

TOWN PLANNING BOARD

Minutes of 402nd Meeting of the Metro Planning Committee held at 9:00 a.m. on 21.8.2009

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Mr. K.Y. Leung

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
Mr. Lau Sing

Secretary

Absent with Apologies

Mr. Leslie H.C. Chen

Dr. Daniel B.M. To

Ms. Starry W.K. Lee

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

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

In Attendance

Assistant Director of Planning/Board
Ms. Christine K.C. Tse

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 401st MPC Meeting held on 7.8.2009

[Open Meeting]

1. The draft minutes of the 401st MPC meeting held on 7.8.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Amendment to Confirmed Minutes of 400th MPC meeting held on 24.7.2009

2. The Secretary reported that the applicant's representative of Application No. A/K7/92 on 12.8.2009 wrote to the Town Planning Board (the Board) clarifying that the applicant (City Success Development Ltd.) was not a subsidiary of Sun Hung Kai Properties Ltd. (SHK) and there was no management or financial relationship between City Success Development Ltd. and SHK. To rectify the error, the Secretary proposed to amend paragraph 51 of the minutes of 400th meeting to read "The Secretary said that the application was submitted by City Success Development Ltd." The Chairperson remarked that although Mr. Raymond Y.M. Chan and Mr. Felix W. Fong had declared interests in that item due to having business dealings with SHK, they had already left the meeting before the application was considered by the Committee, thus it would not affect the discussion and determination on that item. Members had no objection to the proposed amendment. The Secretary said that the applicant and concerned Government departments would be informed accordingly.

(ii) Town Planning Appeal Abandoned

Town Planning Appeal No. 17 of 2006

Temporary Showroom (Ship) and Office, Open Storage of Ship, Steel Frame for Sign Board, Store Room for a Period of 3 Years in "Green Belt" zone,

Ground Floor of House 38 and Adjoining Government Land,

Tai Chung Hau Village, Sai Kung

(Application No. A/SK-HH/36)

3. The Secretary reported that the subject appeal was received by the Town Planning Appeal Board (TPAB) on 25.9.2006 against the Board's decision on 14.7.2006 to reject on review an application (No. A/SK-HH/36) for temporary showroom (ship) and office, open storage of ship, steel frame for sign board, store room at a site zoned "Green Belt" on the approved Hebe Haven Outline Zoning Plan No. S/SK-HH/6 for the reason that the proposed temporary office and showroom were not compatible with the surrounding developments, which were primarily for residential use. The Appellant has repeatedly asked for deferment of the hearing of the appeal. On 11.8.2009, the appeal was abandoned by the Appellant on his own accord. On 12.8.2009, TPAB confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(iii) Town Planning Appeal Statistics

4. The Secretary said that as at 21.8.2009, a total of 21 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	24
Dismissed	:	109
Abandoned/Withdrawn/Invalid	:	134
Yet to be Heard	:	21
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	289

Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K7/5 Application for Amendment to the
Approved Ho Man Tin Outline Zoning Plan No. S/K7/20
from “Government, Institution or Community” to “Residential (Group E)”,
25 Man Fuk Road, Ho Man Tin (KIL 9456 RP & Ext.)
(MPC Paper No. Y/K7/5)

Presentation and Question Sessions

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

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

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

Mr. Phill Black
Mr. Allan Wong
Mr. C.M. Ng
Mr. Daniel Tong
Mr. Kenneth Chan
Mr. Derek Ho

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

- (a) the applicant proposed to rezone the application site from “Government, Institution or Community” (“G/IC”) to “Residential (Group E)” (“R(E)”) on the Ho Man Tin Outline Zoning Plan (OZP) to facilitate redevelopment of an existing secondary school (i.e. New Method College) into a residential development;
- (b) as shown in the applicant’s indicative scheme, the plot ratio and building height of the proposed residential development were 5.0 and 90mPD (at main roof level) respectively;
- (c) the applicant’s justifications were detailed in paragraph 2 of the Paper;

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

- (d) the departmental comments were detailed in paragraph 8 of the Paper and highlighted below :
 - the Director of Environmental Protection did not support the application as the site was subject to severe road traffic noise impact from the heavily trafficked Princess Margaret Road and the flyover which exceeded the relevant road traffic noise standard of 70dB(A) of the Hong Kong Planning Standards and Guidelines (HKPSG), and there was no appropriate planning control mechanism to ensure the implementation of noise mitigation measures as proposed by the applicant in the form of single aspect building design and fixed windows;
 - the District Lands Officer/Kowloon West advised that the site was restricted for school use, and it was lawful for the Government to re-enter the lot if the building had ceased to be used for the said school. Lease modification subject to payment of premium would be required to allow the proposed “R(E)” development;
 - the Secretary for Education advised that as the student population was on

a declining trend, there was no objection to the proposed closure of the existing school;

- (e) a total of 19 public comments were received during the statutory publication period. They were submitted by a Kowloon City District Councillor, a school principal, owners' committees of nearby properties and members of the public. One public comment indicated no comment on the application whereas the other 18 comments objected to the application on the grounds of obstruction of air ventilation, less sunlight penetration, traffic problems, visual impacts, environmental pollution and impact on the local character, and indicated that the site should be returned to the Government for other uses if the school use was no longer required; and

[Ms. Olga Lam arrived to join the meeting at this point.]

- (f) the PlanD's views – PlanD did not support the application based on the assessment in paragraph 10 of the Paper. The application site formed an integral part of a belt of “G/IC” zone for school, institutional and Government uses along Princess Margaret Road. The proposed residential development at the application site, which was situated in the midst of the “G/IC” belt, would bisect the “G/IC” belt and disrupt its continuity and integrity. It was considered that there were no strong planning justifications and merits for the proposed rezoning. The application site was not conducive to residential development as it was susceptible to traffic noise. In this respect, DEP considered that the implementation of the proposed noise mitigation measures was uncertain. The applicant made reference to the ex-Ho Man Tin Police Quarters (HMTPQ) site at 81 Chung Hau Street which was rezoned from “G/IC” to “R(E)” and intended for residential development with the provision of environmental mitigation measures. It was not comparable to the current application as the ex-HMTPQ site did not form part of a continuous “G/IC” belt, and it was previously used as Government quarters for residential purpose.

