

TOWN PLANNING BOARD

**Minutes of 439th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 1.4.2011**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor P.P. Ho

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Professor S.C. Wong

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

Ms. Maggie M.K. Chan

Professor Joseph H.W. Lee

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Ms. L.P. Yau

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

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

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

Town Planner/Town Planning Board
Mr. Terence Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 438th MPC Meeting held on 18.3.2011

[Open Meeting]

1. The draft minutes of the 438th MPC meeting held on 18.3.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. No matters arising to be reported.

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/TW/410 Proposed Shop and Services in “Industrial” zone,
Hale Weal Industrial Building, Nos. 22-28 Tai Chung Road, Tsuen Wan
(Tsuen Wan Town Lot No. 332)
(MPC Paper No. A/TW/410)

3. The Committee noted that the applicant’s representative had requested on 16.3.2011 for deferment of the consideration of the application for two months so as to allow time to settle the traffic concerns raised by the Transport Department.

4. 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 for its 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 since this was already the fourth deferment, no further deferment would be granted unless under very special circumstances.

Hong Kong District

[Mr. Louis K.H. Kau, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H7/154 Proposed Public Utility Installation (Pump Facilities and Storage Tank)
in "Open Space" zone,
Happy Valley Recreation Ground, Sports Road, Happy Valley
(MPC Paper No. A/H7/154)

5. The Secretary reported that as the application site fell within an area bounded by the Happy Valley Racecourse and Hong Kong Football Club had submitted a public comment on the application, the following Members had declared interests in this item:

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| Mr. Raymond Chan | - | Being an ordinary member of the Hong Kong Jockey Club and having current business dealings with Hong Kong Jockey Club (HKJC) |
| Mr. Felix Fong | - | Being an ordinary member of HKJC |
| Mr. Jimmy Leung | - | Being a member of Hong Kong Football Club (HKFC) |
| Mr. K.Y. Leung | - | Being a member of HKFC |

6. The Secretary said that according to the Procedure and Practice of the Town Planning Board, being a member of a club or association would not constitute direct interest

if the Members were not directly involved in the matter under consideration. As Mr. Fong, Mr. Jimmy Leung and Mr. K.Y. Leung were not involved in the subject application, they should be allowed to stay in the meeting. Mr. Chan's current business dealings with the Hong Kong Jockey Club did not concern the subject application, he should also be allowed to stay in the meeting.

Presentation and Question Sessions

7. Mr. Louis K.H. Kau, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (pumping facilities and storage tank);

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

- (c) departmental comments – the Commissioner for Transport commented that according to the submitted Traffic Impact Assessment (TIA) report, the traffic impact due to the traffic generated during the construction stage would be acceptable. The construction traffic should be confined to non-peak hours;
- (d) during the first three weeks of the statutory publication period, four public comments were received which were summarized as follows:
 - i) a member of the Wan Chai District Council and two members of the public objected to the proposed development on the grounds that there were possible alternatives for solving the flooding problem; there would be traffic problem and reduction in the recreation and sports grounds; there would be long-term impacts on the future underground developments (e.g. Mass Transit Railway and underground pedestrian walkway); and no public consultation had

been carried out by the applicant. One of the commenter requested for a longer public consultation period for the planning application; and

- ii) the HKFC suggested that (i) the construction of the proposed development should be carried out at non-peak times; (ii) there should be adequate consideration of the traffic impacts during the construction of the proposed development so as not to affect the access of HKFC members and members of the public to the HKFC's infield facilities, as well as access to the public part of the field; and (iii) there should be consideration of the impact on ambulances entering into the infield and the irregular access to the infield facilities by lorries and vans for delivering goods /supplies;

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The provision of the above-ground pumping facilities and underground storage tank was required to address the flooding problem of Wan Chai. As explained by the applicant, there were flooding risks at the lower catchment of Happy Valley and areas in its vicinity, and therefore there was a crucial public need for the proposed drainage system. The proposed above-ground pumping facilities would occupy a small piece of land of about 538m² in size which was currently a landscaped amenity area outside the sport pitches. The loss of this piece of open space was considered very minor and would not affect the integrity and function of the open space at the Happy Valley Recreation Ground (HVRG). The height of the proposed above-ground pumping facilities would be 4m to 7.95m. It was considered not visually incompatible with the surrounding structures such as the ancillary facilities of the HVRG and the HKJC's TV screen which had a height of 6m and 10m respectively. To further address the visual and landscape impact, it was recommended that a condition on the submission on the exterior design of the pumping facilities and a condition on the submission and implementation of tree preservation and landscape proposals be imposed. The applicant had also undertaken a TIA, a

