

TOWN PLANNING BOARD

**Minutes of 434th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 14.1.2011**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Professor S.C. WONG

Ms. L.P. Yau

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. David To

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. K.Y. Leung

Vice-chairman

Ms. Maggie M.K. Chan

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor P.P. Ho

Professor Joseph H.W. Lee

Mr. Laurence L.J. Li

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
Miss Alice Y.Y. Cheung

Agenda Item 1

Confirmation of the Draft Minutes of the 433rd MPC Meeting held on 23.12.2010

[Open Meeting]

1. The draft minutes of the 433rd MPC meeting held on 23.12.2010 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Reference Back of Approved Plans

2. The Secretary reported that on 4.1.2011, the Chief Executive in Council referred the following approved Outline Zoning Plans (OZPs) to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance (the Ordinance) and the reference back of the OZPs would be notified in the Gazette on 14.1.2011 :

- (i) Tsuen Wan West OZP No. S/TWW/17; and
- (ii) Yuen Long OZP No. S/YL/18.

(ii) Appeal Decision Received

Town Planning Appeal No. 7 of 2008
Temporary Office for a Period of 3 Years
in "Agriculture" and "Village Type Development" zones
Lot 1028 S.B (Part) in D.D. 113, Kam Tin, Yuen Long
(Application No. A/YL-KTS/422)

3. The Secretary reported that the subject appeal was lodged by the Appellant on 10.11.2008 against the decision of the Town Planning Board (TPB) to reject on review an application (No. A/YL-KTS/422) for a temporary office for a period of three years. The subject site fell within an area zoned "Agriculture" ("AGR") with a minor portion zoned "Village Type Development" ("V") on the approved Kam Tin South OZP No. S/YL-KTS/11.

On 24.8.2010, the appeal was heard by the Town Planning Appeal Board (TPAB). On 31.12.2010, the appeal was dismissed by the TPAB for the following reasons:

Ground of appeal: part of the site had been used for West Rail works and would no longer be suitable for agricultural use

- (a) the TPAB found that the land immediately adjoining the site was under active agricultural use. There were also vegetable fields and fruit trees surrounding the site. The TPAB considered that the site and its adjoining land were capable of being rehabilitated for agricultural use;

Grounds of appeal: the applied use would not adversely affect the surrounding land uses and nearby villagers/residents and would not become the first precedent

- (b) the TPAB considered that the applied use would adversely affect the surrounding land uses and nearby villagers/residents and would set an undesirable precedent;

Ground of appeal: the applied use was on a temporary basis and would not contravene the planning intention of the “AGR” zone

- (c) the Appellant’s representative at the appeal hearing confirmed that if the appeal was allowed, the Appellant would continue to apply for renewal of the planning permission upon expiry of the three-year approval period sought. This meant that the applied use would not be on a temporary basis;

Grounds of appeal: the applied use would create employment opportunities for the nearby villagers and the objection to the application raised by a Yuen Long District Council Member was due to personal reasons

- (d) no evidence was adduced by the Appellant to support these grounds. The TPAB also considered that these were not valid grounds of appeal; and

Other

- (e) the Appellant's representative boasted about the Appellant's committing repeated breach and payment of fines for the unauthorized use of the site as an office. The TPAB found such conduct unacceptable.

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

(iii) Abandonment of Town Planning Appeals

Town Planning Appeal No. 2 of 2009

Proposed House (New Territories Exempted House – Small House)

in “Green Belt” zone

Lot No. 392S.A and 393 in D.D. 28, Lung Mei Village, Ting Kok Road, Tai Po

(Application No. A/NE-TK/258)

Town Planning Appeal No. 3 of 2009

Proposed House (New Territories Exempted House – Small House)

in “Green Belt” zone

Lot No. 771S.A in D.D. 28, Lung Mei Village, Ting Kok Road, Tai Po

(Application No. A/NE-TK/263)

Town Planning Appeal No. 10 of 2005

Proposed Hotel and Open Space at Ship Street and Kennedy Road

Wan Chai, Hong Kong

(Application No. A/H5/339)

4. The Secretary reported that three appeals had been abandoned by the Appellants of their own accord :

- (i) Town Planning Appeals No. 2/2009 and No. 3/2009 were received by the TPAB on 17.3.2009 against the decisions of the TPB on 2.1.2009 to reject on review two applications (No. A/NE-TK/258 and No. A/NE-TK/263) for proposed houses (New Territories Exempted Houses – Small Houses) within the “Green Belt” zone on the Ting Kok OZP. They were

abandoned by the appellants on 13.12.2010. On 5.1.2011, the TPAB formally confirmed that the appeals were abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations (TP(A)R) of the Ordinance; and

- (ii) Town Planning Appeal No. 10/2005 was received by the TPAB on 6.5.2005 against the decision of the TPB on 25.2.2005 to reject on review the planning application No. A/H5/339 for the mega tower hotel (now known as Hopewell Centre II) development at Ship Street and Kennedy Road within the “Other Specified Uses” annotated “Comprehensive Redevelopment Area” and “Open Space” zones on the Wan Chai OZP. The appeal was abandoned by the Appellant on 28.12.2010. On 7.1.2011, the TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the TP(A)R of the Ordinance.

(iv) Appeal Statistics

5. The Secretary reported that as at 14.1.2011, a total of 23 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	27
Dismissed	:	114
Abandoned/Withdrawn/Invalid	:	147
Yet to be Heard	:	23
Decision Outstanding	:	1
Total	:	312

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/TW/2

Application for Amendment to the
Approved Tsuen Wan Outline Zoning Plan No. S/TW/26
from “Green Belt” to
“Other Specified Uses” annotated “Columbarium” zone,
Lots 613 RP (Part), 614, 1229 in D.D. 453
and Adjoining Government Land, Lo Wai, Tsuen Wan
(MPC Paper No. Y/TW/2)

6. The Committee noted that on 2.12.2010, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments/concerns from the government departments.

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

Agenda Item 4

Section 16 Application

[Open Meeting]

A/K1/226 Proposed Minor Relaxation of Maximum Building Height
for Permitted Composite Development in “Residential (Group A)” zone,
38 Kwun Chung Street, Jordan
(MPC Paper No. A/K1/226)

8. The Committee noted that on 6.1.2011, the applicant’s representative requested for deferment of the consideration of the application for one month in order to allow time to prepare further information to address the comments from the Planning Department.

9. 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 the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 5

Section 16 Application

[Open Meeting]

A/KC/364 Proposed Hotel cum Shop and Services and Eating Place
in “Other Specified Uses” annotated “Business” zone,
100-110 Kwai Cheong Road, Kwai Chung
(MPC Paper No. A/KC/364)

10. The Committee noted that on 31.12.2010, 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 and to submit further information to

substantiate the application.

11. 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 the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 6

Section 16 Application

[Open Meeting]

A/TY/113 Proposed Religious Institution (Temple)
 in "Village Type Development" zone,
 Lot 537 in D.D. 434, Tsing Yi
 (MPC Paper No. A/TY/113A)

12. The Committee noted that on 30.12.2010, the applicant's representative requested for deferment of the consideration of the application for two months in order to allow time to address and resolve the outstanding issues raised by the concerned government departments.

