

TOWN PLANNING BOARD

Minutes of 426th Meeting of the Metro Planning Committee held at 9:00 a.m. on 10.9.2010

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Mr. Maurice W.M. Lee

Professor P.P. Ho

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Professor S.C. WONG

Ms. L.P. Yau

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. Anita Lam

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

Secretary

Absent with Apologies

Dr. Winnie S.M. Tang

Professor Joseph H.W. Lee

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
Miss H.Y. Chu

Town Planner/Town Planning Board
Ms. Karen K.W. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 425th MPC Meeting held on 27.8.2010

[Open Meeting]

1. The draft minutes of the 425th MPC meeting held on 27.8.2010 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) New Town Planning Appeals Received

- (a) Town Planning Appeal No. 13 of 2010 (13/10)

Proposed Minor Relaxation of Building Height and Plot Ratio Restrictions
for an Ancillary Green House on the Roof of Block C
in “Residential (Group C)” zone, Parisian, 8 Stanley Mound Road, Stanley
(Application No. A/H19/61)

2. The Secretary reported that the appeal was received by the Appeal Board Panel (Town Planning) (ABP) on 2.9.2010 against the decision of the Town Planning Board (the Board) on 18.6.2010 to reject on review an application (No. A/H19/61) for the proposed minor relaxation of building height and plot ratio restrictions for an ancillary green house on the roof of Block C in “Residential (Group C)” zone, Parisian, 8 Stanley Mound Road, Stanley on the approved Stanley Outline Zoning Plan No. S/H19/10. The application was rejected by the TPB for the following reasons :

- (a) there were no planning and design merits to justify the proposed relaxation of plot ratio and building height restrictions for the proposed development; and
- (b) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such

applications would jeopardize the intention of imposing the development restrictions for low-rise and low-density residential development in the area.

- (b) Town Planning Appeal No. 14 of 2010 (14/10)

Proposed Houses (Four New Territories Exempted Houses)
in “Undetermined” Zone, Lot 757 in D.D. 115,
Tung Shing Lei, Nam Sang Wai, Yuen Long
(Application No. A/YL-NSW/188)

3. The Secretary reported that the appeal was received by ABP on 7.9.2010 against the decision of the Board on 18.6.2010 to reject on review an application (No. A/YL-NSW/188) for the proposed four houses (New Territories Exempted Houses) at a site zoned “Undetermined”(“U”) on the approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8. The application was rejected by the TPB for the following reasons :

- (a) with the completion of the major infrastructure, a land use review was being undertaken for the subject “U” zone. Consideration of the application at this stage was premature as it might jeopardize the overall land use planning for the area; and
- (b) there was industrial/residential interface problem between the proposed development and the adjacent open storage uses and workshops which could not be satisfactorily resolved.

4. The Secretary said that the hearing dates of the above appeal cases were yet to be fixed. The Secretariat would represent the Board on all matters relating to the proceedings of the ABP in the usual manner.

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

(ii) Town Planning Appeal Decision Received

Town Planning Appeal No. 9 of 2009 (9/09)

Proposed Temporary Vehicle Park for Container Vehicles and Open Storage of Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 894 RP(Part), 895(Part), 967, 968, 969, 970, 971 RP(Part),973 RP(Part), 1299 RP(Part) and 1302 RP and Adjoining Government Land in D.D. 122, Ping Shan, Yuen Long

(Application No. A/YL- PS/290)

5. The Secretary reported that the subject appeal was against the Board’s decision to reject on review an application (No. A/YL-PS/290) for a proposed temporary vehicle park for container vehicles and open storage of construction materials at the application site in the “Undetermined” (“U”) zone on the approved Ping Shan Outline Zoning Plan No. S/YL-PS/11. The appeal was heard by the ABP on 7.6.2010 and 29.6.2010 and dismissed by ABP on 23.8.2010 based on the following major considerations :

- (a) the planning intention of the “U” zone was to encourage environmental upgrading by phasing out the existing non-conforming uses for low-rise and low-density developments;
- (b) the Planning Department (PlanD) had undertaken a land use review study on the “U” zones in the Ping Shan area and intended to submit the recommendations of the land use review for TPB’s consideration soon;
- (c) allowing the appellant’s application would have an obstructive effect on the proposed comprehensive planning of the area; and
- (d) there were adequate sites designated for container vehicle parks in the vicinity of the site near the Yuen Long Industrial Estate and thus the need for such facilities had been sufficiently catered for.

(iii) Appeal Statistics

6. The Secretary said that as at 10.9.2010, a total of 24 cases were yet to be heard by the ABP. Details of the appeal statistics were as below :

Allowed	:	25
Dismissed	:	112
Abandoned/Withdrawn/Invalid	:	142
Yet to be Heard	:	24
<u>Decision Outstanding</u>	:	<u>4</u>
Total	:	307

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/K3/525 Proposed Hotel
in “Residential (Group A)” zone,
Nos. 58-66 Boundary Street, Mong Kok
(MPC Paper No. A/K3/525A)

7. The Committee noted that on 26.8.2010, the applicant’s representative requested for deferment of the consideration of the application for another one month in order to allow time to address departmental comments.

8. 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 one

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

[Professor P.P. Ho arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting]

A/TW/415 Proposed Shop and Services, Eating Place in “Industrial” zone,
Metex House, 24-32 Fui Yiu Kok Street, Tsuen Wan (TWTL No. 131)
(MPC Paper No. A/TW/415)

9. The Committee noted that on 24.8.2010, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time to address the comments from the Transport Department.

10. 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

[Mr. Silas K.M. Liu, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/622 Shop and Services
 in “Other Specified Uses” annotated “Business” zone,
 Units J1, J2 and J3, G/F, Everest Industrial Centre,
 396 Kwun Tong Road, Kwun Tong
 (MPC Paper No. A/K14/622)

Presentation and Question Sessions

11. Mr. Silas K.M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services use with a floor area of about 61.7m² on the ground floor of the Everest Industrial Centre, Kwun Tong;
- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application from the fire safety point of view as the aggregate commercial floor area on the ground floor of the subject industrial building would exceed the maximum permissible limit of 460m² should the application be approved;
- (d) during the statutory publication period, two public comments were received. One commenter supported the application. The other commenter had no objection to the application provided that the applied use did not contravene the lease conditions, and that the applicant should comply with the requirements of relevant Government departments including the Buildings Department and Fire Services Department; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application based on the assessments set out in paragraph 11 of the Paper. Similar s.16 applications for shop and services use at various units on the G/F of the subject industrial building had been approved by the Committee and the total approved commercial floor area was 475m². Together with the proposed floor area of the subject application, there would be a total of about 536.7m² of commercial floor area at the G/F of the subject industrial building. This was not in line with the 'Town Planning Guidelines for Development within "Other Specified Uses" annotated "Business" Zone' (TPB PG-No. 22D), which stipulated that owing to fire safety concern, the aggregate commercial floor areas on the ground floor of an industrial/industrial-office building with sprinkler system should not exceed 460m². In this regard, D of FS advised that the application was not supported from the fire safety point of view.

