

TOWN PLANNING BOARD

**Minutes of 408th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 20.11.2009**

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

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

Dr. Winnie S.M. Tang

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

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

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. Leslie H.C. Chen

Mr. Maurice W.M. Lee

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Miss H.Y. Chu

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

Agenda Item 1

Confirmation of the Draft Minutes of the 407th MPC Meeting held on 6.11.2009

[Open Meeting]

1. The draft minutes of the 407th MPC meeting held on 6.11.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising from the last meeting.

Hong Kong District

Agenda Item 3

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/H3/4B)

3. 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

4. The following representatives from the Planning Department (PlanD) and the Development Bureau (DEVB) were invited to the meeting at this point:

Ms. Brenda K.Y. Au	-	District Planning Officer/Hong Kong (DPO/HK)
Mr. C.M. Li	-	Senior Town Planner/Hong Kong (STP/HK)
Mr. Jack J.C. Chan	-	Commissioner for Heritage

5. The following applicants' representatives were also invited to the meeting at this point:

		<u>Name of Applicants</u>
Ms. Katty Law	-	Central and Western Concern Group
Ms. Chik Yuk Chun)	
Ms. Sally Ho)	Community Alliance for Urban Planning
Mr. Ng Yin Keung)	
Ms. Terry Ma	-	Designing Hong Kong Ltd.
Ms. Cynthia Lee	-	Dragon Garden Charitable Trust
Ms. Maggie Brooke)	
Miss Peggy Wong)	Heritage Hong Kong Foundation
Mr. John Batten	-	Hong Kong International Association of Art Critics
Ms. Patsy Cheng	-	SEE Network
Mr. Ian Brownlee)	
Miss Kira Brownlee)	Masterplan Ltd. (Applicants' consultants)

6. The Chairperson extended a welcome and explained the procedures of the hearing. Ms. Brenda K.Y. Au, DPO/HK, was then invited to brief Members on the

background to the application. Ms. Au said that replacement page 15 of the Paper was tabled at the meeting for Members' reference. With the aid of a Powerpoint presentation, Ms. Au presented the application as detailed in the Paper and made the following main points:

- (a) the application was submitted by 13 non-government organisations and community groups proposing to amend the Notes for the "OU(HSPCRCU)" zone covering the application site (i.e. the Central Police Station (CPS) Compound site) by incorporating a building height restriction (BHR) of 77mPD with a view to providing adequate planning control on the site and as a means for retaining as many of the existing buildings as possible, in particular the F Hall, together with a minor relaxation clause for the BHR. The applicants also proposed to incorporate in the Explanatory Statement (ES) of the OZP the reasons for imposing the BHR for the subject "OU" zone. There were no indicative development proposal nor technical assessments submitted in support of the application;
- (b) 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.]

- (c) as indicated in the Notes for the "OU(HSPCRCU)" zone, the planning intention of the zone was to preserve, restore and convert the CPS Compound site into a heritage tourism attraction that would provide a wide range of cultural, recreational and commercial facilities for the enjoyment of local residents and tourists. Any new development, except alteration and/or modification to an existing building and new structure(s) for facilities that were ancillary and directly related to the always permitted uses, would require planning permission from the Town Planning Board (the Board). As stated in the ES of the subject "OU" zone, the ancillary facilities which would be permitted as of right would include canopy, covered/enclosed walkway, escalator, elevator and lift and associated structures for the improvement of linkage within the site and with the

surrounding area;

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

(d) the departmental comments were detailed in paragraph 9 of the Paper and highlighted below :

- the Commissioner for Heritage of DEVB considered it unnecessary and premature to impose a BHR as proposed on the CPS Compound site at this stage on the grounds that (i) there were already adequate controls under the Town Planning Ordinance (TPO) and the Environmental Impact Assessment Ordinance to ensure that the BH of new structures on the site would be compatible with the surrounding environment; (ii) new development required planning permission from the Board and the views of the public and the Antiquities and Monuments Office (AMO) would be taken into account by the Board when considering the planning applications; (iii) acceptability of the proposed BH should be considered in the light of the specific design of the new structures; (iv) the HKJC was revising the design of the new structures to address the public comments; and (v) the HKJC's original proposal and the gist of preservation requirements for the CPS Compound site prepared by the AMO for the government tendering in 2004 were irrelevant factors;
- the AMO considered it not necessary and premature to set a BHR under the OZP as there were sufficient safeguards under the Antiquities and Monuments Ordinance to ensure that the CPS Compound site would be preserved to the required standard; and
- the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of PlanD advised that the heritage buildings within the CPS Compound site were themselves landmark buildings and should best be conserved in their originality and entirety to reflect the time, memories and character of the heritage. Any extensions and new developments adjoining the heritage buildings should be designed to respond to the

style, form and proportions of the existing heritage buildings. Given that the application site was already crowded with building structures and surrounded by many existing tall buildings, the site should not be cramped and dwarfed by more new tall buildings;

- (e) a total of 206 public comments were received during the statutory publication period. There were 179 comments supporting, four objecting to and 23 providing comments on the application. The major public comments were summarised in paragraph 10.2 of the Paper and highlighted below :

Supporting comments (from members of the public, Central and Western District Council (C&WDC) members, a special working group under the C&WDC, local groups and business operators)

- the CPS Compound was one of the Hong Kong's most important cultural and historical monuments which should be well conserved and retained completely;
- the tall tower proposed by HKJC would be incompatible with the conservation principles in the CMP which called for the 'open character' of the courtyard and that its relationship to adjacent buildings had to be respected. The existing buildings on the Upper Platform Area should be retained;
- there were already too many tall buildings within the area. The development of a tall tower would contribute to the existing canyon effect, generate excessive traffic, and block air ventilation and views. It was not compatible with the existing buildings within the subject site both in scale and character;

Objecting comments from the HKJC

- the application was filed on the basis of an outdated scheme and HKJC had begun to develop a revised scheme which respected the heritage value of the site and the public views;

- the applicants were attempting to apply BHRs to individual plots without considering the urban design context;
- the proposed BHR was unnecessary in view of the current statutory provisions governing the CPS Compound site which had given the Board the opportunity to control the parameters of new developments on the site;
- the applicants' reference to charters under the International Council on Monuments and Sites and the Burra Charter in specifics were misconceived, as adaptive re-use and the integration of sensitive new building into historic sites were very much encouraged under these charters;
- approval of the application would impose arbitrary and undue restrictions on the HKJC's plan for a revised scheme currently underway for the site and curtail design flexibility and excellence;

Objecting comments (from a property owner, a local group and a C&WDC member)

- in order to maintain the original appearance of the heritage site, no new building should be allowed within the site;
- new buildings at a height of 77mPD would spoil the style of existing buildings on the site;

Other comments (from property owners, members of the public, business operators, a local group, Legislative Council and C&WDC members)

- the F Hall should be retained;
- the height limit should not exceed the existing BH; or should not be 50% higher than the existing buildings; or should not be more than 5 storeys;

- in the absence of stringent BHR for the site, developers would be attracted by the high land price of the area and increase the BH for more rentable space, which would ruin the landscape of the area, spoil its atmosphere, and put a heavy burden on the traffic nearby;

