, etc. The application was rejected by the Committee on 17.4.2009;

The Proposal

- (g) as compared with the latest approved scheme under Application No. A/K20/82, the revised scheme had included the following major amendments:
 - (i) reduction in total GFA from 369,600 m² to 303,107 m²;
 - (ii) reduction in total PR from 8 to 6.6;
 - (iii) deletion of the office block and reduction in number of high-rise residential block from 10 to 9;

- (iv) reduction in building height of high-rise residential blocks from 196.5mPD to 181.7mPD;
- (v) reduction in podium levels from 5 to 3 with corresponding reduction in podium height from 33.7mDP to 20.95mDP - 26.35mPD;
- (vi) reduction in total car parking spaces (excluding motorcycle parking spaces) from 836 to 615;
- (vii) addition of 2 levels of basement carpark;
- (viii) introduction of podium setback from Sham Mong Road;
- (ix) provision of three visual corridors/breezeways (20m to 30m wide) within the development; and
- (x) provision of a landscaped open plaza (about 1,000m²) at the ground floor;

Major departmental comments

- (h) the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had no in-principle objection to the application and advised that the previous approval conditions regarding vehicular access arrangements and parking/loading and unloading facilities and advisory clause regarding proposed Public Transport Interchange (PTI) were still applicable. Besides, a new advisory clause related to the funding arrangement and co-location of the PTI at the adjacent Site 6 should be added;
- (i) the Director of Environmental Protection (DEP) had no objection to the application subject to the inclusion of an approval condition regarding the design and implementation of noise mitigation measures for the proposed development;
- (j) the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, Arch.SD) had no adverse comment on the application and advised that the overall visual impact of the revised scheme appeared to be an improvement to the approved scheme, although the high-rise residential towers might still appear quite tall in relation to its immediate context;

- (k) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application and considered that the current scheme was an improvement when compared with the approved scheme;
- (l) other concerned Government departments had no objection to or no adverse comments on the application;

Public Comments

- (m) all the total 336 comments received objected to the application. Their main grounds of objection were summarised as follows:
 - (i) the proposed PR and GFA would create super high-rise blocks and result in ‘wall effect’ and adverse impact on the adjacent environment and the residents. The scale of reduction in development intensity was inadequate and ineffective. The total PR for the development should not exceed 4 or total domestic PR of 4.2. A building block should be revised from ‘residential’ to ‘multi-purpose office’;
 - (ii) the height restriction of the development should make reference to Fu Cheong Estate (120mPD) and with a stepped height profile. The high-rise block would block the sightlines of residents at Fu Cheong Estate and would block the ridgelines;
 - (iii) the coverage of podium should be restricted to 60% and a 15m non-building area along Sham Mong Road should be provided. The podium height should not exceed the shopping centre of Fu Cheong Estate;
 - (iv) the reduction of spacing between T3-T4 and T5-T6 from 5-6m to 2m was unacceptable;

- (v) the linear layout of 4 blocks (T8 to T11) still had wall effect affecting three blocks of Fu Cheong Estate. More blocks should be deleted to avoid having a linear row of building blocks;
- (vi) the applicant had conducted the air ventilation assessment (AVA) for the revised scheme but did not publish the data comparing the approved scheme and the 'without development' scenario. "Heat night" and 'Heat island' effects would be created and would adversely affect the environment and health of the local residents;
- (vii) the number of parking spaces should be reduced to 30. The Clubhouse II of the revised scheme should be changed to public open space or community facilities for the use of the residents of the district;
- (n) the District Officer (Sham Shui Po), Home Affairs Department (DO(SSP), HAD) advised that SSPDC had passed a motion on 6.1.2009 as detailed in paragraph 90(e) above while the Transport and Housing Affairs Committee of the SSPDC had passed two motions on 16.4.2009, with details in paragraph 5.14 of the Paper;

