

TOWN PLANNING BOARD

Minutes of 438th Meeting of the Metro Planning Committee held at 9:00 a.m. on 18.3.2011

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Mr. Felix W. Fong

Professor P.P. Ho

Professor C.M. Hui

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Professor S.C. Wong

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

Professor Joseph H.W. Lee

Mr. Maurice W.M. Lee

Mr. Laurence L.J. Li

Dr. Winnie S.M. Tang

Ms. L.P. Yau

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Ms. Julia M.K. Lau

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

In Attendance

Assistant Director of Planning/Board
Miss H.Y. Chu

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

Agenda Item 1

Confirmation of the Draft Minutes of the 437th MPC Meeting held on 4.3.2011

[Open Meeting]

1. The draft minutes of the 437th MPC meeting held on 4.3.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

General

[Mr. Wilson W.S. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Ms. Brenda K.Y. Au, District Planning Officer/Hong Kong (DPO/HK), Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), and Mrs. Alice K.F. Mak, Senior Town Planner/Metro and Urban Renewal (STP/M&UR), were invited to the meeting at this point.]

[Mr. David To, Ms. Olga Lam and Mr. Clarence W.C. Leung arrived to join the meeting at this point.]

Agenda Item 3

[Open Meeting]

Review of Sites Designated “Comprehensive Development Area” on Statutory Plans
in the Metro Area for the Year 2010/2011
(MPC Paper No. 3/11)

Presentation and Question Sessions

3. Mrs. Alice K.F. Mak, STP/M&UR, said that it had been the Committee's practice to review, on an annual basis, the "Comprehensive Development Area" ("CDA") zoning for sites that had been so zoned on statutory plans in the Metro Area for more than three years with or without an approved Master Layout Plan (MLP). The review would assist the Committee in considering whether the zoning of individual "CDA" sites should be retained/amended and in monitoring the progress of the "CDA" developments. With the aid of a Powerpoint presentation, Mrs. Mak then presented the results of the latest review as detailed in the Paper and made the following main points :

- (a) the subject review covered a total of 42 "CDA" sites. 23 of them had no approved MLP and the remaining 19 had approved MLP;

23 "CDA" Sites with No Approved MLP

- (b) as detailed in Appendix I of the Paper, it was proposed to retain the "CDA" zoning of 20 sites with no approved MLP for a variety of reasons including, (i) the MLPs were being prepared; (ii) the sites concerned were land sale sites; (iii) planning briefs were recently approved, under preparation or to be prepared; (iv) some sites were subject to traffic, environmental and/or visual impacts which needed to be properly addressed; and (v) a site related to preservation of historical building. The "CDA" designation was essential for providing guidance on the proper development of these sites;
- (c) as detailed in Appendix II of the Paper, two "CDA" sites were proposed to be rezoned to appropriate zonings. One of them to the immediate west of the MTR Chai Wan Station, was occupied by the existing Chai Wan Flatted Factory and the adjoining open-air public transport terminus. The site was subject to potential air and noise pollution generated by the nearby industrial uses and rail/road traffic. The site was proposed to be rezoned for other uses in the review last year. Technical assessments would need to be undertaken for evaluation of the possible land uses. Rezoning proposal would be submitted to the Committee for consideration in due

course. The other site was located at the eastern portion of the area bounded by Sung Wong Toi Road, To Kwa Wan Road, Mok Cheong Street and Kowloon City Road. Given its size, the number of private lots and government land (GL) involved, land assembly was an issue that impeded redevelopment. To enhance the prospect of implementation, consideration would be given to sub-dividing it into smaller “CDA” sites, i.e. to rezone the GL portion of the concerned “CDA(3)” site to another sub-zone of the “CDA”. The proposal was now under consideration by concerned bureaux/departments. Proposed amendments to the OZP would be submitted to the Committee for consideration in due course;

- (d) as detailed in Appendix III of the Paper, the site at the southern part of the Yau Tong Industrial Area (YTIA) was considered to have potential for rezoning. It consisted of GL and private land under the ownership of a few owners. In considering a rezoning request submitted by some of the lot owners of the “CDA” site (YTILs 4B, and 9 and as well as YTML 57) to rezone part of the YTIA “CDA” zone to “Residential (Group E)” (“R(E)”) in February 2008, some Members opined that Planning Department (PlanD) might consider sub-dividing the “CDA” site into two or more smaller sites by taking into account the land ownership pattern to facilitate the early implementation of the redevelopment scheme. A draft Planning Report on Review of CDA in YTIA was prepared and circulated in September 2010. Relevant government departments including the Agriculture, Fisheries and Conservation Department and the Fish Marketing Organization had been consulted on the development options. A revised draft proposal was circulated for departmental comment in early February 2011. The proposed amendments, after taking into account further departmental comments, would be submitted to the Committee for consideration in due course;

19 “CDA” Sites with Approved MLP

- (e) as detailed in Appendix IV of the Paper, it was proposed to retain the “CDA” zoning of 15 “CDA” sites with approved MLPs as these sites either

had some progress or were at various stages of implementation. Retention of the “CDA” designation was considered necessary to ensure that they would be implemented in accordance with the approved MLPs and approval conditions;

- (f) as detailed in Appendix V of the Paper, one “CDA” site at 23 Oil Street, North Point with approved MLP was proposed for rezoning. It was proposed to rezone the site to an appropriate zoning to reflect the completed hotel development. The proposed amendments would be submitted to the Committee for consideration in due course;
- (g) as detailed in Appendix VI of the Paper, 3 “CDA” sites with approved MLP were considered to have potential for rezoning as the developments had been completed and most of the approval conditions had been complied with. The three sites were the comprehensive residential, office, hotel, service apartment and retail development at Kowloon Station, the Former Marine Police Headquarters site at Tsim Sha Tsui, and the hotel development at TWIL 5 and Lot 429 in D.D. 399, Ting Kau, Tsuen Wan; and
- (h) to sum up, out of 42 “CDA” sites reviewed, 35 were proposed for retention, 3 were proposed for rezoning, and 4 were sites considered with potential for rezoning. PlanD would progressively submit the zoning amendments of the respective “CDA” site to the Committee for consideration.

4. A Member enquired about the time frame for the proposed rezoning of the concerned “CDA” sites to appropriate zonings. In response, Mrs. Alice Mak, STP/ M&UR, said that the amendment of the respective Outline Zoning Plans (OZPs) would be subject to different time frame. She added that should the Committee agree to the proposed rezoning of the concerned “CDA” sites, detailed rezoning proposals with development restrictions would be submitted to the Committee for consideration in due course.

