

TOWN PLANNING BOARD

**Minutes of 398th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 19.6.2009**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

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

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

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

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

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

Secretary

Absent with Apologies

Mr. Stanley Y.F. Wong

Vice-chairman

Dr. Ellen Y.Y. Lau

Dr. Winnie S.M. Tang

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. W.S. Lau

Town Planner/Town Planning Board
Ms. Kathy C.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 397th MPC Meeting held on 5.6.2009

[Open Meeting]

1. The Secretary drew Members' attention to paragraph 28(a) of the draft minutes regarding approval condition (a) that "Jessville should be open to the public for at least one day a week". She reported that in deliberating on the application at the previous meeting, Members had suggested that the open day should include Sundays and public holidays to enhance public access to the historic building. However, considering that the visit of students to the historic building would be on school days, such a requirement was not flexible and the approval condition was suitably revised and the requirement was included as an advisory clause in paragraph 29(a). She also said that approval condition (b) on the submission of a visual compatibility assessment on design compatibility between the residential tower blocks and the historic building was to the satisfaction of the Commissioner for Heritage, who was responsible for the co-ordination work of heritage conservation projects, instead of Director of Architectural Services. Members agreed.

2. The draft minutes of the 397th MPC meeting held on 5.6.2009 were confirmed subject to the above amendments.

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

Agenda Item 2

Matters Arising

[Open Meeting]

3. The Secretary reported that there were no matters arising.

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/H5/4

Application for Amendment to the
Approved Wan Chai Outline Zoning Plan No. S/H5/25
from “Residential (Group A)” to “Commercial”,
43-63 Tai Yuen Street and 242-246 Queen’s Road East,
Wan Chai
(MPC Paper No. Y/H5/4)

4. The Secretary reported that the applicant’s representative submitted a letter on 18.6.2009 requesting the Committee to defer consideration of the application for two months in order to allow sufficient time to address the comments raised by various Government departments. The letter had been tabled at the meeting for Members’ reference. The Secretary said that the request complied with the requirements as set out in the Town Planning Board Guidelines No. 33.

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

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H10/5 Application for Amendment to the
Approved Pok Fu Lam Outline Zoning Plan No. S/H10/15
from “Government, Institution or Community”
to “Residential (Group C)”,
The Ebenezer School and Home for the Visually Impaired,
131 Pok Fu Lam Road,
Pok Fu Lam (RBL 136RP)
(MPC Paper No. Y/H10/5)

6. The application was submitted by the Ebenezer School and Home for the Visually Impaired (Ebenezer). The Committee noted that Dr. Daniel B.M. To was the director of the Christian Ministry for the Visually Impaired Persons (CMVIP) on a voluntary basis. The Committee considered that no direct and pecuniary interest was involved and Dr. To was allowed to remain at the meeting.

[Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

Presentation and Question Sessions

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

Ms. Brenda K.Y. Au - District Planning Officer/Hong Kong (DPO/HK)
Ms. Lily Y.M. Yam - Senior Town Planner/Hong Kong (STP/HK)

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

Mr. Ian Brownlee
Ms. Helen Lung

Professor Brian Duggan

Dr. Simon Leung

Mr. Leo Barretto

Mr. Glenn Lau

Mr. Patrick Chung

Mr. Andy Lee

Mr. Chapman Lam

Mr. Charles Lee

Ms. Esther Liu

Ms. Elsa Kwong

Mr. Tony Cheng

Mr. Timothy Lam

9. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited PlanD's representative to brief Members on the background to the application.

10. Ms. Lily Y.M. Yam, STP/HK, said that there was a replacement page for Plan Z-6 of the Paper which had already been sent to Members, and a supplementary paper on detailed comments on the application from the Secretary for Labour and Welfare (S for LW) was tabled at the meeting. With the aid of a Powerpoint presentation, Ms. Yam then presented the application as detailed in the Paper and made the following main points :

- (a) the applicant proposed to rezone the subject site from "Government, Institution or Community" ("G/IC") to "Residential (Group C)" ("R(C)") on the Pok Fu Lam Outline Zoning Plan (OZP). The application site was currently occupied by the Ebenezer School and the Home for the Visually Impaired;
- (b) the areas surrounding the application site were predominately occupied by low to medium-rise and low to medium-density residential developments. Building heights (BHs) of these developments were detailed at Plan Z-6 of the Paper. The BHs of residential developments on the eastern side of Pok Fu Lam Road ranged from 2 to 23 storeys, whereas buildings to the

western side ranged from 3 to 6 storeys. To the further south of the application site was the 25-storey Woodbury Court which was completed before the publication of the first Pok Fu Lam OZP in 1986. An area to the south of the application site was zoned "R(C)6" for residential development restricted to a maximum of 12 storeys over 1 storey of carports and a maximum BH of 137mPD, as well as maximum plot ratio (PR) of 2.1 and maximum site coverage of 17.5%;

- (c) as set out in the Explanatory Statement of the OZP, it was the planning intention to keep developments on the seaward side along this part of Pok Fu Lam Road below the level of the road as far as possible to preserve public view and amenity and the general character of the area;

[Ms. Sylvia S.F. Yau arrived to join the meeting at this point.]

- (d) the applicant intended to redevelop the application site for residential use to provide funding for relocation of the school and the long-term financial security for the care and education of the visually impaired. They planned to provide the existing services and future expansion of their services in the new school located in Kowloon/New Territories. In January 2008, the applicant applied for a relocation site in Ma On Shan by way of a Private Treaty Grant (PTG). However, the site was planned for an indoor recreation centre and the Leisure and Cultural Services Department indicated that the site should continue to be reserved for the purpose. Moreover, planning permission for the new school was required for the part of the site falling within the "Open Space" zone on the Ma On Shan OZP. On the other hand, the applicant proposed to develop a 37-storey tertiary education institution building (Community College) on the application site with a PR of 14.914. A set of building plans for the Community College was approved by the Building Authority on 14.5.2009;
- (e) two previous section 12A applications (No. Y/H10/1 and Y/H10/4) were submitted by the same applicant proposing a PR of 3 but with a maximum BH of 244.8mPD under Y/H10/1 and 224mPD under Y/H10/4. Both

applications were rejected by the Committee on 24.8.2007 and 18.4.2008 respectively, mainly on the grounds of excessive development intensity; not in line with the planning intention; adverse traffic, visual and noise impacts; and no strong justifications to merit the proposed rezoning;

- (f) the applicant proposed to create a new sub-zone (i.e. “R(C)7”) if the Committee wished to ensure greater control over the built environment with two development options which had reduced the development intensity and BH as compared to the previous applications :

Option A maximum PR of 2.1 and maximum BH of 151mPD to facilitate the development of 6 building blocks with 6 storeys above 1 level of podium; and

Option B maximum PR of 2.1 and maximum BH of 191mPD to facilitate the development of 3 building blocks with 14 storeys above 3 levels of podium;

- (g) the applicant’s justifications in supporting the application were summarised in paragraph 2 of the Paper;

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

- (h) the departmental comments were detailed in paragraph 9 of the Paper as well as in the supplementary paper tabled at the meeting. S for LW had no objection to the relocation and redevelopment of the Ebenezer provided that the current services would not be reduced and maintaining the current services upon relocation would not require additional Government subvention. The applicant should have relocation plan to ensure smooth transition and provide assistance to the affected users/families to adapt to the new environment. The Secretary for Education (S for E) did not support the relocation of school to a site in Ma On Shan under a PTG. The District Lands Officer/Sha Tin (DLO/ST) advised that the application of a PTG for the school relocation site in Ma On Shan was at a preliminary stage as availability of the site, policy support from respective bureau and evidence showing their financial strength to pursue the project were yet to

be available. The Assistant Commissioner for Transport/Urban had no objection to the application as the proposed development alone would not have significant impacts on the traffic flow of Pok Fu Lam Road. The Director of Environmental Protection (DEP) did not support the application as the site was subject to traffic noise from Pok Fu Lam Road and hence was not suitable for residential development. There was no mechanism to ensure the implementation of the single aspect building (SAB) design as proposed by the applicant. The Architectural Services Department (ArchSD) advised that Option A was visually more compatible with the existing hillside profile whereas Option B allowed for more open space and amenities. However, Option B should be reviewed to further reducing the overall height of the residential towers, and sufficient gaps should be created between the tower blocks to enhance visual permeability and natural ventilation for both options, particularly for Option A. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD commented that Option A was not incompatible with the visual character of the area in terms of scale and height and permeability of the development should be improved, whereas Option B was not in line with the planning intention and the proposed BH was unacceptable. The Director of Agriculture, Fisheries and Conservation and CTP/UD&L did not prefer Option A as the majority of the existing good quality trees would be removed;