Preliminary Environmental Review and an Archaeological Impact Assessment and they demonstrated that the proposed development would not have any adverse impacts on the surrounding areas. To minimize the traffic impact during the construction stage, it was recommended that a condition on the submission and the implementation of traffic management measures to confine the construction traffic to non-peak hours be imposed;

- (f) As regards the public comments on possible alternatives for solving the flooding problem and the traffic concerns, the applicant had explained that even with the other existing flood alleviation projects, there would still be flooding risks at the lower catchment of Happy Valley and areas in its vicinity, and the Transport Department had no objection to the proposed development. For the public concern on the loss of recreational facilities, it should be noted that all the affected recreational facilities of HVRG would be reinstated and the loss of the landscaped amenity area was considered very minor. As for the public concern on the future underground development in the area, it should be noted that only the north-eastern portion of the HVRG would be occupied by the underground storage tank. The remaining underground space of the HVRG should provide sufficient scope for future development, if required. Regarding the public comments on the lack of consultation, a series of public consultation had been undertaken by the applicant. The planning application for the proposed development was also exhibited for public comments for a period of 3 weeks in accordance with the provisions of the Town Planning Ordinance.

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

8. In response to a question from a Member, Mr. Kau said the construction of the proposed development would take about six years, from 2012 to 2018, and there was a similar pumping station near Sun Yat Sen Memorial Park in Sheung Wan.

9. A Member asked why the proposed pump house and the proposed fan room were in two different locations. Mr. Kau said that the proposed pump house and fan room were

originally proposed to be located together. However, after taking into account HKJC's view that the structures might block the view from the grandstands to the race track and the camera coverage for broadcasting the races, the applicant had come up with the current scheme to address HKJC's concerns, and the revised scheme was acceptable to HKJC.

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

10. The Vice-Chairman said that the then Harbourfront Enhancement Committee had been consulted on the pumping station and storage tank proposal at Sheung Wan. In response to the request of the Harbourfront Enhancement Committee, the height of the pump house at Sheung Wan was reduced by putting some of its plant facilities below ground. The Vice-Chairman asked whether there was a similar arrangement in the subject proposed development. Mr. Kau said that in response to the comments of the HKJC, some of the facilities had been put below ground and the height of the structure above ground had been lowered by more than 2m.

11. A Member asked whether there would be conflicts between the existing drainage facilities serving the HVRG and the racecourse and the proposed drainage facilities. Referring to Drawing A-10 of the Paper, Mr. Kau said that the proposed drainage facilities would be connected to the existing network and there would be no conflict between the existing and the proposed drainage facilities.

12. The same Member asked whether the proposed underground drainage facilities would affect the Happy Valley Station originally included in an option of the proposed South Island Line of the MTR. Mr. David To said that the design of the proposed South Island Line was undertaken by the Highways Department and therefore he had no detailed information at hand. According to his understanding, the MTR Station and railway line could run very deep below ground. The proposed underground storage tank, which would be located only a few metres below ground, would unlikely affect the South Island Line.

13. Referring to Plan A-2 of the Paper, a Member asked whether the proposed pump house would affect the existing football field. Mr. Kau said that the football field would be shifted to the northeast where it would be reinstated after the completion of the drainage facilities to avoid being encroached onto by the pumping station. There would be no net

loss in the area of the existing football field.

Deliberation Session

14. 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 1.4.2015, 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 traffic management measures to confine the construction traffic to non-peak hours to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of the exterior design of the above-ground pumping facilities to the satisfaction of the Director of Planning or of the TPB; and
- (d) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.