13. 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 the further information, and as a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Hong Kong District

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

Agenda Item 7

[Open Meeting (Presentation and Question Sessions Only)]

Variation of Approval Conditions of the Planning Permission
for Section 16 Application No. A/H24/19
for Proposed Exhibition Hall and Ancillary Restaurant
in “Other Specified Uses” annotated “Pier and Associated Facilities” zone,
Portions of G/F and 1/F, 2/F, 3/F (including Mezzanine Floor) of Central Pier 8, Central
(MPC Paper No. 1/11)

Presentation and Question Sessions

14. Ms. April K.Y. Kun, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

Background to the application

- the proposed exhibition hall and ancillary restaurant at the premises on the lower deck (G/F) and upper deck (1/F) of the eastern berth, as well as the public viewing deck (2/F) and roof viewing deck (3/F) of Central Pier 8 (the application premises) was approved by the Committee under Application No. A/H24/19 on 13.8.2010 subject to, inter alia, the following conditions :
 - (a) the submission of Air Quality Assessment (AQA) in respect of the proposed ancillary café at the roof viewing deck and implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection (DEP) or of the Town Planning Board (the Board);

- (b) the proposed ancillary café should not commence operation until approval condition (a) above was complied with to the satisfaction of the DEP or of the Board;
- the application was submitted by the Hong Kong Maritime Museum Ltd. (HKMM) for the relocation of the museum currently at Murray House in Stanley to Central Pier 8. According to the approved scheme, there was an ancillary café proposed at the roof viewing deck, including outdoor and indoor portions. Approval conditions (a) and (b) were related to the proposed ancillary café;
- on 18.11.2010, the applicant wrote to the Board requesting for a variation of approval condition (b) by limiting the applicability of approval condition (b) (i.e. to commence operation until approval of AQA) to the outdoor portion of the proposed ancillary café only; and
- Application No. A/H24/19 was approved by the Committee with conditions on 13.8.2010 under section 16 of the Town Planning Ordinance (the Ordinance). According to section 46 of Cap 1 of the Ordinance, the Committee had the power to amend the permission granted;

Departmental comments

- concerned government bureaux/departments had no objection to or adverse comments on the proposed variation of approval condition (b);

The Planning Department (PlanD)'s views

- PlanD had no objection to the proposed variation of approval conditions based on the assessments in paragraph 5 of the Paper. The scheme approved by the Committee on 13.8.2010 had included an ancillary café covering both indoor and outdoor portions of the roof viewing deck. The applicant's current intention to confine the proposed ancillary café to the indoor portion of the roof viewing deck in the first few years of operation, and to use the outdoor area as a landscaped public viewing area was

generally in line with the approved scheme and would have no adverse planning implication. Relevant government bureaux/departments consulted had no objection to or adverse comments on this proposal. The DEP had advised that submission of AQA was not required as long as the applicant did not proceed with the operation of the outdoor portion of the proposed ancillary café at the roof viewing deck. Approval condition (a) in respect of the submission of AQA for the proposed ancillary café at the roof viewing deck and approval condition (b) in respect of the commencement of the proposed ancillary café until approval of the AQA should be applicable to the outdoor portion of the ancillary café only. Given that the applicant had also stated that there was an intention to include the outdoor portion of the roof viewing deck as part of the café in future and having regard to the need to ensure the submission of AQA for the outdoor café portion as required by the DEP, it was proposed to vary approval condition (b) as requested by the applicant, and to vary the related approval condition (a) to limit the applicability of AQA to the outdoor portion of the proposed ancillary café only. The proposed variation of approval conditions (a) and (b) was recommended in paragraph 5.3 of the Paper.

15. Members had no question on the application.

Deliberation Session

16. After deliberation, the Committee agreed to amend the approval conditions (a) and (b) of the approved Application No. A/H24/19 as follows :

- “
- (a) the submission of Air Quality Assessment (AQA) in respect of the proposed outdoor portion of the ancillary café at the roof viewing deck and implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection (DEP) or of the Town Planning Board (the Board);
 - (b) the proposed outdoor portion of the ancillary café should not commence operation until approval condition (a) above was complied

with to the satisfaction of the DEP or of the Board; ”

[The Chairman thanked Ms. April K.Y. Kun, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H11/97 Proposed Minor Relaxation of Building Height Restriction
from 230 mPD to 238.7 mPD in “Residential (Group B)” zone,
23, 25, 27 D, E and F Robinson Road, Mid-levels West
(MPC Paper No. A/H11/97A)

17. The Secretary said the application was submitted by two subsidiaries of Henderson Land Development Ltd. (HEND). Mr. Raymond Y.M. Chan had declared an interest in the item as he had current business dealings with HEND. Mr. Clarence W.C. Leung had also declared an interest in this item as he was the director of a non-government organization (NGO) that recently received a donation from a family member of the Chairman of HEND. The Committee considered that Mr. Raymond Chan had direct interest in this item and should leave the meeting. The Committee also considered that Mr. Clarence Leung did not have direct interest in this item as it was generally accepted that NGOs would receive donations from various parties, and therefore Mr. Clarence Leung could stay at the meeting. The Committee noted that Mr. Raymond Chan had left the meeting temporarily for this item and Mr. Clarence Leung had not yet arrived to join the meeting.

18. The Secretary briefed Members on the following :

- (a) the application was for minor relaxation of the building height (BH) restriction of 230mPD in the "Residential (Group B)" (“R(B)”) zone at 23, 25, 27 D, E and F Robinson Road, Mid-levels West;

- (b) the proposed building height (BH) of the original scheme submitted by the applicant on 12.11.2010 was at 247.5mPD;
- (c) during the public inspection period from 19.11.2010 to 10.12.2010, 207 comments were received and 194 of these objected to the application. 166 of those objecting comments were submitted by the residents of Tycoon Court, an existing residential development adjacent to the application site. Their main concerns were the adverse visual, air ventilation, traffic and environmental impacts of the proposed development;
- (d) on 16.12.2010, the applicant submitted further information (FI) to reduce the BH of the scheme from 247.5mPD to 238.7mPD and to exclude the previously claimed bonus gross floor area (GFA) of 363.4m² arising from the previously proposed surrender of land (about 72.7m²) along Robinson Road for road widening. The FI was accepted and exempted from publication in accordance with Town Planning Board (TPB) Guidelines for 'Submission of Further Information in Relation to Applications for Amendment of Plan, Planning Permission and Review' (TPB Guidelines No. 32);

[Mr. Clarence W.C. Leung arrived to join the meeting at this point.]

- (e) the Secretariat, TPB had recently received letters/emails from two commenters, who had reiterated their objection to the subject application. They were Commenter 15 (Westerly (Hong Kong) Limited) who was the corporate owner of a flat in Tycoon Court, and Commenter 51 who was the Chairman of the Management Committee of the Incorporated Owners of Tycoon Court. The latest letter received from Commenter 15 was dated 13.1.2011, the content of which was similar to its email of 11.1.2011 that the Secretariat, TPB had replied to. The main points raised in the recently received letters and emails were as follows :
 - (i) the commenters maintained their objection to the planning

application despite the reduction in BH in the FI;

- (ii) they raised queries as to why the FI (which proposed change in the BH) did not constitute a material change to the planning application and the grounds for accepting and exempting it from publication;
- (iii) the FI should be treated as a fresh application and / or be published for a new round of public consultation;
- (iv) the objecting public comments submitted should be treated as related to the revised scheme with reduced building height and should be given due weight. If not, they were worried that the Committee would treat the reduced building height now being sought by the applicant as not being opposed to; and
- (v) there were concerns about the configuration of the building and they requested the Board to impose architectural design requirements on the site to ensure that the ventilation problems would be addressed.