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

- (f) the District Officer (Central & Western) advised that at the C&WDC meeting of 6.3.2008, members were consulted on the HKJC's original proposal and expressed concerns on whether the proposed iconic tower, which was considered too tall and large, would be compatible with the historical features of the CPS Compound site and its effect on sunlight penetration and the associated adverse visual impacts on the residents nearby. The meeting requested the Government to preserve all declared monuments and buildings; and the height of new building should be reduced to a level acceptable to the residents; and
- (g) the PlanD's views – PlanD did not support the application based on the assessment in paragraph 11 of the Paper which was summarised below :
 - there was already adequate planning control under the OZP over new development on the site through the requirement for planning application, which was an open and transparent process. The Board retained control over any new development, which would ensure that such development would be compatible with the historical setting of the CPS Compound site and the surrounding area;
 - given the uniqueness of the site, and in the absence of a comprehensive review of the BHRs for the area, it was considered important to make reference to the revised design scheme for the CPS Compound site in formulating the BHRs for the site, particularly as the revised proposal would soon be finalised;

- a BH limit of 77mPD was proposed by the AMO back in 2004 for a commercial tender exercise for a heritage tourism project. The partnership scheme that the Government and the HKJC were now working on was for providing arts and cultural facilities on a not-for-profit basis;
- the details of the HKJC's revised proposal, such as the arts and cultural facilities to be included and their functional requirements, and integration between the old and new buildings etc., were relevant to the determination of an appropriate BHR for the site. Imposing a BHR of 77mPD, which only allowed a building of about 21m at the Upper Platform Area, at this stage would unnecessarily limit the design flexibility;
- the applicants' argument for imposing a BHR of 77mPD for the site was heavily based on an outdated design scheme. There was no technical assessment submitted by the applicant to demonstrate the effect of the proposed BHR on the future design of the CPS project; and
- the various issues raised by the public including the possible traffic, visual and air ventilation impacts of excessive development could be dealt with at the planning application stage.

7. The Chairperson then invited the applicants' representatives to elaborate on the application. Members noted that a legal opinion and an information booklet on the CPS Compound were tabled at the meeting by the applicants. With the aid of a Powerpoint presentation, Mr. Ian Brownlee made the following main points:

- (a) the HKJC recently invited the applicants to a meeting on the CPS project. It was noted in the meeting that the HKJC was still working on the revised scheme;
- (b) the DEVB entered into a joint partnership with the HKJC, the

implementation agent of the CPS project. Whilst DEVB was the Government policy bureau for heritage conservation, it also acted as the developer of the project. Hence, he considered that the DEVB had a conflict of interest in this case;

- (c) the new assessment and conservation policies included in the CMP for the CPS Compound site, which was prepared by a renowned British firm of conservation architects for the HKJC, were the most detailed analysis and framework established for the conservation and management of the site. With reference to the conservation policies in relation to the buildings, spaces and trees in the Upper Platform Area and the prison courtyard, the original HKJC's proposal was not a good option;
- (d) the principles in the Burra Charter were directly applicable to the subject site and the cultural significance of the site should be given careful consideration before an irreversible decision was made to destroy the heritage;
- (e) as indicated in Appendix C of the applicants' supplementary planning statement, which was an extract of a paper on heritage conservation considered by the Legislative Council on 19.12.2008, the Government and the HKJC would take forward the conservation and revitalisation of the CPS Compound site based on a number of parameters. While the HKJC announced that the original 'bamboo' based scheme had been discarded, there was no indication that the 'approved' parameters would be reviewed/amended;
- (f) the AMO had already allowed flexibility for new development by setting a BHR of 77mPD, which was about 10% higher than the tallest existing building on the site, i.e. D Hall at 70.1mPD;
- (g) as pointed out in the CMP, one of the most striking characteristics of the CPS Compound site was the relatively unchanged scale of the site as compared with the rapid growth of the surrounding area, making the site

one of the few remaining sections of low-rise buildings left in the centre of Hong Kong; and

- (h) the CMP presented a series of conservation policies in relation to the whole site and for individual buildings and structures within the site. Of particular importance to this application were those relating to D Hall, F Hall, the external walls, the prison yard and Bauhinia House, which would be covered or affected by the proposed development above the Upper Platform.

8. Ms. Patsy Cheng made the following main points:

- (a) the existing 27 buildings and structures within the CPS Compound site were developed in different times over the past years. The F Hall was assessed to be of little architectural significance by the AMO as it was only completed in 1913 and then altered in 1931 and rebuilt in 1948. Although the D Hall was the earliest completed building (in 1860) and was classified as 'Type A' historic building which should be conserved externally and internally, major alteration works of the building had also been taken place in 1890 and 1945. In assessing the heritage value of the CPS Compound site, apart from the building 'age' and architectural significance of individual buildings, we should also take into account their social value as the changes to these buildings over the years were driven by practical needs at that time. Such changes in need were attributed by the progressive social development of Hong Kong and was an important part of Hong Kong's history;
- (b) the internal space of the prison helped us to understand the past history. In 1890s, the government's proposal to expand D Hall with a view to improving the crowded environment in the prison was strongly objected by the community, especially the Chinese, since their living condition was also poor. The outbreak of plague in 1894 revealed the unsatisfactory and sub-standard environmental hygiene of the general community. In 1913, the F Hall was completed and used as a printing workshop for prisoners to

work and acquire skills. In 1931, it was rebuilt as a two-storey building and added with a 'weaving area'. This earmarked the change in the concept of penalty of the prisoners that more emphasis should be put on offenders' rehabilitation;

- (c) the prison courtyard had an important historical value as the prisoners in the early years were not allowed to go outside their cells. The provision of such an open area for the prisoners represented the progressive development of human culture. Moreover, the open courtyard was considered as the 'centre of Central' because it had remained status quo in the past decades but the 'world' outside the walls of the compound had gone through significant developments and changes;
- (d) the D Hall and the F Hall were the integral part of the past history, hence the objective of the current application was to retain as many existing buildings as possible, particularly the F Hall; and
- (e) the CPS Compound was declared as a monument under the Antiquities and Monuments Ordinance in 1995. The declaration was intended to preserve the historic character and integrity of the original layout of the site. Members were requested to retain the site status quo. Such a decision was very important as any approval granted to permit changes to the site would be irreversible.

9. Ms. Maggie Brooke made the following main points:

- (a) the Heritage Hong Kong Foundation was in support of the HKJC to take forward the conservation and revitalisation project of the CPS Compound site. However, their concern was on the process on how it should be done;
- (b) according to the legal opinion obtained by the Heritage Hong Kong Foundation, the Board was required to make enquiry and take account of all relevant matters in making decisions on land use and building types

including key planning parameters, such as BH limits, so as to guide the project proponents on making development proposals. Nonetheless, such a process was reversed in the current application in that the Board would decide on the BHR only when the revised scheme was submitted by HKJC;

- (c) as specified in the Notes for the subject “OU” zone, alteration and/or modification to an existing building that was ancillary and directly related to the always permitted uses would not require planning permission from the Board. It was concerned that there would be many alteration works to the existing buildings which would not be controlled by the Board. The Heritage Hong Kong Foundation was not against the erection of new developments on the site, but considered that the new buildings should be of appropriate heights. It was believed that the BHR of 77mPD together with the minor relaxation clause would provide sufficient flexibility to the HKJC and their architects for creative design solutions in the adaptive re-use of the CPS Compound site; and
- (d) paragraph 11.2 of the Paper stated that it was not disputed that the incorporation of BHRs in the OZP would provide greater certainty and transparency to the public. In fact, the Board had imposed BHRs on the West Kowloon Cultural District (WKCD) site, which was another sensitive site although without the same heritage significance, on the ground that appropriate development restrictions should be in place before the preparation of a development plan by the WKCD Authority. The same principle should be applicable to the CPS Compound site.