8. The Chairperson then invited the applicant's representatives to elaborate on the application. With the aid of a Powerpoint presentation and the additional information tabled at the meeting, Mr. Phill Black made the following main points :

Closure of the College

- (a) the application site was private land which was purchased in 1966 by public tender at open market value. The existing college was built in 1971 (approaching 40 years old). The site was small (only 2 211m²) and substandard to the Government's Y2K School Design in terms of facilities and space requirements. The overriding reason for the closure of the college was the substantial decline in demand for school places, with Secondary One school place vacancies increased from about 12 000 in 2009 to about 30 000 in 2013. In this respect, the Education Bureau expressed no objection to the proposed closure of the college in 2012;
- (b) the proposed closure of the college and rezoning of the site for other uses only came up after a series of measures undertaken in the past years to arrest the decline in school place demand. Such measures included financial assistance to students and administrative measures including free training programmes for teachers and students;
- (c) the applicant had the following responses to PlanD's comments :

Bisecting the "G/IC" Belt and Disrupting its Continuity and Integrity

- there were previous amendments to the Ho Man Tin OZP which involved the rezoning of "G/IC" sites to "R(A)" and bisected the original belt of "G/IC" zones. These sites, located in the vicinity of the application site, had already been redeveloped into residential buildings, namely Sheung Lok Estate at Sheung Shing Street, Dragon View and Elley Terrace at Princess Margaret Road/Chung Hau Street, and Cascades bounded by Chung Hau Street and Good Shepherd Street;
- there were in fact two distinctive sub-areas within the elongated "G/IC"

belt. The northern sub-area, which included the ambulance depot, Workers' Children Secondary School and Hong Kong College of Technology, was located at lower levels and of lower building heights from 17.7mPD to 30.6mPD. These sites were only accessible from Princess Margaret Road and had no connection with the adjoining Waterloo Hill Road residential community. The southern sub-area, which included Yu Chun Keung Memorial College and the application site, was located at higher level at 30mPD similar to Waterloo Road Hill sites. The access to this sub-area was only from Man Fuk Road which was an internal residential road. Therefore, the application site demonstrated a stronger functional and physical relationship with the adjoining residential community and was not an integral part of the "G/IC" belt;

- the application site also had a strong visual linkage with the adjoining residential community which was zoned "Residential (Group B)" ("R(B)") on the OZP, and shared the same lot boundary with Princess Terrace. The proposed development would have the flats facing the Waterloo Hill Road residential community;
- the rezoning proposal would replace an 'outside' institutional use which had generated adverse impacts on the residential enclave;

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

Traffic Noise Impact

- the "R(E)" zoning was a custom-made statutory planning mechanism to ensure that any proposed noise mitigation measures were submitted in section 16 application at the next stage for approval by the Environmental Protection Department (EPD) and the Committee, thus there would be adequate planning control;
- the Committee agreed to rezone the ex-HMTPQ site from "G/IC" to "R(E)" in January 2008. This site was just 350m away from the

application site and both of them abutted Princess Margaret Road and were affected by similar traffic volume. Although EPD did not support the rezoning of the ex-HMTPQ site for residential use on the ground of traffic noise impact from Princess Margaret Road, the Committee considered that the environmental concerns would be dealt with at the section 16 planning application stage. Hence, there was no reason why the same approach could not be applied to the current application;

- the applicant had submitted a detailed design plan for the proposed residential development which had demonstrated full noise compliance with HKPSG. The single aspect building design had followed EPD's guidelines by placing kitchens and bathrooms as well as closets on the eastern façade facing Princess Margaret Road;

Not Comparable to the Ex-HMTPQ Site

- there were many similarities between the ex-HMTPQ site and the application site in planning terms, including that both of them were used for GIC purposes before rezoning and the GIC uses became redundant; no Government departments requested to use the sites for other GIC purposes; EPD did not support the proposed residential use as the sites were affected by traffic noise from Princess Margaret Road; and details of noise mitigation measures to be approved at section 16 application stage;
 - the Dragon View and Elley Terrace fronting on Princess Margaret Road had also been rezoned from "G/IC" to "R(A)" on the Ho Man Tin OZP;
- (d) the Government's right to re-enter the lot if it was not used as school should not be a relevant consideration. An example was quoted in Wan Chai where a site on Star Street was changed from school to residential use (now known as Starcrest). While the same special condition was stipulated in the lease for that site, the lease modification to allow the residential development was approved by the Lands Department (LandsD);

- (e) there were other relevant planning considerations which had not been covered in the Paper and were summarised below :

Surplus of “G/IC” Land in the District

- comparing with the surrounding districts, there was a huge supply of “G/IC” land in Ho Man Tin with about 70 ha of land zoned “G/IC”, representing some 33% of the total area covered by the OZP;

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

District Potential to Increase GIC Facilities

- the Social Welfare Department had not requested to use the application site for other community uses;
- there were still many potential sites in the district to provide additional GIC facilities if needed, such as redevelopment of YWCA and Ho Man Tin Estate. Moreover, there were a few under-utilised government land at the entrance of Man Fuk Road which were more accessible to the public;

Planning Gains of the Rezoning Proposal

- the proposed closure of the college in 2012 was well-planned and would not have any impact on the current students’ education;
- removing the school would significantly reduce the peak traffic flow and result in less pick up/drop off activities which were beneficial to the local residential community;
- replacement of the ‘outside’ institutional use with a single residential block would be more compatible with the adjoining residential enclave;
- no impact on the requirement for open space and GIC facilities as there were only 115 additional population from the proposed development;

- rezoning to “R(E)” could be considered as an extension of the neighbouring residential developments which would not undermine the planning intention of the “G/IC” zone or set an undesirable precedent since it was in accordance with the planning principles adopted in other approved rezoning cases in the district;

Special Design Merits of the Indicative Scheme

- the single block design was similar with other residential buildings in the Waterloo Road Hill area. A building height at 90mPD was 10% lower than the maximum height limit imposed on “R(B)” zone and would help improve the quality of streetscape and facilitate local air flow. Single aspect building design suited the site characteristics and was in line with EPD’s environmental planning guidelines. Basement design would eliminate car park podium on Man Fuk Road, and setback of building would fulfil PlanD’s requirements; and
- (f) if the rezoning application was not agreed by the Committee, the applicant might come up with a section 16 application for a combined GIC and commercial development which would generate much greater adverse impacts on the residential neighbourhood.

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

- (a) the reasons of different views between EPD and the applicant on the implementation issue of the proposed noise mitigation measures;
- (b) whether there was surplus “G/IC” land in Ho Man Tin as claimed by the applicant, and whether there was any requirement of land for other GIC uses;
- (c) whether the proposed development would generate visual and air ventilation impacts on the adjoining residential community;
- (d) whether it would be more desirable for the application site to be changed

from school to residential use in traffic terms; and

- (e) the reasons of rezoning the site currently occupied by Dragon View from “G/IC” to “R(A)”.

10. Mr. Eric C.K. Yue made the following main points :

- (a) EPD’s concerns were mainly due to the uncertainties of whether the proposed noise mitigation measures could be fully implemented to satisfy the environmental planning principle of the HKPSG in that new noise sensitive uses should be located where they would not be exposed to excessive noise levels;
- (b) the majority of the sites zoned “G/IC” on the Ho Man Tin OZP were existing uses with large site coverage including Kowloon Hospital, Diocesan Boys’ School, King George V School and Ho Man Tin Service Reservoirs etc. Although no Government departments had requested to use the application site for other GIC purposes, there was a shortfall in elderly services facilities in the Ho Man Tin district and the Education Bureau was also searching for school sites within the wider district of Kowloon City;
- (c) there were 4 schools (including the application site) within the “G/IC” belt along Princess Margaret Road which were restricted to a maximum building height of 8 to 10 storeys and served to provide visual relief and buffer space within the developed urban area. Photomontage of the proposed development demonstrated that, while the proposed building height at 90mPD was similar to those developments within the adjoining “R(B)” zone, it would become an out-of-context building in the “G/IC” belt thus resulting in adverse visual impact;
- (d) as no complaints were received on traffic issue of the application site, retaining the site for school use was not anticipated to generate significant traffic impact; and

- (e) the site currently occupied by Dragon View was rezoned from “G/IC” to “R(A)” in 1994 based on the recommendation of the then Working Group on Land Supply.