- (i) a total of 19 public comments were received during the statutory publication period. They were made by members of the public, nearby property owners, incorporated owners committees and the Vice Chairman of Southern District West Area Committee. One public comment supported the school relocation to a new site for better design and facilities for the benefit of the visually impaired while the other 18 comments raised objection to / expressed concerns on the application. The grounds of objection/concern mainly included the need to retain the site for GIC uses; traffic noise and air pollution impacts on future residential development; generation of additional traffic; existing BH to be maintained; set back from Pok Fu Lam Road; adverse visual impact to surrounding

developments; undesirable precedent effect; and absence of control on redevelopment of the site due to unrestricted lease;

- (j) the District Officer (Southern) advised that the application was discussed at the District Development and Environment Committee meeting in May 2009. While some members supported the services provided by the Ebenezer School and agreed that there was a need for further development of the services, unanimous view to support the development could not be reached as there were many issues in the proposal requiring further clarification; and

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

- (k) the PlanD's view – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The justifications put forward by the applicant were similar to those advanced in the previous applications and did not warrant the Committee to deviate from its previous position. As compared with the previously rejected applications, the development intensity had been reduced from PR 3 to 2.1, and lower BHs were proposed. Although Option A had a height similar to that of the existing school, building gaps should be provided to improve visual permeability. Also, the larger building footprint would result in the removal of most existing trees of good quality. As for Option B, although it would provide wider building gaps and preserve more trees, it was not in line with the planning intention for the area, as mentioned in paragraph (c) above, and would generate adverse visual impact on the surrounding areas. The site was subject to traffic noise impact from Pok Fu Lam Road and was not suitable for residential development. Although a set of building plans for a 37-storey Community College on the site had been approved by the Building Authority, it should have no bearing on the consideration of this application. Public comments received had grave concerns on the application about the adverse traffic, visual and environmental impacts to be generated by the proposed development, and they supported retaining the “G/IC” zoning for uses that served the community.

11. The Chairperson then invited the applicant's representatives to elaborate on the application. Mr. Ian Brownlee introduced the consultants' representatives and the members of the Board of Directors of the Ebenezer School and Home for the Visually Impaired who attended the meeting. The applicant's additional information was tabled at the meeting for Members' reference. With the aid of a Powerpoint presentation, Mr. Brownlee made the following main points :

- (a) it was the third application for the proposed rezoning of the subject site from "G/IC" to residential use. In the current application, they had tried to address the Committee's concerns raised in previous meetings by reducing the proposed PR from 3 to 2.1. Two options with different BHs and layout were presented in the submission for the Committee's consideration;
- (b) the application, submitted under section 12A of the Town Planning Ordinance, did not intend to seek for the approval of a specific scheme but for a zoning change. The Committee should only decide whether there were sufficient merits in the application for amendment to the OZP, either in full or in part;
- (c) as recorded in the past minutes of meetings for the consideration of the applicant's previous applications (No. Y/H10/1 and Y/H10/4), the applicant noted that Members were concerned about the development intensity at a PR of 3 and the excessive height of the building. The Committee had suggested that the proposed development should be compatible with the adjacent "R(C)6" zone which was restricted to a maximum PR of 2.1 and maximum BH of 12 storeys and 137mPD. The current scheme was therefore revised with lower PR and BH so that it would be compatible with the "R(C)6" zone. Technical assessments had shown that the site was suitable for the proposed residential development and it would not have significant traffic impact on the area;
- (d) the application was only concerned about the site (RBL 136RP) which was

currently occupied by the Ebenezer School and Home for the Visually Impaired, the vacant Old Age Home and an one-storey ancillary structure. The applicant was prepared to surrender the adjacent lot (RBL 1015), which was zoned “G/IC” and currently occupied by the Ebenezer New Hope School, to the Government if the rezoning application was approved; and

- (e) in considering the previous applications, the Committee had expressed understanding and appreciation for the work that the applicant had done for the visually impaired. The responsibility of the Committee was ‘to promote the health, safety, convenience and general welfare of the community’, which should not be confined to physical planning aspects such as PR, BH and traffic generation.

12. With the aid of a Powerpoint presentation, Professor Brian Duggan made the following points :

- (a) he had strong views on PlanD’s statement in paragraph 11.2 of the Paper that there were no strong justifications for rezoning the application site to “R(C)”. The main purpose of the rezoning application was not to generate profits to developers by providing middle-class housing on the site, but was exclusively to improve the educational and welfare for the blind and particularly the multi-handicapped;
- (b) the school was not built on flat land, with the New Hope School located on the uphill side. The New Hope School aimed to provide education for the blind who were also mentally and/or physically handicapped. Since the consideration of the previous application in 2008, the number of students using wheelchairs had increased from about 20 to 30. It was absolutely dangerous for the helpers who needed to push the wheelchairs from lower level of the site up to the New Hope School. The only lift within the school could only accommodate one to two wheelchairs at a time. Moreover, the provision of fire and emergency escape for wheelchair users was totally inadequate. As these students were mentally and/or physically

handicapped as well as young in age, they would be in great danger when there was an outbreak of fire;

- (c) the school buildings were insufficient in providing facilities and services for the students as they were not built with wheelchair users in mind. Referring to some photos taken of the school, he said that the corridors were narrow for the passage and parking of wheelchairs; the classrooms were crowded as more space was required for accommodating the wheelchairs and helpers; and there was inadequate space in washrooms as well as for special training requirements;
- (d) 90% of the existing students lived in Kowloon and the New Territories. The current location of the school was not suitable as it was difficult for the students to get there by public transport;
- (e) in considering the previous application, Members had pointed out that the applicant should take initiatives to explore different sources of income, instead of solely relying on the sale proceeds of the application site. He drew Members' attention that the recurrent cost of running the school was greater than the total income available to the school. The construction cost for a new school would be about \$250 million and it was well beyond the scope of donations to the school. Moreover, there was no financial assistance from the Government for the relocation of school;
- (f) if the rezoning application was approved, the necessary funding for the construction of a new school with improved facilities and services to the blind community would be provided by the developer without incurring any cost to the Government. Members were assured that the Ebenezer School would only be evacuated from the application site when the new school was completed and ready for occupation, hence it would not cause any disruption to the educational services provided to the visually impaired children. The land currently occupied by the New Hope School would be handed over to the Government for residential, open space or other GIC uses. Under the proposed "R(C)7" zoning, the Government still had

control over the redevelopment of the site; and

- (g) the proposed development would enhance the visual amenity along this part of Pok Fu Lam Road which was now blocked by concrete wall at the edge of the application site. The proposal would also help transform blind education in Hong Kong and the Mainland as well as the life of the blind.