10. Ms. Cynthia Lee made the following main points:

- (a) the Dragon Garden Charitable Trust was undertaking a conservation project of Dragon Garden in Tsing Lung Tau. The conservation of Dragon Garden was similar to the CPS Compound that there were existing Grade II buildings of heritage significance within the site and it was intended for opening to the public on a non-profit making basis. In the past few years, consideration was being given to whether certain buildings would be

demolished and whether new buildings would be added within the site; and

- (b) the Committee's decision on the current application would be an important reference to the conservation project of Dragon Garden. Ms. Lee hoped that 'double standard' would not be applied to the Dragon Garden when they submitted their proposal to the Committee for approval.

11. Ms. Katty Law made the following main points:

- (a) the objective of the subject application was to stipulate clear planning guidelines so as to conserve the CPS Compound site of significant heritage importance and to protect the urban environment;
- (b) she was present at the open meeting of the Board in the consideration of imposing development restrictions on the WKCD site, and noted that Members had great concern on the need to impose BHRs before the development plan for the WKCD was formulated. If the subject application was not approved by the Board, it would create a 'double standard', set an undesirable precedent and arouse uncertainty due to inconsistency in Government's policies; and
- (c) the Board should protect the living environment of the general public and apply the same principles in the consideration of application for imposing BHRs submitted by non-government organisations.

12. Mr. John Batten made the following main points:

- (a) there were very few community-based cultural facilities provided by the Government, and it was extremely expensive for the community organisations to run activities in the existing cultural venues; and
- (b) the Government had announced the development of several new arts facilities such as those at the Hollywood Road Police Married Quarters site and the YMCA site at Bridges Street which were in the vicinity of the CPS

Compound site. As temporary exhibitions had been successfully organised at the CPS Compound site, it was considered that the site could be used as an exhibition area.

13. Mr. Ng Yin Keung made the following main points:

- (a) PlanD did not support their application and one of the reasons was that the consideration of an appropriate BHR for the CPS Compound site would need to take account of the detailed design for the arts and cultural facilities to be accommodated within the site. It was considered that without a BHR imposed on the site, the flexibility would be too great for the future development. It would also set a bad precedent in that the project proponents of other arts and cultural facilities might request for the development of exceptionally tall buildings; and
- (b) an appropriate BHR should be imposed on the CPS Compound site. If PlanD considered that the current proposed height of 77mPD was not appropriate, PlanD should propose a revised BHR for further discussion with relevant stakeholders.

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

14. Mr. Ian Brownlee made the following main points:

- (a) BHRs had been incorporated in a number of OZPs. For BHRs of government, institution or community buildings such as schools and churches, they would be based on the existing heights of the buildings with a view to providing breathing space and creating a contrast with high-rise developments;
- (b) the proposed BHR for the CPS Compound site was only objected by the Commissioner for Heritage and the AMO which were under the purview of DEVB. As DEVB was a partner of the joint venture with HKJC for the CPS project, there was indeed a conflict of interest in this case.

Nonetheless, it should be noted that the control of BH within the subject site was supported by the CTP/UD&L of PlanD;

- (c) the Board was an independent statutory body to make decisions on planning matters. It was different from the Antiquities Advisory Board (AAB) which was only an advisory body; and
- (d) the refusal to add a BHR for the site would arouse the suspicion that the HKJC intended to place tall buildings on the site.

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

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

- (a) paragraph 9.1.3(c) of the Paper stated that the HKJC gave a presentation on their adaptive re-use proposal of the CPS Compound site at the AAB meeting of 20.11.2007. Clarification was sought on the views of the AAB;
- (b) the applicants argued that the height limit of 77mPD set by the AMO was in accordance with the existing BHs. What was the reason that such a height limit was not considered to be relevant by PlanD;
- (c) the reasons of different approaches in stipulating BHRs for the WKCD site and the CPS Compound site;
- (d) whether there was any response from the Government to the legal opinion tabled by the applicants at the meeting;
- (e) whether there was any timetable for the completion of HKJC's revised scheme; and
- (f) whether the conservation criteria of international charters had been taken into account in taking forward the CPS project.

16. Ms. Brenda K.Y. Au made the following main points:

- (a) the HKJC's 'bamboo' based scheme was discussed by the AAB on 20.11.2007. While members of AAB in general supported the HKJC's revitalisation proposal, some of them had raised concerns on the height of the new iconic structure; visual harmony of the new and old buildings; and a better balance between heritage conservation and development. There was suggestion that the CPS Compound site could be planned together with other historic buildings in the neighbourhood to bring out the historic significance of the Central and Western district;
- (b) according to the AMO, the BHR of 77mPD was not based on scientific calculation and was simply determined by making reference to the tallest existing building on the site, i.e. D Hall at 70.1mPD, and including a 10% allowance for design flexibility. Imposition of a BHR for the site at this juncture was considered premature as the details of the HKJC's revised proposal would provide relevant information for the consideration of an appropriate BHR for the site. Moreover, the Board retained adequate control on the scale and height of new building to be erected on the site and its integration with the surrounding environment;
- (c) the WKCD site was a large greenfield site and the project proponent would have much design flexibility even with the BHRs imposed. For the CPS Compound site, it was very much constrained by the existing historic buildings which had to be preserved. New building development would mainly be built on the Upper Platform Area of the site. In view of such constraint and in the absence of details on the new arts and cultural facilities to be provided within the site, it would be difficult to determine an appropriate BHR without making reference to the HKJC's revised proposal; and
- (d) response from the Department of Justice was not available as the legal opinion was only received on the meeting date. It was noted that the

opinion mainly covered the duty of the Board as required under the TPO.

17. For Members' questions in paragraphs 15 (e) and (f) above, Mr. Jack J.C. Chan made the following main points:

- (a) it was understood that the architects of HKJC were working on the details of the conservation concepts and design. The BH of new developments would be reduced under the revised scheme to address the public views obtained during the public engagement exercise; and
- (b) it was understood that the conservation criteria of various international charters, including those in China and the Burra Charter, had been taken into account in taking forward the CPS project. The approach in the Burra Charter had also been adopted which called for least intervention to the heritage items and respect given to the historic character of the site.

18. A Member asked whether the HKJC's proposal required planning permission from the Board. Ms. Brenda K.Y. Au said that, according to the Notes for the subject "OU" zone, any proposed new development would require planning permission from the Board regardless the proposed uses were under Column 1 or 2. The need to seek planning permission also applied to those alterations/modifications to existing buildings unless the relevant uses were ancillary and directly related to Column 1 uses such as sheltered pedestrian circulation facilities.