15. The Committee also agreed to advise the applicant to :

- (a) apply to the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD) for the land allocation on the proposed development and to note the comments of DLO/HKE, LandsD regarding the need for modification to the relevant government allocation/lease to facilitate the proposed Happy Valley Underground Stormwater Storage Scheme project;
- (b) note the comments of Leisure and Cultural Services Department regarding the design of pumping facilities, the transplanting of trees, the dimension of affected pitch with safety margin and re-routing of footpath/jogging trails

without sharp turn and disruption;

- (c) consult the Director of Environmental Protection (DEP) on their technical comments on the Preliminary Environmental Review and to note DEP's comment on the need to obtain the agreement from the Public Fill Committee on the allocation of the disposal site for surplus inert construction and disposal material before commencement of the project works;
- (d) note the comments of the Director of Fire Services regarding the emergency vehicular access arrangement to comply with Part VI of the code of Practice for Means of Access for Firefighting and Rescue;
- (e) note the comments of the Chief Architect/Advisory & Statutory Compliance, Architectural Services Department (ArchSD) regarding the need for submitting the above-ground pumping facilities to ArchSD's Design Advisory Panel; and
- (f) note the comments of the Chief Building Surveyor/ Hong Kong East & Heritage Unit, Buildings Department (BD) regarding the need for submitting building plans for part of the underground box culvert located underneath the race track of the Hong Kong Jockey Club to BD for approval.

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

Kowloon District

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/K18/6

Application for Amendment to the
Approved Kowloon Tong Outline Zoning Plan No. S/K18/16
from “Government, Institution or Community (3)” to “Government,
Institution or Community (6)” and “Residential (Group C) 9”,
45-47 Grampian Road, Kowloon City
(NKIL 1382)
(MPC Paper No. Y/K18/6)

16. The Committee noted that the applicant’s representative had requested on 16.3.2011 for deferment of the consideration of the application for two months in order to allow time to review the proposed scheme and revise the relevant technical assessments as appropriate.

17. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted for its 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 further information, and no further deferment would be granted unless under very special circumstances.

[Mr. Richard Y.L. Siu, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/201 Shop and Services (Property Agency)
in “Other Specified Uses” annotated “Business” zone,
Workshop D on G/F including the Glass Panel enclosing the Shop Front
and one A/C Platform on 1/F, Midas Plaza, 1 Tai Yau Street,
San Po Kong
(MPC Paper No. A/K11/201)

Presentation and Question Sessions

18. Mr. Richard Y.L. Siu, 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 (property agency);
- (c) departmental comments – no objection from concerned government departments was received;

[Mr. Felix Fong and Ms. Julia Lau arrived to join the meeting at this point.]

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection was received by the District Officer (Wong Tai Sin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The ‘Shop and Services (Property Agency)’ use at the application premises was considered generally in line with the planning intention of the “OU(Business)” zone. It was not incompatible with the other uses within

the same building. It complied with TPB PG-No. 22D in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. Relevant government departments including the Fire Services Department had no adverse comment on the application.

19. Referring to Plan A-4 of the Paper, a Member asked where the air-conditioning platform would be located. Mr. Siu said that the air-conditioning platform would be located in an area adjoining the car parking spaces on 1/F of the building.

[Prof. S.C. Wong left the meeting temporarily at this point.]

Deliberation Session

20. 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 subject premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or the TPB by 1.10.2011; 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.

21. The Committee also agreed to advise the applicant to :

- (a) apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver or lease modification;
- (b) appoint an Authorised Person to submit Alterations and Additions proposal

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

- (i) the subject premises should be separated from the remaining portion of the premises with walls having 2 hours fire resistance period pursuant to Building (Construction) Regulation 90 and Code of Practice for Fire Resisting Construction paragraphs 8.1 and 9; and
 - (ii) access and facilities for persons with a disability should be provided in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and
- (c) comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by Buildings Department.

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

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/643 Proposed Hotel in "Other Specified Uses" annotated "Business" zone,
28A Hung To Road, Kwun Tong
(MPC Paper No. A/K14/643)

Presentation and Question Sessions

22. 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 hotel;
- (c) departmental comments – the Commissioner for Tourism supported the application as the proposed development would increase the number of hotel rooms, broaden the range of accommodations for visitors, and support the rapid development of convention and exhibition, tourism and hotel industries;
- (d) during the first three weeks of the statutory publication period, two public comments were received. One of them supported the application, while the other raised objection to the application on the grounds that (i) the proposed hotel development was incompatible with the surrounding industrial and commercial developments; and (ii) no supporting facilities were provided in the area; and

