

**TOWN PLANNING BOARD**

**Minutes of 411th Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 15.1.2010**

**Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Hon. Starry W.K. Lee

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  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Mr. Stanley Y.F. Wong Vice-chairman

Professor Bernard V.W.F. Lim

Mr. Maurice Lee

Dr. Winnie S.M. Tang

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

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

Town Planner/Town Planning Board  
Ms. Cindy K.F. Wong

**Agenda Item 1**

Confirmation of the Draft Minutes of the 410th MPC Meeting held on 18.12.2009

[Open Meeting]

1. The draft minutes of the 410th MPC meeting held on 18.12.2009 were confirmed subject to the following amendments :

the last sentence of paragraph 85

“After further discussion, Members agreed to amend the approval conditions suggested in the Paper by stipulating an additional condition to require the applicant to revise the scheme with a view to allowing a setback of at least 3m between the proposed development and *the lot boundary of the adjacent hotel* without changing the location of the 10m-wide landscape walkway in the southwestern part of the site.”

condition (c) on P. 80

“the provision of a setback of at least 3m from the *lot boundary of the adjacent Harbour Grand Hong Kong Hotel*;”

**Agenda Item 2**

Matters Arising

[Open Meeting]

- (a) Approval of Draft Plans

2. The Secretary reported that on 12.1.2010, the Chief Executive in Council approved the draft Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (to be renumbered as S/K11/25) under section 9(1)(a) of the Town Planning Ordinance. The approval of the plan will be notified in the Gazette on 22.1.2010.

- (b) Reference Back of Approved Plans

3. The Secretary reported that on 12.1.2010, the Chief Executive in Council referred the following approved Outline Zoning Plans (OZPs) to the Town Planning Board for

amendments under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the Plans would be notified in the Gazette on 22.1.2010.

- (i) The Peak Area OZP No. S/H14/9;
- (ii) Kennedy Town & Mount Davis OZP No. S/H1/16; and
- (iii) Wang Tau Hom & Tung Tau OZP No. S/K8/19.

### **Hong Kong District**

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

### **Agenda Item 3**

[Open Meeting]

Proposed Amendments to the  
Approved Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/22  
(MPC Paper No. 2/10)

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4. Ms. Phoebe Y.M. Chan, informed the meeting that 4 replacement pages (P. 2 and 3 of the Paper and two pages in Attachment II(C)) which had been tabled at the meeting for Members' reference. She then presented the proposed amendments to the approved Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/22 as detailed in the Paper.

### **Items A1 & A2: Rezoning of the Former Police Married Quarters Site at Hollywood Road**

#### **Background**

- (a) the Former Police Married Quarters site at Hollywood Road (the Site) was zoned "Residential (Group A)" ("R(A)") on the OZP. In the 2008-2009 Policy Address, the Chief Executive announced that as one of the

Government's heritage conservation initiatives, the Site, which was the original site of the Central School, would be formally removed from the List of Sites for Sale by Application;

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

- (b) the site contained some of the original architectural and historical features of the old school campus. The School was demolished in 1948 to make way for the building of the Police Married Quarters (PMQ). The Site had the historic relics reminiscent of Dr. Sun Yat-sen's past activities in Hong Kong and formed part of the Dr. Sun Yat-sen Historical Trail. According to the Antiquities and Monuments Office, the site history associated to the PMQ was of less heritage significance. Architecturally, the design of the two PMQ buildings was reminiscent of the architecture trend of the modern movement. The direct fulfilment of functional requirement, construction and choice of material reflected the architecture of their age. In view of the architectural character, it was desirable to retain the PMQ buildings for adaptive re-use;

#### Proposed rezoning of the Site

- (c) a revitalization plan was formulated for adaptive re-use of the Site for the promotion of creative industries. The Site was proposed to be rezoned from "R(A)" to "Other Specified Uses" ("OU") annotated "Heritage Site for Creative Industries and Related Uses" (**Item A1**). Any new development or redevelopment, except alteration and/or modification to an existing building and new structure(s) for facilities that were structure(s) for facilities that were ancillary and directly related to the always permitted use, required planning permission from the Town Planning Board under s.16 of the Town Planning Ordinance. It was also proposed to stipulate in the Notes of the OZP for the "OU" zone a maximum gross floor area (GFA) of 20,000m<sup>2</sup>, which included 15,000m<sup>2</sup> for the existing premises and or addition of 5,000m<sup>2</sup> to allow flexibility for additional space for the promotion of creative industries and for display of relics. According to

the Planning Brief previously endorsed by the Committee, a public open space of not less than 1,200m<sup>2</sup> should be provided within the site. To cater for the open space development, to provide a better entrance setting for the Site and to restore the rubble wall and another flight of steps linking the central and lower platforms, the existing Junior Police Call (JPC) building might need to be demolished. However, retention of the building for adaptive re-use would also be allowed. In the event that the JPC Building was demolished, a 15m wide non-building area (NBA) (**Item A2**) at the eastern corner aligning with Mee Lun Street to the north would be required to enhance visually permeability;

