

**TOWN PLANNING BOARD**

**Minutes of 440th Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 15.4.2011**

**Present**

Director of Planning Mr. Jimmy C.F. Leung	Chairman
Mr. K.Y. Leung	Vice-chairman
Mr. Raymond Y.M. Chan	
Professor C.M. Hui	
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	Secretary

Miss Ophelia Y.S. Wong

**Absent with Apologies**

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor P.P. Ho

Ms. Julia M.K. Lau

Professor Joseph H.W. Lee

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  
Miss H.Y. Chu

Town Planner/Town Planning Board  
Ms. Karina W.M. Mok

**Agenda Item 1**

Confirmation of the Draft Minutes of the 439<sup>th</sup> MPC Meeting Held on 1.4.2011

[Open Meeting]

1. The draft minutes of the 439<sup>th</sup> MPC meeting held on 1.4.2011 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.

**Hong Kong District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H10/5                      Application for Amendment to the  
Approved Pok Fu Lam Outline Zoning Plan No. S/H10/15  
from “Government, Institution or Community” to “Residential (Group C)7”  
with a Maximum Plot Ratio of 1.9 and a Maximum Building Height  
of 151mPD, or the Existing Plot Ratio and Building Height,  
whichever is the Greater, the Ebenezer School and  
Home for The Visually Impaired, 131 Pok Fu Lam Road,  
Pok Fu Lam (RBL 136 RP)  
(MPC Paper No. Y/H10/5D)

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3. Professor S.C. Wong declared an interest in this item as Mr. Vincent Kwok, the Honorary Treasurer of the Board of Directors of the Ebenezer School and the Home for the Visually Impaired, was his relative. Moreover, Professor Brian Duggan, one of the applicant’s representatives attending the meeting today, was his colleague at the University of

Hong Kong. The Committee considered that Professor Wong's interest was direct and hence agreed that he should leave the meeting temporarily for the item.

[Professor S.C. Wong left the meeting temporarily and Mr. Roger K.H. Luk arrived to join the meeting at this point.]

#### Presentation and Question Sessions

4. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

Ms. Brenda K.Y. Au - District Planning Officer/Hong Kong (DPO/HK)  
Mr. K.S. Ng - Senior Town Planner/Hong Kong (STP/HK)

5. The following applicant's representatives were also invited to the meeting at this point :

Mr. Ian Brownlee  
Professor Brian Duggan  
Mr. Leo Barretto  
Mr. Patrick Chung  
Mrs. Fanny Lam

6. The Chairman extended a welcome and explained the procedures of the hearing. Mr. K.S. Ng was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Mr. Ng did so as detailed in the Paper and made the following main points :

#### Background

- (a) the applicant proposed to rezone the application site from "Government, Institution or Community" ("G/IC") to "Residential (Group C)7" ("R(C)7") on the approved Pok Fu Lam Outline Zoning Plan (OZP) No. S/H10/15. The site was currently occupied by the Ebenezer School and the Home for the Visually Impaired (the Ebenezer);

- (b) in considering the application on 19.6.2009, Members generally had no objection to low-rise, low-density residential development on the site as there was no shortage of “G/IC” land in the Southern District and the residential use was not incompatible with the surrounding areas. Details of the proposal could be further considered on the basis that the proposed development intensity and building height (BH) would not exceed those of the existing buildings (i.e. plot ratio (PR) of 1.9 and maximum BH of 151mPD). Members were sympathetic with the need of the Ebenezer for a new school. However, noting that the lease of the site was virtually unrestricted and lease modification would not be required for the proposed residential development, some Members were concerned that once the site was rezoned for residential use, there was no mechanism to ensure that the services currently provided to the visually impaired would not be interrupted. The application should not be supported if there was no mechanism to guarantee that the site would only be redeveloped after the Ebenezer was relocated to the new site. It was suggested that the Development Opportunities Office (DOO) under the Development Bureau could assist in sorting out the enforcement mechanism. After deliberation, the Committee decided to defer a decision on the application pending PlanD to explore the possible mechanism with the concerned government bureaux/departments to ensure that a continuous provision of school and social welfare facilities for the visually impaired and adequate planning control on the redevelopment proposal could be maintained. Subsequently, the Committee on 25.6.2010 and 12.11.2010 agreed to defer a decision on the application pending the submission of further information as requested by the applicant;
- (c) taking on the Committee’s suggestion, the applicant sought DOO’s assistance in July 2009 for relocating the Ebenezer to an alternative site in the New Territories. At DOO’s request, PlanD conducted a preliminary site search in November 2009, but no suitable government site meeting the applicant’s criteria could be identified. On policy support, the Education Bureau and Labour and Welfare Bureau had no objection in principle to the