PlanD's views

- (o) PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The maximum PR of 8 (domestic PR of 6.5 and non-domestic PR of 1.5) under the Notes of the subject "CDA" zone was confirmed by technical assessments and the latest scheme (Application No. A/K20/82) for the Site with a total PR of 8 was approved by the Committee on 15.10.2004. To address public concerns, a revised scheme with major improvements including reduction in overall development bulk, introduction of breezeways/visual corridors, adjustments of building disposition for better air ventilation and visual permeability, incorporation of landscaped open plaza and stepped podium was proposed. The currently proposed PR of 6.6 would optimise the use of the site as a valuable land resource in the urban area and was in line with the planning

intention to place higher density developments near rail stations and major transport interchanges whenever possible. If a reasonable level of development intensity was to be achieved on the site, and given the elongated configuration of the site, the proposed building height ranging from 169.7mPD to 181.7mPD would be a compromise option. The revised building heights for the development would also preserve the ridgelines. Both CA/ASC, ArchSD and CTP/UD&L, PlanD had no adverse comments on the application. The design of the podium of the current proposal had been improved and the incorporation of a recessed design and a landscaped open plaza would enhance visual appearance and air ventilation for the pedestrians. With the introduction of 3 ventilation corridors, the wind performance of the currently revised scheme in terms of velocity ratio would be improved by 20% and 10% at Fu Cheong Estate and Nam Cheong Estate respectively. Taking account of the location of the site which was above the Nam Cheong Station and the requirements of the development, the current provision of carparking spaces was considered reasonable. AC for T/U, TD had no objection to the application. The technical assessments had demonstrated that the proposed development would not generate adverse environmental, air ventilation, visual, drainage and traffic impacts. All departments consulted including AC for T/U, TD, DEP and CTP/UD&L, PlanD had no objection to the application; and

- (p) PlanD's responses to other public comments on possible wall effects, 'heat night/heat island effects', reduced spacing between buildings, deletion of more high-rise blocks, and provision of public open space and community facilities were detailed in paragraphs 12.9 to 12.14 of the Paper.

89. Members had the following main questions/comments on the application:

- (a) why the design of an open or enclosed PTI could not be firmed up at the moment;
- (b) why the SSPDC would request the conversion of T11 in the revised scheme from residential to office use as the two uses had a different requirement in

car parking provision and what was PlanD's response to the conversion of one residential block to office;

- (c) whilst the incorporation of three ventilation corridors in the revised scheme was appreciated, would there be a possibility to provide similar air ventilation corridors for the low-rise residential blocks which aligned along the northern boundary of the site so as to achieve better result in air ventilation;
- (d) whether the landscape plaza at ground level would be opened for public use and its future management and maintenance responsibility;
- (e) whether the applicant had conducted an AVA to compare the impact of the revised scheme and other development options on the local wind environment, and whether the benefits on air ventilation brought about by the three air ventilation corridors would be off-set by the reduction in spacing between other building blocks in the revised scheme; and
- (f) referring to DEP's detailed comments at Appendix V of the Paper, whether the revised scheme had shown improvement in the noise compliance rate when compared with the previously approved scheme.

90. Ms. Heidi Y.M. Chan made the following responses:

- (a) the proposed PTI would be relocated to Site 6 outside the current application site and hence its detailed design would depend on the overall design of the future development at Site 6. Site 6 was zoned "CDA" and any future development would also be required to obtain planning permission from the Town Planning Board;
- (b) DO(SSP) had not provided any information on the rationale behind the SSPDC's request to convert T11 from residential to office use. The current reduction in building bulk and total GFA of the revised scheme was mainly contributed by the deletion of the office block. Should a

residential block be converted into office building which had a higher demand on car parking provision, there would be a corresponding increase in overall building bulk and it was considered undesirable;