13. Mr. Ian Brownlee went on to make the following points about the proposed residential development :

- (a) both Options A and B were lower in development intensity and BH when compared with the previously rejected schemes and were an improvement. Option A maintained the existing linear building form with maximum BH not exceeding the existing school building, whereas Option B would create a more permeable development and minimise potential wall effect when viewed from the west as well as at street level from Pok Fu Lam Road;
- (b) because of the uncertainty of changing the site to a residential zoning on the OZP, the applicant had proceeded to obtain building plans approval for a Community College on the site. The proposed Community College, at a PR of 15, 37 storeys high and up to 275mPD (which was 125m taller than the proposal in Option A), was in accordance with the lease and the current “G/IC” zoning of the site. It was therefore a relevant matter that the Committee should consider, particularly the relative development intensity, visual impact and traffic generation. The Community College would generate about 6 times the amount of traffic that would be generated by the proposed residential development, but additional on-site measures had been included to ensure that the traffic impact was acceptable. However, the applicant did not wish to proceed with the Community College option as the residential scheme proposed in Option A was considered to be a more suitable form of development for the area and able to meet all their relocation and endowment fund requirements;
- (c) the search for a relocation site of the Ebenezer School commenced in 2007.

Application was made to the DLO/ST for allocation of the site, which was however put on hold subsequent to the rejection of the first rezoning application (No. Y/H10/1) by the Committee in August 2007. Following DLO/ST's suggestion, a request for policy support had been made with the Labour and Welfare Bureau. S for LW, in his letter dated 9.4.2009 to the applicant, advised that the redevelopment proposal for the Ebenezer School and Home for the Visually Impaired was being considered. A copy of S for LW's letter was tabled at the meeting for Members' reference. Without a positive decision on the proposed rezoning of the site, it was not possible for the applicant to actively pursue the identification of a suitable new site;

- (d) it was noted that S for E, S for LW and the Director of Social Welfare (DSW) had no objection to the rezoning, and their comments were concerned about the convenient location of the school and the need for new and additional services to people with visual impairment. The applicant urged that strong weight should be given to these comments in terms of policy and operational needs, as they were fully aware of the problems and difficulties faced in providing for the health, welfare and convenience of these people;
- (e) to address DEP's concerns on the lack of suitable enforcement mechanism to ensure that the SAB design would be implemented, the applicant proposed to include a requirement in the Notes for the "R(C)7" zone that any residential development in this sub-zone had to include traffic noise mitigation measures to comply with the relevant requirements of the Hong Kong Planning Standards and Guidelines;
- (f) the current scheme had reduced the development intensity from PR 3 to 2.1, which was similar to the existing PR of 1.95 and compatible with the adjacent "R(C)6" zone. It was relevant to note that the site could be redeveloped to a PR of 15 for the approved Community College and reducing the PR to 2.1 was a significant reduction;

- (g) the existing Ebenezer School buildings were above the level of Pok Fu Lam Road by about 3 storeys, which implied that there was no public view to be preserved along this section of the Road. As Option A had a similar height of the existing buildings, it was considered to be ‘below the level of Pok Fu Lam Road as far as possible’ and was in line with the planning intention in paragraph 8.3 of the Paper. Moreover, the proposed development would be set back from the road frontage and open up the views and improve the streetscape along the Road. For the comments of PlanD and ArchSD regarding the need to improve the permeability of the buildings, this could be addressed at the detailed design stage; and
- (h) to conclude, the justifications for the rezoning application were based on the fundamental need to provide new, modern and safe facilities for the visually impaired and the need of a new site for the Ebenezer School in a more convenient location. The proposed development intensity and BH, following the adjacent “R(C)6” zoning and with a 6-storey height limit rather than 12-storey, should be acceptable to the Committee. When the New Hope School was vacated, the site concerned, which was not part of this application, would be handed over to the Government and made available for other suitable uses. Members could accept the rezoning proposal in whole or in part.

14. A Member considered that Option A of the proposed development with lower development intensities had addressed the Committee’s concerns on the previous application. This Member agreed with CTP/UD&L, PlanD’s comments that Option A was not incompatible with the visual character of the area in terms of scale and height, and suggested that the permeability of the development could be improved with slightly higher BH for some blocks. In reply to the suggestion, Mr. Glenn Lau said that the proposed BH was similar to the existing one which was about 150mPD. It was possible to improve the permeability of the proposed development in Option A if the height of the buildings could be increased. This could be addressed at detailed design stage and air ventilation assessment would be carried out to help revise the layout design.

15. Another Member noted that S for E did not support a PTG for the school

relocation and asked whether there were other suitable sites for the purpose. This Member also noted the comments of DSW that the Ebenezer School should obtain the agreement of all affected services users/families for the relocation and redevelopment proposal, and asked whether the applicant had consulted the concerned parties.

16. Mr. Ian Brownlee said that S for E was only concerned about the proposed granting of the Ma On Shan site by way of a PTG. There were other suitable sites on the applicant's list and some of them were privately owned. Dr. Simon Leung said that, since the drawing up of the relocation plan in 2005/06, the services users/ families were well informed of the proposal. They had expressed full support to the relocation and redevelopment plan as it would enable the provision of better services and welfare to students and the elderly with visual impairment. Past students of the Ebenezer School were also in support of the proposal. Dr. Leung informed that the Ebenezer School was the only school in the whole territory providing educational and residential services to the blind community. They also operated a special child care centre with residential services for moderately or severely visually impaired children aged from 2 to 6. Their parents would like to visit the young children more frequently but had to travel a long distance from Kowloon/New Territories to Pok Fu Lam. Therefore they welcomed the move of the school to the Ma On Shan site with better accessibility. He further said that when the first rezoning application was submitted to the Committee, the applicant had collected some 100 supporting letters from the staff of the Ebenezer, parents and students. If considered necessary, they would collect the views/comments from the stakeholders again for the Committee's consideration. Professor Brian Duggan noted the concern of District Council members about relocation of the Ebenezer out of Pok Fu Lam which would affect the provision of their services to people living on Hong Kong Island. As a future plan, they might provide satellite services to meet the needs of the blind community who lived in places far away from the new school.

[Professor Bernard V.W.F. Lim left the meeting at this point.]

17. In response to a Member's query, Mr. Ian Brownlee said that the New Hope School site was granted under PTG and had separate land title from the application site. It would be handed over to the Government for other uses. Regarding the question on the funding of the Ebenezer, Dr. Simon Leung informed that the two schools, i.e. the Ebenezer School and the New Hope School, as well as the child care centre and the care and attention

home for the elderly blind, were subsidised by the Government. They also organised an Early Intervention Programme for Visually Impaired Children which was financially supported by the Hong Kong Jockey Club Charities Trust. Moreover, continuous services were provided to the alumni including assistance in career, social and family problems. The recurrent expenditures of providing the above services mainly came from Government subsidies, and money from designated donations (such as the Hong Kong Jockey Club and the Community Chest) were used to support those services/programmes not subsidised by Government. Another source of funding was from general donations (about \$1 million a year), but it was not a reliable income source and the amount of donations was on a decreasing trend.

18. A Member was concerned about how to ensure that a relocation site was available for the new school. Professor Brian Duggan said that the Ebenezer School would stay in service until a new school at a relocation site was in operation. Although the Ma On Shan site, being easily accessible by railway, was a good choice, other suitable sites could be identified if the Ma On Shan site was not available. This was confirmed by Mr. Leo Barretto. In reply to this Member's follow-up question on GIC sites in Southern District, Ms. Brenda K.Y. Au said that there was no shortage of GIC land in the district.

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

19. A Member enquired whether there were similar services provided to the adults with visual impairment. Dr. Simon Leung replied that the Hong Kong Society for the Blind, which was a government subvented voluntary agency, provided services to adults on aspects such as rehabilitation and career training, education support and employment consultation. The Hong Kong Blind Union was another organisation providing services to the visually impaired adults. Regarding this Member's question on the existing concrete wall along Pok Fu Lam Road, Mr. Glenn Lau said that the wall was under the purview of Highways Department (HyD). The developer would liaise with HyD on the demolition or beautification of the wall to improve the visual amenity of the Road as it would also enhance the value of the residential development.