- (d) the proposed development parameters would ensure the scale of future development on the Site be commensurate with that of the existing and would continue to serve as a visual relief for the locality, while meeting the intention to preserve and adaptive re-use of the Site for creative industries and related uses with the provision of public open space. A set of Notes for the new “OU” zone was proposed;

**Items B, C & D: Zoning Amendments to Reflect 3 Existing Sitting-out Areas**

- (e) a piece of government land (about 925m<sup>2</sup>) at the junction of Pottinger Street and Lok Hing Lane was the existing Lok Hing Lane Sitting-out Area allocated to the Leisure, Cultural and Services Department (LCSD). To reflect the existing development on site, it was proposed to rezone the site from “Government, Institution or Community” (“G/IC”) to “Open Space” (“O”) (**Item B**);
- (f) a piece of land (318m<sup>2</sup>) covering part of the existing Graham Street Sitting-out Area at Graham Street, comprised government land allocated to the LCSD and part of a private lot to be surrendered to the Government as and when required for an approved office development, named Kinwick Centre. To reflect the as-built situation, it was proposed to rezone the site from “G/IC” to “O” (**Item C**);

- (g) a piece of government land (169m<sup>2</sup>) at Wa On Lane formed part of the existing Wa On Lane Sitting-out Area allocated to the LCSD. It was proposed to rezone the site from “Commercial/Residential” (“C/R”) and “G/IC” to “O” to reflect the as-built situation (**Item D**);

**Items E, F & G: Zoning Amendments to incorporate the West Island Line (WIL) authorized by CE in C**

- (h) on 10.3.2009, the CE in C authorized the WIL scheme under the Railways Ordinance. It was proposed to delete the previously proposed MTR alignment shown on the plan and to incorporate the new MTR alignment as described in the authorized WIL scheme into the OZP (**Item E**);

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

- (i) in connection with the WIL development, the existing David Trench Rehabilitation Centre and Eastern Street Public Toilet occupying the site at No. 9B Bonham Road would be relocated to No. 1F High Street in Sai Ying Pun. The site (about 1,404m<sup>2</sup>) would be required for a station entrance, ventilation and plant building for the Sai Ying Pun MTR Station. It was proposed to delete the portion of “G/IC” zone at No. 9B Bonham Road for incorporation of the authorized WIL scheme into the OZP and it would be shown as “Railway” annotated “MTR Station Entrance, Ventilation and Plant Building” on the Plan for information (**Item F**). A small piece of government land (about 34m<sup>2</sup>) in front of the existing David Trench Rehabilitation Centre at No. 9B Bonham Road formed part of the existing pedestrian walkway and it was proposed to rezone the site from “G/IC” to ‘Road’ to reflect the as-built situation (**Item G**); and

**Consultation**

- (j) the government department consulted had no objection to or adverse comments on the proposed amendments. The Central and Western District Council would be consulted on the amendments before or during

the exhibition period of the Plan.

5. Noting that a new use term of “Creative Industries” was introduced for the Former Police Married Quarter Site, a Member asked if “Creative Industries” would refer to industrial uses. Ms Brenda Au referred Members to paragraph 3.8 of the Paper which explained the definition of the “Creative Industries” i.e. any establishment or operation that exploited and deployed creativity, skill and intellectual property to produce and distribute products and services of social and cultural meaning. The type of uses that could be classified as “Creative Industries” were included in the Attachment III of the Paper. She said that PlanD proposed to include the definition into the “Definitions of Terms/Broad Use Terms Used in Statutory Plans” for reference of the general public. The Chairperson said that “Creative Industries” did not refer to the traditional industrial use and the definition of “Creative Industries” had been worked out based on a previous Government study entitled “Baseline Study on Hong Kong’s Creative Industries”. Subject to the Committee’s agreement on the definition, it would be used by the Town Planning Board for interpreting the various planning terms used in statutory plans.