relocation and redevelopment proposal subject to a number of conditions, including the non-provision of relocation site by the Government, nor bearing of any building/relocation costs. As policy support from the relevant policy bureaux was the prerequisite for PlanD to formally proceed with the site search and for DOO to consider the Ebenezer as an eligible non-government organisation project for its coordinating/advisory services, DOO advised the applicant on 19.4.2010 that it could not take the project further;

Further Information Submitted by the Applicant

- (d) to address the Committee's concerns, the applicant submitted further information on 9.9.2010 and 17.1.2011 which were summarized below:

Development Intensity and Building Height

- (i) in response to the Committee's views on the development intensity and BH of the proposed residential development at the site, the applicant had submitted a revised proposal with the following key parameters:

	Existing	Option A of the Original Proposal	Revised Proposal
PR	1.9	2.1	1.9
BH	151mPD	151mPD	151mPD
Site coverage	32%	Not more than 40%	Not more than 40%
No. of storey	1-6	6 domestic storeys over 1 storey of podium	6 domestic storeys over 1 storey of podium

- (ii) under the revised proposal, building gaps would be provided within the development and the buildings would be set back from Pok Fu Lam Road as shown in Drawings FZ-1 and FZ-4 of the Paper;

Relocation Site

- (iii) the Ebenezer on 29.10.2010 placed an advertisement for acquiring a relocation site. Around nine responses were received. Four sites in Yuen Long, Fanling, Sha Tin and Ma On Shan were selected for further consideration. The applicant further submitted two letters

dated 3.1.2011 and 4.1.2011 on a confidential basis indicating that it was in the process of acquiring the relocation site. However, no relocation site had yet been confirmed;

Enforcement Mechanism

(iv) to address the Committee's concern on the mechanism to ensure that the services for the visually impaired would not be interrupted, the applicant had submitted a revised set of draft Notes for the proposed "R(C)7" zone (i.e. Option 1) under which 'flat' and 'house' were Column 2 uses requiring planning permission from the Town Planning Board (TPB). Remarks (c) of the Notes further stipulated that the TPB might not approve a residential development at the site until such time as it was confirmed that the continuous provision of services for the visually impaired was assured. Legal advice on the draft Notes was sought and summarised below :

- if the Committee agreed to rezone the site to "R(C)7", it would be irrational to require retention of the existing "G/IC" use as suggested, which was contrary to the planning intention of the "R(C)7" zone. Such retention of use could be indefinite if no suitable alternative provision could be found. Based on the information available, there was no guarantee for a continuous provision of services and no suitable mechanism to ensure that the site would only be redeveloped after the relocation. It would not be legally proper for the TPB to approve the rezoning first and then control the development later through planning application;
- the timing of development on the site was uncertain at the time of consideration of the rezoning application. The proposed approach to provide a mechanism in the Notes of the OZP, if adopted, would set an undesirable precedent for other similar rezoning proposals seeking rezoning of an existing site to facilitate development on another site; and

- with regard to Remark (c) of the Notes, the Committee would have to take up an unnecessary burden to assess and satisfy itself the assurance of continuous provision of educational and social welfare services to the visually impaired. The proposal, if adopted, might fetter the exercise of the TPB's powers in determining a planning application and was considered inappropriate;
  