20. In response to the Chairperson's enquiry, Ms. Brenda K.Y. Au clarified that the view on no strong justifications for rezoning the application site under PlanD's assessment in

paragraph 11.2 of the Paper referred to planning considerations, which was different to the applicant's justifications which mainly focused on the provision of improved services for the blind children. Ms. Au also said that, in the presentation made by the applicant's representative, CTP/UD&L, PlanD's comments on Option A were not fully reflected. It should be noted that Option A was considered undesirable from landscape planning point of view as most existing trees of good quality would be removed due to a large site coverage of 40%. Moreover, building gaps should be incorporated in the layout design and the proposed southernmost block should be set back from the Road. In addition, DLO/HKW&S advised that Option A could not fulfil the requirement under the lease to form paths of 12 feet in width along the northern, western and southern boundaries of the lot. Based on the above, the applicant's claim that the proposed development with a PR of 2.1 and a BH of 151mPD in Option A was compatible with the surrounding developments was considered not fully justified. She drew Members' attention that if the site was approved to be rezoned for residential use, it was doubtful whether there was sufficient planning control to ensure that the merits in the redevelopment project, as proposed by the applicant, could be realised.

21. Mr. Ian Brownlee commented that the subject application was for meeting educational and welfare needs of the visually impaired and such an objective should be given significant weight by the Committee in the consideration of the application. For the concerns on the lack of building gaps in Option A, it could be readily addressed if the Committee agreed to adopt a little higher building height for some of the proposed blocks.

22. A Member asked, apart from the demolition of the existing concrete wall along Pok Fu Lam Road, whether there were other planning gains if the application was approved. Mr. Ian Brownlee said that the planning gains were not necessarily physical in nature and considered that the provision of safe and healthy services and facilities to the visually impaired children was the most important planning gain. There was a need to relocate the Ebenezer to a new site as on-site redevelopment would interrupt the current services and new facilities (such as fire escape) could be provided to fit the modern needs at the new site. Other planning gains included the handing over of the New Hope School site to the Government for other more appropriate uses, and the improvement to the visual amenity of the area.

23. A Member said that the PR of Option A might need to be slightly reduced in

order to allow building gaps for the proposed development. Mr. Glenn Lau said that Option A had been designed to adopt the same BH as the existing school. If the height of some building blocks were allowed to be slightly increased, it was possible to incorporate building gaps to enhance public view from the road. Regarding the proposed PR of 2.1, Mr. Ian Brownlee said that it was adopted to follow the Committee's views raised in considering the previous application. He reiterated that the Committee could approve the current application in whole or in part, and the Committee's views on the appropriate development parameters for the site were welcomed. In this regard, the Chairperson clarified that the PR of 2.1 for the site was not the agreed parameter reached by the Committee in the previous meeting. It was only the views expressed by some Members.

24. A Member suggested to set back the southern portion of the proposed development by 5m so that people could walk around the site and enjoy the sea view. Ms. Brenda K.Y. Au said that the proposed SC of 40% would need to be reduced to accommodate the proposed set back and public footpath to the west of the site and the BH would need to be increased if the proposed PR of 2.1 remained unchanged.

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

[The meeting was adjourned for a short break of 5 minutes.]

Deliberation Session

26. Members had a detailed discussion on the application and Members' views were summarised as follows :

- (a) Members were sympathetic with the need of the Ebenezer School for a new school taking into account the deficiencies in the existing school buildings and the applicant's vision to provide improved educational and welfare

services for the visually impaired;

- (b) Members generally had no objection to low-rise, low-density residential development on the site since there was no shortage of “G/IC” sites in the Southern District and the residential use was not incompatible with the surrounding areas. The details of the proposal could be further considered on the basis that the proposed development intensity and BH would not exceed those of the existing school buildings;
- (c) noting that the site was held under unrestricted lease and lease modification would not be required for the proposed residential development, some Members were concerned that, once the site was rezoned for residential use, there was no mechanism to ensure that the services currently provided to the visually impaired would not be interrupted. Although the applicant had ensured that they would only evacuate from the existing site to the new school when the latter was ready for occupation and operation, there was no mechanism under the Town Planning Ordinance to guarantee this. This point was particularly pertinent as the Ebenezer School was the only school in the territory providing services to the visually impaired;
- (d) there was concern from some Members on whether approval of the application would set an undesirable precedent for non-governmental organizations to replace GIC facilities by residential developments. Members generally considered that each application had to be considered based on individual merits including the planning circumstances and relevant Government policy;
- (e) a few Members considered that the application should not be supported if there was no mechanism to guarantee that the application site would only be redeveloped after Ebenezer School was relocated to the new school. A Member suggested the Development Opportunities Office under the Development Bureau could assist in sorting out the enforcement mechanism for this project; and

- (f) Members considered that it would be prudent to defer a decision on the application pending PlanD's exploration of possible enforcement mechanism with concerned Government bureaux/departments. Legal advice would need to be sought in working out the mechanism.

27. After further deliberation, the Committee decided to defer a decision on the application pending the Planning Department to explore the possible mechanism with concerned Government bureaux/departments to ensure that a continuous provision of school and social welfare facilities for the visually impaired and adequate planning control on the redevelopment proposal could be maintained.

[Dr. Daniel B.M. To, Mr. Leslie H.C. Chen and Ms. Starry W.K. Lee left the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/H19/39-1
Application for Class B Amendment to Permission –
Change in Soft/Hard Landscape Design of the Agreed Landscaping Proposal,
Stanley Bay Reclamation Area, Stanley
(MPC Paper No. A/H19/39-1A)

28. Mr. Maurice W.M. Lee declared an interest in this item as he lived in Stanley. Since his residence was not in the vicinity of the application site, Members considered that his interest was remote and he could remain at the meeting for the item.

Presentation and Question Sessions

29. Mr. David C.M. Lam, STP/HK, and the following representatives of Architectural Services Department (ArchSD) and Food and Environmental Hygiene Department (FEHD) were invited to the meeting at this point :

- Mr. Mui Tung King - Senior Landscape Architect, ArchSD
- Mr. Yip Ming Bor - District Environmental Hygiene Superintendent
(Southern), FEHD
- Mr. Shum Nam Lung - Staff Officer (Planning), FEHD

30. 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 – Application No. A/H19/39 for the redevelopment of Stanley Temporary Market, refuse collection point (RCP) and public toilet for ‘market’ use, as well as extension of time for the temporary retention of RCP at the site, was approved with conditions on 25.4.2003. One of the approval conditions was “the submission of a revised design and layout together with a detailed landscaping proposal to the satisfaction of the Town Planning Board (the Board)”. On 11.11.2005, the Committee agreed to the design and layout and the detailed landscaping proposal submitted by the applicant for discharging the approval condition. In the approved landscaping proposal, a total of 107 new trees would be planted within the application site, with 39 trees along the Emergency Vehicular Access (EVA) and 68 trees at the piazza and promenade area;
- (b) the proposed change in soft/hard landscape design of the agreed landscaping proposal – involved the deletion of 39 trees along the EVA and addition of 28 trees in other areas within the site (i.e. the total number of new trees were changed from 107 to 96), as well as changes to the mix of tree species;
- (c) the Committee on 2.2.2007 considered that the proposed deletion of new trees along the EVA to address local objection without recommending alternative landscaping proposals was unacceptable, and decided to defer a decision on the application so that the applicant could prepare alternative landscaping proposals and further liaise with local residents and Southern District Council (SDC) Members with a view to coming up with a proposal

which would be acceptable to parties concerned. Subsequently, the applicant prepared three alternative landscaping proposals (involved the planting of 29, 7 or no new trees respectively) and consulted the local community and SDC in May 2007. Views collected were diverse with objections raised by the residents living next to the EVA. In July 2008, the applicant proposed a new option with 23 new trees which included slow-growing deciduous *Terminalia mantalyi* (細葉欖仁), as well as creepers at the northern part of the EVA so that the locals might still use the footpath intermittently, while shrub hedging would be provided along the southern part of EVA. However, there were still local objections to the revised proposal;