19. Regarding the queries of Commenter 15 on the FI, the Secretary informed the Committee that pursuant to s.2(5)(c) of the Town Planning Ordinance, the Secretary of the Board was under the delegated authority from the TPB to determine acceptance of FI and to exempt it from the requirements in respect of publication for public comments. Based on the TPB Guidelines No. 32, the FI submitted by the applicant on 16.12.2010 was accepted and exempted from publication. The ground for accepting and exempting the FI was that it did not constitute a material change of the nature of the application. Apart from the reduction in the overall building height and the deletion of previously claimed bonus GFA, other development parameters including the site area, proposed use, design and layout of the proposed scheme had remained unchanged. The reduction in building height to be sought by 8.8m and the deletion of the previously claimed bonus GFA were considered minor with reference to Class A amendments according to the TPB Guidelines for 'Class A and Class B Amendments to Approved Development Proposals' (TPB Guidelines No. 36A).

20. The Secretary also informed the Committee that the Secretariat of the TPB had

replied to Commenter 15 and Commenter 51 advising them about the determination of the FI to the subject application and explaining to them that all the views and concerns contained in the public comments would be submitted to the Committee for consideration. With the above background, the Committee would need to consider the following :

- (a) whether there were merits to approve the minor relaxation application;
- (b) what was the acceptable extent of relaxation of BH; and
- (c) whether the views and concerns of the commenters had been adequately addressed by a reduction in BH in the FI.

21. The Secretary went on to report that a petition against the subject application was received before the meeting. The petition was submitted by a group led by Ms. Cheng Lai-king of the Democratic Party, who was an elected member of the Central and Western District Council (C&WDC). The petition letter was tabled at the meeting for Members' consideration and the following main points as stated in the petition letter were noted by Members:

- (a) many private lots in the Mid-levels area were under unrestricted leases and many of the six-storey old buildings had been demolished and redeveloped to 30-40 storeys buildings since the 1980s. In spite of the Mid-levels Moratorium, there were many high-rise buildings being developed in the Mid-levels area, resulting in an increase in population in the area. However, there was a severe lack of community facilities and traffic infrastructure to serve the increased population. The high-rise buildings also had adverse impacts on the area because of its wall effect, breaching of ridgeline and blocking of air ventilation and natural lighting;
- (b) to improve the planning of the Mid-levels area, the following proposals were recommended :
 - the development control pertaining to the Mid-levels Moratorium should be reinstated;

- the development capacity of the Mid-levels area should be reviewed, taking into account factors like traffic flow, road width, pedestrian flow, environmental protection, air ventilation, natural lighting and the safety of having developments with more than 50 storeys on sloping sites;
- a traffic review of the Mid-levels area should be conducted by the Government immediately to assess the impacts of the increase in population and traffic flow arising from the 12 redevelopment sites in the Mid-levels area in the next ten years. In this review, the road capacity in the Mid-levels area upon the operation of the MTR West Island Line in 2014 and the co-ordination between different modes of transport like public buses, private vehicles and the MTR should also be assessed; and
- the TPB should have a proper control on the building height restrictions in the Mid-levels area to prevent adverse impact on air ventilation, natural lighting and traffic conditions of the area.

Presentation and Question Sessions

22. With the aid of a Powerpoint presentation, Mr. K.S. Ng, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application. The application site comprised three adjoining properties, namely 23, 25 and 27 D, E & F Robinson Road (Plan A-2 of the Paper). The proposed “3-in-1” redevelopment scheme mainly situated on the higher platform of 23 and 25 Robinson Road which would absorb the redevelopment potential of 27 D, E & F Robinson Road, leaving the latter as a private landscaped garden;
- (b) the proposed minor relaxation of building height restriction from 230mPD to 238.7mPD;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, 207 comments were received from the Chairman and two members of the C&WDC, Designing Hong Kong Limited, owners' corporation and management offices of the adjacent buildings, owners of the properties at the application site and residents in the vicinity. Amongst the public comments, 194 objected to, nine were in support and four provided comments on the application. Out of the 194 comments objecting to the application, 61 were in standard letters of two types. The comments received were detailed in paragraph 9.1 of the Paper. The main points could be summarised as follows :
 - (i) comments raising objection / reservation were mainly on the grounds of wall effect, heat island effect, impairing air ventilation, endangering health of the local residents, affecting the views and value of the neighbouring buildings, increase in population density, causing hazards to the structural safety of nearby buildings and lack of proper communication with the affected owners and residents;
 - (ii) supporting comments were mainly on the grounds of improving amenity of the local environment and providing local greening at pedestrian level; and
 - (iii) other comments mainly related to the land acquisition issue and the request to extend the statutory public inspection period;
- (e) the District Officer (Central and Western) advised that Members of the C&WDC had all along been concerned about the development intensity in the Mid-levels area. At the C&WDC meeting held on 15.5.2008 when the draft Mid-levels West Outline Zoning Plan (OZP) No. S/H11/14 was discussed, some members considered it necessary to set limits on the development intensity to preserve the ridgelines on Hong Kong Island

while others observed the likely adverse impacts of high-density developments on traffic flow, air ventilation and quality, sunlight and slope safety. The C&WDC also passed a motion on 12.2.2004 objecting to any relaxation of plot ratio (PR) or BH restrictions for residential buildings in the Mid-levels area; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application subject to limiting the BH of the development to a maximum 237mPD at the main roof level based on the assessments in paragraph 10 of the Paper :
- the minor relaxation clause for the BH restriction under the statutory Notes of the “Residential Group (B)” (“R(B)”) zone was to provide incentive for developments/redevelopments with design merits/ planning gains as well as to cater for site-specific circumstances and constraints. As set out in the Explanatory Statement (ES) of the OZP, each application would be considered on its own merits based on the relevant criteria, including whether the development would achieve better urban design and local area improvements through site amalgamation; provide better streetscape/good quality street level public urban space; provide separation between buildings to enhance air and visual permeability; bring about improvements to townscape and amenity of the locality; and would not cause adverse landscape and visual impacts;
 - the proposed “3-in-1” scheme, with the transfer of development potential of 27 D, E & F Robinson Road to 23 and 25 Robinson Road and freeing up the former site for a private landscaped garden, generally met the criteria of amalgamating smaller sites for achieving better urban design and local area improvements; providing better streetscape; and providing separation between buildings to enhance air and visual permeability. Moreover, there were merits in the proposed site amalgamation in terms of improvements to the amenity of the locality. The proposal allowed the creation of significant setbacks of

the podium (about 21m) and tower (about 32m) from Robinson Road, whereby enhancing the visual openness of the road, improving the air and visual permeability at the pedestrian level, and providing landscaping to enhance the streetscape. The Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) also considered that the proposed terraced landscaped garden at 27 D, E & F Robinson Road to improve the streetscape and permeability along Robinson Road was considered desirable from the visual point of view;