5. In response to a Member’s question, Ms. Brenda K.Y. Au, DPO/HK, said that the site to the immediate west of the MTR Chai Wan Station was subject to potential air and

noise pollution generated by the nearby industrial uses and rail/road traffic. The Housing Authority had indicated that they wished to build public housing on this site. Having regard to its good accessibility and location within the Chai Wan Business Area, it was mentioned in the review last year that consideration would be given to rezoning the site for commercial use. Notwithstanding, technical assessments would need to be undertaken for evaluation of the possible land uses, which would take some time. Proposed amendments to the approved Chai Wan OZP would be submitted to the Committee for consideration in due course.

6. In response to the same Member's question, Mr. Eric C.K. Yue, DPO/K, said that the "CDA(3)" site located at the eastern portion of the area bounded by Sung Wong Toi Road, To Kwa Wan Road, Mok Cheong Street and Kowloon City Road was currently occupied by six factory buildings, two "government, institution or community" facilities and the Hong Kong Society for the Blind Factory cum Sheltered Workshop. Given its size, the number of private lots and the GL involved, the land assembly problem had impeded the redevelopment of the site. To enhance the prospect of implementation, consideration would be given to sub-dividing the "CDA(3)" site into smaller "CDA" sites by rezoning the GL portion of the site to another sub-zone of "CDA". The proposed amendments to the approved Ma Tau Kok OZP would be submitted to the Committee for consideration in due course.

7. After further deliberation, the Committee decided to :

- (a) note the findings of the review of the sites designated "CDA" on statutory plans in the Metro Area;
- (b) agree to the retention of the "CDA" designation for the sites mentioned in paragraphs 4.1.1 and 4.2.2 and detailed at Appendices I and IV of the Paper;
- (c) agree in-principle to the proposed rezoning of the "CDA" sites in paragraphs 4.1.3 and 4.2.3 and detailed at Appendices II and V of the Paper; and
- (d) note the sites with potential for rezoning in paragraphs 4.1.4 and 4.2.4 and detailed at Appendices III and VI of the Paper.

[The Chairman thanked Mr. Wilson W.S. Chan, DPO/TWK, Ms. Brenda K.Y. Au, DPO/HK, Mr. Eric C.K. Yue, DPO/K, and Mrs. Alice K.F. Mak, STP/M&UR, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Tsuen Wan and West Kowloon District

[Mr. Philip Y.L. Chum, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/696 Proposed Hotel in "Residential (Group A) 7" zone,
189-193 Pei Ho Street, Sham Shui Po
(MPC Paper No. A/K5/696A)

Presentation and Question Sessions

8. Mr. Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application :
 - (i) the application was submitted on 2.9.2010;
 - (ii) on 30.9.2010, the draft Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/32, mainly incorporating amendments to stipulate building height restrictions for various zones, was exhibited under section 5 of the Town Planning Ordinance (the Ordinance) for two months. During the plan exhibition period, five representations were received objecting to/commenting on the new building height

restrictions on the OZP. One of the representations submitted by the Real Estate Developers Association of Hong Kong (REDA) opposed the building height restrictions to all development zones, including the subject “Residential (Group A)7” zone, and requested, among others, for more lenient building height restrictions for all development zones. Apart from the above representation, no other representation relating to the application site was received;

- (iii) on 10.12.2010, the Committee decided to defer a decision on the application pending the Chief Executive in Council’s decision on the Cheung Sha Wan OZP and the adverse representations in respect of the OZP;
 - (iv) on 6.1.2011, REDA submitted a letter to the Chairman of the TPB clarifying that its representation to the draft Cheung Sha Wan OZP addressed general issues such as building height restrictions and non-building areas and matters of principle. As such, its representation should not be construed to as relating to specific sites; and
 - (v) on 15.1.2011, the applicant advised that they were reviewing the layout and provision of facilities for the proposed hotel and would submit the revised layout in due course. On 1.2.2011 and 10.2.2011, further information including revised floor layouts and section plans were submitted by the applicant to the TPB. Given REDA’s clarification that its representation was not specifically related to the subject site and that there was no other representation to the draft Cheung Sha Wan OZP which was related to the subject site, the subject application was submitted to the Committee for consideration;
- (b) the proposed hotel;
 - (c) departmental comments – concerned government departments had no

objection to or adverse comments on the application;

- (d) during the statutory publication periods of the application and further information, two public comments were received. One commenter expressed concerns that the traffic congestion in Sham Shui Po had been very serious and there had been a serious shortage of parking facilities in the district. Redevelopment of Shek Kip Mei Estate had aggravated the problem. The proposed hotel development located at Pei Ho Street, which was narrow and busy, might aggravate the traffic congestion problem. This commenter was also concerned that the proposed 17-storey hotel development would have adverse visual and air ventilation impacts on the surrounding area. The other commenter objected to the application as the transport assessment was inadequate and failed to identify the cumulative traffic impact in an already congested area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The site was located in an area with predominantly residential developments mixed with commercial and retail uses on the lower floors, with building heights ranging from about 28mPD to 70mPD. The proposed hotel development was therefore considered not incompatible with its surrounding uses. The development intensity of the proposed hotel with a Plot Ratio (PR) of 8.9 (after excluding the back-of-house facilities area) and a building height of about 70mPD did not exceed the maximum permissible PR for a non-domestic building and the maximum building height restriction of the “R(A)7” zone on the draft Cheung Sha Wan OZP. Concerned government departments had no objection to or adverse comments on the application. As regards the requirements on fire safety and sewerage aspects raised by the relevant government departments, approval conditions had been recommended in paragraph 12.2(b) to (d) of the Paper. As regards the commenters' concern on the traffic impact of the proposed hotel development, the Commissioner for Transport (C for T) and Commissioner of Police had no objection to the application and C for T considered that the number of guestrooms was small and the site had good

accessibility. Regarding a commenter's concern on the visual impact, the Chief Town Planner/Urban Design and Landscape, Planning Department had no objection to the application and the proposed building height of about 70mPD was considered not in compatible with the surrounding areas.