- (d) on 22.4.2009 and 5.6.2009, the applicant submitted further information on the revised landscaping proposal. When compared to the approved landscaping proposal, the revised proposal mainly involved deletion of 16 trees proposed along the EVA (i.e. from 39 to 23), a reduction in the number of trees from 96 to 80 in the piazza and promenade area, and changes in the mix of tree species. The total number of trees to be planted in the area would be reduced from 107 to 103. In order to alleviate the local concerns, the applicant had replaced *Terminalia mantalyi* (細葉欖仁) with short tree species *Cassia surattensis* (黃槐) with narrow canopy in the revised landscaping proposal;
- (e) departmental comments – the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD pointed out that there was a general public aspiration for greening and the creation of a quality waterfront setting. The existing “footpath” along the EVA was a narrow paved verge and not a proper footpath, which should be transformed into a planter with trees and shrubs for the provision of more greenery. The Director of Leisure and Cultural Services noted that ArchSD had taken into account local site factors in proposing the tree species, and accepted the revised proposal to replant a maximum of 65 new trees at the promenade area;

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

- (f) the District Officer (Southern) advised that, since July 2007, the Home Affairs Department had received three letters from the locals (two from a SDC Member and one from the residents of Stanley Main Street) expressing strong objection to tree planting along the EVA. Signatures of the objectors are enclosed with the letters. The objection reasons were mainly increasing the risk of spread of bird flu, dengue fever and Japanese encephalitis; and posing danger to pedestrian safety when loading and unloading activities were taken place at the EVA;

- (g) since the deferment of the consideration of the application, the Secretariat of the Board received two public comments supporting tree planting in February 2007 and four objection letters enclosing with signatures between July and September 2007 against any new tree at the site. The objection reasons were similar to those stated in paragraph (f) above; and

- (h) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 4 of the Paper. The applicant had demonstrated efforts to respond to the Committee's views by developing alternative landscaping proposals and carrying out local consultations with a view to balance the interests of different sectors of the community. While more greening in this popular tourist spot would be desirable, the residents living next to the EVA would be most affected by the landscaping proposal and they had grave concerns on more extensive landscaping. The currently proposed 23 new trees along the EVA represented a moderate reduction from 39 trees in the approved landscaping proposal. Notwithstanding the persistent local objections to tree planting along the EVA, the applicant had tried to minimise the reduction in the number of trees to be planted and adopt other measures such as changing the tree species to help alleviate the local concerns. The changes in the number and species of trees in the piazza and promenade area had taken into account the environmental conditions and the changing local aspiration for more shady trees. The revised proposal would allow more space for healthy growing of the trees and the tree species chosen

would suit the local environment. Moreover, the currently proposed 80 number of trees at this part of the site represented an increase from 68 trees in the approved landscaping proposal.

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

31. In response to a Member's enquiry, Mr. David C.M. Lam said that those 6-storey buildings located to the northeast of the application site were zoned "Residential (Group A) 2" on the OZP and were under private ownership.

Deliberation Session

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

- (a) implementation of the accepted design and layout as well as the detailed landscaping proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) submission and implementation of a management plan to regulate the time for loading/unloading activities to the satisfaction of the Commissioner for Transport or of the TPB.

33. The Committee also agreed to advise the applicant to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.

[The Chairperson thanked Mr. David C.M. Lam, STP/HK, and the representatives of ArchSD and FEHD for their attendance to answer Members' enquiries. They all left the meeting at this point.]

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/394 Proposed Hotel
 in “Residential (Group A)” zone,
 9-11 Wing Hing Street, North Point
 (MPC Paper No. A/H8/394)

Presentation and Question Sessions

34. Mr. Tom C.K Yip, STP/HK, said that the Chief Officer (Licensing Authority) (CO(LA)), Home Affairs Department’s memo dated 18.6.2009 and the replacement page 5 to revise CO(LA)’s comments stated in paragraph 8.1.2 of the Paper were tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – the Commissioner for Tourism supported the application as the proposal would increase the number of new hotel rooms, broaden the range of accommodations for visitors to Hong Kong, and support rapid development of the convention and exhibition, tourism and hotel industries;
- (d) a total of three public comments were received during the statutory publication periods of the application and the further information. One of the commenters objected to the application without providing any reason, while the other one raised objection on the grounds that as the section of Wing Hing Street in front of the site was short and with busy traffic, the parking of coaches/private cars for drop-off and pick-up of hotel users

would affect the traffic condition and obstruct the passage of emergency vehicles. The remaining commenter considered that the proposed hotel should not have curtain wall to avoid glaring effect; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed conversion of the existing residential building for hotel use would not cause any adverse impact on the surrounding areas, and hotel use was not incompatible with the surrounding developments which were predominantly residential buildings with commercial uses on lower floors. The proposed hotel with a plot ratio of 8.922 and a building height of 55.785mPD was considered not incompatible with the surrounding residential developments and did not exceed the development restrictions stipulated for the subject “Residential (Group A)” zone on the OZP. The proposed hotel development was considered acceptable in visual, environmental, traffic and infrastructural terms. Regarding the public concern on traffic impact, the Transport Department considered that the traffic trip generated by the proposed hotel was similar to the existing residential development and the additional traffic impact induced was minimal. The Commissioner of Police pointed out that iron railing in front of the site would help prevent illegal parking. For the public concern on glaring effect of curtain wall, it would be addressed by including an advisory clause to request the applicant to pay attention to the design of the external walls of the building.

35. Members had no question on the application.

Deliberation Session

36. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.6.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (c) in relation to (b) above, the implementation of the sewerage upgrading works identified in the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) the approval of the application did not imply that the non-domestic plot ratio for the proposed hotel development and the proposed gross floor area exemption for back-of-house facilities would be granted by the Building Authority (BA). The applicant should approach the Buildings Department direct to obtain the necessary approval. In addition, if hotel concession, in particular the non-domestic plot ratio of the development, was not granted by the BA and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (b) note the comments of the District Lands Officer/Hong Kong East, Lands Department in paragraph 8.1.1 of the Paper regarding licence application under the lease for the proposed uses;
- (c) note the comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department in paragraph 8.1.6 (d) of the Paper regarding the prescribed windows requirements under the Buildings Ordinance;
- (d) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraph 8.1.9(c) of the Paper regarding the enhancement of the green setting of the proposed development;

- (e) note the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department in paragraph 8.1.8 of the Paper regarding the design of the external walls of the building to avoid possible glare from the external wall glazing; and
- (f) to prepare and submit the Sewerage Impact Assessment as early as possible in view of the time required for implementation of any required sewerage works.

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/H15/234 Proposed Hotel
in “Other Specified Uses” annotated “Business(1)” zone,
41 Heung Yip Road,
Wong Chuk Hang (Aberdeen Inland Lot 354)
(MPC Paper No. A/H15/234A)

38. Members noted that the application was submitted by a subsidiary of Cheung Kong (Holdings) Ltd. (CKH). Mr. Felix W. Fong, having current business dealings with CKH, had declared an interest in this item. As the applicant requested on 10.6.2009 for a deferment of the consideration of the application for two months in order to allow time to resolve the further departmental comments on the application, Members agreed that Mr. Fong could be allowed to remain at the meeting.

39. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the

applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 8

Section 16 Application

[Open Meeting]

A/H21/128 Proposed Minor Relaxation of the Building Height Restriction
for a Proposed Commercial/Office Development
in “Commercial (2)” zone,
863-865 King’s Road, Quarry Bay
(ILs 7737 and 8687)
(MPC Paper No. A/H21/128F)

40. The Committee noted that the applicant’s representative requested on 27.5.2009 for a deferment of the consideration of the application for two months in order to allow more time to carry out detailed design studies to assess the amendments to improve the development scheme. The applicant indicated that as building construction had already commenced on the site with the foundation already in place, it made the process of developing a balanced scheme more detail-oriented and time-consuming.