11. In response to DPO/K’s reply in paragraph 10(a) above, Mr. Phill Black said that the applicant had submitted a full noise assessment report and EPD had no comment on the technical acceptability of the report. Mr. C.W. Tse of EPD explained that the application site (about 2 200m²) was much smaller in size as compared to the ex-HMTPQ site (about 4 300m²), hence there would be practical difficulties to incorporate design measures to mitigate the traffic noise from Princess Margaret Road. Past experiences showed that single aspect building design and fixed windows might not be fully implemented as they would affect the sale of flats. Moreover, it was noted that the future development would enjoy a better view by facing Princess Margaret Road where there was an open space, the proposed development with flats looking onto internal residential buildings and kitchens/toilets facing the open view was not a good design to the future residents and would invite public criticisms against the Government. The site was therefore considered not suitable for residential use and EPD maintained his objection to the rezoning application.

12. In response to DPO/K’s reply in paragraph 10(c) above, Mr. Phill Black said that the Urban Design and Landscape Section of PlanD had no objection to the building height of the proposed development. He stressed that the current application was for the change of land use zoning. If the Committee considered that the building height should be lower, the applicant was prepared to revise the design at the next stage. For air ventilation impact, Mr. Phill Black said that the application site was not located within any wind corridors that would affect prevailing winds.

13. A Member asked for the reasons of different views between LandsD and the applicant regarding the Government’s right of re-entering the lot. Ms. Olga Lam of LandsD confirmed that a special condition was included in the lease for the application site so that it was lawful for the Government to re-enter the lot if the user restriction clause was breached. Mr. Allan Wong clarified that such a special condition was only a standard clause in the land lease which was not uncommon. He reiterated the example in Wan Chai (i.e. Starcrest) of which the lease of the site also contained the same user restriction and re-entry clauses, and

the lease modification to change from school to residential use was not objected by the LandsD.

14. Mr. Phill Black supplemented that the application site was only accessible from Man Fuk Road and had a strong linkage with the residential community. Retaining the site for GIC use would attract many outsiders going to this residential enclave which was not beneficial to the local residents.

15. 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.

Deliberation Session

16. Members had a lengthy discussion on the application and their views were summarised as follows :

- (a) the "G/IC" sites along this section of Princess Margaret Road served as buffer areas to the adjoining residential developments within the built-up urban area. There were no strong justifications provided by the applicant to support his application and approval of the rezoning application would disrupt this layout;
- (b) the high percentage of land zoned for "G/IC" on the Ho Man Tin OZP did not imply that there was surplus "G/IC" land within the district as argued by the applicant. Apart from a number of large sites being occupied by schools, hospitals and service reservoirs, there were also many Government headquarters and offices located in the district;
- (c) there was a need to retain the application site to cater for other educational or GIC uses even though there was no imminent need for any particular

GIC uses; and

- (d) rezoning of the site for residential use was not supported by EPD on environmental grounds and there were local objections to the application.

17. A Member had different views in that retaining the site for other GIC uses might not necessarily be welcomed by local community, and redeveloping the site for residential use could bring vibrancy to the area concerned. This Member agreed with the applicant that the lease condition allowing the Government to re-enter the lot should not be a relevant consideration since it was only a standard clause commonly found in other land leases. However, should the site be considered for uses other than GIC purposes, the Government should act according to the lease and re-enter the lot. Redevelopment of the site should then be carried out through the open market. The Chairperson clarified that the conditions of a land lease were not a relevant planning consideration since land matter would be dealt with by the applicant separately. The major concern of taking into account the land lease was whether the land owner would be deprived of the right of development entitled under the lease.

18. If the site was retained for GIC uses, a Member was concerned about the building height upon the redevelopment of the existing school because the Waterloo Hill Road area was relatively low in building heights which provided a buffer space amongst the existing developed urban area. The Chairperson said that a maximum building height restriction of 10 storeys had already been stipulated for the site on the OZP. A building height exceeding the restriction would require planning permission from the Town Planning Board. According to the indicative scheme of the rezoning application, the building height was proposed to be 90mPD.

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

- (a) there were no strong planning justifications and merits for the rezoning of the subject site from “Government, Institution or Community” (“G/IC”) to “Residential (Group E)”. The “G/IC” zoning of the subject site should be maintained as it formed an integral part of a belt of “G/IC” zone; and

- (b) the subject site was not conducive to residential development as it was susceptible to traffic noise.

Hong Kong District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

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

20. Mr. K.Y. Leung declared an interest in this item for being an ordinary member of the Hong Kong People’s Council for Sustainable Development which was one of the applicants of the subject section 12A application. Since Mr. Leung was not directly involved in the matter under consideration, Members considered that his interest was indirect and he could remain at the meeting for the item.

Presentation and Question Sessions

21. Ms. Brenda K.Y. Au, District Planning Officer/Hong Kong (DPO/HK), and the following applicants’ representatives were invited to the meeting at this point :

		<u>Name of Applicants</u>
Ms. Katty Law	-	Central and Western Concern Group
Mr. Ng Yin Keung)	
Ms. Chik Yuk Chun)	Community Alliance for Urban Planning
Ms. Sally Ho)	
Mr. Keith Au	-	Community Cultural Concern
Miss Peggy Wong	-	Heritage Hong Kong Foundation
Mr. John Batten	-	Hong Kong International Association of Art Critics
Mr. Ian Brownlee)	
Miss Kira Brownlee)	Masterplan Ltd. (Applicants' consultants)

22. The Chairperson extended a welcome and explained that the hearing was to consider the Planning Department (PlanD)'s request for a deferment of the application instead of the substance of the application. She then invited Ms. Brenda K.Y. Au, DPO/HK, to brief Members on the background to the application. Ms. Au presented the application as detailed in the Paper and made the following main points :

- (a) the applicants proposed to amend the Notes for the "OU(HSPCRUCU)" zone covering the Central Police Station (CPS) Compound site by incorporating a building height (BH) restriction of 77mPD to provide planning control and serve as a means to retain as many existing buildings as possible. Such a BH control would allow a structure of about 21.3m high at the central part of the application site based on the existing site formation level;
- (b) the application was submitted in January 2009 and originally scheduled for consideration by the Committee on 17.4.2009. Upon the applicants' request, the Committee agreed on 17.4.2009 to defer consideration of the application so that the applicants could prepare responses to address various departmental comments and departments would also have time to consider their responses before the hearing of the application. On 8.6.2009, the applicants submitted further information providing responses to departments' comments. The hearing was then rescheduled for 4.9.2009; and

- (c) a height limit of 77mPD was previously recommended by the Antiquities and Monuments Office (AMO) in 2004 in the context of conducting a commercial tender for the redevelopment of the application site. Since then, some new developments had taken place. The Government had entered into a partnership with the Hong Kong Jockey Club (HKJC) to conserve the site and revitalise it for public enjoyment on a not-for-profit basis. It was noted that HKJC was now actively working on a revised proposal, including reduction of the development bulk and height of the proposed new structure, in the light of the public views collected during the public engagement exercise. As details of the revised proposal, such as the types of uses and their functional requirements, were relevant information in assessing the applicants' proposal of imposing a BH restriction of 77mPD in the subject "OU" zone, PlanD requested a deferment of consideration of the application pending the availability of the revised proposal by late 2009. The request for deferment was made in accordance with the Town Planning Board (TPB) Guidelines No. 33.