9. Members had no question on the application.

Deliberation Session

10. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.3.2015, 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 submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in planning condition (c) above to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the proposed hotel development should comply with Building (Planning) Regulations (B(P)R) 23(2)(a), 25 and 28 regarding service lane and open space; and that the application for hotel concession

including exemption of back-of-house facilities from gross floor area calculation under B(P)R 23A would be considered upon formal submission of building plans subject to compliance with Buildings Ordinance, Regulations and the criteria under the relevant Joint Practice Notes and Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-40;

- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department on the landscape treatment on the setback area and on the flat roof area on 2/F of the proposed development;
- (c) to consult the District Lands Officer/Kowloon West, Lands Department on the lease modification matters for the proposed hotel;
- (d) to consult the Chief Officer/Licensing Authority, Home Affairs Department on the licensing requirements for the proposed hotel development;
- (e) to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works;
- (f) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by Buildings Department; and
- (g) to consult the Director of Food and Environmental Hygiene on the licensing requirements for the proposed café within the development.

[The Chairman thanked Mr. Philip Y.L. Chum, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting]

A/KC/357

Proposed Commercial Use

including Shop and Services/Eating Places/Offices in “Industrial” zone,
High Fashion Centre, 1-11 Kwai Hei Street, Kwai Chung

(MPC Paper No. A/KC/357C)

12. The Committee noted that on 22.2.2011, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time for the applicant to liaise with the Development Opportunities Office and Transport Department to refine the proposed car parking provision.

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

Hong Kong District

Agenda Item 6

Section 16 Application

[Open Meeting]

A/H11/98

Proposed Minor Relaxation of Plot Ratio Restriction from 5 to 5.357

in “Residential (Group B)” zone,

23 Babington Path, Mid-levels West

(MPC Paper No. A/H11/98)

14. The Committee noted that on 10.3.2011, the applicant's representative requested for deferment of the consideration of the application for two weeks in order to allow time for the applicant to prepare visual materials to demonstrate that the proposed development would not generate adverse visual impact on the surrounding areas.

15. The Secretary reported that a petition was received from Mr. Chan Chit Kwai, Stephen, the Vice-chairman of the Central and Western District Council. The petition was against the application on the grounds of adverse traffic and air ventilation impacts. The petition was tabled at the meeting for Members' information. As the applicant had requested for a deferment of the consideration of the application, Members' attention to the petition would be drawn when the application was submitted to the Committee for consideration in due course. Members agreed.

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/H3/399

Proposed Two New Buildings (Old Bailey Wing and Arbuthnot Wing)
(for Cultural, Recreational and Commercial Use)
in "Other Specified Uses" annotated "Historical Site Preserved
for Cultural, Recreational and Commercial Uses" zone,
the Former Central Police Station,
Victoria Prison and Central Magistracy Site, Hollywood Road, Central
(MPC Paper No. A/H3/399)

17. The Secretary said that as the application was submitted by the Jockey Club CPS Limited, the following Members had declared interests on this item:

Mr. Felix W. Fong	}	being an ordinary member of the Hong Kong Jockey Club; and
Mr. Raymond Y.M. Chan	}	
Professor S.C. Wong	-	having current business dealing with Ove Arup & Partners Hong Kong Ltd., which was the consultant of the application.

18. The Committee noted that Planning Department (PlanD) had recommended to defer consideration of the application and hence agreed that Mr. Fong, Mr. Chan and Professor Wong could stay at the meeting.

19. The Secretary reported that on 20.1.2011, the application was received seeking planning permission for two proposed new buildings (Old Bailey Wing and Arbuthnot Wing) for cultural, recreational and commercial use. The application site fell within an area zoned “Other Specified Uses” annotated “Historical Site Preserved for Cultural, Recreational and Commercial Uses” on the draft Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/24. According to the Notes of the OZP, any new development, except alteration and/or modification to an existing building and new structure(s) for facilities that were ancillary and directly related to the always permitted uses, required planning permission from the Town Planning Board (TPB). The application was scheduled for consideration by the Committee at this meeting.

20. The Secretary continued to report that on 7.5.2010, the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/24, incorporating amendments mainly relating to the imposition of building height (BH) restrictions for various development zones and rezoning of “Commercial/Residential” sites to “Commercial” or “Residential (Group A)” was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). Among other amendments, BH restrictions of 60mPD and 70mPD on the Lower and Upper Platform Areas and 80mPD for any new buildings on the Upper Platform Area were imposed on the application site. During the exhibition period which ended on 7.7.2010, a total of 33 representations were received. Among them, one representation objected to all the amendments incorporated in the OZP; three representations were against the imposition of

BH restrictions for the area in general; and one representation was against the BH restrictions of the subject application site and proposed to maintain the BH at around 70mPD. In addition, two comments in support of the latter representation as well as other adverse representations were received. One commenter expressed the view that a BH restriction of 70mPD should be imposed on the application site until further information was unveiled by the Hong Kong Jockey Club. On 5.11.2010, the TPB decided not to uphold the representations, including those relating to the application site, but proposed amendments to meet/partially meet some other representations. The proposed amendments were published on 26.11.2010 under section 6C(2) of the Ordinance, and no further representation was received upon the expiration of the 3-week publication period on 17.12.2010. As the representation consideration process had been completed, the draft OZP would be submitted to the Chief Executive in Council (CE in C) for approval in due course. Considering that the BH restriction of the application site was the subject to outstanding adverse representations, PlanD recommended to defer a decision on the subject application pending the submission of the OZP to the CE in C and the CE in C's final decision on the representations in respect of the OZP.

21. After deliberation, the Committee decided to defer a decision on the application pending the submission of the Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) to the Chief Executive in Council (CE in C) and the CE in C's final decision on the representations in respect of the OZP.