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

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

Tsuen Wan and West Kowloon District

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

Agenda Item 9

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/K3/509

Proposed Hotel

in “Residential (Group A)” zone,

179 Prince Edward Road West, Mong Kok

(MPC Paper No. A/K3/509A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed hotel;
- (c) the Committee on 23.1.2009 decided to defer making a decision on the application pending further advice from the Antiquities and Monuments Office (AMO) of Leisure and Cultural Services Department on whether the subject building should be preserved;
- (d) departmental comments – the AMO and the Commissioner for Heritage (C for Heritage) advised that the subject building was a verandah shophouse constructed in 1937 for commercial-cum-residential use. Due to redevelopment in its vicinity over the years, it was a rare representative of 1930s Art Deco design and was part of the historical urban fabric of Mong Kok. According to the assessment results of 1,444 historic buildings, the

subject building was proposed to be a Grade III Historic Building. The Antiquities Advisory Board (AAB) had invited the public to give comments on the proposed grading by end of July 2009. It was anticipated that the AAB would confirm the proposed grading later this year, which would form the basis for implementation of various heritage conservation measures. In order to encourage and facilitate private owners to preserve their historic buildings, the Financial Assistance for Maintenance Scheme to private owners had been extended from monuments only to also covered graded historic buildings. The ceiling of grant for each successful application had been increased to HK\$1 million, and buildings with higher heritage value would be accorded higher priority for funding allocation. The applicant was advised to explore the possibility of “preservation-cum-development” options to incorporate the subject building in the future development instead of a total demolition; and

- (e) the Planning Department (PlanD)’s views were set out in paragraph 3 of the Paper. As public views on the proposed grading of the subject building were being solicited and AAB would take into account public inputs before making a final decision on the grading of the subject building, the Committee might defer making a decision on the application pending AAB’s final decision later this year. Alternatively, if the Committee decided to make a decision on the application, PlanD had no objection to the application having taken account of AMO/C for Heritage’s views above, private ownership of the application site and the assessment made in paragraph 10 of the previous MPC Paper No. A/K3/509, mainly in that the proposed hotel use at the site as well as its scale (plot ratio of 9) and building height (65.7mPD) were not incompatible with the surrounding commercial/residential developments, and the proposed development would unlikely generate adverse environmental, traffic and drainage impacts on the surrounding areas. To address AMO and C for Heritage’s concerns on the preservation of the subject building, an advisory clause in paragraph 3.3(f) of the Paper would be included.

Deliberation Session

43. Members noted that while the subject building was currently proposed to be a Grade III Historic Building, the grading might be changed (either upgraded or downgraded) after public consultation and further assessment by the AAB. In order not to pre-empt the results of the public consultation and the decision of AAB, it would be prudent to defer the consideration of the application until the public consultation exercise had been completed and AAB's final decision on the grading of the subject building was available. However, Members generally agreed that it was not fair to the applicant if a decision on the application would only be made by the end of this year. The Chairperson suggested to request the AAB to accord a higher priority in assessing the subject building. Members agreed.

44. After further deliberation, the Committee decided to defer a decision on the application pending the decision of the Antiquities Advisory Board (AAB) on the final grading of the subject building after completing the public consultation exercise. The Committee agreed that the AAB should be requested to accord a higher priority in deciding on the final grading of the subject building. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of AAB's decision.

Agenda Item 10

Section 16 Application

[Open Meeting]

A/K3/516 Proposed Petrol Filling Station,
Permitted 'Shop and Services (Retail Shop)' and Permitted 'Office'
in "Other Specified Uses" annotated "Business" zone,
11-15 Kok Cheung Street, Mong Kok
(KIL 9706 & Extension)
(MPC Paper No. A/K3/516)

45. The Committee noted that the applicant's representative requested on 1.6.2009 for a deferment of the consideration of the application for two months in order to allow more

time to address the comments raised by various Government departments.

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

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

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K16/33 Proposed Eating Place
in "Comprehensive Development Area" zone,
G/F and 5/F, Kowloon Motor Bus Headquarters Building,
9 Po Lun Street, Lai Chi Kok
(NKML 3 RP)
(MPC Paper No. A/K16/33)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed eating place;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) a total of 12 public comments were received during the statutory publication period, including four objections from the Incorporated Owners of Mei Foo Sun Chuen Stage IV on the grounds of environmental hygiene and air/noise pollution; seven supportive comments; and one comment from a District Councillor without indicating support or objection; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed use was not incompatible with the subject “Comprehensive Development Area” site which had been comprehensively developed for residential and commercial uses. The proposed conversion did not involve any change in the approved total domestic and non-domestic gross floor areas of the comprehensive residential and commercial development. It would unlikely generate adverse traffic and environmental impacts on the surrounding areas. Regarding the public concerns on environmental hygiene and air/noise pollution, Government departments consulted had no objection to/adverse comments on the application.

48. Members had no question on the application.

Deliberation Session

49. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.6.2013, 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)

and development schedule incorporating the proposed conversion of eating place at G/F and 5/F of the Kowloon Motor Bus Headquarters building to the satisfaction of the Director of Planning or of the TPB; and

- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) 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 a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) ensure that the proposed change in use was in compliance with the Buildings Ordinance, in particular, the provision of adequate Means of Escape in accordance with Building (Planning) Regulation 41(1) and Code of Practice for the Provision of Means of Escape in Case of Fire 1996; and
- (c) to obtain appropriate licence from the Director of Food and Environmental Hygiene prior to the commencement of food business and all food premises should take necessary measures to prevent sanitary nuisance to the nearby residents.

Agenda Item 12

Section 16 Application

[Open Meeting]

A/KC/336 Proposed Hotel
in “Other Specified Uses” annotated “Business” zone,
Topsy Tower,
659 Castle Peak Road, Kwai Chung (KCTL 193)
(MPC Paper No. A/KC/336D)

51. The Committee noted that the applicant’s representative requested on 5.6.2009 for a further deferment of the consideration of the application for 3 weeks until the next meeting on 10.7.2009 in order to allow time for obtaining positive reply from the Coordinating Committee on Land-use Planning and Control relating to Potentially Hazardous Installations.

52. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration in the next meeting to be held on 10.7.2009. The Committee also agreed to advise the applicant that 3 weeks were allowed for preparation of the submission of further information, and as a total of 8 months had already been allowed, no further deferment would be granted unless under very special circumstances.

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

[Mr. Y.S. Lee, STP/TWK, was invited to the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/342 Proposed Shop and Services
 in “Industrial” zone,
 Portion of Workshop Unit A (to be renamed as Unit A1)
 on G/F, Yoo Hoo Tower,
 38-42 Kwai Fung Crescent, Kwai Chung
 (MPC Paper No. A/KC/342)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – the District Lands Officer/Tsuen Wan and Kwai Tsing advised that a temporary waiver would be required for the proposed shop and services;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Kwai Tsing); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed shop and services use complied with the Town Planning Board Guidelines No. 25D in terms of fire safety, land use, traffic and environmental impacts. With an area of 50m², the application premises had not exceeded the maximum permissible limit of 460m² since there were

no other approved planning application for shop and services use on the ground floor of the subject building. The proposed use was considered not incompatible with the industrial and industrial related uses in the subject building as well as the surrounding areas. In order not to jeopardize the long-term planning intention of industrial use for the application premises, the application was recommended to be approved on a temporary basis for a period of three years.

54. Members had no question on the application.

Deliberation Session

55. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.6.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

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

- (a) to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department for a temporary wavier to permit the applied use at the application premises; and
- (b) to consult the Chief Building Surveyor/New Territories West, Buildings Department on the submission of building plans in respect of separation of the application premises from the remaining portion of the subject industrial building by proper fire resisting construction and implementation

of the non-exempted building work.

Agenda Item 14

Section 16 Application

[Open Meeting]

A/TY/106 Temporary Asphalt Plant
for a Period of 3 Years
in “Industrial” zone,
Tsing Yi Town Lot 108 RP (Part), Tsing Yi
(MPC Paper No. A/TY/106)

57. The application was submitted by Hong Kong United Dockyards Ltd., which was a subsidiary of Hutchison and Swire Joint Venture. Mr. Felix W. Fong and Mr. Raymond Y.M. Chan had declared interests in this item as they had current business dealings with Hutchison Whampoa Ltd. and Swire Pacific Ltd. respectively. Members noted that Mr. Chan had already left the meeting. As the Planning Department (PlanD) had recommended the Committee to defer a decision on the application, Members agreed that Mr. Fong could remain at the meeting for this item.