23. The Chairperson then invited the applicants' representatives to elaborate on their reasons against the request for deferment. Mr. John Batten, Ms. Katty Law, Mr. Ng Yin Keung, Mr. Ian Brownlee and Ms. Chik Yuk Chun made the following main points :

Right to be Heard

- (a) the current application should be heard on 4.9.2009 in accordance with the 3-month statutory time limit provided for section 12A application under the Town Planning Ordinance (TPO). A request for deferment was submitted by the applicants in April 2009 because they needed to provide responses to the Development Bureau's argument that there was no need to impose a height limit on the scheme which was being developed in partnership with the HKJC. At the present moment, PlanD requested a deferment simply based on the Development Bureau's advice that the HKJC's revised proposal would only be available by late 2009. The applicants considered that there was a direct conflict of interest for the Development Bureau which had established 'partnership' with the HKJC and the Secretary for

Development was also the Antiquities Authority to approve the final scheme of the CPS project;

- (b) deferment of the section 12A application would deprive the applicants of the right of presenting their case to the Committee for consideration. The hearing of the application scheduled for 4.9.2009 provided a chance for the public to present their arguments to the Committee about the conservation of the CPS Compound. It was prudent that the Committee should proceed to hear the application on 4.9.2009 and then decide whether there was sufficient information or not to make a decision on the application;

Need for Planning Control Prior to Detailed Design

- (c) HKJC had not consulted the public prior to the announcement of its proposal for the CPS Compound which involved a huge structure above the former Victoria Prison site. Subsequently, its proposal was not acceptable to the public as reflected in the public engagement exercise, HKJC was therefore obliged to revise their design taking into account public views. The public, however, had not been actively engaged by HKJC in revising its design. On this premise, it was important for the Committee to decide imposing appropriate planning parameters for the CPS Compound site before considering the revised design to be submitted by HKJC;
- (d) it should also be noted that HKJC had submitted a project profile for the conservation and revitalisation of the CPS Compound to the Environmental Protection Department (EPD) a few months ago. The 4-page project profile was considered extremely poor by the community groups who demanded that the principles of various environmental and heritage international treaties should be taken into account. Subsequently, EPD issued a set of comprehensive guidelines on Environmental Impact Assessment Study to HKJC. This was considered important by the community groups as it would provide guidance to HKJC in formulating their proposal for the CPS project. In the same vein, the Committee should provide similar planning guidelines with a view to achieving a better control on conserving this important heritage site;

- (e) the application for imposing BH restriction on the CPS Compound site was in line with the public interest. As it was a normal practice to formulate planning guidelines before proceeding with the detailed design, the Committee should not defer the application pending the revised design of HKJC. The Committee should respect the height limit of 77mPD as recommended by the AMO, which was determined on the basis of relevant conservation principles and the characteristics of the surrounding areas. It was considered logical to have the BH control in place first before the design was prepared. As such, the design proposal would be able to meet the conservation principles and other agreed requirements;

- (f) under the current town planning system, a site would be designated with an appropriate land use zoning before it was allowed to be developed for certain uses. On the same basis, BH restriction for a site should be stipulated in the statutory town plan before the detailed design of a development was carried out. With the stipulation of BH restriction in the Notes for the subject “OU” zone, it would help ensure that the design was in line with the public interest and the Committee would also have adequate BH control on the future development within the site. Otherwise, there was a possibility that the development concerned was completed before any BH restrictions were imposed on the site;

Not in Line with TPB Guidelines

- (g) paragraph 2.2 of TPB Guidelines No. 33 stated that, in considering a request for deferment, the Board would take into account “whether the right or interest of other concerned parties would be affected”. There were 206 public comments expressing support to the section 12A application. Though the comment from HKJC did not support the application, it stated that a reasonable height might be acceptable;

- (h) the guidelines stated that “the rescheduled date for consideration of relevant submissions should be adhered to and no further deferment should be granted except under very exceptional circumstances”. It appeared that

the Development Bureau wished to delay the hearing so that the applicants' arguments would not be put to the Committee until the revised proposal by HKJC was made known to the public. It was procedurally wrong to consider the detailed proposal first. By that time, hearing of the section 12A application by the Committee would become irrelevant;

- (i) there was no formally signed partnership agreement between the Government and HKJC on the development of CPS Compound. Therefore, the TPB guidelines on the deferment of planning application should not be applicable. Moreover, the Board, as an independent body, should not be bound by the decision of the Development Bureau;

Possibility of Further Delay

- (j) there might be delay to HKJC's submission of the revised proposal scheduled for late 2009 should there be the need to consult the public on the design for another 3 to 6 months. The Committee might also further defer the section 12A application until receipt of the section 16 application. In that case, the Board would have to face a *fait accompli* in considering the section 12A application; and
- (k) since there was already a fixed date for hearing the section 12A application, the Committee should not allow a deferment without valid reasons. The public would lose their confidence in the Committee.

24. The Chairperson clarified that deferment of the application would not deprive the applicants' right of hearing as the applicants would still be entitled to present their application at the deferred meeting. She said that PlanD's request for deferment was based on the need for supplementary information about the HKJC's proposal to facilitate the Committee's consideration of the section 12A application. This had been clearly stated in paragraph 3.1(b) of the TPB Guidelines No. 33. There had also been precedents in which the Committee had deferred consideration of planning applications pending some supplementary information from the applicants or Government departments. Regarding the concern on the need to impose BH restrictions before detailed design or project implementation, the Chairperson said that deferment of the application would not result in a *fait accompli*.

25. Members had the following questions :

- (a) whether there was any timetable for HKJC to submit the revised proposal and any fixed date for hearing the application upon deferment by the Committee;
- (b) whether paragraph 3.1(c) of TPB Guidelines No. 33 on deferment of application on the grounds of awaiting recommendations of major Government planning-related study or infrastructure proposal would be applicable to this case;
- (c) development restrictions including BH control were imposed on the West Kowloon Cultural District (WKCD) site before proceeding with the project design. Why did the CPS Compound site not follow the same practice; and
- (d) whether the HKJC's revised proposal would be submitted to the Board for consideration.