12. In response to the Chairman's enquiry, Mr. Silas Liu, STP/K responded that the application premises was rented out to several operators, but owned by one owner.

Deliberation Session

13. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the shop and services use did not comply with the 'Town Planning Board Guideline for Development within "Other Specified Uses" annotated "Business" Zone' (TPB PG-No. 22D) as the total floor area accountable for the aggregate commercial floor area had exceeded the maximum permissible limit of 460m²; and
- (b) the Director of Fire Services had raised objection to the application from the fire safety point of view.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K15/98 Proposed Conversion of an Existing Industrial Building
for Hotel and Shop and Services Uses
in “Comprehensive Development Area” zone,
428 Cha Kwo Ling Road, Yau Tong
(MPC Paper No. A/K15/98)

14. The Secretary said that the application site fell within the “Comprehensive Development Area” (“CDA”) zone in Yau Tong Bay which involved land owned by Henderson Land Development Co. Ltd. (Henderson) and Sun Hung Kai Properties Ltd. (SHK). Mr. Raymond Y.M. Chan, having current business dealings with Henderson and SHK, Mr. Felix Fong, having current business dealings with SHK, and Ms. Julia M.K. Lau previously employed by SHK had declared their interests in this item. The Committee considered that Mr. Chan and Mr. Fong’s interests were direct and should leave the meeting temporarily for this item. The Committee also noted that Ms. Lau had yet to arrive the meeting.

15. Professor S.C. Wong said that he had current business dealings with Ove Arup, one of the consultants of the applicant. The Committee considered that Professor Wong’s interest was indirect and could stay at the meeting.

[Mr. Raymond Y.M. Chan and Mr. Felix W. Fong left the meeting temporarily at this point].

Presentation and Question Sessions

16. Mr. Silas K.M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applicant sought planning permission for conversion of the whole

existing Wing Shan Industrial Building on the application site for hotel and shop and services uses for the life-time of the building. In order to meet the planning requirement of providing a public waterfront promenade not less than 15m wide within the “CDA” zone specified on the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) and the endorsed Planning Brief (the Planning Brief) for the “CDA” zone, the applicant intended to demolish part of the existing 4-storey podium structure along the waterfront to give way for the development of a 20m-wide waterfront promenade (about 1,200m²). As a result of the building setback, the affected gross floor area (GFA) would be compensated by adding one and a half storeys on top of the existing building. According to the applicant, the existing bulk of Wing Shan Industrial Building would remain the same, while the building height would be increased from 15 storeys to 17 storeys (excluding one level of basement);

- (c) departmental comments – the Urban Design Unit of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that the proposal to demolish part of the existing building for opening up the waterfront promenade was supported. However, the design, ownership and management responsibility of this section of promenade vis-à-vis the whole promenade along Yau Tong Bay would be a concern. The Landscape Unit of CTP/UD&L, PlanD raised concerns on the landscape aspect as the proposed greening was insufficient to demonstrate that the proposed development could blend in with the future promenade and “CDA” development. The District Officer (Kwun Tong), Home Affairs Department advised that the proposed waterfront promenade would be welcomed by the community who had consistently called for the implementation of a continuous waterfront promenade linking Kowloon Bay and Yau Tong. The Head of Development Opportunities Office (DOO), Development Bureau advised that Members of the Land and Development Advisory Committee (LDAC) generally supported the proposed conversion and considered it as a more environmentally friendly and sustainable alternative to redevelopment. They especially welcomed

the proposed setback of the existing building by 20m on the Yau Tong Bay side to provide space for the construction of a waterfront promenade for public enjoyment;

- (d) during the statutory publication period, two public comments were received. A commenter opined that the access of large vehicles would increase the traffic volume of Cha Kwo Ling Road which would affect the future planning for Tseung Kwan O-Lam Tin Tunnel and Road T2. Another commenter objected to the application on the grounds that lanes for public passage should be provided on both sides of the building to enable permeability to the waterfront. Furthermore, landing facilities along the seaside should be provided to enhance the interface between water and land; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The current application for in-situ conversion for hotel and shop and services uses was considered as a sustainable re-use of an industrial building and was acceptable as an interim measure before the redevelopment of the existing building. Compared with the existing industrial use, the proposed hotel and shop and services uses were considered more compatible with the planned development in the “CDA” zone. The proposed 20m-wide waterfront promenade with an area of about 1,200m² within the application site was a planning gain and significant improvement over the previously approved scheme to facilitate the implementation of the continuous waterfront promenade to meet the requirement of the “CDA” zone. Regarding the public concern on the possible increase in traffic on Cha Kwo Ling Road, it was noted that the car parking requirement in the current scheme was less than that in the previously approved scheme. The Commissioner for Transport had no objection to the proposed development and the car parking provision. One of the public comments received suggested that lanes with right of access should be provided on both sides of the building to enable permeability to the waterfront and landing facilities should be provided at the waterfront. In

this regard, as the current proposal was an in-situ conversion of the building for hotel and shop and services uses, basically there would not be any change in the disposition of the building under the application. However, according to the Planning Brief for the Yau Tong Bay “CDA” zone which was endorsed by the Committee on 4.9.2010, separation between buildings with a minimum width of 25m should be provided to enhance air ventilation and permeability of the area. Furthermore, it was stipulated in the Planning Brief that public landing facilities along the public waterfront promenade should be provided. As such, the concerns on permeability and landing facilities at the waterfront would be taken care of upon redevelopment of the existing buildings within the “CDA” zone. Moreover, the proposed hotel and shop and services uses would not cause any adverse environmental, traffic, and infrastructure impacts on the developments in the neighbourhood. The relevant Government bureaux/departments had no in-principle objection to the application.

17. A Member asked how the public could gain access to the waterfront promenade from the area to the north of the “CDA” zone. Mr. Silas K.M. Liu, STP/K, responded that according to the requirement of the Planning Brief, there would be separation between buildings with a minimum width of 25m in the “CDA” zone, through which the public could gain access to the waterfront.

18. A Member enquired under what circumstances the LDAC would be involved in handling land development project and commenting on planning applications. Mr. Silas K.M. Liu responded that the LDAC was an advisory committee rendering advice to the Government on planning, land, buildings and other development matters.

19. The Chairman supplemented that the LDAC, which was formerly known as the Land and Building Advisory Committee was an advisory committee giving advice to the Government on specific land development proposals and projects which carried a broader economic or social value. The LDAC was not an approving authority for land development projects. It did not replace any statutory approving authorities and procedures, or public consultation. The project proponents would need to obtain all necessary approvals from relevant authorities through the established procedures.

20. The same Member asked about the kinds of GIC facilities that would be provided in the Yau Tong Bay “CDA” zone. Referring to Plan A-2 of the Paper, Mr. Silas K.M. Liu said that the existing Cha Kwo Ling Salt Water Pumping Station to the west of the application site would be retained. Moreover, according to the Planning Brief, one integrated children and youth services centre, one 160-place integrated vocational rehabilitation services centre and one 50-place hostel for moderately mentally handicapped persons had to be provided in the “CDA” zone. These GIC facilities would not only serve the Yau Tong Bay area, but the Kwun Tong district as a whole.