58. Members noted that PlanD’s requested to defer a decision on the application as the applied use was the subject of adverse representations in respect of the draft Tsing Yi Outline Zoning Plan No. S/TY/23. In accordance with the Town Planning Board Guidelines No. 33, a decision on a section 16 application would be deferred if the zoning of the application site was still subject to outstanding adverse representation yet to be submitted to the Chief Executive in Council for consideration and the substance of the representation was relevant to the subject application.

59. After deliberation, the Committee decided to defer a decision on the application pending the Chief Executive in Council’s decision on the adverse representations in respect of the draft Tsing Yi Outline Zoning Plan No. S/TY/23.

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

[Mr. K.T. Ng, STP/TWK, was invited to the meeting at this point.]

Agenda Item 15

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/80-1 Extension of Time for Commencement of the
Approved Residential Development
for a Period of 4 Years until 12.8.2013
in "Residential (Group C)" zone,
Lots 210, 212, 213, 214, 215RP, 215s.A, 230, 231RP, 234, 235 and 427
and Adjoining Government Land in DD 399,
Ting Kau, Tsuen Wan
(MPC Paper No. A/TWW/80-1)

Presentation and Question Sessions

60. Mr. K.T. Ng, STP/TWK, clarified that the comments in paragraph 8.1.3 of the Paper were given by the District Officer (Tsuen Wan) instead of District Officer (Tsuen Wan & Kwai Tsing). He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the extension of time (EOT) for commencement of the approved residential development for a period of 4 years until 12.8.2013;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) the District Officer (Tsuen Wan) advised that the village representatives of Ting Kau Village objected to the application on the grounds that land should be reserved for the urgent need of the drainage works; information on emergency vehicular access (EVA) and landscape proposal should be provided on the proposed layout plan; and local footpath to Lots 265 and 419 in DD 399 should be allowed; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 9 of the Paper. The applicant had taken reasonable actions to implement the approved development including negotiation with the District Lands Officer/Tsuen Wan & Kwai Tsing for the land exchange application. It was noted that without the finalisation of the proposed land exchange, no action could be taken on building plan submission. The EOT would allow more time for the applicant to resolve the land exchange and other technical matters with relevant Government departments. Regarding the village representatives' objection, the Committee had already considered the local footpath in the original approved application, and the applicant had confirmed that the footpath fell outside the site boundary. EVA, landscape proposal and drainage issues had been assessed by concerned departments and appropriate approval conditions had been imposed to address the local concerns.

61. Members had no question on the application.

Deliberation Session

62. After deliberation, the Committee decided to approve the application for extending the validity of permission under application No. A/TWW/80 for a period of four years until 12.8.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced. The permission was subject to the following conditions :

- (a) the design and provision of noise mitigation measures as proposed in the

application to the satisfaction of the Director of Environmental Protection or of the TPB;

- (b) the design and the provision of on-site sewage treatment and disposal facilities for the proposed development prior to the availability of the public sewerage system to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the design, provision and future connection and maintenance of the discharge pipe from the on-site sewage treatment plant to the proposed sewer along the Castle Peak Road before and after the availability of public sewerage system to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the design and provision of vehicle access to the site along Castle Peak Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the design and provision of an emergency vehicular access and fire-fighting facilities to the satisfaction of the Director of Fire Services or of the TPB; and
- (f) the submission and implementation of a landscape plan to the satisfaction of the Director of Planning or of the TPB.

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

- (a) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicant wished to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. The TPB Guidelines No. 35A and 36 should be referred to for details;
- (b) to liaise with the Director of Buildings on the detailed design of the

residential buildings for compliance with the noise mitigation measures, the Buildings Ordinance and its subsidiary legislations; and

- (c) to liaise with the Director of Lands on land exchange matters.

[The Chairperson thanked Mr. K.T. Ng, STP/TWK, for his attendance to answer Members' enquiries. Mr. Ng left the meeting at this point.]

Kowloon District

[Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), and Mr. Vincent T.K. Lai, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

Agenda Item 16

[Open Meeting]

Further Consideration of Draft Planning Briefs
for the "Comprehensive Development Area (1)" (KIL 11205)
and "Comprehensive Development Area (2)" (KIL 11111) Sites
on the Approved Hung Hom Outline Zoning Plan No. S/K9/22
(MPC Paper No. 20/09)

64. Members noted that the following Members had declared interests in this item and they had already left the meeting :

- | | |
|-----------------------|---|
| Mr. Maurice W.M. Lee | - owning a flat in Bulkeley Street; |
| Ms. Starry W .K. Lee | - spouse owning a flat at Whampoa Garden; and |
| Mr. Raymond Y.M. Chan | - owning a flat at Laguna Verde. |

65. With the aid of a Powerpoint presentation, Mr. Vincent T.K. Lai, STP/K, presented the Paper and covered the following main points as detailed in the Paper :

Background

- (a) the Committee on 27.2.2009 endorsed the draft planning briefs (PBs) for the two “Comprehensive Development Area” (“CDA”) sites on the Hung Hom Outline Zoning Plan and agreed that the draft PBs were suitable for consultation with the Harbour-front Enhancement Committee (HEC) and the Kowloon City District Council (KCDC);
- (b) the major development parameters adopted in the draft PBs were detailed in paragraph 2.2 of the Paper, including types of development, maximum plot ratio (PR)/gross floor areas for various land uses/building height (BH) and site coverage. The draft PBs also set out the requirements on urban design and landscape, transport, environment, utilities and services and the submission of Master Layout Plan (MLP) as required under the Notes for the “CDA” zone;

Views Received

- (c) the Sub-committee on Harbour Plan Review of the HEC (the HEC Sub-Committee) was consulted on the draft PBs on 18.3.2009. The views of the HEC Sub-committee were summarised in paragraph 3.1 of the Paper, mainly in that appropriate requirements should be included to ensure the integration of future “CDA” developments with the surroundings; the proposed non-building areas (NBAs) could enhance permeability and were in line with the Harbour Planning Principles/Guidelines; building setback from Hung Luen Road for more public space should be further considered; the NBAs should be activated by introducing mixed uses to enhance the vibrancy of the waterfront; and a minimum greening requirement should be introduced;
- (d) the Housing and Infrastructure Committee (HIC) of the KCDC was consulted on the draft PBs on 23.4.2009. The chairperson of the Owners’ Committee (OC) of Whampoa Garden Phase 9 submitted a letter dated 22.4.2009 to KCDC expressing their views on the draft PBs. Their concerns were summarised in paragraph 3.2 of the Paper, mainly in that the

proposed hotel and shopping plaza should be setback to allow sea breeze reaching the inland areas; the PR should be reduced from 4.0 to 2.0; no building should be allowed on the two “CDA” sites but reserved to form part of the West Kowloon waterfront promenade; and BH should be reduced to preserve the views of the surrounding developments and to achieve a stepped height profile at the waterfront;

Responses to the Views Received

- (e) detailed requirements had been stipulated in the draft PBs to ensure that the future developments on the two “CDA” sites could integrate with the surroundings. These requirements included stepped height building profile, landscaped NBAs (designation of a 10m wide NBA along the southern boundary of both “CDA” sites, and two 30m and 10m wide NBAs in the eastern and central parts of the “CDA(2)” site); urban design requirements; landscape requirements; 24-hour pedestrian walkway; and footbridge connection in the “CDA(2)” site;
- (f) the proposed setback from Hung Luen Road would constrain the building design and reduce design flexibility as NBAs had been designated in the PBs;
- (g) it had been stipulated in the draft PBs that alfresco dining was allowed within the 10m wide NBA along the southern boundary of the two “CDA” sites” to enhance the attractiveness and vibrancy of the waterfront promenade;
- (h) in response to HEC members’ concerns, a minimum greenery coverage of 20% of the site area was proposed for improving the micro-climate and general amenity. It had also been specified in the draft PBs that future developers should maximise greening opportunities and were required to provide detailed landscape design in the Landscape Master Plans to be submitted for the Town Planning Board (the Board)’s approval;