26. In response, Ms. Brenda K.Y. Au made the following points :

- (a) the revised proposal would be available by late 2009, which implied in 3 to 4 months' time. Although the rescheduled meeting date for the application was yet to be fixed, PlanD would arrange re-submission of the application to the Committee for consideration once the revised proposal was available. The application would not be deferred for an indefinite period. Alternatively, the Committee could consider setting a deadline for the deferment;
- (b) as the Government had entered into partnership with HKJC to take forward the conservation and revitalisation of CPS Compound, it was considered that there was Government element in the CPS project and paragraph 3.1(c) of the TPB Guidelines No. 33 would be relevant for the Committee to

consider the current request for deferment;

- (c) the WKCD site as a greenfield site was different from the CPS Compound site in that the latter was a conservation project being much smaller in site area and occupied by many heritage buildings. Space available for erecting new structures, if necessary, at the CPS Compound site to support the proposed new arts and cultural uses was much constrained. The revised proposal by HKJC would therefore provide more information on this aspect to facilitate a more comprehensive assessment of the BH control proposed by the applicants, which would in effect only allow structures of less than 22m high within the subject site; and
- (d) according to the Notes for the subject “OU” zone, there was sufficient planning control on development in the site as any proposed new development would require planning permission from the Board.

27. The Chairperson asked the applicants about the impact on the CPS project if the section 12A application was deferred and in what way they considered their right of hearing was deprived. Mr. Ian Brownlee said that it would obviously deprive the applicants’ right of hearing which should be conducted within 3 months in accordance with the TPO. There might also be further delay if HKJC could not finish the revised proposal on time. In response to the Chairperson’s question, Ms. Brenda K.Y. Au said that deferment of the application would not create a *fait accompli* since any new development within the subject site would have to require the Board’s approval in the first place. A Member asked how long it would take for the revised proposal to be submitted to the Board for consideration. Ms. Brenda K.Y. Au said that HKJC might need some time to prepare a section 16 application after finishing the revised proposal, and the Board would consider the case within 2 months’ time. However, it was not necessary for PlanD to wait until HKJC’s submission of a section 16 application before the current section 12A application could be re-submitted to the Committee for consideration.

28. Ms. Katty Law said that the community groups were concerned about repeating the same situation in the HKJC’s original design, i.e. a scheme formulated by international renowned designers and presented as having the Government’s support would become the

“preferred” option by the time the Committee proceeded to consider the section 12A application. A Member sought clarification from the applicants on this as if they had a presumption that the Board’s decision would be affected by Government pressure and international renowned designers. Ms. Katty Law replied in negative and added that their application was aimed at providing objective guidelines for the future development within the CPS Compound. Mr. John Batten said that it was very important that the Board should be independent and not influenced by the Government or others. There were tremendous community interests in the site but the HKJC came up with the “scaffolding” design in secret. Their application requested the Board to consider maintaining the historic and heritage integrity of the site and imposing a BH restriction of 77mPD.

29. As the applicants’ representatives had no further points to make and Members had no further questions to raise, the Chairperson informed them that the Committee would further deliberate on the proposed deferment and the objection to deferment by the applicants in their absence and both parties would be informed of the Committee’s decision in due course. The Chairperson thanked the applicants’ representatives and PlanD’s representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

30. The Chairperson said that the current request for deferment was considered in compliance with the TPB Guidelines No. 33 in that some supplementary information was required to enable the Committee to undertake a more comprehensive assessment of the section 12A application and no irreparable damage or a fait accompli would be resulted from the deferment of the application. Above all, the applicants’ right of presentation to the Committee would not be deprived of and no third party interests would be affected due to the deferment.

31. Members had a detailed discussion on the request for deferment. A few Members did not agree to the deferment and their views were summarised as follows :

- (a) the HKJC’s study might not be entirely considered as a Government planning-related study and paragraph 3.1(c) of TPB Guidelines No. 33 was therefore not applicable;

- (b) the hearing of the section 12A application should be proceeded on 4.9.2009 so that the applicants could present their justifications at the meeting. After the hearing, the Committee could still decide on whether there was sufficient information to make a decision. If not, the application could be deferred at that juncture; and
- (c) deferment of the consideration of the section 12A application would be seen as being influenced by Government departments, thus having an adverse impact on the independent image of the Board.

32. Noting these Members' views, the majority of other Members had either no objection or agreed to the deferment and the major considerations were :

- (a) PlanD's request for deferment pending the availability of the revised proposal for the CPS project in order to provide comprehensive information to facilitate the Committee's consideration of the section 12A application was in line with the requirements set out in TPB Guidelines No. 33. A Member noted that the reason for the provision of deferment as set out in the guidelines was to allow more time for the applicants or Government departments to improve the proposal or to provide relevant additional information to facilitate the Committee to consider the case. On this basis, this Member would support the request for deferment by PlanD. Another Member disagreed with the applicants' argument and opined that although there was no formal agreement or legal binding between the Government and HKJC, their working relationship in the CPS project could be established by conduct;

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

- (b) the deferment would not affect any third party interests or create a fait accompli pre-empting future consideration of the section 12A application by the Committee;

- (c) in the past, the Committee had been applying the TPB guidelines on deferment in a consistent manner with regard to the deferment requests initiated by the applicants or Government departments. On this basis, the applicant was granted deferment in April 2009 to have more time to address Government departments' concerns. As there were no justifications for the Committee to deviate from the established practice, the refusal to Government departments' request would have precedent implications; and
- (d) to allay the applicants' concerns, the deferment period should be definite and not hinged on the availability of application from HKJC on the revised proposal. Also, the Committee would not consider any section 16 applications for the development of CPS Compound before hearing the subject section 12A application.

33. After further deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department for 3 months. The Committee agreed that the application should be submitted to the Committee for consideration within 3 months from the meeting date, i.e. on or before 21.11.2009. The Committee also agreed to advise the applicants that the section 12A application would be considered before the consideration of any section 16 applications for development within the Central Police Station Compound site.