[Mr. Andrew Tsang left the meeting at this point.]

19. Ms. Patsy Cheng asked whether there was any reference for the Committee to consider if the HKJC's proposal was integrated with the surrounding environment. She said that while the Commissioner for Heritage indicated that the CPS project had followed the conservation criteria in the Burra Charter, the applicants were disappointed to note that the F Hall was proposed to be demolished for the development of new building. Appropriate standards and guidelines should be set well before the HKJC worked on their design scheme. She also said that the HKJC had not indicated that they would consult the public on their revised design. In response, Ms. Brenda K.Y. Au said that the project proponent was

required to submit technical assessments, including a visual impact assessment, to support the proposal for the CPS Compound site. When the HKJC's proposal was submitted to the Committee under section 16 of the TPO, it would be published for public comments in accordance with the provisions of the TPO.

20. Ms. Sally Ho said that PlanD's reasons of rejecting their application were unreasonable and unconvincing. The public's request was only to retain adequate public space within the CPS Compound site so that they could enjoy the 'openness' within the site. She urged Members to exercise their right to accede to the public's humble request so that the historic buildings would not be demolished or damaged.

21. Ms. Chik Yuk Chun was not happy with the Government bureaux/departments shirking their responsibilities in the conservation of the CPS Compound site. The exemption of ancillary facilities such as covered walkway and corridor from the requirement of planning permission was not supported. The CPS Compound site should be conserved at its original layout and appearance.

22. As the applicants' 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 applicants of the Committee's decision in due course. The Chairperson thanked the representatives of the applicants, DEVB and PlanD for attending the meeting. They all left the meeting at this point.

[A short break of 5 minutes was taken.]

Deliberation Session

23. The Chairperson said that one of the policy initiatives as stated in the Chief Executive's 2009-10 Policy Address was to preserve groups of buildings in Central with conservation value, one of which was the CPS Compound. She recapped the points made in the presentations that the heritage preservation aspect of the CPS Compound site would be controlled under the Antiquities and Monuments Ordinance whereas the land use and design aspects would be safeguarded by the planning application system.

24. As background information, the Secretary said that the subject site was identified in 2003 for heritage tourism development to be implemented by private sector on a commercial tender basis. To provide guidance for the submission of tenders, a gist of preservation requirements for the site was prepared by the AMO which included a height limit of 77mPD for any new development within the Upper Platform Area. To facilitate the implementation of the project, the site was rezoned from “Government, Institution or Community” to “OU(HSPCRCU)”. However, the 77mPD height control, which was not supported by any technical assessment, was not included in the corresponding Notes for the “OU(HSPCRCU)” zone and the Board considered that there was adequate control over new developments within the site. During the plan exhibition period, an objection was received from one of the applicants. The objector proposed to include the 77mPD BHR in the Notes, or alternatively, to prepare a planning brief for the development of the site. The objection was not upheld by the Board, and the OZP was subsequently approved by the Chief Executive in Council in December 2003.

25. Members discussed and came to the view that in the context of the overall review of the BHRs for the whole Planning Area, there should be BHRs for the CPS Compound site as it would provide greater certainty and transparency to the public. They noted that the height limit of 77mPD put forward by the applicants was originally proposed by the AMO in 2004 for commercial tender purpose without any scientific basis or planning assessment. Members considered that the BHR as proposed by the applicants could not be accepted as there was no assessment submitted by the applicants to demonstrate that the proposed height limit of 77mPD was appropriate to meet the planning intention and conservation objectives for the CPS Compound site nor that such a height would ensure compatibility of the future development with the surrounding environment. In determining an appropriate BH for the CPS Compound site, due consideration should be given to, inter alia, the height of the existing historic buildings, the existing and permitted height of the surrounding developments, air ventilation and urban design considerations and the functional requirements of the arts and cultural facilities to be accommodated within the site.

26. Members noted that through the planning application system, the Board would retain adequate control over any new development on the CPS Compound site including the use, development intensity, building height, disposition and form as well as integration with

the surroundings. Moreover, the planning application system was open and transparent, and included publication of the application for public comments. In discharging its statutory duty, the Board would duly consider all public comments received when considering any application in respect of new developments on the CPS Compound site.

27. Members noted that the HKJC's original tall 'bamboo' design scheme would not be pursued further and that the building bulk and height in the revised scheme would be greatly reduced after taking note of the views obtained from public consultation. Some Members raised concerns on the slow progress of the HKJC in revising the proposal which had resulted in unnecessary worries and suspicion from the applicants and the general public. These Members suggested that the DEVB and the HKJC should reveal the revised proposal as early as possible and make the process of formulating the proposal more transparent. The Chairperson suggested and Members agreed that the Secretariat should relay the Committee's concerns and suggestions to the DEVB for consideration.

28. Members went through the PlanD's reasons for its suggestion to reject the application as stated in paragraph 12.1 of the Paper. They agreed that the reasons to reject the application should be two-fold, i.e. there was adequate control retained by the Board over new development on the CPS Compound site, and there was no technical assessment submitted by the applicants to support the proposed BHR of 77mPD.

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

29. After further deliberation, the Committee decided not to agree to the application for amendment on the basis of the following reasons:

- (a) no assessment was submitted by the applicants to demonstrate that the proposed height limit of 77mPD was appropriate to meet the planning intention and conservation objectives for the Former Central Police Station, Victoria Prison and Central Magistracy Compound (the CPS Compound) site and that such a height would ensure compatibility of the future development with the surrounding environment; and
- (b) the requirement for planning permission for new development within the

CPS Compound site under the Notes for the “Other Specified Uses” annotated “Historical Site Preserved for Cultural, Recreational and Commercial Uses” zone had provided the Board adequate planning control over the use, development intensity, building height, disposition and form as well as integration with the surroundings.

30. The Committee also agreed to request the Secretariat to relay Members’ concerns and suggestions to the Development Bureau for consideration, i.e. to reveal the revised proposal for the CPS Compound site as early as possible and to make the process of formulating the proposal more transparent.

[Professor Bernard V.W.F. Lim arrived to join the meeting and Ms. Starry W.K. Lee left the meeting temporarily at this point.]

Kowloon District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K18/4 Application for Amendment to the
Draft Kowloon Tong Outline Zoning Plan No. S/K18/15
from “Residential (Group C) 1” to “Other Specified Uses”
annotated “Hotel” and an area shown as ‘Road’,
3, 5 and 7 Kent Road, Kowloon Tong
(NKILs 865, 866 and 867)
(MPC Paper No. Y/K18/4)

31. The Secretary reported that Raymond Chan Surveyors Limited was the consultant for the application, and Mr. Raymond Y.M. Chan had declared an interest in this item. Members noted that Mr. Chan had not yet arrived at the meeting.

32. Professor Bernard V.W.F. Lim, being the honorary professional adviser of the

design competition of Bruce Lee Memorial Hall, asked whether he had to declare an interest in this item as the owner of the site for the memorial hall was Mr. Yu Pang-lin, who was also the owner of the subject application site. Members considered that Professor Lim had no direct interest in this application and agreed that he could remain at the meeting.