Agenda Item 8

Section 16 Application

[Open Meeting]

A/H3/400 Proposed Eating Place, Shop and Services
in "Residential (Group A)" zone,
2-4 Shelley Street, Sheung Wan
(MPC Paper No. A/H3/400)

22. The Committee noted that on 10.3.2011, the applicant requested for deferment of the consideration of the application for two months in order to allow time for the applicant to

[Ms. Kitty S.T. Lam, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/66 Proposed Access Road for House Development
in “Green Belt” zone and area shown as ‘Road’,
Government Land Adjacent to 24 Middle Gap Road, The Peak Area
(MPC Paper No. A/H14/66)

Presentation and Question Sessions

26. Ms. Kitty S.T. Lam, STP/HK, said that replacement page 9 of the Paper was tabled at the meeting for Members’ information. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed access road for the house development at 24 Middle Gap;
- (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. The commenter was concerned about the impacts arising from construction of the proposed access road which might affect the road finishing, landscape planting and lighting installation along the existing access road serving the developments at 24 and 26 Middle Gap Road. The commenter also raised concern on the possible impacts of the proposed development on the existing stormwater drain and slope stability; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarized below:
- (i) majority of the application site was an existing right of way serving the residential development within the adjoining “Residential (Group C)1” (“R(C)1”) zone. The application was only for realignment of the right of way as part of the redevelopment of the residential building in the adjoining “R(C)1” zone. Although the proposed access road encroached on the “Green Belt” zone, and that some existing trees were proposed to be felled, the area concerned was relatively small (about 84m²) and compensatory trees of the same or compatible species would be provided to maintain the surrounding natural setting. The disturbed part of the existing right of way would also be reinstated with compensatory plantings to alleviate the landscape impact. In this regard, the Chief Town Planner/Urban Design and Landscape, PlanD, Director of Agriculture, Fisheries and Conservation and Chief Architect/Advisory and Statutory Compliance, Architectural Services Department had no adverse comments on the application from visual impact and landscape point of view;
 - (ii) the subject access road would not have adverse impact on the surrounding environment. Relevant government departments had no adverse comments on the application;
 - (iii) regarding the possible impacts on the existing stormwater drain and slope stability raised in the public comment, the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD) and Head (Geotechnical Engineering Office), Civil Engineering and Development Department (Head (GEO), CEDD) had no in-principle objection for the proposed development. CE/HK&I, DSD advised that the impact of the proposed access road on the existing stormwater drain was insignificant. As regards the

slope stability aspect, an approval condition requiring the applicant to submit a Geotechnical Planning Review Report had been recommended in paragraph 12.2(b) of the Paper; and

- (iv) as regards the commenter's concern about the impacts on the existing shared access (i.e. the access road east of the application site jointly used by 24 and 26 Middle Gap Road), the District Lands Officer/Hong Kong East, Lands Department advised that the right of way to Rural Building Lot 384 and its Extension (26 Middle Gap Road) was not affected by the proposal. The maintenance responsibility of the access road would have to be settled by the lot owners concerned.

27. Members had no question on the application.

Deliberation Session

28. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.3.2015, 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) submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) submission of a Geotechnical Planning Review Report according to 'GEO Advice Note for Planning Applications' to the satisfaction of the Director of Civil Engineering and Development or of the TPB.

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

- (a) to apply to the District Lands Officer/ Hong Kong East, Lands Department for a modification of the lease conditions for Rural Building Lot 387;

- (b) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department that in case upgrading work to the right of way/access road came within the purview of the Buildings Ordinance and allied Regulations, plans showing the proposed work should be submitted to the Building Authority for consideration and approval; and
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department regarding compliance with the ‘Conditions of Working within Water Gathering Grounds’ and the ‘Conditions of Working in the Vicinity of Waterworks Installations’.

[The Chairman thanked Ms. Kitty S.T. Lam, STP/HK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/66 Proposed Minor Relaxation of Plot Ratio and Site Coverage
to not more than 0.9 and 36% respectively
for Permitted House Development in “Residential (Group C) 4” zone,
13 Big Wave Bay Road, Shek O
(MPC Paper No. A/H18/66)

Presentation and Question Sessions

30. 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 proposed minor relaxation of plot ratio (PR) and site coverage (SC) to not more than 0.9 and 36% respectively for permitted house development. According to the Notes of the “R(C)4” zone, if the development on the application site was of four domestic storeys, it could be built up to a maximum PR of 0.9. In the current application, the development proposal comprised a 3-storey domestic house over one storey of carpark and plant rooms at the lower ground floor. The gross floor area (GFA) of the proposed development was about 1,820.7m², which was equivalent to a PR of 0.9. An application for minor relaxation of PR restriction from 0.75 for a development of three domestic storeys to 0.9 was therefore required;
- (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 no local objection was received by the District Officer (Southern); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The site fell within the Residential Zone 3 Area in the Metro area. The proposed relaxation of SC to 36% did not exceed the maximum permissible level of 50% adopted by the Town Planning Board (TPB) for the sites falling within the Residential Zone 3 Area in the Metro and New Town areas and was considered generally in line with the planning criteria as stated in paragraph 4 of the Paper. The application site was subject to a previous application (No. A/H18/54) for minor relaxation of PR (from 0.75 to 0.9) and SC (from 25% to 36%) for a 3-storey house which was approved with conditions by the Committee on 9.1.2009. As compared with the approved scheme under Application No. A/H18/54, there was no increase in PR, GFA and SC in the current proposal, except the addition of a lower ground level for carpark and plant rooms. In addition, the current proposal had a reduction in the above-ground building height by 3.35m, which allowed the proposed development to integrate with the environment. There would be no adverse impacts on the traffic, environment,

infrastructure, landscape and visual amenity arising from the proposed PR and SC relaxation. Relevant government departments had no adverse comments on the application. As one of the design merits in the current application was a lower building height above ground when compared with the previously approved scheme, an approval condition to cap the building height of the proposed development to 57.8mPD at top roof level to ensure that there would be no increase in the building height had been recommended. As regards the concern of the Chief Building Surveyor/Hong Kong West, Buildings Department on the GFA implication of some of the detailed design of the proposed house, these issues could be dealt with at the building plan submission stage. The actual GFA concession to be allowed was subject to the approval of the Building Authority at building plan submission stage. Should the GFA exemption not be granted by the Building Authority and the proposed PR exceeded the restriction as stipulated in the Outline Zoning Plan, a fresh planning application to the TPB would be required.

31. Members had no question on the application.

Deliberation Session

32. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.3.2015, 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 proposed development within the application site should not exceed 57.8mPD;
- (b) the submission and implementation of tree preservation and landscape proposals, and the submission of quarterly tree monitoring reports during the implementation stage, to the satisfaction of the Director of Planning or of the TPB;

- (c) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission of a Geotechnical Planning Review Report and implementation of the necessary stabilisation/mitigation works identified therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB.

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

- (a) the approval of the application did not imply that gross floor area exemption for the plant rooms and service corridor proposed in the development would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If gross floor area exemption for the proposed spaces was not granted by the Building Authority and the proposed plot ratio exceeded the restriction as stipulated on the Outline Zoning Plan, a fresh planning application to the TPB would be required;
- (b) to note the comments and requirements of the Chief Engineer/Hong Kong & Islands, Drainage Services Department on the sewer connection and drainage system and on the submission of drainage plans for the proposed development at the site;
- (c) to note the comments of the Director of Fire Services regarding the compliance of the Code of Practice for Means of Access for Firefighting and Rescue; and
- (d) to resolve any land issues relating to the development with the concerned owner of the application site.