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

Tsuen Wan and West Kowloon District

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/407 Renewal of Planning Approval for
Temporary Shop and Services (Motor-vehicle Showroom) Use
and Temporary Minor Relaxation of
Non-domestic Gross Floor Area Restriction
under Application No. A/TW/388 for a Period of 3 Years
in “Residential (Group A) 6” zone,
Portion of Car Park at Level 7, Discovery Park,
398 Castle Peak Road, Tsuen Wan (TWTL 361)
(MPC Paper No. A/TW/407)

Presentation and Question Sessions

34. Mr. K.T. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary shop and services (motor-vehicle showroom) use and temporary minor relaxation of non-domestic gross floor area (GFA) restriction for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) eight public comments were received during the statutory publication period raising objection to the application on the grounds that the parking spaces were to serve owners/tenants of residential/commercial units; combination of domestic and commercial uses in a residential area would cause unnecessary hassle to and affecting the quality of life of the residents; more visitors using the lifts serving car park/podium levels caused

inconvenience to residents and increased trespassing to the podium thus adversely affected the estate security, law and order, and the living environment; increase in parking fee due to reduced provision of parking spaces; traffic congestion; fire safety requirements were not fulfilled; concerns on repair and maintenance of residential facilities located at the original car park setting; and legal grounds to approve such a “temporary use”;

- (e) District Officer (Tsuen Wan) advised that comments were received from the Chairlady of the West Area Committee of Tsuen Wan. The Chairlady had consulted the District Councillor of the constituency concerned and the Discovery Park Residential Owners’ Committee, and both of them raised objection to the application because it would reduce the supply of parking spaces for residents and the parking fees would be increased; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The temporary motor-vehicle showroom did not result in any actual increase in development bulk or intensity as it only involved conversion of an existing car park to a temporary showroom. The temporary showroom was not incompatible with the retail podium uses of the comprehensive commercial/residential development. The proposed relaxation of non-domestic GFA restriction was only on a temporary basis for 3 years which was considered acceptable. The Transport Department (TD) confirmed that the applicant’s Parking Demand Study was in order and the reduced number of remaining parking spaces (i.e. 844) was acceptable. Regarding the public concerns on the traffic impact of the proposed development, TD advised that the temporary motor-vehicle showroom was expected to generate minimal additional traffic flows, which would unlikely be more than the flow of usage as car park. For those comments concerning car park management and security of Discovery Park, the applicant would be advised to address the issues with the estate management.

35. Members had no question on the application.

Deliberation Session

36. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.8.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.2.2010; 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.

37. 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 subject premises;
- (b) to submit building plans to the Building Authority to demonstrate compliance with the Buildings Ordinance (BO) and its regulations;
- (c) to liaise with the management of Discovery Park regarding the car park management and security concerns of the residents; and
- (d) to note that the approved gross floor area (GFA) (4 333m²) for the proposed temporary motor-vehicle showroom covered all the GFA accountable areas under the BO and its regulations.

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

Hong Kong District

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/382 Proposed Educational Institution
in “Commercial/Residential” zone,
Shop B of G/F, 1/F and 2/F, Lucky Centre,
165-171 Wan Chai Road, Wan Chai
(MPC Paper No. A/H5/382)

Presentation and Question Sessions

38. Mr. Edwin P.Y. Young, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed educational institution;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period which did not indicate any comment on the application;
- (e) District Officer (Wan Chai) advised that while most of the locals consulted had no comment on the proposed use, some expressed concern about the security of the building and its compliance with the fire safety regulations;

and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. The proposed educational institution was considered not incompatible with the existing mixed commercial/hotel uses in the same building and the surrounding developments which were a mixture of commercial and composite commercial/residential buildings. It was unlikely that the proposed educational institution would generate adverse impact on the surrounding area. Regarding the public concerns on security and fire safety requirements, the subject building was currently occupied by various commercial, hotel and entertainment uses and fulfilment of fire safety requirements could be ensured by imposing relevant approval condition.

39. Members had no question on the application.

Deliberation Session

40. 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 21.8.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/383 Proposed Hotel
 in “Residential (Group A)” zone,
 43-63 Tai Yuen Street and 242-246 Queen's Road East,
 Wan Chai
 (MPC Paper No. A/H5/383)

Presentation and Question Sessions

41. Mr. Edwin P.Y. Young, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – the Commissioner for Tourism supported the application as the proposal would enhance the provision of new hotel rooms, broaden the range of accommodations for visitors, and support the rapid development of convention and exhibition, tourism and hotel industries. The District Lands Officer/Hong Kong East commented that the way on how to effect the proposed corner splay had to be determined if it was accepted by the Government, and the proposed public space could not be enforced by the subject leases which were virtually unrestricted. The Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department advised that refuge floor should be provided for the hotel development pursuant to the ‘Code of Practice for the Provision of Means of Access In Case of Fire 1996’. While the applicant indicated that the design of the hotel would be revised to avoid the need for a refuge floor, whether or not a refuge floor was required would depend on the design;

- (d) ten public comments were received during the statutory publication period. Two comments supported the application on the grounds that the hotel would provide incentive to upgrade the old urban area of Wan Chai, open space to meet the desperate need, and stimulus to the local economy. The other eight comments objected to the application on the grounds of adverse impacts on visual, air ventilation, daylight and shadow aspects due to the tall and large hotel development; traffic impact to the already congested Queen's Road East and the narrow McGregor Street/Tai Yuen Street; increased burden on drainage and sewerage systems in the area; and that the sunken garden was not a genuine open space and too small in size;
- (e) District Officer (Wan Chai) advised that while most of the locals consulted had no comment on the application, some had expressed concern on the inadequacy of loading space and were worried that tourist coaches waiting outside the hotel would cause traffic jam; and
- (f) the Planning Department (PlanD)'s views – PlanD had reservation on the application based on the assessment in paragraph 10 of the Paper. According to the applicant, the proposed increase in gross floor area (GFA) (+701m² or +8%) and building height (+10.2m or +9%) in the current scheme were to meet the operation requirements of the hotel operator for more spacious rooms and amenity. In order to support an increase in the GFA, the current scheme had incorporated additional planning and design merits including a sunken plaza on basement level and a landscape terrace on 2/F for public use, set back of the building from Queen's Road East, and set back of building façade with vertical green eco-strip provided on typical hotel floors. The applicant indicated that, despite an increase in GFA and building height, there was no substantial difference between the current scheme and the approved scheme in terms of visual impacts on the neighbourhood. As the proposed scheme involved a reduction in the number of hotel rooms (from 201 to 160) and improvement in internal transport arrangement, the impacts on traffic and other infrastructure provisions in the area would not be worsened when compared with the approved scheme. However, it should be noted that in considering other

applications for hotel developments within the “Residential (Group A)” (“R(A)”) zones on Hong Kong Island, the Committee had taken the view that a plot ratio (PR) of about 12 was more compatible with residential developments in the “R(A)” zones of which the permitted PR was 8 to 10. As such, approval of the current application would have implications on other similar applications unless there were specific merits in this case that would warrant a departure from the adopted approach. Although planning permission for hotel use had already been granted for the subject site, the Committee should consider whether the applicant’s justifications would merit a favourable consideration to the proposed increase of 701m² GFA (i.e. an additional PR of 1) in the current scheme.

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

42. In response to a Member’s question, Ms. Brenda K.Y. Au, DPO/HK, said that the bonus PR of 0.252 arising from the dedication of land for footpath widening and surrender of land for the provision of a corner splay had been included in the total PR of 13.317 for the current scheme. Similarly, the bonus PR of 0.317 had also been included in the total PR of 12.317 in the previously approved hotel development.

Deliberation Session

43. Members did not agree that the planning gains and design merits as claimed by the applicant in the current scheme would merit a favourable consideration to the proposed increase in PR from 12.317 to 13.317 (i.e. an increase in PR of 1.0). A Member opined that the technical assessments were acceptable to Government departments mainly due to a reduction in the number of hotel rooms. It was worried that, if the application was approved, the applicant would come up with another scheme to increase the number of hotel rooms arguing that the building bulk, which had been approved at a PR of 13.317, would remain unchanged. Another Member considered that the proposed public open space at the sunken plaza was not desirable in terms of size and location.