- the BH of the proposed development had been reduced from the original proposal of 247.5mPD to the currently proposed 238.7mPD. As shown in the photomontages (Appendices 1a and 1c of the Paper) prepared by the applicant, the proposed BH would not exceed the adjoining uphill height band of 245mPD and the proposed development would not have adverse impact on the stepped height concept adopted for the area nor on the views of the harbour and ridgeline from the key public viewing points. The overall visual impact of the proposal was considered acceptable;
- the applicant had provided justifications in his submission (Appendix Id of the Paper) to support the proposed podium height. It was stated that the podium structure was required to accommodate the car park and clubhouse facilities which could not be accommodated on the levels below the tentative bulk excavation limit as prescribed by the Head, Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD). Notwithstanding, it was considered that there was still room to reduce the floor-to-floor height of the proposed development to minimize the overall BH. For example, there should be room to further reduce the floor-to-floor height from 10/F upwards to 3.15m, which could still meet the modern design standard. This could bring the BH down to about 237mPD. Should the Committee decide to approve the application, it was suggested to stipulate an approval condition requiring that the BH (at

main roof) of the development should not exceed 237mPD; and

- as regards the public comments relating to BH, air quality and ventilation, natural lighting and visual impact, concerned government departments had no objection to or adverse comments on the respective aspects. The proposed development would improve the air and visual permeability at the pedestrian level. On development intensity, the proposed PR of 5 was in line with the PR restriction in the “R(B)” zone. Regarding the possible adverse traffic impact, the Commissioner for Transport had no adverse comment on this aspect. To address public concerns on the possible environmental impacts and the lack of proper communication, relevant advisory clauses were suggested in paragraph 11.2 (e) and (f) of the Paper to advise the applicant to strictly observe all requirements in all relevant pollution control ordinances and to approach the affected owners/residents for proper consultation. Other issues on building structure safety, air pollution and nuisance during the construction process were subject to control under the Buildings Ordinance and relevant environmental legislation at the building plans submission and construction stages.

23. A Member enquired whether the proposed “3-in-1” Scheme under the subject application would have more planning merits as compared to the combined redevelopment scheme at 23 and 25 Robinson Road (at 230mPD) and the separate schemes for individual sites at 23 Robinson Road (at 230mPD) and at 25 Robinson Road (at 247.9mPD) which had been approved by the Building Authority (BA). With reference to Figures 4.3 and 4.5 of the applicant’s submission in Appendix 1a of the Paper, Mr. K.S. Ng said that as advised by the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD, there were merits of freeing up the site at 27 D, E & F Robinson Road and the proposed site amalgamation in terms of improvements to the amenity of the locality. In transferring the development potential of the site at 27 D, E & F Robinson Road to the site at 23 & 25 Robinson Road, the proposal allowed the creation of significant setbacks of the podium and tower from Robinson Road, whereby enhancing the visual openness of the road, improving the air and visual permeability at the pedestrian level, and providing landscaping opportunities to enhance the streetscape; and the proposed BH would not have adverse impact on the stepped height

concept adopted for the area nor on the views of the harbour and ridgeline from the key public viewing points. Therefore, the overall visual impact of the proposal was considered acceptable and the proposed scheme had merits in terms of improved streetscape, visual openness, air ventilation and sunlight penetration.

[Ms. Julia M.K. Lau arrived to join the meeting at this point.]

24. Another Member enquired whether the proposed landscaped garden would be open for public use and whether it would be fenced off. This Member also enquired whether the proposed development would breach the ridgeline. In response, Mr. K.S. Ng said that the landscaped garden at 27 D, E & F Robinson Road was proposed to be a private landscaped garden and would not be opened to the public. However, there was no information in the applicant's submission on its detailed design, including whether it would be fenced off. Mr. K.S. Ng then referred to the photomontages in Appendices 1a and 1c of the Paper and informed Members that the proposed development with a BH of 238.7mPD would not breach the ridgeline.

Deliberation Session

25. The Chairman said that it was the current practice of Government not to impose the provision of public open space (POS) in private residential developments to avoid complications resulting in the operational and management responsibilities of the POS. Members noted.

26. A Member said that with 27 D, E & F Robinson Road to be developed as a private landscaped garden, it had the various merits of achieving better urban design and local area improvements, providing better streetscape, providing separation between buildings to enhance air and visual permeability, and allowing significant setbacks of the podium and tower from Robinson Road thereby enhancing visual openness of the road and improving air and visual permeability at the street level. Considering the above merits against the proposed BH relaxation which was only minor in scale, this Member opined that the application could be supported. This Member also agreed to PlanD's comment that there should be room to further reduce the floor-to-floor height in the residential units to 3.15m and that an approval condition requiring the maximum BH of the development (at main roof) not to exceed 237mPD be stipulated. The above views were shared by other

Members.

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

27. The Chairman said that the minor relaxation clause for BH restriction under the Notes of the “R(B)” zone was to provide incentive for developments/redevelopments with design merits/planning gains, as well as to cater for site-specific circumstances and constraints. Each application would be considered on its own merits based on the criteria set out in the ES of the relevant OZP. In this regard, it was considered that the proposed development scheme with the BH relaxation would bring along merits that could meet the criteria set down in the ES. Hence, the application could be supported.

28. A Member said that to enhance the streetscape and amenity of the area, the proposed private landscaped garden should not be fenced off by concrete walls. This Member enquired if there was any measure to control the subject design. In response, the Chairman said that this could be controlled under the approval condition requiring the submission and implementation of a landscape proposal as stated in paragraph 11.2 (c) of the Paper.

29. 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 14.1.2015, 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 building height of the development (at main roof) should not exceed 237mPD;
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and

- (d) the provision of car parking and loading/unloading spaces to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) the approval of the application did not imply that the proposed gross floor area (GFA) concession for the proposed development would be granted by the Building Authority (BA). The applicant should approach the Buildings Department direct to obtain the necessary approval. If GFA concession was not granted by the BA and major changes to the current scheme were required, a fresh planning application to the Town Planning Board might be required;
- (b) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of the formal submission of the general building plans and the arrangement of the emergency vehicular access should comply with Part VI of the Code of Practice for the Provision of Means of Access for Firefighting and Rescue;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that a waterworks reserve within 1.5m from the centerline of the concerned water mains should be provided with free access by the Water Authority (WA) and contractors for the purpose of laying, repairing and maintenance of the water mains. All other services across, through or under the waterworks reserve were required to seek authorization from the WA;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that 1m² of open space per resident should be provided in the proposed development and a minimum of 30% greening coverage of the entire application site (at least half of which should be provided at grade or on levels easily accessible by residents) should be incorporated into the overall design of the proposed development;

- (e) to note the comments of the Director of Environmental Protection that all requirements in all relevant pollution control ordinances, including the Noise Control Ordinance, should be strictly observed; and
- (f) to note the concerns raised in the public comments and conduct proper consultation with the affected owners/residents.

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

[Mr. Raymond Y.M. Chan returned to join the meeting at this point. Mr. David C.M. Lam, STP/HK, was invited to the meeting at this point.]