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

application based on the assessments set out in paragraph 11 of the Paper which were summarized below:

- (i) the proposed tutorial school/arts school on the 2/F was located in the domestic portion of the commercial/residential building. According to the Occupation Permit issued by the Building Authority for the building, only the lower ground floor and part of ground floor were approved for non-domestic uses, while the remaining part of the building was approved for domestic use. There was no other commercial use on the 2/F and the proposed school was considered incompatible with the domestic use on the same floor;
- (ii) the subject application was not in line with the Town Planning Board Guidelines (TPB) No. 40 for ‘Application for Tutorial School under section 16 of the Town Planning Ordinance’ (TPB PG-No. 40) in that the application premises was within the domestic portion of the building and there were no separate stairways and/or lifts/escalators exclusively serving the proposed tutorial school/arts school to minimise any disturbance to the residents in the same building, particularly the residents on the same floor, though the proposed school was small in scale with a capacity of about 15 students and 10 tutors from Mondays to Fridays and about 25 students and 12 tutors on Saturdays and Sundays. In this regard, the applicant had not submitted practical and implementable proposals to demonstrate that the proposed school would not create nuisances to the residents; and
- (iii) the subject application was the first planning application for such use in the subject building. Approval of the application would set an undesirable precedent for other similar applications which would lead to intrusion of commercial uses into the domestic portion of commercial/residential buildings in the “Residential (Group A)” (“R(A)”) zone. There were two similar applications (No. A/H21/17

and A/H21/66) within the “R(A)” zone on the Quarry Bay Outline Zoning Plan as detailed in paragraph 6 of the Paper. However, the background to these two similar applications was different in that they were approved before the promulgation of the TPB PG-No. 40 in February 2008 and the premises of the Application No. A/H21/66 was located on the G/F and segregated from the residential use above.

36. In response to a Member’s question, Mr. Tom C.K. Yip, STP/HK, said that the applicant provided FI on 16.3.2011 to clarify the number of students at each classroom per hour per day and the number of teachers at each classroom per day (with breakdown of figures for Saturdays and Sundays). Notwithstanding, the clarification on the number of persons to be accommodated in different sessions, PlanD maintained its stance of not supporting the application as it was not in line with the TPB PG-No. 40 in that the application premises was within the domestic portion of the building and there were no separate stairways and/or lifts/escalators exclusively serving the proposed tutorial school/arts school to minimize any disturbance to the residents in the same building, particularly the residents on the same floor.

37. In response to another Member’s enquiry, Mr. Yip said that the application premises was currently used for teaching piano.

Deliberation Session

38. Members considered that the application could not be supported as there was no strong justification in the submission for a departure from the TPB PG-No. 40.

39. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed tutorial school/arts school was incompatible with the approved domestic use on the same floor within the subject commercial/residential building in the “Residential (Group A)” (“R(A)”) zone.

zone;

- (b) the proposed tutorial school/arts school was not in line with the Town Planning Board Guidelines No. 40 for ‘Application for Tutorial School under section 16 of the Town Planning Ordinance’ in that the application premises was within the domestic portion of the building and the access to the premises was not separated from that of the domestic portion of the building; and
- (c) the approval of the application would set an undesirable precedent for other similar applications which would lead to intrusion of commercial uses into the domestic portion of commercial/residential buildings in the “R(A)” zone.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

40. Mr. Tom C.K. Yip, STP/HK, said that replacement page 9 of the Paper amending paragraph 9.1.10 (c) of the Paper was tabled at the meeting for Members’ information.

41. Mr. Yip then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) the proposed hotel by converting an existing 33-storey office building at the application site;
- (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 no local objection was received by the District Officer (Eastern); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application site was located in an area which was predominantly residential in character and intermixed with commercial, government, institution and community uses and open spaces. The proposed hotel development was considered not incompatible with the surrounding land uses. The application was for in-situ conversion of an existing office building for hotel use, without changing the plot ratio, site coverage and physical bulk of the existing building. Although the building height of the proposed hotel (i.e. 120.25mPD) exceeded the building height restriction of 100mPD for the subject “Residential (Group A)” zone on the North Point Outline Zoning Plan (OZP), it was the same as that of the existing building and was allowed under the OZP. The proposed hotel would have a PR of 15.676 (including bonus PR of 0.676 for dedication of land for road widening and corner splay), which was also the same as that of the existing building and all the back-of-house (BOH) facilities had been included in gross floor area (GFA) calculation. The proposed conversion for hotel use was not expected to cause any adverse impact on the surrounding areas. The proposed hotel development was also considered acceptable in visual, environmental, traffic and infrastructural terms. Concerned government departments had no objection to or adverse comments on the application. To ensure that the proposed conversion would not result in an increase in the physical bulk of the existing building, an approval condition stipulating the maximum GFA for the proposed hotel should be inclusive of the area for BOH facilities had been recommended in paragraph 12.2 (a) of the

Paper.

42. Members had no question on the application.

Deliberation Session

43. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.3.2015, 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 proposed hotel development was subject to a maximum gross floor area (GFA) of 10,400.4m². Any floor space that was constructed or intended for use as back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations should be included in GFA calculation;
- (b) the provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the implementation of sewerage upgrading identified in the SIA in condition (d) above to the satisfaction of the Director of Drainage Services or of the TPB; and
- (f) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply that the non-domestic plot ratio (PR) and site coverage of the proposed hotel development would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. In addition, if hotel concession, in particularly the non-domestic PR of the development, was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the TPB might be required;
- (b) to note the comments of the District Lands Officer/Hong Kong East, Lands Department in paragraph 9.1.1 of the Paper regarding the need for application for removal of the non-offensive trades clause under lease;
- (c) to note the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department in paragraph 9.1.7 of the Paper regarding the treatment and articulation podium façade of the proposed development;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraph 9.1.8 of the Paper regarding the provision of landscape planting on podium and roof of the proposed development;
- (e) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department in paragraph 9.1.10 of the Paper regarding the licensing requirements for hotel use; and
- (f) to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works.