21. In response to this Member’s further question on whether the applicant had dialogue with the Yau Tong Bay “CDA” development consortium (the consortium) and how the proposed development could fit in with the overall “CDA” development, Mr. Silas K.M. Liu said that the applicant was not part of the consortium. There were some dissenting lot owners of the “CDA” site, including those owning the subject site and two sawmills did not involve in the redevelopment scheme. It was not known whether the applicant had dialogue with the consortium in preparing the current development scheme. However, as indicated in the photomontage in the Supplementary Planning Statement at Appendix Ia of the Paper, the applicant, in preparing the development scheme, had taken into account the development proposal of the Yau Tong Bay “CDA” site submitted by the consortium under Application No. A/K15/96, which would be considered by the MPC in mid-September 2010.

22. A Member was concerned on how to ensure that the public waterfront promenade to be built by the applicant would be integrated and compatible with the remaining parts of the waterfront promenade in the “CDA” zone to be built by the consortium. In response, Mr. Silas K.M. Liu said that this could be addressed by imposing approval conditions regarding the design, provision management and maintenance of the public waterfront promenade as recommended in paragraph 12.2 (d) and (e) of the Paper. The Secretary supplemented that according to the Remarks of the Notes for “CDA” zone, a Master Layout Plan (MLP) should be submitted in accordance with the requirements as specified in the Notes of the zone for the approval of the Board. The design of the public waterfront promenade and its integration with other land uses in the “CDA” zone would be considered by the Board in the MLP submission stage.

23. The same Member pointed out that as shown in the drawings submitted by the

applicant, the proposed development had an unusual internal layout, with hotel rooms located along two sides of the building and retail uses in its central part. In response, Mr. Silas Liu said that in-situ conversion of the existing industrial building had posed constraints in designing the internal layout of the proposed hotel. As windows were only available on two sides of the existing building, the applicant had to make use of the floor areas with provision of windows for hotel rooms, and to locate the shop and services use in the inner parts of the building. In this regard, the concerned government departments including Buildings Department and Fire Services Department had no objection from the building and safety point of view. The Secretary added that the Board, in general, would not consider and decide on the detailed internal layout of a proposed development.

Deliberation

24. A Member said that whether the applicant had any dialogue with the consortium should not be taken as a deciding factor in considering the application by the Board. In response, the Secretary said that as the subject site was part of the Yau Tong Bay “CDA” site, the redevelopment of the site had to comply with the planning intention of the “CDA” zone and to be integrated and compatible with the redevelopment of the remaining areas of the “CDA” site. In this connection, it was important for the applicant in preparing his redevelopment proposal, to take into account the redevelopment proposals of the consortium. However, the subject application was not a redevelopment proposal as such, but the conversion of the existing industrial building for hotel and shop and services uses for the life-time of the building.

25. A Member noted that while the maximum permitted PR as stated in the Remarks of the Notes covering the “CDA” zone was 5, the PR of the subject existing building was much higher than 5. This Member was concerned that allowing the in-situ conversion of the industrial building into hotel and shop and services uses with the existing bulk retained would affect the overall planning of the “CDA” site. In this regard, this Member enquired about the number of dissenting lot owners in the “CDA” zone. In response to this Member’s enquiry, Mr. Silas K.M. Liu said that there were three dissenting lots in the “CDA” zone and the application site was one of them. The consortium had owned more than 80% of the land in the “CDA” zone. Mr. Liu also pointed out that in 2005, the applicant obtained planning permission from the MPC for in-situ conversion of the industrial building into restaurant and

shop and services uses. Subsequently, the applicant had applied for a lease modification and the No-objection Letter had been executed in 2009.

26. The Secretary supplemented that as part of the Yau Tong Bay “CDA” site, the subject site, upon redevelopment, had to comply with the planning intention of the “CDA” zone and the requirements as stated in the Planning Brief. Nevertheless, under the subject application, the applicant did not apply for redevelopment of the site. Instead, applied for in-situ conversion of the industrial building for hotel and shop and services uses for the life-time of the building. As regards the dissenting lots, they involved some absentee owners and elderlies who did not want to sell their properties. The Secretary also pointed out that according to the ‘Town Planning Board Guidelines for Designation of “CDA” Zones and Monitoring the Progress of “CDA” Developments’ (TPB PG-No. 17), phased development of “CDA” sites could be considered. Developers of “CDA” sites usually implemented the parts of the sites under their ownership as the first phase of the “CDA” development, leaving those parts that could not be acquired at the later phase(s). However, the resultant development should be self-contained in terms of layout design and provision of open space and appropriate GIC, transport and other infrastructure facilities.

27. A Member opined that as compared with the previous approved scheme, the applicant proposed to demolish part of the podium in the existing building to provide for a 20m-wide waterfront promenade within the application site. The applicant would also take appropriate measures to mitigate the visual bulkiness of the proposed developments. The proposed waterfront promenade was a planning gain and considered as a significant improvement over the previously approved scheme. It could facilitate the implementation of the continuous waterfront promenade to meet the requirement of the “CDA” zone. As such, the application could be supported.

28. A Member said that the applicant had already been given permission to convert the existing industrial building to shop and services and restaurant uses for the life-time of the building. Although the existing industrial building had a higher PR than the maximum permitted PR stated in the Planning Brief, the current scheme with the demolition of the 4-storey podium structure to give way for a 20m-wide waterfront promenade was considered as planning merit. Hence, the application could be supported. Another Member also shared the same view.

29. The Chairman remarked that the application site featured prominently when one was driving towards the toll plaza of the Eastern Harbour Tunnel and the proposed conversion would upgrade the appearance of the industrial building and enhance the vista.

30. The Chairman concluded that Members generally supported the application as the proposed hotel and shop and services uses were considered compatible with the planned development in the “CDA” zone; and the proposed in-situ conversion of the existing industrial building adopted a sustainable principle to revitalize the industrial building. Moreover, the demolition of part of the podium in the existing building to give way for a 20m-wide waterfront promenade was a planning gain and would facilitate the implementation of the continuous waterfront promenade to meet the requirements of the “CDA” zone. Members agreed.

31. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) for the life-time of the building. The permission should be valid until 10.9.2014, 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 design and provision of vehicle parking, loading/unloading facilities and manoeuvring space for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of design measures to reduce the visual bulkiness of the proposed development and enhance its visual amenity, in particular, for the façade along the waterfront promenade to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of the public waterfront promenade to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;

- (e) the surrender of the public waterfront promenade, as proposed by the applicant, to the Government upon request, and before being called for surrender, the waterfront promenade would be managed and maintained by the applicant and open for public enjoyment; and
- (f) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to apply to the District Lands Officer/Kowloon East for lease modification for the proposed development at the application site;
- (b) the arrangement on emergency vehicular access should comply with part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by Buildings Department (BD);
- (c) to appoint an Authorised Person to submit plans to BD for formal approval and demonstration of full compliance with the Buildings Ordinance;
- (d) to consult the Chief Officer/Licensing Authority of Home Affairs Department on the licensing requirements for the proposed hotel at the applicant premises;
- (e) to note the requirement of the Electrical and Mechanical Services Department's Code of Practice on Avoiding Danger From Gas Pipes and maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the existing and planned gas pipes routes/gas installations in the vicinity of the proposed works area and the minimum setback distance away from the gas pipelines during the design and construction stages of development;
- (f) to take appropriate precautionary measures to avoid causing danger to or

interfering with the local marine traffic activities in front of the works site;

- (g) attention should be paid to the material selection and articulation of the curtain wall façade to avoid causing glare to the surroundings and neighbouring buildings; and
- (h) to maximize greening opportunities for the proposed development in order to enhance its visual amenity.