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/240 Proposed Wholesale Conversion of the Existing Industrial Building
to Office Use in "Industrial" zone,
9 Tin Wan Praya Road, Aberdeen
(MPC Paper No. A/H15/240A)

Presentation and Question Sessions

31. Mr. David C.M. Lam, STP/HK, informed Members that replacement pages for Pages 10 and 13 of the Paper were tabled at the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed in-situ conversion of an existing 12-storey industrial building (ice-making and cold storage plant) for office and ancillary storage uses;

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

- (c) departmental comments – the Director of Agriculture, Fisheries & Conservation (DAFC) advised that the concerned ice-making plant still provided ice to some fishing vessels and fish collectors in the Aberdeen Typhoon Shelter which were mostly vessels small to medium in size operating in the coastal waters of Hong Kong;
- (d) during the statutory publication periods, three public comments were received from a fresh fish company, the Legislative Councillor Hon. Mrs. Regina IP LAU Suk-yea and Designing Hong Kong Ltd.. They raised concerns/objection to the application on the grounds that there would be great impacts on the fishing industry, warehouse industry and frozen food industry upon the closing down of the subject ice-making and cold storage plant; it was the Government plan to enhance the traditional fishing village ambience of the Aberdeen Harbour through the Aberdeen Tourism Project and consideration should be given to the overall development strategy of the district and the need for the ice-making and cold storage facilities for the district; and the land along the waterfront of Aberdeen Typhoon Shelter should be reserved for those water dependent and related uses. The District Officer (Southern) had no comment on the application; and

[Professor S.C. Wong arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments in paragraph 12 of the Paper :
 - according to the “Area Assessments 2009 of Industrial Land in the Territory” (“the 2009 Area Assessments”) considered by the Town Planning Board (TPB) in September 2010, the “Industrial” (“I”) zoning covering the application site was recommended to be retained

having considered relevant factors including local planning circumstances, vacancy rate and ownership pattern. Specifically, the site fell within the only “I” zone with marine frontage in the planning scheme area, other than the two strips of land mainly used as shipyards at Ap Lei Chau Praya Road and Shum Wan Road. It was considered desirable to keep the “I” zone for industrial use to cater for the need of industrial activities requiring marine frontage. The site had all along been zoned for industrial developments associated with the fishery industry. In this regard, it was advised by the DAFC that the existing ice-making plant still provided ice to fishing vessels. There were also public concerns/objection in respect of the loss of waterfront industrial site and the possible impacts on the fishery industry due to the closing down of the existing ice-making and cold storage plant;

- the site was located in a cluster of sites zoned and developed for industrial uses and utility installations such as sewage screening plant, gas depot and concrete batching plant. The surrounding environment was not really conducive to office development. It was considered more appropriate for general office use to be accommodated in the Wong Chuk Hang Business Area, where office developments were permitted as of right, and in the Ap Lei Chau West Industrial Area which had been recommended to be rezoned to “Other Specified Uses (Business)” use under “the 2009 Area Assessments”;
- there was no strong planning reason submitted to justify the need for general office use at the site and a departure from the planning intention of the “I” zone. Moreover, the proposed development did not comply with the TPB Guidelines for ‘Use/Development within “Industrial” Zone’ (TPB Guidelines No. 25D) in that it had not demonstrated that there was a shortfall in the provision of office floor space to serve the industrial activities in the area, and there were no suitable alternative sites to accommodate the office use in the vicinity.

The site was not close to any environmentally sensitive uses. The nearest residential development in Tin Wan was about 200m away. There was no undesirable interface problem between the subject ice-making and cold storage plant and the surrounding developments. The proposed office use would not serve as any environmental buffer to alleviate industrial/residential interface problem. Approval of this application would set an undesirable precedent for other similar applications in the area, which might lead to the conversion of more industrial sites with marine frontage in the “I” zone to general office use; and

- as regards the previously approved similar application (No. A/H15/109) at 244 Aberdeen Main Road, it was approved mainly on different background and considerations due to its location in a mixed commercial/residential area and the benefits of the proposed office use in alleviating the industrial/residential interface problem. Notwithstanding, this site had eventually been redeveloped into a residential development.

32. Members had no question on the application.

Deliberation Session

33. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the application site was a waterfront industrial site and should be retained to cater for the need of industrial activities requiring marine frontage;
- (b) the application site was located in a cluster of sites zoned and developed for industrial uses and utility installations, and was not conducive to office development;

- (c) the proposed office development was not in line with the planning intention of the “Industrial” (“I”) zone which was intended primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. There was no strong planning justification in the submission for a departure from such planning intention;
- (d) the application did not comply with the Town Planning Board Guidelines for ‘Use/Development within “Industrial” Zone’ (TPB Guidelines No. 25D) in that insufficient evidence had been submitted to show a shortfall in the provision of office floor space to serve the industrial activities in the area or a lack of suitable alternative office sites in the vicinity, and the proposed office use would not serve to alleviate any interface problem; and
- (e) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative effect of approving such applications would lead to a loss of industrial sites with marine frontage.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/241 Shop and Services (Retail Shop and Fast Food Shop)
in “Other Specified Uses” annotated “Business (2)” zone,
Factory B (Part), G/F, Block 1, Kingley Industrial Building,
35 Yip Kan Street, Wong Chuk Hang
(MPC Paper No. A/H15/241)

Presentation and Question Sessions

34. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (retail shop and fast food shop);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received objecting to the application mainly on the grounds of adverse impacts on the public health, environmental hygiene, traffic, sewerage and drainage aspects, and that there were sufficient shops and fast food shops in the area. The District Officer (Southern) had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 11 of the Paper. The 'shop and services' (retail shop and fast food shop) use was in line with the planning intention of the "Other Specified Uses" annotated "Business" ("OU(B)") zone. It also complied with the Town Planning Board Guidelines for 'Development within "Other Specified Uses (Business)" Zone' (TPB Guidelines No. 22D). The applied use was considered not incompatible with the uses in the same building, which mainly included workshops, offices and non-polluting industrial uses. It was also considered not incompatible with the surrounding developments. The shop was small in size. According to the submission, the shop only involved sale and re-heating of the applicant's food products. As such, the shop under application would not induce fire safety problems or adverse traffic and environmental impacts. Relevant departments consulted had no objection to or no adverse comment on the application. Regarding the concerns of the public comment, all the relevant departments consulted, including the Transport Department (TD), the Environmental Protection Department (EPD), the Food and Environmental Hygiene Department (FEHD) and the Drainage Services Department (DSD), had no objection to or adverse comments on the application. The EPD also advised that the general environmental pollution problems were subject to

the control of the relevant pollution control ordinances. Moreover, the fast food shop under application required a food factory licence from the FEHD. The food business licensing system would ensure proper food and environmental hygiene in the shop. Relevant advisory clauses were recommended in paragraph 12.2 (e) and (f) of the Paper to advise the applicant of the comments of the FEHD and EPD.

35. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire service installations for the shop and services use at the application premises and the means of escape completely separated from the industrial portion of the building, within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2011; and
- (b) if the above planning condition was not complied with by the specified date, the planning approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to apply to the District Lands Officer/Hong Kong West and South, Lands Department for a waiver;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong West,

Buildings Department regarding the need for building plan submission to demonstrate full compliance with the Buildings Ordinance, including but not limited to the aspects of the exit arrangement for and fire separation from the adjoining premises, as well as the provision of access and facilities for the disabled;

- (d) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of the general building plans and reference should be made to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’;
- (e) to apply to the Director of Food and Environmental Hygiene for a food business licence for the fast food shop; and
- (f) to note the comments of the Director of Environmental Protection in respect of the compliance with all the relevant pollution control ordinances.

[The Chairman thanked Mr. David C.M. Lam, STP/HK, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

[Mr. Clarence W.C. Leung left the meeting temporarily at this point.]

Agenda Item 11

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/H8/406B)

38. The Committee noted that on 23.12.2010, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time to

fine-tune the proposed development scheme to meet the requirements of the Transport Department.

39. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee 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 the further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 12

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/401-1 Proposed Class B Amendments to the
Approved Application (No. A/H8/401) for Comprehensive Residential
Development with Minor Relaxation of Building Height Restriction
in “Comprehensive Development Area (2)” zone
and an area shown as ‘Road’,
Upper Kai Yuen Lane, Lower Kai Yuen Lane and Kai Yuen Street,
North Point
(MPC Paper No. A/H8/401-1)

Presentation and Question Sessions

40. Mr. Tom C.K. Yip, STP/HK, informed Members that replacement pages for Pages 11, 13 and 14 of the Paper were tabled at the meeting. With the aid of a Powerpoint presentation, Mr. Tom C.K. Yip presented the application and covered the following aspects as detailed in the Paper :

(a) background to the application for the proposed Class B amendments to the scheme approved under Application No. A/H8/401 (approved scheme/ approved application):

- according to the approved scheme, the proposed development comprised two phases : Phase 1 involved development of three residential blocks at the eastern part of the “Comprehensive Development Area (2)” (“CDA(2)”) zone and widening of the carriageway of the upper section of Kai Yuen Street to 7.3m and the provision of a 2.75m-wide footpath on the eastern side of the road; while Future Phase involved development of four residential blocks at the western part of the zone and provision of a 2.75m-wide footpath on the western side of the road. The development had a total plot ratio (PR) of 8 based on the site area of the “CDA(2)” zone, and a maximum building height (BH) of 125.6mPD and 130mPD for the eastern and western parts of the “CDA(2)” zone; and
- according to the Town Planning Board Guidelines for ‘Class A and Class B Amendments to Approved Development Proposals’ (TPB Guidelines No. 36A), changes falling within Class A amendments did not require further application to the Town Planning Board (the Board), whereas Class B amendments required application to the Board and were subject to the approval of the Director of Planning under the delegated authority of the Board. However, application for Class B amendments which were considered unacceptable by the concerned government departments would need to be submitted to the Board for consideration. Since local objections to the subject application were received by the District Officer (Eastern) (DO(E)) upon sounding-out of the subject application, the application was submitted to the Committee for consideration;

[Mr. Clarence W.C. Leung returned to join the meeting at this point.]

(b) the proposed Class B amendments to the approved application;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;

- (d) DO(E) had conducted local consultation by sounding out a total of 106 local personalities/parties on the application. Among them, 90 had made no response, three supported the application, 12 objected to the application and one had no comment. The three supportive comments were submitted by a residential organization and individuals. Two of them mentioned that the developer should take precautionary measures to ensure traffic safety and to address pollution problem during the construction period and take early action to purchase the remaining properties in the area. Opposing comments were submitted by a member of the Eastern Area Committee of the Eastern District Council, residential organizations and individuals mainly on the grounds of adverse traffic, environmental and air ventilation impacts and that the properties in the western part of the site should not be included in the proposed development (as detailed in paragraph 7.1.10 of the Paper);

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for Class B amendments based on the assessments in paragraph 8 of the Paper :
 - the current Class B amendments were all related to Phase 1 development of the approved scheme and were minor in nature. They comprised an increase in the average flat size, and change in the emergency vehicular access (EVA) alignment and internal traffic arrangement, as well as some consequential amendments covering minor change in the disposition of the building blocks and hard and soft landscape design, and increase in the private car and motor cycle parking provision. These amendments would not result in any change in the major development parameters of the approved scheme i.e. site area, PR, gross floor area (GFA), BH, site coverage and number of blocks. Other amendments to the approved scheme, including a reduction in the number of flats, slight adjustment in the site boundary, change in the form of the building blocks, internal

layout and disposition of the premises, and the configuration of the private indoor recreational facilities at the podium, were Class A amendments which did not require further application to the Board. Relevant government departments had no objection to or adverse comments on the application;

- DO(E) had collected local views on the application and the local objections received were largely similar to those lodged against the two previously approved applications (No. A/H8/395 and A/H8/401). Regarding the traffic concerns raised in the local objections, the Transport Department (TD) advised that the slight increase in parking provision was acceptable and the imposition of restriction on the length of vehicles using Kai Yuen Street and erection of additional traffic signs were not necessary. The applicant had also agreed to strictly comply with the restriction on the use of Kai Yuen Street by heavy vehicles and to post the vehicle numbers of their permitted vehicles at a prominent location of the site. There was no footpath along the Phase 1 site, but a new one would be provided upon completion of the Phase 1 development. A revised advisory clause (d) on the traffic aspect additionally specifying the posting of vehicle numbers was suggested in paragraph 9.2 of the Paper;

- regarding the environmental concerns raised in the local objections, the applicant had adopted various environmental mitigation measures. The Environmental Protection Department had no adverse comment on the application from the environmental viewpoint. An advisory clause reminding the applicant to observe all the requirements in the relevant pollution control ordinances was suggested in paragraph 9.2 (i) of the Paper. Regarding the concerns on air ventilation and visual impact, the proposed amendments did not involve any change in the major development parameters of the site and in the separation distances and building void in the approved scheme. PlanD and the Architectural Services Department had no adverse comments on the application. The applicant had also clarified that the Air Ventilation

Assessment in the approved scheme had already confirmed that both Phase 1 and Future Phase developments would not result in adverse air ventilation impacts on the surrounding areas;

- to facilitate comprehensive planning for the proposed residential development and related road improvement scheme, the application had to cover the whole “CDA(2)” site including portion of land not owned by the applicant; and

- regarding TD’s suggestion of providing an alternative pedestrian access, it was raised and considered by the Committee in the approved application (No. A/H8/401). The concerned staircase in Tanner Garden was outside the site and the issue should be dealt with separately. An advisory clause similar to that imposed for the approved application was suggested in paragraph 9.2 (e) of the Paper. To address the comment of the Highways Department (HyD) on the provision of barrier-free pedestrian footpaths for the proposed development, the same approval condition as included in the previous planning permission was suggested in paragraph 9.2 (c) of the Paper. Regarding Lands Department’s comment on the implementation of the road improvement works for Kai Yuen Street, the same approval conditions requiring the implementation of the road works and surrendering of the concerned private land to the Government and the prohibition of occupation of Phase 1 before completion of the relevant road works, were suggested in paragraph 9.2 (d) and (h) of the Paper. Compliance with the conditions could be scrutinized at the building plan submission stage. HyD had agreed to take up the management and maintenance of the widened Kai Yuen Street.

41. Members had no question on the application.

Deliberation Session

42. The Chairman said that the proposed reduction in the number of residential units

in Phase 1 of the development in the current revised scheme was not desirable as it would reduce the supply of the residential units in the market. Nevertheless, it was noted that the proposed reduction in the number of residential units was Class A amendment which did not require further application to the Board. Moreover, it was considered that the proposed Class B amendments to the approved scheme were minor in nature and would not have any significant adverse impact on the environment and infrastructure of the area. Members agreed.

43. After further deliberation, the Committee decided to approve the application, under sections 4A and 16A of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 12.2.2014, 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 submission and implementation of a revised Master Layout Plan (MLP), taking into account the approval conditions (b), (c), (d) and (e) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan and a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of vehicular accesses, parking facilities, loading/unloading space, lay-bys and barrier-free pedestrian footpaths for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the implementation of the road improvement proposal for Kai Yuen Street, including the widening of the upper section of Kai Yuen Street and the surrendering of the private land covered by the widened Kai Yuen Street under Phase 1 development to the Government, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;

- (e) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the submission of a natural terrain hazard study for the future phase of the proposed development and implementation of the mitigation measures recommended therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (g) the implementation of the sewerage upgrading works identified in the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB; and
- (h) no occupation of Phase 1 development was allowed before the completion of the proposed road improvement works in Phase 1 development.