[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

[Mr. Silas K.M. Liu, 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/K14/642 Proposed Government Use (Office)
in “Other Specified Uses” annotated “Business” zone,
19/F, 20/F and 21/F, Millennium City 6,
392 Kwun Tong Road, Kwun Tong
(MPC Paper No. A/K14/642)

Presentation and Question Sessions

45. The Secretary reported that as the application was submitted by the Urban Renewal Authority (URA), the following Members had declared interests on this item:

- | | | |
|--|---|--|
| Mr. Jimmy C.F. Leung
as the Director of Planning | - | being a non-executive director of the URA; |
| Mr. Maurice W.M. Lee | - | being a former non- executive director of the URA with the term of office ended on 30.11.2008; |
| Mr. Raymond Y.M. Chan | } | being a Member of the Home Purchase Allowance (HPA) Appeals Committee ; |
| Ms. Maggie M.K. Chan | } | |
| Ms. Olga Lam
as the Assistant Director
of Lands Department | - | being an assistant to the Director of Lands who was a non-executive director of the URA; |
| Mr. Andrew Tsang | - | being an assistant to the Director of Home |

as the Assistant Director of Home Affairs Department Affairs who was a non-executive director of the URA; and

Professor P.P. Ho - having current business dealings with the URA.

46. The Committee noted that Mr. Maurice W.M. Lee, Mr. Andrew Tsang, Mr. Raymond Y.M. Chan and Ms. Maggie M.K. Chan had tendered apologies for being unable to attend the meeting. The Committee also agreed that the interests of the Chairman and Professor Ho were considered direct and hence they should withdraw from the meeting temporarily for the item.

47. As the Chairman had to withdraw from the meeting, the Committee agreed that the Vice-chairman should take over and chair the meeting for this item. The Vice-chairman chaired the meeting at this point.

[Mr. Jimmy C.F. Leung and Professor P.P. Ho left the meeting temporarily at this point.]

48. 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 proposed government use (office);
- (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 no local objection was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

The proposed government use (office) within a purposely built office/commercial building was in line with the planning intention of the subject “Other Specified Uses” annotated “Business” zone which was intended for general business uses. The proposed government use (office) was compatible with the existing uses of the subject building. The subject building was well served by public transport. The proposed government use (office) would not cause adverse traffic, fire safety and infrastructure impacts. Concerned government departments had no objection to or adverse comments on the application.

49. Members had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 18.3.2015, 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.

[Mr. Jimmy C.F. Leung and Professor P.P. Ho returned to join the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/645 Shop and Services in “Other Specified Uses” annotated “Business” zone,
Unit F4 (Portion), G/F, Phase 4, Kwun Tong Industrial Centre,
436-446 Kwun Tong Road, Kwun Tong
(MPC Paper No. A/K14/645)

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 shop and services use with a total floor area of about 33m² on the ground floor of an existing industrial building;
- (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. The other commenter had no objection to the application provided that the applied use did not contravene the lease conditions and the requirements of relevant government departments including Buildings Department and Fire Services Department would be complied with. Besides, planning permission for a definite period on temporary basis might be granted, if necessary; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The “Other Specified Uses” annotated “Business” (“OU(Business)”) zone was intended for general business uses. It allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the 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 G/F of the subject industrial building. The shop and services use at the application premises was considered generally in line with the planning intention of the “OU(Business)”. The shop and services use at the application premises complied with the Town Planning Board Guidelines No. 22D for ‘Development within the “OU(Business)” Zone’ in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent areas. Relevant government departments had no objection to

or adverse comments on the application. The total commercial floor area for the shop and services use approved by the Committee on the G/F of the subject building was 125m². Should the Committee approve the application, the total commercial floor area would be 158m² which was within the maximum permissible limit of 460m² on the G/F of an industrial building with a sprinkler system. In this regard, the Director of Fire Services had no objection to 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 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 18.9.2011; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorised Person to submit alterations and

additions proposal to the Building Authority to demonstrate compliance with the Buildings Ordinance, in particular :

- (i) adequate means of escape should be provided in accordance with Building (Planning) Regulation 41(1) and Code of Practice for the Provision of Means of Escape in case of fire 1996;
 - (ii) the provision of 2-hour fire resisting separation wall between the application premises and the remaining portion of the premises pursuant to Building (Construction) Regulation 90 and paragraphs 8.1 and 9 of the Code of Practice for Fire Resisting Construction 1996; and
 - (iii) the provision of access and facilities for persons with a disability in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and
- (c) to note the comments of the Director of Fire Services that the applicant should :
- (i) comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the Buildings Department; and
 - (ii) observe the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures of Commercial Uses in Industrial Premises’ issued by the TPB.

[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 16

Section 16 Application

[Open Meeting]

A/K18/280 Proposed School (Kindergarten) in “Residential (Group C) 1” zone,
2 Essex Crescent, Kowloon Tong (NKIL 720)
(MPC Paper No. A/K18/280)

55. The Committee noted that Ms. Olga Lam of Lands Department had declared an interest on this item as her spouse was one of the consultants for this application. Nevertheless, the applicant requested for a deferment of consideration of the application and Members agreed that Ms. Lam could stay at the meeting.

56. The Committee noted that on 1.3.2011, the applicant’s representative had requested for deferment of the consideration of the application in order to allow time for the applicant to address the comments of relevant government departments.

57. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/281 School (Kindergarten and Child Care Centre)
 in “Residential (Group C) 1” zone,
 14 Essex Crescent, Kowloon Tong (NKIL 726)
 (MPC Paper No. A/K18/281)

Presentation and Question Sessions

58. Mr. Vincent T.K. Lai, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application. The application site was subject to three previous applications No. A/K18/70, A/K18/250 and A/K18/267. Application No. A/K18/250 was submitted by the same applicant for proposed conversion of the existing 2-storey building into a kindergarten and child care centre. The application was approved by the Committee on 9.5.2008 on a temporary basis for a period of three years until 9.5.2011 in order to monitor the situation given there were local objections on grounds of traffic problems and too many schools in the area while relevant government departments had no objection to the application;
- (b) the school (kindergarten and child care centre);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, 24 public comments objecting the application were received. The objections were mainly for the reasons of traffic congestion, pedestrian safety (including students), too many schools, nuisance caused to the residents, degradation of the living environment, noise and air pollution, drainage problem, residents’ rights being