[Prof. S.C. Wong returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed hotel was generally in line with the planning intention of the “OU(Business)” zone. It was generally in line with TPB PG-No. 22D as it was compatible with the surrounding commercial/office, industrial and industrial-office developments. It would help improve the existing urban environment and serve as a catalyst in phasing out the current industrial uses within the “OU(Business)” zone. By providing internal transport facilities, the current scheme was considered an improvement compared with the previously rejected scheme (No. A/K14/611) and the Commissioner for Transport had no comment on the application and the Traffic Impact Assessment. Regarding the adverse public comment, it was considered that the proposed development was compatible with the surrounding land uses. The application site was well-served by various modes of public transport and commercial facilities such as the Ngau Tau Kok and Kwun Tong MTR Stations and large shopping malls which were

located within walking distance.

23. In response to a question from a Member, Mr. Liu said that the applicant had not provided much information on the exterior design of the proposed development. However, the layouts of each floor were shown in Drawings A-1 to A-5 of the Paper. Mr. Liu said that if Members considered it necessary, a condition could be included to require the applicant to submit façade treatment to the satisfaction of the Planning Department.

24. A Member asked how far the application site was away from the site of the Urban Renewal Authority (URA) Kwun Tong Town Centre – Main Site Development Scheme. By referring to Plan A-1, Mr. Liu said that the application site was about 600m away from the MTR Kwun Tong Station, which was located adjacent to the Kwun Tong Town Centre redevelopment.

25. Referring to Plan A-1, the same Member asked why most of the 18 planning applications for hotel developments within the Kwun Tong area that had been approved but were not implemented. Mr. Liu said that it was a commercial decision of the owners whether to implement the approved hotel development or not, and it was noted that the land sale site for hotel development in Kwun Tong contained in the Application List was not triggered for auction. Ms. Olga Lam said that there were three sites for hotel development in the Application List last year but none was triggered for auction.

Deliberation Session

26. The Chairman said that many of the applications for hotel development were approved before the introduction of the policy of revitalization of industrial buildings. He said that the developers would usually take into account the prevailing government policy and the market conditions before deciding whether to implement an approved scheme or not.

27. In response to a question from a Member, the Secretary said that the Committee would not normally impose planning condition requiring the submission of façade treatment so as to allow more design flexibility for the applicants and the architects. Such condition would only be imposed for special cases.

28. A Member asked whether the proposed hotel could be operated as a service apartment. The Secretary clarified that under the OZP, there was no such use term as 'Service Apartment'. Hotel-like service apartment would be regarded as 'hotel' use whereas flat-like service apartment would be regarded as 'flat' use. Service apartment was however regarded as domestic use by the Buildings Department. The Secretary continued to explain that an approved hotel development could operate as service apartments under the statutory planning system and whether it could be separately alienated would depend on the control under lease.

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 1.4.2015, 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 design and provision of parking facilities, loading/unloading spaces, lay-bys, vehicular access and internal driveway for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the design and provision of water supply for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of a revised sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (d) the submission of a revised water impact assessment to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) apply to the District Lands Officer/Kowloon East for lease modification or

a special waiver for the proposed hotel use;

- (b) note the comments of the Director of Fire Services that arrangement on Emergency Vehicular Access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by the Buildings Department;
- (c) note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that subject to compliance with the criteria under PNAP APP-40, the application for hotel concession under Building (Planning) Regulation 23A would be considered upon formal submission of building plans;
- (d) consult the Chief Officer/Licensing Authority of Home Affairs Department on the licensing requirements for the proposed hotel; and
- (e) note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department to provide landscape planting on the first floor of the proposed hotel development.

[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 8

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/K15/100)

31. The Secretary reported the Prof. S.C. Wong had declared an interest in this item as he had current business dealings with Ove Arup & Partners Hong Kong Ltd., which was a consultant of the applicant. As the applicant had requested for a deferment of consideration

of the application, Prof. Wong could be allowed to stay in the meeting.

32. The Committee noted that the applicant's representative had requested on 15.3.2011 for deferment of the consideration of the application for two months in order to allow time for further consultation with the Director of Environmental Protection and the Chief Town Planner/Urban Design and Landscape, Planning Department to resolve technical issues in relation to environmental noise assessment and podium design, and the refinement to the submitted schematic plans and environmental assessment.