Presentation and Question Sessions

33. 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)

34. The following applicants' representatives were also invited to the meeting at this point :

Mr. Kenny Tse
Ms. Sandra Yip

35. 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 applicants proposed to rezone the application site from "Residential (Group C) 1" ("R(C)1") to "Other Specified Uses" annotated "Hotel" ("OU(Hotel)") and 'Road' on the Kowloon Tong Outline Zoning Plan to facilitate redevelopment of the site into a hotel with 99 guestrooms. The application site was currently occupied by a residential development, an elderly home and a hotel (i.e. Romantic Hotel) which were two storeys in height;
- (b) as shown in the applicants' indicative scheme, the proposed 6-storey hotel development would have a non-domestic gross floor area (GFA) of about

10 652m² and a plot ratio (PR) of 3.0 (based on the area of the “OU(Hotel)” zone of about 3 543m²) with a building height (BH) of 50mPD. The proposed hotel would consist of three inter-connected wings with a central landscaped garden. Some existing trees to be affected by the development would be transplanted;

- (c) the applicants proposed to widen and extend True Light Lane to form a new one-way road with a 6m-wide carriageway and a 2m-wide pavement along the southern, western and northern boundaries of the site. The proposed road works would involve the surrender of a strip of private land (about 197m²) and setback of the hotel building (about 521m²). The applicants would undertake the management and maintenance responsibilities of the northern section of the extended True Light Lane;
- (d) the applicants proposed to include ‘Hotel’, ‘Shop’ and ‘Restaurant’ uses under Column 1 of the Notes for the “OU(Hotel)” zone, and to specify in the Remarks of the Notes a maximum PR of 2.5 (based on the total site area of about 4 261m² including the area of the “OU(Hotel)” zone and the area to be surrendered/setback for road widening and extension) and a maximum BH of 50mPD. Exemption clauses were proposed to allow GFA exemption for car park, loading/unloading bay, plant room and caretaker’s office; and to allow additional GFA (not more than 5% of the total GFA) for hotel back-of-house facilities. Provision for minor relaxation of BH restriction was also incorporated. The new set of Notes proposed for the “OU(Hotel)” zone was at Drawing Z-13 of the Paper;
- (e) the applicants’ justifications were detailed in paragraph 2 of the Paper;
- (f) the departmental comments were detailed in paragraph 9 of the Paper and highlighted below :
 - the Commissioner for Tourism supported the application as the proposed hotel development would increase the number of hotel rooms, broaden the range of accommodations for visitors, and support the

rapid development of convention/exhibition, tourism and hotel industries;

- the Commissioner of Police (C of P) did not support the application due to heavy traffic flows at nearby junctions, anticipated illegal parking problems and pedestrian safety concern;
 - the Secretary for Education had concerns on the road safety of students and staff of Kowloon True Light Middle School in the vicinity;
 - the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department advised that the exterior of the proposed hotel development was monotonous; and
 - the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD raised objection to the application due to its incompatibility with the surrounding environment in terms of development intensity and BH, as well as degradation of the existing landscape environment;
- (g) a total of ten public comments (including seven submissions made by the school management, teachers, students and parents of Kowloon True Light Middle School) were received during the statutory publication period raising objection to the application on the grounds of incompatibility with existing low-rise residential and school developments in Kowloon Tong; safety of students and teachers due to increased traffic; adverse impact on the learning atmosphere of Kowloon True Light Middle School; traffic congestion; adverse environmental/infrastructural impacts; blocking of sunlight into the school premises; and air/noise pollution during the construction stage. A commenter considered that land use planning of the area should be done on a comprehensive basis and piecemeal development should not be allowed; and
- (h) the PlanD's views – PlanD did not support the application based on the assessment in paragraph 11 of the Paper. The application site fell within

the Kowloon Tong Garden Estate (KTGE), the special character and amenity of which had long been established. Its preservation not only made an important contribution to the townscape of Kowloon Tong, but also to a wider area by providing variety in urban forms, environment and housing types. Although the proposed hotel development was located in the vicinity of Kowloon Tong Mass Transit Railway (MTR) Station, a 6-storey hotel was considered incompatible with the established uses, mainly residential and educational uses, within the KTGE. The proposed PR of 3.0 for the “OU(Hotel)” zone represented a significant increase from the current maximum PR of 0.6 under the “R(C)1” zone. The proposed building bulk was incongruous and the scale was out of keeping with the adjacent buildings within the “R(C)1” zone. The proposed BH restriction of 50mPD (6 storeys as proposed in the indicative scheme) was more than double the existing heights of other buildings within the “R(C)1” zone. There were buildings taller than the proposed hotel in this area such as the Government’s education resource centre cum public transport interchange (PTI) building and Australian International School. However, these buildings fell within the “Government, Institution or Community” (“G/IC”) zone but not the “R(C)1” zone. In this regard, CTP/UD&L of PlanD raised objection from the urban design point of view. The proposed widening/extension of True Light Lane was not supported by C of P. There were strong local objections to the proposed hotel development on land use compatibility, road safety, traffic congestion and adverse environmental/infrastructural impacts grounds. Approval of the application would set an undesirable precedent for similar requests, and the cumulative effect would affect the integrity of the KTGE.

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

36. The Chairperson then invited the applicants’ representatives to elaborate on the application. With the aid of a Powerpoint presentation, Ms. Sandra Yip made the following main points :

Charity-oriented Development

- (a) the land owner of the application site was the owner of Panglin Hotel in Shenzhen. The proposed hotel was a charity-oriented development as the profits from the hotel operation would go directly into a charity foundation. An approval condition to ensure the applicants to undertake the responsibility of donation could be imposed by the Town Planning Board;

Traffic Arrangement

- (b) turning of school buses on the existing True Light Lane, which was a sub-standard cul-de-sac, had posed road safety problem. To improve the situation, the applicants had proposed to surrender and setback portions of the application site with areas of 197m² and 521m² respectively for road improvement works. Under this proposal, True Light Lane would be widened and extended to form a new one-way road with a 6m-wide carriageway and a 2m-wide pavement along the southern, western and northern boundaries of the application site. A roadside lay-by would also be provided outside the entrance of Kowloon True Light Middle School;

Responses to Public Comments

- (c) illegal parking at True Light Lane had posed road safety problem when the drivers reversed their cars at the cul-de-sac. The proposed road works and the new traffic arrangement would definitely improve the road safety as True Light Lane would be widened and extended to form a new road; loading/unloading activities of the hotel would be undertaken within the application site; and the proposed roadside lay-by would provide a pick up and drop off area. While C of P raised objection to the application, the Assistant Commissioner for Transport/Urban indicated that the Traffic Impact Assessment (TIA) was acceptable and the provision of parking and loading/unloading facilities inside the hotel was adequate. It was considered that illegal parking problem caused by the hotel development would not be serious and would be manageable with the undertaking of appropriate law enforcement actions;
- (d) the proposed hotel was not an 'hourly hotel'. Instead, it was a high-class

hotel with an average room size of 60m²;