6. In response to the Chairperson’s enquiry, Ms Brenda Au replied that, according to the meeting schedule of the Central and Western District Council, the District Council would be consulted on the amendments during the exhibition period of the plan.

7. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Sai Ying Pun & Sheung Wan OZP No. S/H3/22 as mentioned in paragraph 6 of the Paper and that the Amendment Plan No. S/H3/22A at Attachment II(A) (to be re-numbered as S/H3/23 upon exhibition) and its Notes at Attachment II(B) were suitable for exhibition under section 5 of the Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Attachment II(C) for the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/22A as an expression of the planning intention and objectives of the Board for the various land use zonings of the OZP; and the revised ES should be published together with the OZP.



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

[Mr. C.M. Li, STP/HK, was invited to the meeting at this point.]

#### **Agenda Item 4**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H1/90            Proposed Residential Institution (Dormitory for Students)  
                      in "Government, Institution or Community" zone,  
                      5/F, Block B, 27 Pokfield Road, Kennedy Town  
                      (MPC Paper No. A/H1/90)

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##### **Presentation and Question Sessions**

8.            Mr. C.M. Li, STP/HK, informed the meeting that after the issuance of the MPC Paper No. A/H1/90, the applicant had submitted further information which had been circulated to relevant Government department for comments. A draft supplementary paper was prepared to incorporate the further information and departmental comments and was tabled at the meeting for Members' reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed residential institution (dormitories for students);
- (c) departmental comments – the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD) objected to the application as the change of use was a fundamental contravention of the Buildings Ordinance. Upon change of use of the application premises (Block B) from classrooms (non-domestic) to student dormitories (domestic) use (with the current non-domestic use on Block A remained unchanged), the site coverage (SC)

would far exceed the permissible SC under Building (Planning) Regulations (B(P)R) 20. According to B(P)R, the permissible domestic and non-domestic SC were 42% and 80% respectively. As a result of the proposed change of use to student dormitory, the domestic SC on 5/F would be equal to 41.388%, leaving only a residual domestic SC of 0.612%. The residual non-domestic SC would be 1.165% ( $0.612\% \times 80\% / 42\%$ ) (i.e. residual covered area for non-domestic use was about 9.912m<sup>2</sup>). Hence, taking into account the existing non-domestic floor area on 5/F of Block A of about 271m<sup>2</sup>, the permissible non-domestic SC would be exceeded. The applicant submitted further information to explain that the existing composite building complied with B(P)R and the proposal would not increase the domestic part of the existing building. He argued that the “residual SC calculation” principle adopted by BD was not clearly spelt out in B(P)R and Practice Notes for Authorized Persons, Registered Structured Engineers and Registered Geotechnical Engineers. After considering the further information, CBS/HKW, BD maintained his objection to the application and pointed out that as there would be both domestic and non-domestic portions on 5/F upon change of use, the permissible SC for each portion could not be taken as 42% and 80% respectively. The SC calculation method mentioned in para. 9.1.2 of the main paper was an established method adopted by both BD and Authorized Persons in interpreting B(P)R 20 for proposals involving both domestic and non-domestic uses on the same level of a composite building and proposals involving domestic and non-domestic buildings within the same site;

- (d) during the statutory publication period, one public comment in support of the application was received. The public comment stated that as the number of university graduates would increase as a result of the implementation of the New Academic Structure “3-3-4”, more dormitories for students should be provided to cater for the rising demand; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper and para. 4 of the supplementary paper. The proposed dormitory use was not

incompatible with the other existing GIC facilities within the Centre and would not constitute a significant departure from the planning intention of the “G/IC” zone. It was also unlikely to have significant adverse traffic, environmental and infrastructure impacts. However, CBS/HKW, BD objected to the application as converting part of the 5/F from classrooms (non-domestic) to student dormitories (domestic) was a fundamental contravention of the Buildings Ordinance as the resultant SC would far exceed the permissible SC under the B(P)R. As one of the criteria in TPB guidelines No.16 was that all statutory requirements of relevant Government departments should be met, it was considered inappropriate to approve the application.

9. Noting that the application was not supported only on technical ground, a Member asked whether the application could be approved subject to a condition requiring the applicant to resolve the technical matter with BD. Ms Brenda Au explained that the SC resulting from the proposed change of use which far exceeded the permissible SC under B(P)R was a fundamental contravention of the BO. CBS/HKW, BD had indicated that they had never approved similar case before and he had fundamental objection to the application. CBS/HKW, BD maintained his objection after considering the further information submitted by the applicant. Ms Au said that the applicant might have to remove part of the non-domestic portion on 5/F in order to comply with the BO. Regarding the same Members’ question on the need for the student dormitories, Ms Au explained that eight dormitories would be provided at the application premises for accommodating a maximum number of 30 persons. The proposed change of use would increase the capacity of the existing hostel currently operated on 6/F and 7/F of the Centre.