[The Chairman thanked Mr. Silas K.M. Liu, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Ms. Jessica H.F. Chu, STP/K, was invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K22/9 Proposed Residential Development (including a Pier (Landing Steps),
Eating Place and Shop and Services uses) in "Commercial (2)" zone,
1-5 Kai Hing Road, Kowloon Bay
(NKILs No. 5805, 5806 and 5982)
(MPC Paper No. A/K22/9)

33. The Secretary reported that the application was submitted by a subsidiary of Wheelock Properties Ltd., Mr. Roger K.H. Luk was previously an independent Non-executive Director of Wheelock Properties Limited. The Committee considered that Mr. Luk's interest was direct and he should leave the meeting temporarily for this item.

34. Professor S.C. Wong said that he had current business dealings with Ove Arup, one of the consultants of the applicant. The Committee considered that Professor Wong's interest was indirect and he could stay at the meeting.

[Mr. Roger K.H. Luk left the meeting temporarily at this point.]

[Ms. Julia M.K. Lau arrived and joined the meeting at this point.]

[Mr. Raymond Y.M. Chan and Mr. Felix Fong returned and joined the meeting at this point.]

Presentation and Question Sessions

35. Ms. Jessica H.F. Chu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applicant proposed to redevelop the application site for six residential blocks with a pier in the form of landing steps, eating place and shop and services uses at a total plot ratio of 5.0. The application was submitted in September 2009. Since then, the building height of the development scheme had been revised three times to meet public and departmental comments. By reducing the floor-to-floor height of the residential units from 3.15m to 3.025m and putting all the car parking spaces, part of the recreational facilities and electrical and mechanical facilities into the two-level basement, the proposed development on the site would conform to the building height restriction of 100mPD as stipulated on the approved Kai Tak Outline Zoning Plan (OZP). For the proposed landing steps, it would be open to the public but the berthing use would be subject to controlled access. The landing steps would be operated, managed and maintained in association with the commercial uses at the application site and the future residents would not bear the maintenance cost. The daily opening hours would be within reasonable hours from 7am to 10pm. The applicant was prepared to surrender the area for the 20m-wide waterfront promenade (except the landing steps) upon the Government's request, and to landscape and maintain it at the applicant's expense until the area was surrendered;
- (c) departmental comments – the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD), the Project Manager/Kowloon, Civil

Engineering and Development Department (PM/K, CEDD), the Director of Environmental Protection (DEP), the Director of Electrical and Mechanical Services (DEMS), the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD), and the Director of Leisure and Cultural Services (DLCS) had comments on the application. Their comments as detailed in the Paper were summarized as below:

Land Administration

- (d) the DLO/KE, LandsD advised that the lot owner would be required under the proposed lease modification at his own cost to design, form and provide the public waterfront promenade (with the proposed private landing steps area excluded) together with public access from Hoi Bun Road to the satisfaction of DLCS. The lot owner would also be required to carve out the area for the public waterfront promenade and open it up for public use at his own expense before surrendering the land to the Government. The applicant proposed to retain the berthing or marine access rights and the landing steps and berthing facilities would open for public use subject to opening hour restriction and prior arrangement requirement to be imposed by them. According to the applicant's submission, the landing steps together with its berthing use would be operated, managed and maintained under private ownership in association with the commercial uses. If it was considered acceptable to the Board, such kind of "open to the public" as proposed by the applicant need to be taken care by relevant Government departments for proper monitoring;

Infrastructure Aspect

- (e) PM/K, CEDD advised that although it was not assured that the Environmentally Friendly Transport System (EFTS) would be provided along the proposed waterfront promenade, the applicant should ensure that the proposed development would not affect the future implementation of the possible EFTS along the proposed waterfront promenade as delineated on the OZP;

Environmental and Hazard Aspects

- (f) DEP advised that the applicant was encouraged to consider and incorporate noise mitigation measures wherever practicable and provide acoustic insulation to the remaining affected flats. As regards the Chlorine Dock Hazard Appraisal, DEP could not agree to the findings of the qualitative risk review on the existing chlorine dock but had no objection given that the Chlorine Dock was scheduled to be relocated. In any case, the applicant should be well cautioned of the risk about possible delay and/or change of removal of the chlorine dock programme and the public cargo working area. As regards the mitigation measures for possible odour impact, DEP commented that there was uncertainty of the implementation programme of the proposed “odour abatement programme”, the applicant should carry out odour impact assessment to the satisfaction of DEP before the occupation of the proposed development. However, DEP had no adverse comments on the Quantitative Risk Assessment and the air quality impact assessment;

Hazard from Kerry DG Godown and LPG Filling Station

- (g) DEMS had no objection to the proposed development. As far as the LPG was concerned, the overall risk levels associated with the Kerry DG Godown under the worst case scenario were within the acceptable region of the risk guidelines;

Urban Design and Air Ventilation Aspects

- (h) CTP/UD&L, PlanD commented that under the current scheme, the proposed building height was 100mPD which complied with the stipulated height restriction for the application site and would be coherent with the planned overall building height profile for a wider area. The ex-HEC’s suggestion of variations in height for the residential towers would naturally help creating a more interesting height profile for the application site and the waterfront. However, it was also noted that, as previously demonstrated by the applicant, the distinctive height variations could hardly be achieved within the stipulated height restriction of 100mPD and, as presented in the current development scheme the applicant had already reduced the floor-to-floor height from 3.15m to 3.025m and the provision of two levels of basement in order to minimise the overall building height

of the proposed development. Moreover, the applicant should be advised to improve air/visual permeability and widen the building separations within the subject site as far as possible;

Waterfront Promenade for Public Enjoyment

- (i) DLCS commented that the applicant should ensure the accessibility of general public to enjoy the waterfront promenade without any barriers. The applicant should also keep DLCS well-informed of the construction schedule of the waterfront promenade; as such DLCS would be able to start the relevant procedure to secure funding with a view to taking over the management and maintenance of waterfront promenade at the earliest possible time after its completion;

Public Comments

- (j) during the statutory publication period, a total of 44 comments from 30 commenters were received. Among them, 24 gave support to the application, three commenters raised objections to the application and three commenters submitted comments including one from Kerry DG Godown regarding the demand for dangerous goods storage facility which was not related to the application. The public comments were detailed in paragraph 10.1 of the Paper and were summarized below:

- the commenters (including the members of the Kwun Tong District Council (KTDC)) supported the implementation of 20m-wide waterfront promenade for the reasons that the provision of the waterfront promenade could complete the continuous promenade network from To Kwa Wan to Kwun Tong. They also supported the proposed residential development for the reasons that it would phase out the existing industrial uses along the waterfront; it could increase the housing supply for the district; the building bulk was relatively smaller comparing with the commercial development permitted under the OZP and the proposed residential development with retail uses and landing steps would add vibrancy to the waterfront etc. The Chairman of KTDC also commented that there should be better spacing

of the 6 residential towers so that the sea view would not be lost; the proposed landing steps should be open to the public for 24 hours rather than just within reasonable hours; the Kerry DG godown should be removed before the proposed development could be allowed to proceed; and the mix of the retail use should be diversified targeting a balanced spectrum of customers;

- the opposing comments were raised on the grounds that the promenade facing the ground level uses of the properties must actively facilitate marine uses as well as the public enjoyment of the harbour front. The application site was an ideal location for a private or public marine club. There were other public comments that future residents would be subject to traffic noise pollution. It was hoped that the applicant would change the entire plan. The 20m-wide waterfront promenade should be handed over to the Government immediately after its completion so that flat owners would not have to bear a range of unfair maintenance costs in the future;

(k) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper and summarized below:

- the proposed residential development would replace the existing godown and open storage to further facilitate transformation of the area and to improve the general environmental quality of the area. The proposed retail uses along the future public waterfront promenade would help create a more vibrant harbour area. It would not result in incoherent developments in the area;
- comparing to a commercial development with a PR of 9.5 as permitted under the “C(2)” zone, the proposed residential development of a PR of 5 would have a smaller building bulk and massing along the waterfront. The building height of the proposed residential development complied with the stipulated height restriction of 100mPD on the OZP and would

be coherent with the planned overall building height profile for a wider area. The proposed building gaps were considered to be a result of optimal balance of various site constraints. As such, CTP/UD&L, PlanD had no in-principle objection from the urban design and air ventilation points of view;

- while concerned Government departments including DLO/KE of LandsD, PM/K of CEDD, DEP, DEMS, CTP/UD&L of PlanD, D of M, D of FS and DLCS had no objection/adverse comments on the application, technical concerns raised by some departments could be addressed by stipulation of approval conditions and/or advisory clauses which were detailed in the Paper;
- regarding the public's suggestion for better spacing of the 6 residential towers, the current proposed spacing and width of the building separation were optimal given the site constraints. The applicant should be advised to further explore the opportunity in improving the air and visual permeability at the detailed design stage;
- regarding the public's concern that the landing steps should be open to the public for all hours, the applicant proposed that the opening hours of landing steps for berthing of local vessels were from 7am to 10pm. It was considered that further extension of the opening hours for berthing use might cause nuisance to the residential development at the application site;
- as regards the relocation of the existing Kerry DG Godown before allowing the proposed development, both DEP and DEMS had no comments on the risk assessment report submitted by the applicant;
- regarding the comment that the current proposal did not facilitate active enjoyment of the harbour front and the application site was an ideal location for a private/public marina club, it should be noted that while marina /private club was a use to add vibrancy to the area,

redevelopment of the privately owned application site would depend on the owner's initiatives. The food/beverage/retail use abutting the waterfront promenade together with the landing steps for berthing of local vessels would help enhancing the vibrancy and attractiveness of the waterfront. Vibrancy could also be further enhanced by encouraging and promoting cultural/social events and leisure/entertainment activities at the waterfront;

- regarding the public's concern on traffic noise impact, the current development scheme had adopted a package of measures in the building design and disposition to mitigate the traffic noise and DEP has no objection to the residential use; and
- regarding the public's concern that future residents might bear the maintenance cost of the public waterfront promenade and suggestion to hand over it immediately after its completion, the DLCS had advised that relevant procedure to secure funding would commence once the completion programme of the waterfront promenade was known with a view to taking over its management and maintenance at the earliest possible time after its completion. The applicant also stated that future residents would not bear the management and maintenance costs of the waterfront promenade before surrendering it to the Government.

36. A Member enquired whether the Kerry DG Godown which was located adjacent to the application site, would pose hazards to the proposed residential developments. Ms. Jessica H.F. Chu, STP/K, responded that the applicant had conducted a Quantitative Risk Assessment (QRA) for the existing Kerry DG Godown. The assessment demonstrated that the overall risk levels associated with the godown under the worst case scenario were within the acceptable region of the risk guideline. Moreover, DEP and DEMS had no comments on the QRA report submitted by the applicant.

37. At the request of the Chairman, Mr. C.W. Tse of the Environmental Protection Department, referred Members to Figure 8 of Appendix Ip of the Paper and explained that the risk guideline was an objective standard expressed in terms of possibility of various accident

events and the possible maximum fatality caused. Similar standards were adopted also by some advanced countries. According to the QRA report submitted by the applicant, the off-site risk level of the Kerry DG Godown was acceptable under the risk guideline. There was a 15m-wide separation between the proposed residential developments and the Kerry DG Godown with solid walls facing the Godown. These mitigation measures could reduce the risks posed to the proposed adjacent developments.

38. A Member was concerned that the application site was located next to the Kai Tak Approach Channel (KTAC) and the proposed residential development might be affected by the odour emission from the KTAC. However, the implementation of the whole “odour abatement programme” as proposed by the Government department was still uncertain which would greatly affect the timing of the population intake of the proposed development. Mr. Tse commented that the package of odour mitigation measures was being implemented in phases by the Government, but the implementation of some of the mitigation works at a later stage were subject to necessary approvals and funding available as well as satisfactory completion of the advanced works. To ensure the odour was abated to an acceptable level, the applicant was requested to submit an odour impact assessment to the satisfaction of DEP prior to presale/sale of flats and population intake. Members noted that it was recommended in the Paper to stipulate the above requirement as an approval condition.

39. A Member said that as observed during a recent site visit to the North Apron of the ex-Kai Tak Airport, the odour impact of the KTAC was not significant and the air quality of the area had been improved. It was learnt from the representative of CEDD that the in-situ bioremediation treatment to the sediments at KTAC to mitigate odour was in progress and the effectiveness of the treatment works would be monitored upon completion of the works.

40. In response to a Member’s enquiry, Ms. Jessica H.F. Chu said that as proposed by the applicant, the proposed landing steps would be open to public. She added that the proposed landing steps for berthing of local vessels together with food/beverage/retail use abutting the waterfront promenade would help enhance the vibrancy and attractiveness of the waterfront. The Director of Marine (D of M) had no objection to the applicant’s proposal and it was recommended to stipulate the requirement on public usage of the landing steps for local vessels as an approval condition as proposed in paragraph 12.2 (c) of the Paper.

Furthermore, Ms. Chu added that according to the applicant's proposal, the proposed landing steps would be managed and maintained by the applicant in association with commercial operators and the future residents would not bear the maintenance cost.