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

Agenda Item 9

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)

34. The Secretary reported that the application site fell within the "Comprehensive Development Area" zone in Yau Tong Bay which involved land owned by Henderson Land Development (Henderson) and Sun Hung Kei Properties Limited (SHK). Ove Arup & Partners Hong Kong Ltd. (OAP) served as a consultant to the applicant. The following Members had declared their interests in this item:

- Mr. Raymond Chan - having current business dealings with SHK and Henderson
- Mr. Felix Fong - having current business dealings with SHK
- Ms. Julia Lau - previous employee of SHK
- Prof. S.C. Wong - having current business dealings with OAP

[Mr. Raymond Chan left the meeting temporarily at this point.]

35. The Secretary said that as the applicant had requested for a deferment of consideration of the application, the concerned Members could be allowed to stay in the meeting.

36. The Committee noted that the applicant's representative had requested on 8.3.2011 for deferment of the consideration of the application for two months. The applicant's representative advised that their consultancy team had been undertaking hydrographic survey and reviewing the design of the proposed landing steps based on the result of the relevant technical assessments in response to the comments from relevant government departments. The findings and further information to substantiate the proposed development would be submitted to the Board within two months.

37. In response to a question from a Member, the Secretary said that the proposed development was approved by the Committee last year. However, the applicant had subsequently proposed to revise the approved scheme by adding landing steps at the site and therefore had to submit a fresh application.

38. After further 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 for its 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. Raymond Chan returned to join the meeting at this point.]

Agenda Item 10

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/K15/96)

39. The Secretary reported that the application was submitted by Main Wealth Development Ltd with Ove Arup & Partners Hong Kong Ltd. (OAP) as consultant. Main Wealth Development Ltd was a joint venture of owners of Yau Tong Marine Lots comprising Sun Hung Kai Properties Ltd (SHK), Henderson Land Development Ltd. (Henderson), Hang Lung Properties Ltd., Swire Properties Ltd., Wheelock Properties Ltd., Central Development Ltd., Moreland Ltd., and Fu Fai Enterprises Ltd.), the following Members had declared their interests in this item:

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| Mr. Raymond Chan | - | having current business dealings with SHK, Henderson and Swire Properties Ltd. |
| Mr. Felix Fong | - | having current business dealings with SHK |
| Mr. Roger Luk | - | being an independent Non-executive Director of Wheelock Properties Ltd. |
| Ms. Julia Lau | - | previous employee of SHK |

Mr. Clarence Leung - being the director of a NGO that had recently received a private donation from a family member of the Chairman of Henderson

Prof. S.C. Wong - having current business dealings with OAP

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

40. The Secretary said that as the applicant had requested for a deferment of consideration of the application, the concerned Members could be allowed to stay in the meeting.

41. The Committee noted that the applicant's representative had requested on 18.3.2011 for deferment of the consideration of the application for two months. The applicant's representative advised that they required additional time to address government departments' comments on their further information submitted on 2.2.2011 as well as comments received during their presentation to the Harbourfront Commission's Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing on 16.3.2011.

42. 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 for its 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. Raymond Chan and Mr. Felix Fong returned to join the meeting at this point.]

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/282 Proposed Minor Relaxation of Building Height Restriction
to Allow for One Storey of Basement for Six Car Parking Spaces
and Ancillary Plant Room Use in a Proposed Residential Development
in “Residential (Group C) 1” zone,
5 Kent Road, Kowloon Tong
(NKIL 866)
(MPC Paper No. A/K18/282)

Presentation and Question Sessions

43. 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 six car parking spaces and ancillary plant room use in a proposed residential development;
- (c) departmental comments – the District Lands Officer/Kowloon East, Lands Department commented that the proposed redevelopment of the lot into four 3-storey terraced houses on top of a basement for six car parking spaces and ancillary plant rooms was in breach of “a message or dwelling house” restriction under lease. If the subject application was approved by the Committee, the lot owner would need to apply for the Director of Lands’ consent for the proposed redevelopment under the lease. The Chief Town Planner/Urban Design and Landscape, Planning Department had no in-principle objection to the application. As there would not be any increase in visual bulk of the proposed development above ground level, adverse visual impacts to the surrounding area were not anticipated.