- (c) the row of low-rise residential blocks, with a maximum building height of 67.5mPD, was required to serve as screening blocks to alleviate the road traffic noise impact generated from West Kowloon Highway on the high-rise residential blocks. Owing to the technical constraints resulting from the decking over of Lin Cheung Road and the environmental function performed by these low-rise blocks, the layout and disposition of the low-rise blocks could not be changed. Based on the revised scheme with no change in the layout of these low-rise blocks, the AVA conducted by the applicant had already demonstrated that the wind performance at Fu Cheong Estate and Nam Cheong Estate would be improved;
- (d) according to the applicant, the future developer would be responsible for the management and maintenance of the proposed landscaped plaza which would be opened for public enjoyment;
- (e) when compared with the previously approved scheme, the AVA concluded that the revised scheme, with the introduction of three ventilation corridors and minor adjustment to the building disposition, would result in an improvement in wind performance at selected sensitive locations such as Fu Cheong Estate and Nam Cheong Estate by 20% and 10% respectively;
- (f) in carrying out the AVA, the applicant had complied with the requirements and methodology as laid down in the Technical Circular on Air Ventilation Assessment; and
- (g) according to the environmental assessment conducted by the applicant, with the implementation of noise mitigation measures such as the incorporation of fins at T1 and the provision of purpose-built noise balcony as well as the linear layout of the low-rise blocks in the north, the noise compliance rate for those residential flats under the revised scheme was

85.3% which complied with the acceptable level of 85% as specified in EPD's ProPECC PN1/97 on 'Streamlined Approach for the Planning of Residential Developments Against Road Traffic Noise'. The noise compliance rate for the previous approved scheme was only 84.3%.

91. In response to a Member's concern on whether the landscaped plaza could genuinely be used by the general public if the area was managed by the future developer, the Chairperson said that the Administration was conducting a study with a view to formulate guidelines on the management for public open space within private developments.

92. Mr. C. W. Tse said that the noise compliance rate of the residential flats in the revised scheme would not be worse than that in the previously approved scheme. Although the applicant had not clearly indicated the necessary environmental mitigation measures of the revised layout in the technical assessment, it was believed that these technical problems could be easily resolved at the detailed design stage. As such, DEP had no objection to the application and recommended to impose a new approval condition with respect to the design and implementation of noise mitigation measures to the satisfaction of his department.

Deliberation Session

93. The Chairperson said that the development scheme at the site with a higher PR and building height was first approved by the Committee in 1999, with the latest one approved in 2004. Due to the increasing public aspiration for development of lower intensity and height, the applicant had come up with the current revised scheme with reduced PR and building height, though the scale of reduction and the change in design and layout might be limited by other technical constraints such as the site configuration and the works already completed on site.

94. Noting the public concerns on the "wall effect" created by the layout of the development and its impact on air ventilation, and the excessive building height of the proposed development, a Member said that given the scale of development previously approved, the possibility of further reducing the overall scale of the proposed development would be slim. However, this Member said that there were rooms to further improve the air ventilation effect by minor adjustment to the building form, such as reducing the sharp angle

at the edges of the building blocks, which would increase the gap between building clusters as well as the width of the air ventilation corridors. Adjustment to the floors layout of individual flats could be made by reducing the width of seaward façade. Two other Members shared the same view.

95. Another Member said that although some improvements had already been made in the revised scheme, the current development scheme could not satisfactorily address the public concerns. While the total PR of the proposed development had been reduced from 8 to 6.6, the scale of reduction in domestic PR from 6.5 to 6 was small. The applicant was advised to explore the possibility of further reducing the PR of the residential portion without changing the total PR of the proposed development. This Member asked the applicant to consider placing more facilities into the basement levels, so as to further reduce the building bulk and height of the podium. To enhance air ventilation at lower levels and street level, this Member suggested exploring the incorporation of some openings or ventilation corridors in the podium.

96. One Member said that the revised scheme was not fully satisfactory. However, given the unique background of the site and the applicant's effort to reduce the development intensity and improve the layout of the site, the revised proposal could be accepted. This Member further remarked that the design and layout of the residential blocks, in particular the linear arrangement of T8 to T11 should be improved as far as possible.

97. The Chairperson concluded that the Committee generally considered that, taking into account of the planning background of the case, the application could be approved as the revised scheme had made some improvements in the aspects of development intensity and air ventilation as compared with the previously approved scheme. However, to address Members' concerns, an approval condition requiring an improvement to the design and disposition of building blocks as well as the podium, with a view to improving the air ventilation of the area should be imposed. The Committee would also advise the applicant to consider reducing the domestic PR without changing the total PR of the proposed development. Members agreed.