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

- (a) the proposed hotel development with a plot ratio of 13.317 was considered not compatible with the development density within the “Residential (Group A)” (“R(A)”) zone; and
- (b) the approval of the application would set an undesirable precedent for similar hotel developments within the “R(A)” zone.

[The Chairperson thanked Ms. Brenda K.Y. Au, DPO/HK, and Mr. Edwin P.Y. Young, STP/HK, for their attendance to answer Members’ enquiries. Ms. Au and Mr. Young left the meeting at this point.]

Kowloon District

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

Agenda Item 8

[Open Meeting]

Proposed Amendments to the
Approved Hung Hom Outline Zoning Plan No. S/K9/22
(MPC Paper No. 23/09)

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

- 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.

46. The Committee noted that Mr. Maurice W.M. Lee and Ms. Starry W.K. Lee had tendered apologies for being unable to attend the meeting. As the property of Mr. Raymond

Chan was at a distance from the proposed amendment site at Wuhu Street, the Committee agreed that Mr. Chan's interest was indirect and he could remain at the meeting.

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

47. Mr. Vincent T.K. Lai, STP/K, presented the proposed amendments to the approved Hung Hom Outline Zoning Plan (OZP) as detailed in the Paper and covered the following main points :

- (a) as detailed in paragraph 3 of the Paper, the proposed amendment to the OZP was to rezone a site at 83 Wuhu Street, Hung Hom from "Residential (Group A) 4" ("R(A)4") to "Other Specified Uses" annotated "Hotel" ("OU(Hotel)") to take forward the Committee's decision made on 9.5.2008 for a section 12A application (No. Y/K9/4) which was partially agreed by the Committee. The proposed amendment was to facilitate the conversion of an existing 25-storey (including one level basement) commercial/office building into a hotel. In approving the application, the Committee agreed to impose the following restrictions:
 - to incorporate a maximum building height restriction (BH) of 80mPD or the height of the existing building on the OZP. A provision could be made in the Notes for minor relaxation of the BH restriction which might be considered by the Town Planning Board under section 16 of the Town Planning Ordinance;
 - to stipulate in the Notes that physical extension from the external walls and basement of the existing building would not be allowed;
 - to specify that the maximum plot ratio (PR) restriction of 12 should include back-of-house facilities, and the PR of the existing building could not be claimed;
 - to include 'Place of Entertainment' use in Column 2 of the Notes for the "OU(Hotel)" zone; and

- to include a minor relaxation clause for PR restriction so that application could be made for minor relaxation if justified with design merits;

(b) as detailed in paragraph 4 and Attachment III of the Paper, the proposed amendment to the Notes of the OZP was to incorporate a new set of Notes for the “OU(Hotel)” zone. This new set of Notes would not only govern the existing building on the site but also any building(s) upon redevelopment within the “OU(Hotel)” zone;

(c) as detailed in paragraph 5 and Attachment IV of the Paper, opportunity was taken to revise the Explanatory Statement of the OZP to take into account the proposed amendments and reflect the latest planning circumstances of the OZP;

(d) no adverse comments were received from relevant Government departments; and

(e) as public exhibition of the section 12A application had been made to collect public comment, prior public consultation was considered not necessary. The proposed amendments, if agreed by the Committee, would be exhibited under section 5 of the Town Planning Ordinance for public inspection and the Kowloon City District Council would be consulted during the exhibition period.

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

49. After deliberation, the Committee decided to :

(a) agree to the proposed amendments to the approved Hung Hom Outline Zoning Plan (OZP) No. S/K9/22 and its Notes as set out in paragraphs 3 and 4 of the Paper;

- (b) agree that the draft Hung Hom OZP No. S/K9/22A at Attachment II (to be renumbered as S/K9/23 upon exhibition) and its Notes at Attachment III of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance;
- (c) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper as an expression of the planning intentions and objectives of the Town Planning Board (the Board) for the various land use zonings on the OZP; and
- (d) agree that the revised ES was suitable for exhibition together with the draft Hung Hom OZP No. S/K9/22A (to be renumbered as S/K9/23 upon exhibition) and issued under the name of the Board.

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

[Miss Helen H.Y. Chan, STP/K, was invited to the meeting at this point.]

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/232 Proposed Place of Recreation, Sports or Culture
 (Annex Building for Ko Shan Theatre)
 in "Open Space" zone and an area shown as 'Road',
 Ko Shan Road Park,
 77 Ko Shan Road, Ma Tau Kok
 (MPC Paper No. A/K10/232)

Presentation and Question Sessions

50. Miss Helen H.Y. Chan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the application was submitted by the Leisure and Cultural Services Department (LCSD) for a proposed 7-storey (including one basement) Annex Building to the existing Ko Shan Theatre;
- (b) the proposed place of recreation, sports or culture (annex building for Ko Shan Theatre);
- (c) departmental comments – the Secretary for Home Affairs (SHA) supported the application as the existing and new theatres of Ko Shan Theatre would produce a synergy to establish Ko Shan Theatre as a dedicated venue for Cantonese Opera and other Chinese Xiqu;
- (d) nine public comments were received during the statutory publication period including one comment with 7 signatures and one submitted by a Kowloon City District Council (KCDC) member. All the commenters expressed concern on the insufficient tennis courts in the area; no consultation with the users of tennis courts prior to the closure; and no arrangement to replace the tennis courts. One commenter opined that the proposed Annex Building should be built at another location near Kowloon City Ferry Pier whereas two commenters suggested the football court within the Park. Four commenters suggested to convert the football court into tennis courts to compensate the loss. The KCDC member considered that the dispersal of 1 600 audience after events would create conflict between pedestrians and vehicular traffic, thus affecting road safety and resulting in traffic noise in the area. According to the DC member's survey, residents in the Ko Shan Road area opined that the proposed development, serving only the users of the theatre, should not affect the living environment of local residents;

- (e) District Officer (Kowloon City) advised that the KCDC Members, the Chairman of Tokwawan Area Committee and the Owners Committee/ Mutual Aid Committees/management committees of buildings near the application site were consulted on the application. The Board should take into account all the comments gathered in the consultation exercise in the decision-making process; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. The proposed Annex Building was one of the 25 priority implementation projects in the Chief Executive's 2005 Policy Address and was intended to be used for performances, training, rehearsals and audio-visual production of Cantonese Opera. SHA supported the application from policy level. The proposed Annex Building for Cantonese Opera use was not incompatible with the surrounding areas comprising residential, religious, educational and other uses. With the proposed design and landscape treatments (including the use of basement to minimize the building bulk, height variation, rooftop open space/greening and vertical greening) in the development scheme to minimise visual impacts and enhance visual amenity, both the Architectural Services Department and the Urban Design and Landscape Section of PlanD considered that the proposed development was not incompatible in scale with other developments in the vicinity. The proposed development was not expected to generate adverse impact on local traffic, environment, air ventilation and infrastructural provisions. Regarding the commenters' suggestion to convert the football pitch within the Park into tennis courts, the applicant indicated that the football pitch had a slightly higher utilisation rate than the tennis courts. It was also used for morning exercise, Tai Chi and dance as well as large-scale events such as Yu Lan Festival. The proposed conversion might arouse complaints from the public/nearby residents. On the relocation of tennis courts, the applicant had consulted various committees of the KCDC and members supported the project and the use of tennis courts in Ko Shan Road Park for the proposed development. Nevertheless, the applicant had proposed to re-provision the tennis courts at Hung Luen Road in Hung Hom.