All the existing trees within the application site would be preserved in-situ which were considered desirable in enhancing the visual amenity of the proposed development and the locality. It was also noted that a 6m-wide non-building area (NBA) abutting Kent Road in accordance with the Kowloon Tong Outline Development Plan had been reserved under the proposed development;

- (d) during the first three weeks of the statutory publication period, three public comments were received. One supported the application but suggested that the basement car park should have adequate ventilation facilities. The other two, including one from Designing Hong Kong Limited and the other from the adjacent Kowloon True Light Middle School, had respectively objected to and had adverse comments on the application. They were mainly concerned that there was no overriding need or public gain to relax the building height restriction. There were also concerns on noise nuisance during construction, increased traffic flow, ingress/egress arrangement at True Light Lane and incompatibility with surrounding uses; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. According to the Notes of the OZP, on land designated “R(C)1”, based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction to allow for one storey of basement which was constructed or intended for use as car park and/or ancillary plant room, might be considered by the Board on application. Such provision was to allow design flexibility for development with design merits/planning gains. For the proposed development, it was noted that the proposed house would be set back from Kent Road by 6m to comply with the NBA requirement under the draft Kowloon Tong ODP. 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. According to the tree preservation proposal, all 17 existing

trees on site would be retained and would not be affected by the basement. The open-air areas were designated as a garden or backyard. It was considered that implementation of the landscape and tree preservation proposal would help enhance the visual and environmental amenity of the locality. Although there were two public comments expressing concerns on the proposed development, the relevant government departments had no adverse comments on the application.

44. Members had no question on the application.

Deliberation Session

45. A Member asked about the way in which the design merits for applications for minor relaxation of building height restriction to allow for one storey of basement car park in the Kowloon Tong area could be assessed. The Secretary said that in areas zoned “R(C)1” in the Kowloon Tong area, developments were restricted to a maximum plot ratio of 0.6 and a maximum building height of three storeys. There would be no increase in plot ratio even if the application for minor relaxation of the building height restriction for one storey of basement car park was approved. The intention of allowing such application for basement car park was to encourage the preservation of trees and the provision of landscaping at ground level within the development. Such provision under the OZP had been thoroughly discussed by the Board before it was incorporated in the OZP. The Secretary continued to explain that in considering this type of applications in Kowloon Tong, the Committee would have to take into account the landscaping and tree preservation proposal and to avoid possible abuse in the use of the basement floor. In this connection, PlanD would consult Buildings Department to ensure that the provision of the floor space for car park and/or plant room use at the basement floor was not excessive.

46. In response to a question from the same Member, the Secretary said that the landscape proposal would normally cover areas within the private lot under application.

47. 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 1.4.2015, 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 water supply for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission of quarterly tree monitoring reports to the satisfaction of the Director of Planning or of the TPB upon the commencement of site works and until the satisfactory implementation of the approved landscape and tree preservation proposal.

48. The Committee also agreed to advise the applicant to :

- (a) consult the Lands Department on the lease matters concerning the proposed redevelopment;
- (b) 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; and
- (c) properly protect the existing trees on site especially during the construction period and to provide appropriate treatment to the existing trees in order to avoid further deterioration of the trees and reduce the tree risk not only to the workers and users on site but also to the surrounding development.

[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 12

Any Other Business

[Open Meeting]

Information Note on Application No. A/K2/195

49. The Secretary said that on 4.3.2011, the applicant submitted an application for Nos. 93-105 Parkes Street, Yau Ma Tei, Kowloon to seek planning permission for minor relaxation of plot ratio restriction from 9 to 10.24 and building height restriction from 80mPD to 100mPD for a 28-storey composite commercial/ residential development at Nos. 93–103 Parkes Street. The applicant also proposed to develop the adjoining No. 105 Parkes Street into a sitting out area. The Site was zoned “Residential (Group A)” and “Open Space” on the Yau Ma Tei OZP No. S/K2/21. The application was scheduled to be submitted to the Committee for consideration on 15.4.2011.

50. On 29.10.2010, the draft Yau Ma Tei Outline Zoning Plan (OZP) No. S/K2/21, incorporating amendments mainly to impose building height restrictions on various development zones, to designate non-building area, to recommend building setbacks and other zoning amendments, was exhibited for public inspection under section 5 of the Town Planning Ordinance. Under the OZP, the subject site was restricted to a maximum building height of 80mPD. However, a maximum building height of 100mPD would be permitted for sites of 400m² or more. Upon the expiry of the two-month exhibition period on 29.12.2010, a total of 10 valid representations and 702 valid comments were received.