10. Another Member was of the view that the proposed use was compatible with the other existing GIC facilities within the Centre and there was no adverse comments from Government department except BD. The Member asked if anything could be done to resolve the technical issue. Ms Brenda Au responded that though the proposed use was not incompatible with the existing GIC facilities and there was no significant adverse impact, one of the criteria in the TPB guidelines No. 16 stated clearly that all statutory requirements of relevant Government departments should be met. It was therefore considered inappropriate to approve the application as CBS/HKW, BD maintained his fundamental objection to the

application. The Secretary supplemented that according to the practice of the Board, for cases with technical issue that could be resolved, the Board would approve the application subject to the compliance with an appropriate approval condition. However, for cases where the technical problem was insurmountable, the Board would not approve the application. For the subject case, despite the fact that the applicant had discussed with CBS/HKW, BD several times, BD still had fundamental objection to the application. According to the Board's practice, such application would normally not be approved. The Chairperson said that the applicant might need to liaise with CBS/HKW, BD and a new application could be made by the applicant when a solution was identified.

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

#### Deliberation Session

11. A Member commented that even the application was approved, the applicant could not proceed with the change of use as Building Authority would not approve the building plan. The Chairperson advised that the applicant could liaise with CBS/HKW, BD to work out a revised scheme. The Secretary said that some part of the non-domestic use on 5/F might have to be removed to allow compliance with the BO. Another Member said that the proposal was a contravention of the Buildings Ordinance and the Building Authority did not have any discretion to approve the building plan. In this regard, the application should not be approved. One other Member opined that the Committee should not approve the application noting that a Government department had fundamental objection to the application on the technical aspect. Should there be any contradicting view on the interpretation of B(P)R, it would not be for the Board to resolve. The applicant should resolve the matter at the Building Tribunal.

12. The Chairperson concluded that the proposed use was not an incompatible use but the application could not be supported because of the fundamental technical concern. The applicant should liaise with the BD to work out a solution before submitting a new application to the Board.

13. After further deliberation, the Committee decided to reject the application and the reason was that the application did not comply with the Town Planning Board Guidelines No.

16 in that the statutory requirement of the Buildings Department could not be met. The proposed change of use on part of the 5/F from non-domestic to domestic use was a fundamental contravention of the Buildings Ordinance as the resultant site coverage (SC) would far exceed the permissible SC under the Building (Planning) Regulations.

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

### **Tsuen Wan and West Kowloon Districtist**

#### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting]

A/TY/107 Temporary Public Vehicle Park (Excluding Container Vehicle) Use  
(Letting of Surplus Monthly Vehicle Parking Spaces to Non-residents)  
for a Period of 3 Years in "Residential (Group A)" zone,  
Multi-storey and Open Air Car Parks,  
Cheung Fat Shopping Centre,  
Cheung Fat Estate, Tsing Yi  
(MPC Paper No. A/TY/107)

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14. The Committee noted that the applicant had requested on 24.1.2009 for deferment of the consideration of the application for two months in order to respond to the comments raised in respect of the application and would apply for resumption of the application when the comments were resolved.

15. 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 also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two

months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

### **Kowloon District**

#### **Agenda Item 6**

##### **Section 16 Application**

[Open Meeting]

A/K22/9            Proposed Residential Development (including a Pier (Landing Steps),  
Eating Place and Shop and Services uses)  
with Minor Relaxation of the Building Height Restriction  
for the Residential Development in “Commercial (2)” zone,  
1-5 Kai Hing Road, Kowloon Bay  
[New Kowloon Inland Lots Nos. 5805, 5806 and 5982]  
(MPC Paper No. A/K22/9)

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16.            The Committee noted that the applicant had requested on 4.1.2010 for deferment of the consideration of the application for one month. Upon receiving the government departmental comments, the applicant indicated that the development proposal had been further refined but additional time was required to finalize the results of some technical assessments including Air Ventilation Assessment, Quantitative Risk Assessment, etc.

17.            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 also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 7**

Any Other Business

18. There being no other business, the meeting was closed at 9:50 a.m..