undermined, land value being affected and setting of undesirable precedent to similar applications; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Since the Committee approved the application (No. A/K18/250) in 2008, there had been no material change in planning circumstances. The “Residential (Group C)1” zoning remained unchanged and four similar applications had been approved in the vicinity since then. Moreover, relevant government departments had no adverse comments on the compliance of approval conditions on the fire safety, parking provision/layout and landscape aspects, and there had not been any public complaint against the subject school. It was also noted that there was no change to the existing school in terms of number of classrooms/students under the current application. The kindergarten and child care centre generally complied with the Town Planning Board Guidelines No. 23 for ‘Application for Kindergarten/Child Care Centre in Kowloon Tong Garden Estate under section 16 of the Town Planning Ordinance’ (TPB-PG No. 23) in that school uses were commonly found in the vicinity, the kindergarten and child care centre already in operation was therefore considered not incompatible with the surrounding developments. The provision of on-site parking and loading/unloading facilities, and the parking layout and vehicular access arrangement were considered acceptable to the Commissioner for Transport. No significant adverse impacts on traffic, environment and infrastructure provisions of the area were anticipated. Concerned government departments had no adverse comments on the building structural safety, provision of means of escape, internal layout and provision of indoor/outdoor play area with respect to the application. Regarding the fire safety and landscape proposal requirements, approval conditions had been recommended in paragraphs 12.2 (a) and (b) of the Paper. As regards the public comments as stated in paragraph 58(d) above, concerned government departments had no adverse comments on the application.

59. In response to a Member's questions, Mr. Vincent T.K. Lai, STP/K, said that 10 planning applications involving kindergarten or kindergarten and child care centre along Essex Crescent and Cumberland Road had been approved by the Committee since 2000. However, Mr. Lai said that he had no information in hand regarding the total number of students attending these kindergartens or child care centres.

60. A Member referred to the photographs submitted by a commenter (Annex III of the Paper) which showed the traffic congestion in Essex Crescent. This Member said that there was an increasing number of kindergartens and child care centres in the Kowloon Tong Garden Estate (KTGE) area. Children attending these kindergartens and child care centres required vehicular escorts and the on-street picking-up/setting downs of students had caused traffic congestion in the area. This Member was also concerned that the further approval for kindergartens and child care centres would result in a further deterioration of traffic condition in this area.

61. In response to a Member's question on how the Transport Department (TD) had assessed the current application from the traffic point of view, Mr. David To of TD said that consideration was given to whether the kindergarten and child care centre had adequate provision of on-site parking and lay-by facilities to serve its students, and whether the parking layout and vehicular access arrangement were acceptable to TD. As the subject kindergarten and child care centre was already in operation and the school hours, the number of classrooms and students and parking provisions had not been changed since the last approval, additional traffic generated by the kindergarten and child care centre was not anticipated.

62. In response to a Member's enquiry, Mr. David To said that as the application site was of a distance to the main road, it was unlikely that the traffic generated from the kindergarten and child care centre would cause the tailing back of vehicles onto Waterloo Road. Moreover, it was difficult to judge from the photographs that the long queue of vehicles in Essex Crescent was solely generated by the kindergarten and child care centre under the current application.

63. A Member asked whether TD had assessed if there was any spare capacity of the existing road network to accommodate further number of school developments in the area.

In response, Mr. David To said that the capacity of the existing road network in this area was approaching its limit. TD normally would not tender support to application for kindergartens and child care centres without adequate on-site car parking and lay-by provisions. As the subject kindergarten and child care centre was already in operation and there was provision of adequate on-site parking and lay-by facilities and acceptable vehicular access arrangement, it was considered that it would not cause adverse traffic impact on the area.

64. In response to the same Member's enquiry, Mr. Vincent T.K. Lai said that the applicant did not submit any Traffic Impact Assessment (TIA) in support of the application. Moreover, the applicant indicated that there was no change to the number of classrooms, number of students, parking provision and school hours since the last approval granted by the Committee. Hence, the kindergarten and child care centre met the on-site parking and lay-bys requirements and were acceptable to TD.

65. A Member suggested that a more prudent approach should be adopted in considering the planning applications for kindergartens or child care centres in the KTGE, taking into account the deteriorating traffic condition in the area. In response, Mr. David To said that the Committee could consider whether future applicants should be required to submit TIA and propose mitigation measures in order to support their applications.

66. Noting that the subject kindergarten and child care centre was already in operation, a Member enquired about the requirement to apply for the Director of Land's approval of the school use under lease. In response, Ms. Olga W.H. Lam of Lands Department said that according to the current lease interpretation, the use of the premises as a school (kindergarten and child care centre) was in breach of the lease condition (i.e. a message or dwelling house), the lot owner had to obtain approval from the Director of Lands.

67. In response to a Member's enquiry, the Chairman said that the current application was a fresh application seeking planning permission to continue the operation of the subject kindergarten and child care centre at the application site on a permanent basis.

Deliberation Session

68. The Secretary briefed Members that on 9.5.2008, the Committee approved with conditions an application (Application No. A/K18/250) for a proposed kindergarten and child care centre at the application site. In view of the fact that there were local objections on grounds of traffic problems and too many schools in the area while government departments had no objection to the application, a temporary approval of three years until 9.5.2011 was granted by the Committee in order to monitor the situation.

69. The Secretary also pointed out that during the 1990s, there had been an increasing number of planning applications for converting low-density residential premises in the KTGE for kindergartens/child care centres. In order to avoid aggravating the already heavy traffic condition in the area, it was necessary to assess carefully the traffic implications brought about by kindergartens/child care centres. Against the above background, the Town Planning Board Guidelines No. 23 for 'Application for Kindergarten/Child Care Centre in Kowloon Tong Garden Estate' (TPB PG-No. 23) setting out the planning criteria for assessing planning applications for kindergarten/child care centre in KTGE was promulgated in 2001. As set out in the TPB PG-No. 23, the main planning requirement was to ensure that there would be adequate provision of parking and lay-by facilities within the premises such that the setting down/picking up of students could be carried out safely within the premises and on-street lay-bys and illegal parking could be minimized. In considering planning applications for kindergarten/child care centre in KTGE, the TPB would take into account the TPB PG-No. 23 and TD's comments on the vehicular access arrangements and the provision of parking and lay-by facilities. In view of the concerns raised by some Members at the meeting, the Committee could consider whether the TPB PG- No. 23 should be revised to take into account the changing circumstances.