- (i) according to the air ventilation assessment (AVA) study for the Hung Hom area, Hung Hom South Road and Hung Lok Road were the wind corridors and hence a number of “Open Space” zones had been designated to help enhance the air flow. Besides, future developers for the “CDA” sites were required to conduct an AVA as part of the MLP submission;
- (j) the development parameters of the two “CDA” sites had been thoroughly considered by the Board during the representation hearing on 23.8.2008. Also, they were mainly based on the Hung Hom District Study and fully complied with the restrictions as stipulated on the OZP. Factors including existing BH profile, air ventilation and land use zoning had been considered; and

Proposed Amendments to the Draft PBs

- (k) the proposed amendments to the draft PBs were detailed in Attachments I and II of the Paper including the incorporation of a minimum greening coverage of 20% of the site area, and revisions to take into account the comments made by the Committee at its meeting on 27.2.2009.

66. Members had no question on the proposed amendments to the draft PBs.

67. After deliberation, the Committee decided to endorse the draft planning briefs (PBs) as attached at Attachments I and II of the Paper. The development parameters as set out in the PBs would be incorporated into the Conditions of Sale for the two “Comprehensive Development Area” sites. The PBs would be provided to the future developers to facilitate the preparation of Master Layout Plan for approval by the Town Planning Board.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/90 Proposed Minor Relaxation of Building Height Restriction
from 80mPD to 86mPD for Permitted Residential Development
in “Residential (Group B)” zone,
211-215C Prince Edward Road West,
Ho Man Tin (KIL 2340RP)
(MPC Paper No. A/K7/90)

Presentation and Question Sessions

68. Mr. Vincent T.K. Lai, STP/K, said that the approval date of building plans as stated in paragraph 11.2 of the Paper should read as “18.12.2008” instead of “19.11.2008”. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction from 80mPD to 86mPD for a permitted residential development;
- (c) departmental comments – the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department commented that it might not be necessary to have a 6m high sky garden and the applicant should consider reducing the height of the sky garden to 4.5m so as to minimise the visual impact imposed. The Chief Town Planner/Urban Design and Landscape, Planning Department advised that the environment of the sky garden at 5/F, which was covered in general, was not favourable for the growing of lawn and there might not be sufficient sunlight for the proposed trees adjacent to the eastern boundary;
- (d) four public comments were received during the statutory publication period raising objection to the application on the grounds of setting undesirable

precedent, affecting the air ventilation and causing pollution and less sunlight penetration; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The applicant claimed that the 6m non-building area (NBA) (about 13.12% of the site area) facing Prince Edward Road West constituted site constraint in the planning of car parking podium. If minor relaxation of building height was not allowed, basement car park had to be planned. However, it was noted that a set of building plans for a 21-storey residential development on the site was approved by the Building Authority on 18.12.2008 with a PR not exceeding 5.0, a building height (main roof level) of 80mPD, a 6m wide NBA fronting Prince Edward Road West and basement car park was not required. There were no strong planning and design merits for justifying the proposed minor relaxation of building height for accommodating the 6m high sky garden. Approval of the application would set an undesirable precedent for other similar applications. Taking into account the local objections to the application on grounds of affecting the air ventilation and causing pollution and less sunlight penetration, it was considered that the proposed relaxation of building height would have little planning and design merit to the streetscape in the neighbourhood.

69. Members had no question on the application.

Deliberation Session

70. Members considered that there were no planning and design merits for the application.

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

- (a) there were insufficient planning justifications and design merits in the

submission for the proposed relaxation of the building height restriction;

- (b) there was insufficient information in the submission to demonstrate that the proposed redevelopment could not be achieved without minor relaxation of the building height restriction; and
- (c) the approval of the application would set an undesirable precedent for other similar applications.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/96 School (Tutorial School)
 in “Residential (Group B)” zone,
 Shop B, Ground Floor,
 144G Boundary Street,
 Ho Man Tin (KIL 2135 s.C ss.1)
 (MPC Paper No. A/K7/96)

Presentation and Question Sessions

72. Mr. Vincent T.K. Lai, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the school (tutorial school);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) three public comments were received during the statutory publication

period, with one supporting comment and the other two raising objection to the application on the grounds of adverse traffic, hygiene, building security and noise impacts, and that the quiet neighbourhood should be maintained; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The tutorial school complied with the Town Planning Board Guidelines No. 40 in that the application premises, being located at the front portion of the ground floor of the residential building, was considered not incompatible with other uses within the subject building as well as the surrounding residential areas which had other tutorial schools and children learning centres approved by the Committee. As the main entrance/exit of the application premises was located on the ground floor and abutting Boundary Street, it would not cause major disturbance and nuisance to the local residents. Since the tutorial school could be accessed directly from the main road without the need to route through common areas of the subject residential building, there was no significant interface problem with residents of the building. Regarding the public comments, the Transport Department, the Police and the Environmental Protection Department had no objection to the application.

73. A Member referred to view point 6 as shown on Plan A-5 of the Paper and asked whether the Classroom C exit would share the same access to domestic units at upper floors of the subject building. Mr. Eric C.K. Yue, DPO/K, said that the applicant had confirmed, as in Appendix Ie of the Paper, that the Classroom C exit would be removed and replaced by a solid wall so as not to create interface problem with residents of the building.

Deliberation Session

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

- (a) the provision of fire service installations for the tutorial school under application within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2009; 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 of the following :

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

Agenda Item 19

Section 16 Application

[Open Meeting]

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

76. The Committee noted that the applicant’s representative requested on 9.6.2009 for a deferment of the consideration of the application for two months in order to allow time to resolve the technical issues with relevant Government departments.

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/262 Proposed School (English Language Centre)
in “Residential (Group C) 1” zone,
1 Norfolk Road,
Kowloon Tong (NKIL 838)
(MPC Paper No. A/K18/262)

Presentation and Question Sessions

78. Mr. Vincent T.K. Lai, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (English language centre);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) four public comments were received during the statutory publication period raising objection to the application on the grounds that there were already too many schools in the vicinity; and the proposed English language centre would lead to public safety problem, traffic congestion and noise nuisance which might affect the health of the residents; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed conversion of the existing 2-storey building for the English language centre complied with the Town Planning Board Guidelines No. 40 in that the proposed use was not incompatible with the surrounding residential areas where kindergartens, tutorial schools, religious institutions and community facilities existed. The in-situ conversion of the existing building would not give rise to any concern on disturbance or access problem to local residents within the same building. FSD and BD had no in-principle objection to the application. Regarding the public comments, the Transport Department, the Police and the Environmental Protection Department had no objection to the application.

79. Members had no question on the application.

Deliberation Session

80. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.6.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply any compliance with the Buildings Ordinance (BO) and Regulations. The applicant should approach the Buildings Department direct to obtain the necessary approval. The applicant should also ensure that the proposed change in use complied with the BO, in particular, justification should be submitted to demonstrate the existing building structure could withstand the live load pertaining to the tutorial school use;
- (b) to consult the Registration Section, Education Bureau on school registration process under the Education Ordinance and the Education Regulations;
- (c) to follow Chapter 9 of the Hong Kong Planning Standards and Guidelines (HKPSG) in providing practicable noise mitigation measures as far as possible and/ or as a “last-resort” measure providing acoustic insulation in the form of well gasketed windows as per Appendix 4.4 in Chapter 9 of the HKPSG and air-conditioning, to abate the excessive road traffic noise disturbance on the affected classrooms of the proposed school; and
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the application site.

[The Chairperson thanked Mr. Eric C.K. Yue, DPO/K and Mr. Vincent T.K. Lai, STP/K, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 21

Any Other Business

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