- (e) the proposed hotel would be served by a vehicular access in the western portion with an entry point and an exit at the western side and northern side respectively. Also, a drop off area would be provided within the application site. Therefore, the proposed development would not attract many outsiders at the section of the road near the school;
- (f) the applicants would strictly follow the requirements of the Buildings Ordinance to address the concern on the blocking of sunlight penetration to the school by the proposed hotel. Regarding the concern on noise and air pollution, the extended True Light Lane would mainly serve the school and the proposed hotel only. Hence, it would not attract much outside traffic to this area. The applicants would also exercise adequate control and strictly follow the statutory requirements at the time of construction;

Compatibility

- (g) there were a number of school/institutional uses, religious uses, hotels, commercial uses and a PTI in the vicinity of the site. Hence, the proposed hotel development was a compatible land use in the area. Moreover, as the high-density commercial/institutional area was just separated from the low-rise residential area to the northeast by True Light Lane, the proposed hotel development could act as a buffer in between these distinctive uses;

Hotel Demand

- (h) there was demand for high-tariff hotel in Kowloon Tong from international visitors such as overseas scholars/researchers who were invited to give speeches/lectures by the City University of Hong Kong or senior officials of overseas governments/enterprises who attended events/conferences held by the Productivity Council;

No Adverse Impact

- (i) the proposed hotel would be equipped with centralized air conditioning and acoustic insulation such as double glazed windows to alleviate the potential

air quality and noise impacts from traffic;

- (j) the TIA study submitted had demonstrated that no significant traffic impact would be generated by the proposed development; and

Undesirable Precedent

- (k) the proposed rezoning would not become an undesirable precedent in the Kowloon Tong district as the site was situated at a unique location between a busy and noisy traffic interchange and a quiet residential zone.

37. In response to a Member's questions, Mr. Eric C.K. Yue referred to Drawing Z-1 of the Paper and said that, as proposed by the applicants, the land to be surrendered to the Government was for the widening of the existing True Light Lane which would be managed by the Transport Department (TD) and maintained by the Highways Department. The land to be set back from the application site was for the extension of True Light Lane and this part of the road would be a private road and managed/maintained by the applicants. As compared with the existing developments in the area, the proposed hotel development was much taller in height and higher in scale.

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

38. In response to a Member's enquiry, Mr. Eric C.K. Yue referred to Plan Z-2 of the Paper and said that the developments to the north and the east of the subject site were mainly low-rise, low-density residential buildings which were part of the KTGE. These low-rise buildings (mostly 2-storey high) were zoned "R(C)1" and subject to a maximum PR of 0.6 and a maximum BH of 3 storeys. Kowloon True Light Middle School was located to the immediate northwest of the site and comprised a 2-storey old wing and a 6-storey new wing. To the southeast of the site was a large G/IC site occupied by the Kowloon Tong Educational Services Centre which was 6-storey high at a BH of 51mPD. The MTR railway tracks were to the west of the site and medium-rise non-domestic buildings, e.g. Festival Walk (11 storeys) and Hong Kong Productivity Council Building (51mPD), were found to the further west across the railway tracks. Mr. Kenny Tse pointed out that the subject site was located at the periphery of KTGE between the low-rise residential area and the high-density commercial/institutional area. Currently, these two areas were just separated from each

other by True Light Lane, which was less than 6m in width. No buffer zone was provided for this dramatic change in land use context. After formation of the new road, the subject site would be separated from the low-rise residential areas in the north and northeast, and became part of the high-density commercial/institutional area. The proposed BH was therefore compatible with those in this high-density area.

39. A Member was concerned about the traffic condition of the proposed extended True Light Lane and the excessive building bulk of the proposed hotel development. Mr. Eric C.K. Yue said that although parking and loading/unloading facilities would be provided within the hotel, C of P had expressed concern on the anticipated illegal parking problem at the extended road as the road would be used by both the school and the proposed hotel. Whether the proposal could effectively improve the traffic condition in the locality would depend on the law enforcement actions taken against any illegal parking. Mr. Kenny Tse pointed out that an open landscaped area would be provided within the subject site. In order to address Members' concern on the visual impact of the hotel development, he said that an alternative layout of the proposed development could be considered by reversing the traffic direction of the extended True Light Lane so that the open landscaped area would be relocated along Kent Road with the planting of more trees.

40. As the applicants' 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 applicants of the Committee's decision in due course. The Chairperson thanked the representatives of the applicants and PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

41. A Member expressed concern on the management of the extended True Light Lane, part of which would become a private road. Mr. Anthony Loo of TD said that C of P had the authority to take law enforcement action at private roads as long as the relevant traffic restrictions were breached. He explained that TD had no objection to the application as the provision of parking and loading/unloading facilities was in accordance with the requirements stipulated in the Hong Kong Planning Standards and Guidelines. The

proposed extension of True Light Lane was considered an improvement to the existing sub-standard road.

42. A few Members considered that the proposed widening and extension of the road might bring improvements in terms of road safety. However, a Member had different views and considered that the extended road would only benefit the proposed hotel and the school, but the application was strongly objected by the school. This Member also pointed out that there was no strong planning justification for the proposed rezoning of the site for hotel development at a PR of 3.0 and a BH of 50mPD (6 storeys) whilst the permitted PR and BH within the “R(C)1” zone was only 0.6 and 3 storeys respectively. Some Members agreed to the above views and considered that the proposed development intensity and BH were too excessive and would be out of keeping with the character of the “R(C)1” zone.

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

- (a) the application site fell within the Kowloon Tong Garden Estate and formed an integral part of the low-rise and low-density residential developments. The existing zoning of “Residential (Group C)1” (“R(C)1”) was considered appropriate for the application site and the proposed “Other Specified Uses” annotated “Hotel” zone was not compatible with the adjoining “R(C)1” zone in the adjacent area;
- (b) the scale, intensity and height of the proposed hotel development were considered excessive and would be out of keeping with the character of the “R(C)1” zone; and
- (c) the approval of the application would set an undesirable precedent for similar requests. The cumulative effects of approval of similar requests would affect the integrity of the “R(C)1” zone.

[Mr. Walter K.L. Chan left the meeting and Ms. Starry W.K. Lee returned to join the meeting at this point.]

Tsuen Wan and West Kowloon District

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/683 Proposed Composite Residential Development
(Including Shop and Services on 3/F, i.e. 4th Level of Podium)
in “Residential (Group A)” zone,
3/F, 386-408 Un Chau Street, Cheung Sha Wan
(MPC Paper No. A/K5/683)

Presentation and Question Sessions

44. 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 composite residential development (including shop and services on 3/F, i.e. 4th level of podium);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) four public comments were received during the statutory publication period. Three of them supported the application as the proposed development would bring employment opportunities, economic benefits, building setback for pavement widening and streetscape enhancement, and meet the demand for commercial floorspace. The other commenter expressed concerns on the structural damage to the surrounding old buildings as well

as possible adverse impacts on the nearby residents in terms of noise, sunlight penetration and reception quality of TV antenna, etc.; 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 composite residential development was in line with the planning intention of the “Residential (Group A)” zone. The proposed shop and services use on the 4th level (i.e. 3/F) of a composite residential building was not incompatible with the surrounding uses which were predominantly residential with commercial uses at lower floors. It was also not incompatible with other proposed uses in the same building comprised a basement carpark, shop use on the lowest three floors and residential flats on the upper floors. The proposed use would not generate adverse traffic, environmental and visual impacts on the surrounding area. Regarding public concerns on the possible impacts of the development, relevant departments including the Buildings Department and the Environmental Protection Department had no adverse comment on the application.