It was considered that the reprovisioning site would serve the existing users and also be convenient to serve the dense population of this part of Hung Hom area. The applicant would further consult KCDC on the details of the relocation. For the dispersal management of audience, the applicant advised that the two theatres would be under the same management and the operational adjustments and manpower deployment could be planned and executed flexibly. The admission and dispersal of audience of the two theatres would be staggered to reduce the crowd departing the park area at the same time. The applicant would also alert the Transport Department, the Police and other concerned departments to note the public safety concerns. In addition, the applicant had relayed the suggestion of providing subway connection to the future Mass Transit Railway Station of the Shatin-to-Central Link to Mass Transit Railway Corporation Limited for review.

51. A Member noted that the reprovisioned tennis courts at Hung Luen Road would only be available from 2014 and 2016 which was quite a long time ahead, and asked whether LCSD had examined other replacement sites. Miss Helen H.Y. Chan said that a site search had been conducted by LCSD and the one at Hung Luen Road was the only available site for the purpose of reprovisioning the tennis courts. As the Hung Luen Road site was currently used as works area and some parts of the site would be available in 2011 with the remaining portion in 2015, it was envisaged that the four tennis courts would be reprovisioned by phases.

Deliberation Session

52. 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 21.8.2013, 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 landscaping proposal including tree preservation scheme to the satisfaction of the Director of Planning or

of the TPB;

- (b) the construction, maintenance and management of the lay-bys at Ko Shan Road within the application site to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the design and provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Kowloon West on the modification of the Engineering Conditions for the proposed development;
- (b) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by the Buildings Department;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) that as the existing trees would be in close proximity to the proposed lay-bys at Ko Shan Road, intensive care should be taken during the excavation works to avoid damage to the tree roots;
- (d) to note the comments of CTP/UD&L, Plan D that in order to convey a sense of cultural identity of an art performance venue, the northern façade of the proposed Annex Building should be further improved and the design be moulded to express such an identity;
- (e) to note the comments of the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) that Mass Transit Railway Corporation Limited (MTRCL) was proposing temporary signalisation of the junction at Ko Shan Road/Shansi Street to facilitate the construction of

the Shatin-to-Central Link. The applicant should liaise with MTRCL to devise a junction arrangement that would suit both projects;

- (f) to note the comments of AC for T/U, TD that the Kowloon City District Council and the public should be consulted on the proposed modifications to the junction of Ko Shan Road/Shansi Street and relocation of the affected metered parking spaces and a green mini bus stand at Ko Shan Road; and
- (g) to note the comments of the Commissioner of Police that dispersal management separating pedestrian and vehicular traffic within the Ko Shan Road Park should be devised.

[The Chairperson thanked Miss Helen H.Y. Chan, STP/K, for her attendance to answer Members' enquiries. Miss Chan left the meeting at this point.]

[Mr. Otto K.C. Chan, STP/K, was invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/195 Proposed Shop and Services
in "Other Specified Uses" annotated "Business" zone,
Workshop C on G/F, Midas Plaza,
1 Tai Yau Street, San Po Kong
(MPC Paper No. A/K11/195)

Presentation and Question Sessions

54. Mr. Otto K.C. Chan, STP/K, 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 – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Wong Tai Sin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed shop and services use at the application premises was not incompatible with other uses within the same building. It complied with the Town Planning Board Guidelines No. 22D in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. Relevant Government departments including Fire Services Department had no objection to or adverse comments on the application.

55. Members had no question on the application.

Deliberation Session

56. 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 21.8.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape separated from the industrial portion and fire service installations, in the subject premises to the satisfaction of the

Director of Fire Services or of the TPB before operation of the use; and

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

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for a temporary wavier or lease modification; and
- (b) to appoint an Authorised Person to submit building plans for the proposed change in use to demonstrate compliance with the requirements under the Buildings Ordinance regarding the provisions for disabled persons, sanitary fitments, means of escape and fire-resisting separation from the adjoining premises.

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

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/596 Proposed Shop and Services (Fast Food Shop)
in "Other Specified Uses" annotated "Business" zone,
Shop F, G/F, Ocean Industrial Building,
29 Tai Yip Street, Kwun Tong
(MPC Paper No. A/K14/596)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services (fast food shop);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period expressing support to the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed shop and services (fast food shop) use complied with the Town Planning Board Guidelines No. 22D in that it would not have adverse impacts on fire safety and car parking provision in the existing industrial building. Relevant Government departments including Fire Services Department, Buildings Department and Transport Department had no objection to the application.

59. Members had no question on the application.

Deliberation Session

60. 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 21.8.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the

provision of a means of escape completely separated from the industrial portion and fire service installations, in the subject premises to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and

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

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

- (a) to apply to the District Lands Officer/Kowloon East for a temporary waiver or lease modification for the proposed shop and services (fast food shop) use at the subject premises;
- (b) to appoint an Authorised Person to submit building plans for the proposed change of use to demonstrate compliance with the Buildings Ordinance, in particular the reinstatement of the approved access for persons with a disability under Building (Planning) Regulation 72; and
- (c) to approach the Director of Food and Environmental Hygiene for the application for food licence.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/597 Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Portion of Factory Unit No. 2,
G/F, Century Centre,
44-46 Hung To Road, Kwun Tong (KTILs 276 and 278)
(MPC Paper No. A/K14/597)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period expressing support to the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The shop and services use under application complied with the Town Planning Board Guidelines No. 22D in that it would not have adverse impacts on fire safety and car parking provision in the existing industrial building. Relevant Government departments including Fire Services Department, Buildings Department and Transport Department had no objection to the application.

63. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial

portion and fire service installations, in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.2.2010; 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.

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

- (a) to apply to the District Lands Officer/Kowloon East for lease modification for the shop and services use at the subject premises;
- (b) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction as advised by the Director of Fire Services; and
- (c) to appoint an Authorised Person to submit building plans for the change of use to demonstrate compliance with the Buildings Ordinance, in particular the provision of 2-hour fire-resisting separation wall between the application premises and the remaining portion of existing workshops on G/F in accordance with paragraph 8.1 of the Code of Practice for Fire Resisting Construction 1996 and Building (Construction) Regulation 90; and the provision of access and facilities for persons with a disability under Building (Planning) Regulation 72.

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

Agenda Item 13

Any Other Business

66. There being no other business, the meeting was closed at 12:55 p.m..