41. Ms. Anita Lam of the Lands Department pointed out that marine access rights (for passengers drop off) should be distinguished from berthing rights. There would probably be public expectation on both in the subject case and the implementation details needed to be worked out carefully. In response, Ms. Jessica H.F. Chu said that D of M was consulted and had no objection on the public usage of the proposed landing steps as proposed by the applicant. Ms. Chu also added that a similar approval condition had been stipulated by the Committee in approving an application for public landing steps at the Kerry DG Godown site under Application No. A/K22/2.

Deliberation Session

42. In response to a Member's enquiry on the proposed landing steps, the Secretary said that according to the lease of the site, the owner had a marine access right along the south eastern boundary of the site. In order to comply with the requirements stipulated on the OZP, the applicant proposed to surrender a 20m-wide strip of land abutting the waterfront for the provision of a public waterfront promenade. The applicant also proposed to provide a pier in the form of landing steps to allow public usage. However, the berthing use would be subject to controlled access to ensure public safety. In this regard, an approval condition on the public usage of the landing steps to the satisfaction of D of M was recommended in the Paper.

43. A Member noted that as proposed by the applicant, the landing steps together with its berthing use would be operated, managed and maintained under private ownership in association with the commercial uses (with a GFA of 600m²) at the application site. However, this Member raised concern that as the scale of the commercial uses was relatively small, it was doubtful as to whether the commercial operators would have sufficient resources to maintain and manage the proposed landing steps. The above concern was shared by some Members.

44. In response, Ms. Jessica H.F. Chu said that it was proposed by the applicant that

the landing steps would be open for public usage of local vessels with its management and maintenance to be carried out by the applicant in association with future commercial operators of the site. In this regard, an approval condition to ensure the public usage of the proposed landing steps to the satisfaction of D of M was recommended. Such requirement could also be stipulated in the lease modification stage.

45. The Secretary said that to address Members' concern, details on the maintenance and management responsibility of the proposed landing steps could be stipulated in the lease modification stage. The Secretary also suggested that in order to ensure the landing steps would be properly maintained and managed by the applicant, it could be stipulated as a lease condition that "should the applicant fail to maintain and manage the public landing steps properly, the Government might resume the marine access right". Members agreed.

46. A Member supported the application from the urban design and air ventilation point of view, having regard to the proposed building height was 100mPD which complied with the stipulated height restriction for the application site and would be coherent with the planned overall building height profile for a wider area.

47. A Member opined that there would be demand for commercial car parking spaces at the waterfront. Allowing usage of some of the proposed car parking spaces for commercial parking use might provide sufficient financial returns for the commercial operators of the site to manage and maintain the public landing steps. In response, the Secretary said that according to the Remarks of the Notes for "C(2)" zone covering the subject site, car parking spaces proposed for residential use would be exempted from GFA calculation. However, if they were used as commercial car parking spaces, they would be accountable for GFA calculation.

48. Another Member raised the concern that the commercial operators might not have sufficient resources in managing and maintaining the public landing steps. This Member enquired whether the Government could take up the ownership of the landing steps and re-grant the right to the operators to operate the landing steps. In response, the Chairman said that the landing steps were proposed by the applicant, and the Committee should consider the planning merits/demerits while the detailed requirements on their management and maintenance could be considered by LandsD at the lease modification stage.

49. The Chairman noted that Members in general had no in-principle objection to the application. As regards the concerns on the management and maintenance of the public landing steps, it was proposed to stipulate an advisory clause that the applicant should liaise with LandsD regarding the details of management and maintenance responsibility of the public landing steps during the lease modification process. The Secretary added that the Secretariat could write to DLO/KE, LandsD and reminded them to take account of Members' concerns on the public usage of the landing steps and its maintenance and management responsibility at the lease modification stage. Members agreed.

50. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 10.9.2014, 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 design and provision of the public waterfront promenade to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (b) the surrender of the public waterfront promenade, as proposed by the applicant, to the Government upon request, and before being called for surrender, the waterfront promenade would be managed and maintained by the applicant and open for public enjoyment;
- (c) the public usage of the landing steps for local vessels should be allowed to the satisfaction of the Director of Marine or of the TPB;
- (d) the submission and implementation of a landscape master plan including green coverage plan to the satisfaction of the Director of Planning or of the TPB;
- (e) the design and implementation of mitigation measures for the proposed development in relation to the traffic noise to the satisfaction of the Director of Environmental Protection or of the TPB;

- (f) no pre-sale/sale of the proposed development and population intake should be allowed prior to the relocation of the chlorine transshipment dock;
- (g) no pre-sale/sale of the proposed development and population intake should be allowed prior to the decommissioning of the Kwun Tong Public Cargo Working Area or the provision of buffer distance between the application site and the Kwun Tong Public Cargo Working Area to the satisfaction of the Director of Environmental Protection or of the TPB;
- (h) no pre-sale/sale of the proposed development and population intake should be allowed prior to the submission of an odour impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (i) the submission and provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) in connection with the approval conditions (f) and (g), the applicant should be fully aware of the risks about possible delays of the chlorine transshipment dock relocation programme or the decommissioning of the Kwun Tong Public Cargo Working Area which were not under the applicant's control but would directly affect their development;
- (b) to note the comments from the District Lands Officer/Kowloon East regarding the need to submit a lease modification for the three lots by way of land exchange in order to implement the proposed residential development, and that the lease modification would only be processed when the programme of the hinge factors including removal of the chlorine transshipment dock and Kwun Tong Public Cargo Working Area or others was clear/certain;
- (c) to liaise with District Lands Officer/Kowloon East regarding the

management and maintenance responsibilities of the landing steps at the lease modification stage;

- (d) to note that the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations and the applicant should approach the Buildings Department to obtain the necessary approval;
- (e) to liaise with the Project Manager/Kowloon, Civil Engineering and Development Department to ensure that the proposed development including the landing steps would not affect the future implementation of the possible environmentally friendly transport system along the proposed waterfront promenade as delineated on the Kai Tak Outline Zoning Plan;
- (f) to note the comments from Chief Engineer/Mainland South, Drainage Services Department regarding the foul drainage connection and the provision of proper grease trap/tank for any shop to be used for food processing;
- (g) to note the comments from Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) regarding the need to facilitate future growth of the trees on site and to increase the greening provision at the public waterfront promenade in the detailed design stage;
- (h) to note the comments from CTP/UD&L, PlanD regarding the need to explore the opportunities to further improve the air/visual permeability and widen the building separation as far as possible;
- (i) to liaise with the Director of Leisure and Cultural Services regarding the provision of public access from Hoi Bun Road as well as the construction and handing over programme of the public waterfront promenade; and
- (j) to liaise with the Chief Engineer/Port Works, Civil Engineering and Development Department regarding the maintenance responsibility of the seawall of the landing steps.

[The Chairman thanked Ms. Jessica H.F. Chu, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[A short break of 5 minutes was taken at this point.]

[Mr. Roger K.H. Luk returned and joined the meeting at this point]

Agenda Item 8

Section 16 Application

[Open Meeting]

A/K10/237 Proposed Flat, and Shop and Services
in "Residential (Group E)" zone,
18 Chi Kiang Street, Ma Tau Kok
(MPC Paper No. A/K10/237)

52. The Committee noted that on 24.8.2010, the applicant's representative requested for deferment of the consideration of the application in order to allow time to prepare additional information in response to the comments from Government departments on the application.