70. A Member supported the subject application as the kindergarten and child care centre was already in operation with sufficient provision on-site parkings and lay-by facilities. As there was no change in the school hours and the number of classrooms and students since the last approval, additional traffic generated by the kindergarten and child care centre was not anticipated. Moreover, as there was a considerable number of kindergartens and child care centres in the area, it was unfair to assume that the traffic congestion in Essex Crescent was solely caused by the kindergarten and child care centre under application. This

Member opined that enforceable traffic management should be adopted in order to improve the traffic condition in the area. Another Member agreed.

71. A Member pointed out that most of the students attending kindergartens and child care centres in KTGE were escorted by private cars, and these private cars would wait outside the schools before the school session ended. As a result, many vehicles parked illegally on the carriageways and footpaths, which led to complaints. In view of the above, this Member opined that applications for kindergartens and child care centres in the KTGE area should be supported by a TIA to examine any possible traffic problems that might be caused by the kindergartens/child care centres and propose necessary mitigation measures to tackle the problems. The above views were shared by three other Members.

72. A Member opined that in addition to requiring the applicants to submit TIA, TD should also be requested to undertake a traffic survey and assessment for the area. The findings of the assessment could serve as a basis for the TPB to consider new applications for kindergarten and child care centre in the area. In response, Mr. David To of TD said that TD would not have the required manpower resources to undertake the proposed traffic survey and assessment of the KTGE area. He also considered that it would be more effective to require the applicant of planning applications for kindergarten and child care centre to undertake TIA to demonstrate if the proposed development would cause any adverse traffic impact on the area and to propose necessary mitigation measures such as spreading out student attending and releasing hours and measures to encourage students to travel by mass transport instead of private cars.

73. A Member agreed that for the planning applications for kindergartens and child care centres in KTGE area, the applicants should be required to submit a TIA for the Committee's consideration. This Member asked whether the current application should be deferred pending the submission of TIA by the applicant. In response, the Chairman pointed out that the Committee had previously granted temporary approval for kindergarten and child care centre at the application site in 2008, and all the approval conditions were satisfactorily complied with. The kindergarten and child care centre, which had been registered under the Education Ordinance and Regulations and Child Care Services Ordinance, were already in operation. The planning permission granted under Application No. A/K18/250 would soon expire in May 2011. As such, the deferral of consideration of the

current application pending the submission of TIA might affect the operation of the school and its students.

74. A Member shared the Chairman's view that the deferment of consideration of the current application pending the submission of TIA would affect the operation of the school and its students. This Member suggested granting a temporary approval of three years for this application so as to monitor the situation. However, if the applicant submitted any new applications to continue the operation of the kindergarten and child care centre at the site in the future, he would be requested to submit a TIA for the Committee's consideration.

75. The Secretary remarked that relevant government departments including the Commissioner of Police (C of P) and Commissioner for Transport had no objection to the application as the subject kindergarten and child care centre were already in operation. Whilst the C of P had no objection to the application, he commented that the existing road network was already at full capacity during the school drop-off/pick-up times and could not accommodate any more vehicles. Since the applicant had complied with all the requirements under the existing TPB PG-No. 23 and currently there was no requirement for a TIA under the TPB Guidelines, it might not be reasonable to defer or reject the application on the basis of no TIA had been submitted. Should the Committee decide to approve the application, Members could consider whether a temporary approval for three years should be granted to monitor the situation given that there were local objections on traffic grounds. Members agreed that for the subject application, a temporary approval for three years with conditions should be granted.

76. In view of Members' concerns on the deteriorating traffic situation in the KTGE area due to the increasing number of kindergartens and child care centres raised at the meeting, the Secretary proposed to revise the existing TPB Guidelines No. 23 to incorporate a requirement on the submission of TIA for new applications for kindergartens and child care centres. Opportunity would also be taken to update the information in the TPB Guidelines. The draft revised TPB Guidelines would be tabled at the next TPB meeting for endorsement before promulgation to the public for information. A press release on the promulgation of the revised TPB Guidelines would also be issued. Members agreed.

77. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.3.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to consult the Lands Department on the lease matters concerning the school use;
- (b) to note that in order to allow proper growth of the existing trees, the size of the planter should be similar to the natural drip line of the trees. As such, the planter layout should be revised in the landscape and tree preservation proposal submission; and
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/102 Proposed Minor Relaxation of Building Height Restriction to Allow for One Storey of Basement for Four Car Parking Spaces and Ancillary Plant Room Use in a Proposed Residential Development in “Residential (Group C)” zone, 33 Kadoorie Avenue, Ho Man Tin (KIL No. 4003)
(MPC Paper No. A/K7/102)

Presentation and Question Sessions

79. Mr. Vincent T.K. Lai, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction to allow for one storey of basement for four car parking spaces and ancillary plant room use in a proposed residential development;
- (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. Another commenter had objection to the application mainly on the grounds that the proposed development would obstruct the natural light to the commenter’s adjacent building and would affect its geographical environment; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The application for minor relaxation of building height restriction was to facilitate the construction of one basement floor of 562.017m² in area (about 43.6% of the total site area) and 3.5m in height for accommodating four car parking spaces and ancillary plant rooms in two 3-storey houses. Since the proposed car parking and plant room uses were all located in the basement floor, the impacts on the environment, drainage, traffic, visual and the planned infrastructure on the surrounding areas, if any, should be insignificant. Relevant government departments had no objection to or adverse comments on the application. As regards the technical requirements including landscaping, an approval condition on landscape proposal including a tree preservation scheme had been recommended in paragraph 11.2 (c) of the Paper.

80. Members had no question on the application.

Deliberation Session

81. In response to a Member's enquiry, Mr. Vincent T.K. Lai, STP/K, said that Antiquities and Monuments Office of Leisure and Cultural Services Department had no comment on the application.

82. 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 18.3.2015, 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 provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the design and provision of parking facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note that approval of the application did not imply that the proposed gross floor area exemption in the application would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to consider the treatment of the masonry retaining wall abutting Kadoorie Avenue in the design stage or providing some greening along that wall;
- (c) to set back the proposed boundary wall along Kadoorie Avenue and

provide landscape tree planting in the setback area of the boundary wall in order to screen the proposed retaining wall and improve the overall landscape environment; and

- (d) to note that the proposed swimming pool was in close proximity of the proposed edge planter and the proposed deciduous trees might be in conflict with the swimming pool. Other species might be proposed to avoid the future maintenance problem.

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

Agenda Item 19

Any Other Business

- 84. There being no other business, the meeting was closed at 11:30 a.m..