51. Of the 10 representations, Representation No. R10 was submitted by the applicant concerning the application site. Two representations were related to “Government, Institution or Community” (“G/IC”) sites, while the other 7 were general comments on building height restrictions, with some suggesting the restrictions should be more stringent and others suggesting that more lenient restrictions should be adopted. Of the 702 comments received, 627 comments were concerned about “G/IC” sites. Twelve comments were in support of more stringent control on building height and development intensity, and 67 comments were related to the building height restriction for Prosperous Garden.

52. According to TPB PG-No. 33, a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding adverse representation yet to be submitted to the CE in C for consideration and the substance of the representation was relevant to the subject application.

53. On 9.3.2011, the applicant wrote to the Secretary of the Town Planning Board to withdraw his representation to the draft Yau Ma Tei OZP No. S/K2/21 provided that this application would be duly processed and determined by the Board without the need to wait for the draft OZP and outstanding representations to be considered by the Chief Executive in Council (CE in C).

54. Noting that (i) the applicant had offered to withdraw his representation; (ii) other representations received were comments on building height restrictions in general and not related to the application site; and (iii) the proposed building height relaxation was from 80mPD to 100mPD which was within the range of the building height restrictions of the two-tier system, the Secretary invited Members to consider whether the application should be deferred or submitted to the Committee for consideration. If the Committee decided not to defer the application, it would be submitted to the Committee for consideration on 15.4.2011 as scheduled.

55. A Member said that given the applicant had withdrawn his site-specific adverse representation and the remaining representations were only general comments on building height restriction, the application should not be deferred as a deferment would delay the implementation of the proposed development until the consideration of all representations by the CE in C, which was unfair to the applicant.

56. The Vice-Chairman said that his concern was whether consideration of the application as scheduled would be unfair to the representers. As the representations received were not related to the application site, he considered that it would not be unfair to the representers if the Committee proceed with consideration of the application as scheduled. However, a deferment of the consideration of the application would be unfair to the applicant.

57. A Member said that the criteria set out in TPB PG-No. 33 were quite general and asked whether the Board had any established practice. The Secretary said that under TPB

PG-No. 33, a decision on a s.16 application would be deferred if the zoning of the subject site was subject to outstanding adverse representations and the substance of the representations was relevant. The Guidelines did not indicate whether the representations were site-specific or general representations. Recently, REDA, being representers to a number of OZPs, had written to the Board stating that the representations submitted should be considered as general comments and not adverse representations to any specific sites. On the issue of deferment in relation to adverse representation, the Department of Justice (DoJ) had advised that it was legally in order for the Board to defer a decision on an application if the substance of the adverse representations was relevant to the application, so as not to pre-empt CE in C's final decision on the representations.

58. The same Member said that the Committee would not be able to determine whether the application should be deferred if the hearing of the representations had not been held. The Secretary said that the written representations would be submitted to the Board for consideration.

59. The same Member said that as the proposed relaxation of building height restriction was within the upper limit of the two-tier building height restrictions, the consideration of the subject application should not affect the subsequent consideration of the representations. The Member supported the consideration of the application as scheduled. However, this Member said that the practice in considering deferment of planning applications as mentioned above should be agreed by the full Board. Another Member agreed to the suggestion. The Secretary said that the Secretariat could prepare a paper for consideration of the Board in due course.

60. A Member agreed to the consideration of the application as scheduled as there was sufficient opportunity for the public to submit representations on the OZP and comments on the application. Another Member shared the same view. The Secretary said that the plan-making process and the planning application process were two separate processes. In considering whether the planning applications should be deferred, the Committee had to be mindful in ensuring the decision of the planning application would not pre-empt the final decision of the CE in C on the representations and the OZP.

61. The Chairman concluded that Members generally agreed that the application

could be submitted to the Committee for consideration on 15.4.2011. The detailed criteria adopted in considering the deferment of application subject to adverse representations would be further discussed by the Board in due course.

62. After further consideration, the Committee decided that the application would be submitted to the Committee for consideration on 15.4.2011 as scheduled.

63. There being no other business, the meeting was closed at 10:30 a.m.