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

45. Members had no question on the application.

Deliberation Session

46. 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 20.11.2013, 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 condition :

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

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

- (a) to consult the Chief Building Surveyor/Kowloon, Buildings Department to ensure that the building proposal would comply with the provisions of the Buildings Ordinance;
- (b) the arrangement of emergency vehicular access should comply with the Code of Practice for Means of Access for Fire Fighting and Rescue administered by the Buildings Department;
- (c) to consult the Director of Drainage Services to ensure that the existing sewerage system had adequate capacity to accommodate the increase in the sewage discharge due to the proposed development and to implement local sewerage upgrading works at the applicant's own cost if found necessary; and
- (d) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that appropriate façade treatment to the podium structure as well as adequate set-back for at-grade amenity tree planting and pedestrian circulation and movement should be provided.

[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 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/346 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Workshop No.7, G/F, Favor Industrial Centre,
2-6 Kin Hong Street, Kwai Chung
(MPC Paper No. A/KC/346)

Presentation and Question Sessions

48. 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 – 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 (Kwai Tsing); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The proposed shop and services use at the application premises was not incompatible with other uses in the subject industrial building which mainly comprised workshops, canteens and godown on the ground floor and industrial uses, industrial-related offices and trading firms on the upper floors. The proposed use would unlikely generate adverse traffic or environmental impacts on the surrounding areas. It complied with the

Town Planning Board Guidelines No. 22D in terms of fire safety, land use, traffic and environmental impacts. The area of the application premises had not exceeded the maximum permissible limit of 460m² for the aggregate commercial floor area on the ground floor of the building.

49. Members had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.11.2011, 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 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.

51. 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 waiver to permit the applied use at the application premises; and
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that any non-exempted building works should be submitted to the Building Authority for approval and consent prior to the commencement of building works, and the wall separating the application premises from other portions of the building should have at least 2 hours of

fire resistance period.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/347 Proposed Minor Relaxation of
Maximum Non-domestic Plot Ratio Restriction
for the Incorporation of a Councillor’s Office, Storeroom for
Kindergarten and Social Welfare Facility within Wah Lai Estate
in “Residential (Group A)” zone,
Three Empty Bays on Podium of Hei Lai House,
Wah Lai Estate, Kwai Chung
(MPC Paper No. A/KC/347)

52. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA) and the following Members had declared interests in this item:

- | | |
|---|---|
| Mrs. Ava S.Y. Ng
as the Director of Planning | - being a member of the Strategic Planning Committee (SPC) of the HKHA; |
| Mr. Stanley Y.F. Wong | - being a member of the HKHA; |
| Ms. Olga Lam
as the Assistant Director of the
Lands Department | - being an alternate member for the Director of Lands who was a member of the HKHA;
and |
| Mr. Andrew Tsang
as the Assistant Director of the
Home Affairs Department | - being an alternate member for the Director of Home Affairs who was a member of the SPC of the HKHA. |

53. Members noted that Professor Bernard V.W.F. Lim and Mr. Raymond Y.M. Chan did not have business dealings with the Housing Department any more, and agreed that they were not required to declare interests in this item. Members also noted that Mr. Andrew Tsang had already left the meeting.

54. The Secretary said that as both the Chairperson and the Vice-Chairman had declared interests in this item, according to the Town Planning Board's Procedure and Practice, the Chairperson should continue to chair the meeting out of necessity. Members agreed.

[Mr. Stanley Y.F. Wong and Ms. Olga Lam left the meeting at this point.]

Presentation and Question Sessions

55. 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 minor relaxation of maximum non-domestic plot ratio restriction for the incorporation of a councillor's office, storeroom for kindergarten and social welfare facility within Wah Lai Estate;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) a total of 28 public comments were received during the statutory publication period. One commenter (the Chairman of the Incorporated Owners of Lai Yan Court) had concern on the maintenance cost of the common area facilities on the podium deck of Wah Lai Estate which was used by both the residents in Wah Lai Estate and Lai Yan Court. Another commenter (a legislative/district council member) indicated that the small size of the empty bays might not be attractive to non-profitable organisations, and that some South Asian ethnic minorities had been using the application premises for social gathering and worshipping for over 8 years. The change of use of the empty bays might affect their activities as well as the air ventilation of the podium deck. A number of 21 comments from the ethnic minorities living in Wah Lai Estate stated that there was no

community centre for ethnic minorities in the area and they would like to have such a place for gathering particularly during inclement weather. The remaining five commenters raised objection to the application and requested the application premises be used as a library, an elderly centre, a community centre or remained vacant; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The application premises with a total floor area of 100m² were small in scale and would only result in a slight increase in the non-domestic plot ratio by 0.007. The empty bays would not increase the existing building bulk of Wah Lai Estate and would not have any adverse traffic or environmental impacts. The proposed uses of the application premises as a councillor's office, storeroom for kindergarten and social welfare facility were always permitted under the "Residential (Group A)" zone, and were compatible with other uses on the podium deck comprising a councillor's office, kindergarten, estate management office, mutual aid committee office, etc. Regarding the public comments, the applicant advised that the subject application would not affect the existing maintenance cost arrangement between Lai Yan Court and Wah Lai Estate. The requests from the ethnic minorities would be considered on their own merits subject to consultation with the estate management advisory committee. The exact type of social welfare facility to be provided in one of the empty bays would be further considered. The existing opening between two of the empty bays would be blocked to proceed with the proposed uses. As the width of the opening was only about 1.5m, it would not cause any adverse air ventilation impact on the podium deck.

56. Members had no question on the application.

Deliberation Session

57. 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 20.11.2013, 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 condition :

- the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

58. The Committee also agreed to advise the applicant to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department for a waiver to permit the proposed uses at the application premises.

[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 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/98 Proposed Minor Relaxation of
Maximum Non-domestic Gross Floor Area Restriction
for Permitted School (Tutorial Service) Use
in "Residential (Group A) 3" zone,
Level 5 (Part), Bellagio Mall, Bellagio,
33 Castle Peak Road, Sham Tseng
(MPC Paper No. A/TWW/98)

Presentation and Question Sessions

59. 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 proposed minor relaxation of maximum non-domestic gross floor area (GFA) restriction for permitted school (tutorial service) use;
- (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 expressing support to the application;
- (e) the District Officer (Tsuen Wan) advised that one Tsuen Wan District Council member and one Tsuen Wan Rural Area Committee member supported the proposal; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The application premises had been reserved for kindergarten use as required by the Government in the approved Master Layout Plan (MLP) for the site of Bellagio under Application No. A/TWW/56 in 1999 and the kindergarten use was exempted from non-domestic GFA calculation in the MLP. While 'School' (tutorial service) use was always permitted under the current zoning of "Residential (Group A) 3", there was a maximum non-domestic GFA restriction of 2 872m² in the Notes for the subject zone. The Secretary for Education and the Government Property Administrator had no objection to the proposed conversion of the application premises from kindergarten to school use. The proposed tutorial school was not incompatible with other retail uses within the Bellagio Mall. Using the application premises for a tutorial school would not lead to any actual increase in the building bulk of the existing development. Although there was no local demand for kindergarten use at this juncture, it was considered that the planning intention to reserve the application premises for kindergarten use to serve the local community should be maintained. In this regard, it was recommended that the application be approved on a

temporary basis for a period of 3 years so as to monitor the situation.