53. 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 one month was allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Hong Kong District

Agenda Item 9

Section 16 Application

[Open Meeting]

A/H8/406 Proposed Hotel in “Residential (Group A)” zone,
88 Hing Fat Street, North Point
(MPC Paper No. A/H8/406)

54. The Committee noted that on 24.8.2010, the applicant requested for deferment of the consideration of the application for two months in order to allow time to address departmental comments on the application.

55. 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.

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

Agenda Item 10

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the
Draft Wong Nai Chung Outline Zoning Plan No. S/H7/14
(MPC Paper No. 20/10)

56. The following Members had declared interest in this item:

Mr. Maurice W.M. Lee	Owned a flat at Link Road and a flat at Wun Sha Street;
Professor Joseph H.W. Lee	Owned a flat at Hawthorn Road; and
Miss Ophelia Y.S. Wong (the Secretary)	Owned a property at Broadwood Road.

57. The Secretary said that Professor Joseph H.W. Lee had tendered an apology for being unable to attend the meeting. The Committee considered that Mr. Maurice W.M. Lee interest was indirect as his flat was quite far away from the representation site of the Hong Kong Sanatorium Hospital (HKSH) and could stay at the meeting. Regarding the Secretary's interest, the Committee considered that the role of the Secretary was mainly to provide support to Members on procedural matter, and would not take part in decision-making. The Committee agreed that the Secretary could stay at the meeting.

58. Professor S.C. Wong said he had current business dealings with Ove Arup, one of the consultants of the applicant. Members considered that Professor Wong's interest was indirect and could stay at the meeting.

Presentation and Question Sessions

59. With the aid of a Powerpoint presentation, Mr. Tom C.K. Yip, STP/HK, presented the proposed amendments and covered the following aspects as detailed in the Paper :

HKSH's Site

- (a) the HKSH, with a site area of about 9,770m², fell within an area mainly zoned "Government, Institution or Community" ("G/IC") on the draft Wong Nai Chung Outline Zoning Plan (OZP). The hospital complex comprised four main buildings, i.e. Phase 2 building (12 storeys above 1 basement floor) in the southern part, Phase 1 cum Phase 3 building (148mPD) in the middle, and Central Block (6 storeys) and Li Shu Fan Block (8 storeys) in the northern part. A sloping area in the north-western part of the site was designated as a non-building area (NBA) under the lease, and required to be excluded from the site area for plot ratio and site coverage calculations. The lease also stipulated the provision of a right-of-way (ROW) at the south-eastern corner of the site to facilitate passage for adjacent lots;

HKSH's Representation

- (b) on the draft Wong Nai Chung OZP No. S/H7/14 exhibited on 18.1.2008, among other amendments, a building height restriction of 37 storeys (excluding basement) and 148mPD was imposed for the Phases 1 and 3 building of HKSH, and a building height restriction of 12 storeys (excluding basement) on the remaining part of the site. A total of 50 representations in respect of the OZP amendments were received. One of them was submitted by HKSH against the building height restrictions for the HKSH site. HKSH proposed to delete all building height restrictions for the site; or to delete all building height restrictions in terms of number of storeys and apply the building height restriction of 148mPD to the whole site; or to delete the building height restriction of 12 storeys and apply the building height restrictions of 37 storeys and 148mPD to the whole site. After consideration of all representations and comments on 8.8.2008, the Board decided not to uphold HKSH's representation for reasons that (i) there were insufficient information to demonstrate that the proposed building height of 148mPD would not have adverse visual impacts on the surrounding areas; (ii) that in-situ expansion of HKSH was not the only

means to provide additional hospital beds in Hong Kong; and (iii) the imposed building height restriction of 12 storeys in the main portion of the site was compatible with the surrounding developments;

Judicial Review (JR) Application

- (c) on 6.11.2008, HKSH applied for JR against the Board's decision mainly on the grounds that the draft Wong Nai Chung OZP was ultra vires in utilizing 'spot zoning'; the Board had taken into account irrelevant considerations and had failed to take account of relevant considerations during the consideration of HKSH's representation. On 17.12.2008, the Court granted an order of stay of the submission of the OZP to the CE in C for approval;

Initial Settlement Framework by HKSH

- (d) on 4.12.2009, HKSH's solicitors wrote a letter to the Board through the Department of Justice (representing the Board in the JR case) proposing a framework for without prejudice settlement discussions. In line with the spirit of the Chief Executive's Policy Address in 2007/2008 and the Civil Justice Reform implemented in 2009 which encouraged litigants to consider mediation as a means of settlement of disputes, the Board agreed to discuss with HKSH on a possible settlement proposal. The two parties then made a joint application for adjournment of hearing of the case to enable concerned parties to pursue further discussions on the alternative proposals which might involve an amendment to the OZP. After hearing the submissions, the Court ordered that the hearing be adjourned, and the date for the hearing was scheduled for 27.9.2010;
- (e) on 1.9.2010, HKSH submitted a settlement proposal with the following proposed terms to the Board:
- subject to the Board's approval of the terms of settlement on 3.9.2010, PlanD would prepare a MPC paper for MPC meeting on 10.9.2010 proposing an amendment to the draft Wong Nai Chung OZP No. S/H7/14 under section 7 of the Ordinance (the new Draft OZP), in a

format to be determined by the PlanD, such that upon the approval of such amendments by the Board and subsequently by the CE in C (and subject to necessary lease modification and the Building Authority approvals), HKSH would be permitted under the new Draft OZP to construct new Phases 3A (115mPD) and Phase 4 (89mPD) buildings;

- inclusion of a piece of Government land of approximately 38m² to the southwest of the HKSH's lot (currently zoned "Green Belt" ("GB")) into the HKSH's lot upon which the proposed new hospital building might encroach. This could be regarded as a minor adjustment of zoning boundary permitted under the covering Notes of the OZP;
 - subject to confirmation of approval by the Board of these terms of settlement on 3.9.2010 and the MPC's approval of the gazettal of the new draft OZP at its meeting on 10.9.2010, the parties should execute a Consent Summons, in terms to be agreed, for discontinuance of the JR proceedings with no order as to costs (including all costs reserved), and should file the same with the Court on or before 17.9.2010;
- (f) on 3.9.2010, the Board agreed to HKSH's proposed terms of settlement as set out in JSM's letter of 1.9.2010 and that PlanD would submit the proposed amendments to the draft OZP for consideration by MPC at its meeting on 10.9.2010. Subject to MPC's agreement to publish the proposed amendment to the OZP, the parties (HKSH and the Board) should execute a Consent Summons, in terms to be agreed, for discontinuance of the JR proceedings with no order as to costs (including all costs reserved) and should file the same with the Court on or before 17.9.2010. The new draft OZP would be exhibited under section 7 of the Ordinance as soon as possible. The Board also agreed that the Secretary would represent the Board on all matters relating to the JR in the usual manner;