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

- (a) the approved Master Layout Plan (MLP), together with a set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry (LR) in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in the LR as soon as practicable;
- (b) the approval of the application did not imply that the proposed gross floor area (GFA) concession for the proposed development would be granted by the Building Authority (BA). The applicant should approach the Buildings Department direct to obtain the necessary approval. If the GFA concession was not granted by BA and major changes to the current scheme were required, a fresh planning application to the TPB might be required;
- (c) to resolve any land issue relating to the development with other concerned

owners of the application site;

- (d) to note the comments of the Commissioner for Transport (C for T) regarding the restriction on the use of Kai Yuen Street by construction vehicles during the construction period, and to post the vehicle numbers of the heavy vehicles with the Transport Department's permit to use Kai Yuen Street at a prominent location of the application site;
- (e) to note the comments of the C for T regarding the provision of an alternative pedestrian access to the proposed development, such as by means of using the existing staircase near Block 5 of Tanner Garden;
- (f) to note the comments of the District Lands Officer/Hong Kong East, Lands Department regarding the requirement of tree preservation under the land administration policy;
- (g) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department that the eastern and western parts of the application site were separate sites under the Buildings Ordinance for the purposes of plot ratio and site coverage calculation;
- (h) to note the comments of the Railway Protection and Land Survey Manager of the Mass Transit Railway (MTR) Corporation Limited regarding the protection of the MTR Island Line tunnel below the application site; and
- (i) to strictly observe all the requirements in the relevant pollution control ordinances, including Air Pollution Control Ordinance, Noise Control Ordinance and Water Pollution Control Ordinance, etc.

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

Kowloon District

Agenda Item 13

Section 16 Application

[Open Meeting]

A/K11/200 Proposed Religious Institution (Extension of Temple)
in “Green Belt” zone,
Government Land Adjacent to Fat Jong Temple,
175 Shatin Pass Road, Tsz Wan Shan
(MPC Paper No. A/K11/200)

45. The Committee noted that on 10.1.2011, the applicant’s representative requested for deferment of the consideration of the application for one month in order to allow time to prepare supplementary information to address the comments of the Planning Department.

46. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee 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 the further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/263 Shop and Services, Wholesale Trade
in “Other Specified Uses” annotated “Business” zone,
Workshop No. B2 on Ground Floor of Block B,
Proficient Industrial Centre, 6 Wang Kwun Road, Kowloon Bay
(MPC Paper No. A/K13/263)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied uses of shop and services and wholesale trade;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and the District Officer (Kwun Tong) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments in paragraph 11 of the Paper. The “Other Specified Uses” (“OU”) annotated “Business” (“OU(B)”) zone was intended for general business uses and it allowed for greater flexibility in the use of the existing industrial or industrial-office buildings provided that the applied use would not result in adverse fire safety and environmental impacts. Previous approval for ‘shop and services’ use at the application premises was granted by the Committee on 5.3.2010 under Application No.

A/K13/252. Similar 'shop and services' and 'wholesale trade' uses were also approved on the ground floor (G/F) of the subject and other industrial buildings in the Kowloon Bay Business Area. The applied uses at the application premises were considered generally in line with the planning intention of the "OU(B)" zone and were not incompatible with the other uses within the same building. They were also in compliance with the Town Planning Board Guidelines for 'Development within "Other Specified Uses (Business)" Zone' (TPB Guidelines No. 22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent area. The aggregate commercial floor areas on the G/F of the building did not exceed the limit of 460m² stipulated by the Fire Services Department (FSD). Relevant government departments had no objection to or adverse comments on the application. Since the approval of the previous Application No. A/K13/252, the applicants submitted a fire services layout plan to FSD on 31.8.2010. Nevertheless, FSD considered that a building plan (BP) submission was required and the previous planning permission was revoked on 5.9.2010 due to non-compliance with the approval condition on fire safety measures. In the current submission, the applicants indicated that an Authorised Person and fire service contractor had been appointed to prepare the BPs submission. Should the application be approved by the Committee, the applicants would be advised that if they failed to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

48. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the application premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2011; and
- (b) if the above planning condition was not complied with by the specified date, the planning approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) should the applicants fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application;
- (b) to apply to the District Lands Officer/Kowloon East, Lands Department for a temporary wavier or lease modification;
- (c) to appoint an Authorized Person to submit Alterations and Additions proposal to the Building Authority to demonstrate compliance with the Buildings Ordinance, in particular, the provision of:
 - (i) adequate means of escape in accordance with the Building (Planning) Regulation 41(1);
 - (ii) separation of the subject premises from the remaining portion of the application premises with walls having a 2-hour fire resistance period pursuant to the Building (Construction) Regulation 90 and Code of Practice for Fire Resisting Construction paragraphs 8.1 and 9;
 - (iii) access and facilities for persons with a disability in accordance with the Building (Planning) Regulation 72 and the Design Manual :

Barrier Free Access 2008; and

- (d) to note that the arrangement of emergency vehicular access should comply with Part IV of the Code of Practice for the Provision of Means of Access for Firefighting and Rescue which was administered by the Buildings Department.

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

[Mr. Silas K.M. Liu, STP/K, was invited to the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/633 Shop and Services in "Other Specified Uses" annotated "Business" zone,
Workshop 1 (Part) of Unit 3, G/F, Century Centre,
44-46 Hung To Road, Kwun Tong
(MPC Paper No. A/K14/633)

Presentation and Question Sessions

51. 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 applied shop and services use;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;

- (d) during the statutory publication period, two public comments were received. One commenter supported the application and the other commenter had no objection to the application provided that the applied use did not contravene the lease conditions; the applicant should comply with the requirements of the relevant government departments; and the permission should be granted on a temporary basis with a definite period, if necessary. The District Officer (Kwun Tong) had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 11 of the Paper. The “Other Specified Uses” (“OU”) annotated “Business” (“OU(B)”) zone was intended for general business uses and it allowed for greater flexibility in the use of the existing industrial or industrial-office buildings provided that the applied ‘shop and services’ use would not induce adverse fire safety and environmental impacts. Similar applications for the ‘shop and services’ use had been approved for other units on the ground floor (G/F) of the subject building and its vicinity. The applied use at the application premises was considered generally in line with the planning intention of the “OU(B)” zone and the Town Planning Board Guidelines for ‘Development within “Other Specified Uses (Business)” Zone’ (TPB Guidelines No. 22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. The aggregate commercial floor areas on the G/F of the subject building with a sprinkler system did not exceed the limit of 460m² stipulated by the Fire Services Department. Relevant government departments consulted had no objection to or adverse comments on the application.