60. Members had no question on the application.

Deliberation Session

61. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.11.2012, on the terms of the application as submitted to the Town Planning Board.

62. 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; and
- (d) to apply to the Director of Lands for lease modification if the proposed relaxation of gross floor area restriction was found to be in breach of the lease conditions.

[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

Agenda Item 9

Section 12A Application

[Open Meeting]

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

63. The Committee noted that the applicant's representative requested on 3.11.2009 and 4.11.2009 for a deferment of the consideration of the application for further two months in order to allow time to (i) seek legal advice on the standing of public objections and public support received on the application; (ii) seek policy guidance from the Home Affairs Bureau; (iii) seek guidance from the Government on the potential for a viable alternative site or confirmation that there was no suitable site available; and (iv) seek further opinion from other religious groups on the concept of freedom to worship, specifically in this Central District location. The applicant explained that the above considerations were fundamental and critical to facilitate deliberation by the Town Planning Board in a full, comprehensive and equitable manner.

64. 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 further two months (a total of 31 months) had been allowed for preparation of the submission of further information,

no further deferment would be granted unless under very special circumstances.

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/385 Proposed Commercial Bathhouse and Massage Establishment
in “Commercial/Residential” zone,
Shop 501, 5/F, Elizabeth House,
250-254 Gloucester Road, Causeway Bay
(MPC Paper No. A/H5/385)

Presentation and Question Sessions

65. Ms. Donna Y.P. Tam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed commercial bathhouse and massage establishment;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) a total of 15 public comments were received from the residents of Elizabeth House during the statutory publication period. They raised objection to the application on the grounds that Elizabeth House was mainly a residential development; the proposed establishment would cause security problem and nuisance especially to the female residents; it would cause adverse impact affecting the psychological development of children and

youngsters; the application premises did not have a direct access from the street and the customers had to share the lifts with other visitors to the shopping arcade; the pools in the proposed establishment would aggravate the floor loading and cause structural hazard to the building; it would pose fire and health hazard, noise pollution, and attract parking and loading/unloading activities in front of the building which would affect traffic condition; and there were already a lot of similar establishments in the same building and nearby; 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 current application was to relocate the existing commercial bathhouse and massage establishment operated by the applicant on 1/F of the shopping arcade to the application premises as the owner had other commercial plan for the 1/F premises. The proposed establishment was not incompatible with the surrounding developments which were a mixture of commercial and composite commercial/residential buildings. It was also not incompatible with the existing uses within the non-domestic portion of the development. The application premises was accessible through the lifts leading to other floors of the shopping arcade and was separated from the entrances to the residential towers above the shopping arcade. The application was in line with the Town Planning Board Guidelines No. 14B. Regarding the public comments, as the proposed establishment was located in the non-domestic portion of a composite commercial/residential development and provided with separate access from the residential towers above, it would unlikely cause any significant nuisance/disturbance to the residents of the residential towers above.

66. In reply to a Member's question, Ms. Donna Y.P. Tam referred to Drawing A-1 of the Paper and said that there were four lifts leading from the G/F of the shopping arcade to the main entrance and reception of the application premises. There were also two staircases within the application premises which were only used by the shopping arcade. The three lifts and the staircases behind them as shown on the left hand side of Drawing A-1 were exclusively used by the residents on upper floors which were not accessible to the occupiers

of the shopping arcade.

Deliberation Session

67. 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 20.11.2013, 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 condition :

- the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to meet the requirements of the Building (Planning) Regulation 72 for the provision of access and facilities for persons with a disability;
- (b) to provide the Buildings Department with information on the provision of firemen's lift and lift lobby at the application premises at the building plan submission stage;
- (c) to apply to the Police Licensing Office for a massage establishment licence;
and
- (d) to apply to the Food and Environmental Hygiene Department for a commercial bathhouse licence.

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

Kowloon District

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/243 Proposed Shop and Services
 in “Other Specified Uses” annotated “Business” zone,
 Unit 1B, G/F, International Plaza,
 20 Sheung Yuet Road, Kowloon Bay
 (MPC Paper No. A/K13/243)

Presentation and Question Sessions

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

- (a) background to the application;
- (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 (Kwun Tong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed shop and services use at the application premises was not

incompatible with other uses within the same building. The proposed use 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. Planning approvals for shop and services uses at the application premises had previously been granted by the Committee (Applications No. A/K13/198 and No. A/K13/210).

70. Members had no question on the application.

Deliberation Session

71. 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 20.11.2011, 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 of the building and fire service installations in the application premises, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to appoint an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular :

- (i) the application premises should be separated from the remaining portion of the premises with walls having 2-hour fire resistance period and any exit doors opening to corridors should have a fire resistance period of not less than half that of the wall pursuant to Building (Construction) Regulation 90 and paragraph 8.1 of the Code of Practice for Fire Resisting Construction; and
 - (ii) access and facilities for persons with a disability should be provided in accordance with the Building (Planning) Regulation 72; and
- (b) to consult the Food and Environmental Hygiene Department regarding the application for food licence if food business was involved.

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

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/236 Proposed Shop and Services
in "Other Specified Uses" annotated "Business" zone,
Units A and B, G/F, Gemstar Tower,
23 Man Lok Street, Hung Hom (HHIL 545)
(MPC Paper No. A/K9/236)

Presentation and Question Sessions

73. Mr. Vincent T.K. Lai, STP/K, said that "before operation of the use" should be added at the end of paragraph 12.2(c) of the Paper. He then 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) four public comments were received during the statutory publication period. Three of them supported the application on the grounds of meeting the needs of local residents and workers, having no adverse traffic impact and achieving a better utilisation of land resources. The other commenter had no objection 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 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 the application premises was completely separated from the industrial portion on the upper floors by two floors (1/F and 2/F) of car parking and loading/unloading floors, and it would not have adverse impacts on fire safety and car parking provision in the existing industrial building.

74. Members had no question on the application.

Deliberation Session

75. 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 20.11.2011, 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) no industrial undertakings were allowed on the ground floor of the application premises;
- (b) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion of the building and fire service installations in the application premises, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use;
- (c) the submission and implementation of a proposed layout on parking and loading/unloading to the satisfaction of the Commissioner for Transport or of the TPB before operation of the use; and
- (d) if any of the above planning conditions (b) or (c) 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.

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

- (a) to apply to the District Lands Officer/Kowloon West for a temporary waiver for the proposed shop and services use at the application premises;
- (b) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction; and
- (c) to ensure that the proposed change in use should comply with the Buildings Ordinance, in particular, the provision of means of escape under Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for the Provision of Means of Escape in case of Fire 1996; 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 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 the B(P)Rs.

[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.]

Agenda Item 13

Any Other Business

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