HKSH's Revised Development Proposal

- (g) in its submitted revised scheme, HKSH proposed to reduce the proposed

building height by splitting the originally proposed Phase 4 redevelopment into two towers, i.e. Phases 3A and 4 buildings, with building heights of 115mPD and 89mPD respectively. A stepped building height profile would be formed with the lower Phase 4 building fronting Wong Nai Chung Road and the taller Phase 3A building in the inner part of the application site;

- (h) the proposed Phases 3A and 4 buildings would have a total GFA of not exceeding the maximum GFA permissible under the Building (Planning) Regulations (B(P)R) and the lease, which HKSH had estimated to be a maximum GFA of 66,994m². The Phase 3A building would accommodate clinics with a proton therapy facility on the lower floors. A void was designed between 4/F to 7/F for providing a delivery access for the proton therapy machines. The Phase 4 building would accommodate operating theatres, wards, clinics, and a roof garden with less than half of its area covered. Due to the reduction in building height, the site coverage of the proposed development would increase and part of the proposed buildings would be built over the existing slope in the north-western part of the application site, which was a NBA under the lease. In addition, the Phase 3A building would encroach upon a small area of Government land (about 38m²) currently zoned “GB” on the OZP. With the proposed redevelopment, the whole hospital complex on the site would have an overall site coverage of 60%;

HKSH's Justification

- (i) the proposed redevelopment would meet the increasing demand for medical services over the Territory. In particular, the demand for hospital services at HKSH had remained at full capacity over the last three years. The existing Phase 3 building was designed to integrate with the proposed redevelopment, and had inadequate space to meet various functional and operational requirements such as lift capacity and efficient circulation between various buildings;

- (j) there were technical constraints in expanding the site as the site was bounded by roads, steep slope and private developments. The fire services restriction preventing the location of medical facilities underground also limited the scope for basement development. The void above the proton therapy facility was to cater for delivery access of the proton equipment which was required from time to time. Other private hospital sites were considered not viable for relocation or expansion of the hospital facilities. The current proposal was a compromise to address the concerns previously raised by the Board, while achieving the GFA permitted under the Buildings Ordinance and the lease;
- (k) on the visual aspect, the “Residential (Group B)” sites along Shan Kwong Road were subject to stepped building height restrictions of 85mPD, 100mPD and 115mPD, and the sites opposite HKSH site was subject to a building height restriction of 85mPD. The proposed stepped building heights of 89mPD and 115mPD were compatible with the existing height bands of the OZP;
- (l) a building height of 89mPD was required for Phase 4 buildings as that phase needed to be horizontally connected with Phases 3 and 3A. Taking into account the operating theatres which needed a high headroom and to be placed on the top of the building to avoid the constraints of structural walls, a building height of 89mPD was required for the Phase 4 building;
- (m) the building setback above the ground floor had increased from the existing 11m to 27m in the proposal so as to enhance the visual permeability along Wong Nai Chung Road. The roof of Phase 4 building would be earmarked for a roof garden with less than half of the area covered by glass roof and the remaining uncovered and landscaped to add a layer of greenery. Measures to soften the façade and edges would be addressed at detailed design stage;
- (n) the proposed redevelopment would not significantly alter the view from the Happy Valley Recreation Ground and Stubbs Road. Regarding the view

from Bowen Road, it was already obstructed by existing buildings and vegetation. In comparison with the previous proposal of 148mPD, the current proposal had offered a significant reduction in visual impact;

- (o) the submitted Traffic Impact Assessment and the geotechnical review report had confirmed that the proposed development would not have adverse traffic and geotechnical impacts on the area;

Comments of Relevant Bureaux and Departments

- (p) relevant Government bureaux and departments had no in-principle objection to the proposal submitted by HKSH; and

Proposed Amendments to Matters Shown on the OZP

- (q) taking into account the proposed building heights in HKSH's revised development proposal as mentioned in paragraphs 59(g) and (h) above, it was proposed to relax the building height restriction for the relevant parts of the HKSH site from 12 storeys to 89mPD and 115mPD as shown in Plans 3 to 6 of the Paper.

60. A Member referred to Plan 10 of the Paper and said that HKSH's revised scheme of providing a building setback above the two-storey car park podium could mitigate the visual impacts of the proposed development as viewed from Wong Nai Chung Road. In this regard, this Member asked if it was more appropriate to stipulate a building height restriction of 2 storeys to reflect the existing two-storey car park podium instead of the building height restriction of 12 storeys as shown on the OZP. Ms. Brenda K.Y. Au, DPO/HK, said that the proposed amendment to the current OZP was relaxing the building height restriction for the relevant part of the HKSH site from 12 storeys to 89mPD and 115mPD, taking into account of the HKSH's revised development proposal. Subject to the agreement of the Members, Planning Department would revise the OZP and the Notes to reflect the building height restriction of 2 storeys (excluding basement) for the proposed setback area. Members agreed.

61. A Member was concerned whether the additional traffic to be generated by the increased number of hospital beds in HKSH would have adverse impacts on the local road networks. In response, Mr. Anthony Loo of the Transport Department advised that the present ingress/egress point for HKSH was located at the junction of Village Road, Shan Kwong Road and Wong Nai Chung Road, which was subject to regular traffic congestion. The proposed Phase 4 building would provide a new ingress/egress point directly at Wong Nai Chung Road, and this would significantly reduce the traffic at the Shan Kwong Road junction, thereby improving the local traffic condition. With regard to the traffic impact of the subject development on traffic conditions in the wider vicinity of Wan Chai and Causeway Bay, this would be taken into account in the context of relevant district traffic studies.

62. In response to a Member's enquiry, Ms. Brenda K.Y. Au, said that according to HKSH's proposal, the proton therapy machines which were heavy equipment needed to be accommodated on the lower floors of Phase 3 building and the void above it was required for providing a delivery access for the proton therapy machines.

Deliberation Session

63. After further deliberation, the Committee decided :

- (a) subject to the amendment in paragraph 60 above, agree to the proposed amendments to the draft Wong Nai Chung OZP No. S/H7/14 and that the draft Wong Nai Chung OZP No. S/H7/14A at Attachment III(A) (to be renumbered to S/H7/15 upon exhibition) and its Notes at Attachment III(B) of the Paper were suitable for exhibition under section 7 of the Town Planning Ordinance;
- (b) to adopt the revised Explanatory Statement (ES) at Attachment III(C) of the Paper for the draft Wong Nai Chung OZP No. S/H7/14A as an expression of the planning intentions and objectives of the Board for the various land use zonings of the Plan and agree that the revised ES would be published together with the Plan; and

- (c) to agree that the revised ES was suitable for exhibition together with the draft Wong Nai Chung OZP No. S/H7/14A (to be renumbered as S/H7/15 upon exhibition) and to be issued under the name of the Board.

Agenda Item 11

[Closed Meeting]

64. The minutes of this item were recorded under separate confidential cover.

Agenda Item 12

[Closed Meeting]

65. The minutes of this item were recorded under separate confidential cover.

Agenda Item 13

[Closed Meeting]

66. The minutes of this item were recorded under separate confidential cover.

Agenda Item 14

Any Other Business

67. There being no other business, the meeting was closed at 1:40 p.m..