52. Members had no question on the application.

Deliberation Session

53. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission

was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations and equipment in the application premises, within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2011; and
- (b) if the above planning condition was not complied with by the specified date, the planning approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or waiver for the 'shop and services' use at the application premises; and
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorised Person to submit building plans for the change of use/conversion works to demonstrate compliance with the Buildings Ordinance, in particular: (i) provision of a 2-hour fire resisting separation wall between the application premises and the remaining portion of the existing workshop on the ground floor of the subject building in accordance with paragraph 8.1 of the Code of Practice for Fire Resisting Construction 1996 and the Building (Construction) Regulation 90; and (ii) the provision of access and facilities for persons with a disability under the Building (Planning) Regulation 72 and the Design Manual: Barrier Free Access 2008.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/634 Shop and Services (Fast Food Shop)
 in “Other Specified Uses” annotated “Business” zone,
 Shop G4, G/F, Catic Building, 44 Tsun Yip Street, Kwun Tong
 (MPC Paper No. A/K14/634)

Presentation and Question Sessions

55. 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 applied use of shop and services (fast food shop);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, two public comments were received. One commenter supported the application and the other commenter had no objection to the application provided that the applied use did not contravene the lease conditions; the applicant should comply with the requirements of the relevant government departments; and the permission should be granted on a temporary basis with a definite period, if necessary. The District Officer (Kwun Tong) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments in paragraph 11 of the Paper. The “Other Specified Uses” (“OU”) annotated “Business” (“OU(B)”) zone was intended for general business uses and it allowed for greater flexibility in the use of the existing industrial or industrial-office buildings provided that

the applied 'shop and services' (fast food shop) use would not induce adverse fire safety and environmental impacts. Similar applications for 'shop and services' use had been approved for the same premises on the ground floor (G/F) of the subject building. The applied use at the application premises was considered generally in line with the planning intention of the "OU(B)" zone and complied with the Town Planning Board Guidelines for 'Development within "Other Specified Uses (Business)" Zone' (TPB Guidelines No. 22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. Relevant government departments consulted had no objection to or adverse comments on the application. The previous approval was revoked due to non-compliance of approval condition on the implementation of fire safety measures. Should the current application be approved by the Committee, the applicant would be advised that if he failed to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration might not be given to any further application.

56. A Member noted that the previous planning permission for Application No. A/K/14/604 for the same 'shop and services' (fast food shop) use at the subject application premises was revoked due to non-compliance with the approval condition on fire safety measures. This Member enquired whether there was any measure which could ensure the applicant to implement the fire safety measures should the Committee decide to approve the application. In response, the Secretary said that it was recommended to stipulate an approval condition requiring the applicant to submit and implement the fire safety measures to the satisfaction of the Director of Fire Services within six months from the date of the planning approval, i.e. by 14.7.2011, should the Committee decide to approve the application. It was also recommended that should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

Deliberation Session

57. After deliberation, the Committee decided to approve the application, on the

terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations and equipment in the application premises, within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2011; and
- (b) if the above planning condition was not complied with by the specified date, the planning approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application;
- (b) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or temporary waiver for the 'shop and services' (fast food shop) use at the application premises;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorised Person to submit building plans for the change of use to demonstrate compliance with the Buildings Ordinance, in particular: (i) the provision of a 2-hour fire resisting separation wall between the application premises and the remaining portion of the existing workshop on the ground floor in accordance with paragraph 8.1 of the Code of Practice for Fire Resisting Construction 1996 and the Building (Construction) Regulation 90; and (ii) the provision of access and facilities for persons with a disability under the Building (Planning) Regulation 72;

- (d) to note the comments of the Director of Fire Services that (i) the proposed ‘fast food shop’ should only be licensed and operated as ‘food factory’, ‘factory canteen’ or ‘composite food shop’; (ii) a fast food shop licensed and operated as a ‘general restaurant’ or ‘light refreshment restaurant’ would not be accepted; and (iii) the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ issued by the Town Planning Board should be observed;
- (e) to ensure that any proposed foul drainage connection from the shop should be made towards the building’s terminal foul manhole, and that proper grease trap/tank should be provided for use by the said shop to satisfy the current requirements of the Environmental Protection Department/Food and Environmental Hygiene Department for any shop to be used for food processing; and
- (f) to approach the Director of Food and Environmental Hygiene for application for a food licence.

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

Agenda Item 17

Section 16 Application

[Open Meeting]

A/K15/100 Proposed Flat cum Shop and Services Development
in “Residential (Group E)” zone,
8 Sze Shan Street, Yau Tong
(MPC Paper No. A/K15/100A)

59. The Secretary said that Ove Arup & Partners Hong Kong Ltd. (OAP) was the consultant of the applicant. Professor S.C. Wong had declared an interest in the item as he

was the traffic consultant of OAP. The Committee considered that Professor S.C. Wong's interest was indirect and could stay at the meeting.

60. The Committee noted that on 30.12.2010, the applicant's representative requested for deferment of the consideration of the application for two months in order to allow time to further consult the Environmental Protection Department and the Planning Department to resolve technical issues in environmental noise assessment and podium design, and to provide supplementary information after consultation with the two departments.

61. 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 the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 18

Section 16 Application

[Open Meeting]

A/K15/104 Proposed Wholesale Conversion of an Existing Industrial Building
for Hotel and Shop and Services Uses for the life time of the building
with Public Waterfront Promenade and 2 sets of Landing Steps
in "Comprehensive Development Area" zone,
428 Cha Kwo Ling Road, Yau Tong
(MPC Paper No. A/K15/104)

62. The Secretary said that Ove Arup & Partners Hong Kong Ltd. (OAP) was the consultant of the applicant. Professor S.C. Wong had declared an interest in the item as he was the traffic consultant of OAP. The Committee considered that Professor S.C. Wong's interest was indirect and could stay at the meeting.

63. The Committee noted that on 31.12.2010, the applicant's representative requested for deferment of the consideration of the application for two months in order to allow time to address the concerns of various government departments.

64. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee 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 the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 19

Section 16 Application

[Open Meeting]

A/K15/96 Proposed Comprehensive Development including Residential, Commercial, Hotel and Government, Institution or Community Uses, and Minor Relaxation of Building Height and Plot Ratio Restrictions in "Comprehensive Development Area" zone, Various Yau Tong Marine Lots and Adjoining Government Land at Yau Tong Bay, Yau Tong
(MPC Paper No. A/K15/96C)

65. The Secretary said the application was submitted by the joint venture of the owners of Yau Tong Marine Lots, including Sun Hung Kai Properties Ltd (SHK), Henderson Land Development Ltd. (HEND), Hang Lung Development Ltd., Swire Properties Ltd. (SPL), Wheelock Properties Ltd. (WPL), Central Development Ltd., Moreland Ltd., and Fu Fai Enterprises Ltd.. Besides, Ove Arup & Partners Hong Kong Ltd. (OAP) was the consultant of the applicant. The following Members had declared interests in this item :

- Mr. Raymond Y.M. Chan for having current business dealings with SHK, HEND and SPL;

- Mr. Felix W. Fong for having current business dealings with SHK;
- Mr. Roger K.H. Luk for being the former independent Non-executive Director of WPL;
- Ms. Julia M.K. Lau for being the former employee of SHK;
- Mr. Clarence W.C. Leung for being the director a non-government organization (NGO) that recently received a donation from a family member of the Chairman of HEND; and
- Professor S.C. Wong for being the traffic consultant of OAP.

66. The Committee considered that Mr. Raymond Chan, Mr. Felix Fong, Mr. Roger Luk and Ms. Julia Lau had direct interests in this item. The Committee also considered that Mr. Clarence Leung did not have direct interest in this item as it was generally accepted that NGOs would receive donations from various parties, and Professor S.C. Wong's interest was indirect for being a consultant of OAP. The Committee agreed that as the applicant had requested for a deferment of consideration of the application, Members with interests declared and considered to be direct could be allowed to stay at the meeting.

[Mr. Raymond Chan and Mr. Felix Fong left the meeting at this point.]

67. The Committee noted that on 15.12.2010, the applicant's representative requested for deferment of the consideration of the application for two months in order to allow time to prepare a revised architectural scheme to address the comments raised by various government departments regarding noise issues and re-provisioning of government, institution and community (GIC) facilities.

68. 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 the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 20

Any Other Business

69. There being no other business, the meeting was closed at 10:20 a.m..