98. 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 8.5.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP) for the development scheme to incorporate the approval conditions as stipulated in conditions (b) to (k) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and disposition of building blocks and the podium to improve the air ventilation of the area to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of vehicular access arrangements to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design, provision and layout of the area designated for parking, loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the provision of emergency vehicular access to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the design, construction and maintenance of a grade-separated pedestrian walkway system between the proposed development and Fu Cheong Estate, as proposed by the applicant, to the satisfaction of the Director of Highways or of the TPB;
- (g) the provision of a kindergarten to the satisfaction of the Secretary of Education or of the TPB;
- (h) the submission and implementation of a landscape master plan to the satisfaction of the Director of Planning or of the TPB;

- (i) the submission of an implementation programme of the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (j) the integration of the proposed development with the proposed footbridges at the junctions of Sham Mong Road/Yen Chow Street West and Sham Mong Road/Tonkin Street West to the satisfaction of the Director of Highways or of the TPB; and
- (k) the design and implementation of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB.

99. The Committee also agreed to advise the applicant :

- (a) to note that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) to consider reducing the domestic plot ratio of the proposed development;
- (c) to consult the Chief Engineer/Development (2), Water Supplies Department on the protection of the existing water mains which might be affected by the proposed development;
- (d) to consult the Assistant Commissioner for Transport/Urban, Transport Department regarding the design and implementation of the proposed Public Transport Interchange;
- (e) to resolve the funding arrangement with the Assistant Commissioner for Transport/Urban, Transport Department for the relocation of the Nam Cheong Station public transport interchange (PTI), the proposed co-location of Site 6 PTI, including its site modification works, and the temporary PTI (including site modification works) for relocation of Nam

Cheong Station PTI and during the modification period of the co-located Site 6 PTI;

- (f) to make provision at an early stage so that the underground utilities would not conflict with the proposed planting and to allow adequate soil depth above the basement and podium for tree planting and to seek agreement with relevant departments prior to planting;
- (g) to further improve the harsh built environment at the ground level, under-storey planting should be provided as much as possible at the open plaza and along the public streets where streetscape enhancement was proposed; and
- (h) that the approval of the application did not imply that the proposed green features included in the application would be exempted by the Building Authority. The Buildings Department should be approached for the necessary approval.

[The Chairperson thanked Ms. Heidi Y.M. Chan, DPO/TWK, and Mr. Rupert Y.K. Lo, TP/TWK, for their attendance to answer Members' enquiries. They left the meeting at this point.]

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

Kowloon District

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/239 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Unit A8, G/F, Proficient Industrial Centre, Block A,
6 Wang Kwun Road, Kowloon Bay, Kowloon
(MPC Paper No. A/K13/239)

Presentation and Question Sessions

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

- (a) background to the application, highlighting that the application premises was currently used as an eating place;
- (b) proposed shop and services use;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The use under application was considered generally in line with the planning intention of the “OU(Business)” zone and complied with the Town Planning Board Guidelines for Development within “OU(Business)” Zone (TPB PG-No. 22D). The proposed ‘Shop and Services’ use at the application premises was not incompatible with other uses within the same building and would not be expected to induce significant adverse fire safety,

traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. Relevant Government departments including the Director of Fire Services, the Assistant Commissioner for Transport/Urban, Transport Department and the Director of Environmental Protection had no objection to or adverse comments on the application. Moreover, no public or local objection had been received against this planning application.

101. Members had no question on the application.

Deliberation Session

102. The Committee noted that the application was generally in line with the relevant TPB Guidelines.

103. 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 8.5.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

104. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for

a temporary waiver or lease modification;

- (b) to make formal submission of plans to the Buildings Department if alteration and addition works were proposed to be carried out;
- (c) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction;
- (d) to consult Food and Environmental Hygiene Department regarding food licence for operation of food business under Food Business Regulation; and
- (e) to observe road restriction requirements in force when loading/unloading activities were taking place; and
- (f) to resolve any land issues relating to the development with the concerned owner of the application premises.

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

Agenda Item 14

Any Other Business

105. There being no other business, the meeting was closed at 2:00 p.m..