- (v) in response, the applicant submitted two new sets of draft Notes for the "R(C)7" zone (i.e. Options 2 and 3). Under Option 2, an alternative Remark (c) was proposed which stated that an application under section 16 of the Town Planning Ordinance (the Ordinance) for 'house' or 'flat' development might not be approved by the TPB until an alternative site for the relocation of the Ebenezer had been confirmed. Under Option 3, the applicant proposed to put a paragraph in the Explanatory Statement of the OZP which stated that when considering an application for 'flat' or 'house' development within the "R(C)7" zone, consideration might also be given to the adequate provision that had been made for the relocation of the facilities for the Ebenezer. Further legal advice was sought. In brief, with regard to Remark (c), there was still a burden on the TPB to assess and satisfy itself regarding the necessary confirmation of the relocation site before it could approve the planning application. It still focused on the relocation of facilities to continue the provision of services in a new site rather than relating to the use of the subject zone or the types of buildings suitable for erection at the subject site. The distinction of Option 3 with the first two options was also unclear;

*Comments of the Relevant Government Bureaux/Departments*

- (e) the comments of the relevant government bureaux/departments on the further information were detailed in paragraph 3 of the Paper. The key comments were summarised below :

- (i) the Director of Environmental Protection had serious doubts on whether the single aspect building design proposed by the applicant was practicable as there was no credible mechanism to ensure the implementation;
- (ii) the Chief Town Planner/Urban Design and Landscape, PlanD commented that the applicant should explore if the gaps between buildings could be widened and if the southernmost block of the proposed development could be set back from Pok Fu Lam Road. The low-rise building design would require a larger podium footprint which would affect most of the existing trees of good quality within the site. Besides, the proposed development would encroach on the existing vegetated slope along the western site boundary. However, no landscape proposal was submitted to mitigate the landscape impacts. A landscape impact assessment and an indicative landscape plan should be submitted to substantiate the revised proposal and to illustrate the proposed landscape mitigation measures respectively; and
- (iii) the Commissioner for Transport commented that a traffic impact assessment (TIA) or supplementary/updated information was required to demonstrate that the revised proposal would have less traffic impact than that assumed in the TIA submitted in April 2009. The Chief Engineer/Hong Kong and Islands, Drainage Services Department advised that a sewerage impact assessment was required in view of the substantial change in sewage discharge after rezoning;

Public Comments and Local Views

- (f) 19 comments were received during the statutory publication period of the further information. The comments were detailed in paragraph 4 of the Paper. In brief, 14 commenters supported/accepted the proposal to reduce the density of the development to the existing level (i.e. PR of 1.9 and maximum BH of 151mPD). Five commenters raised objection

to/expressed concerns on the application mainly due to the need to retain the site for G/IC uses; generation of additional traffic; adverse traffic, noise and visual impacts; air pollution problem; undesirable precedent effect; and absence of control on redevelopment of the site due to unrestricted lease;

- (g) the District Officer (Southern) advised that it did not appear that the further information had fully addressed the concerns of the Southern District Council (SDC) members on the application as previously expressed. They would continue to have such concerns, especially regarding the reduced amount of "GIC" land or community facilities in the Southern District and the transparency of the agreement between the school and the developer. On 18.11.2010, the SDC unanimously passed a motion raising objection to the cooperation of the Ebenezer and the developer to submit the subject application to the TPB to rezone the site from "G/IC" to residential use;

PlanD's Views

- (h) when the application was considered by the Committee on 19.6.2009, Members generally had no objection to low-rise, low-density residential development on the site. The Committee's main concerns were on the following three aspects :

- firstly, the Committee considered that the proposed development intensity and BH should not exceed those of the existing school buildings. The further submission had taken heed of the Committee's advice by reducing the maximum PR of the proposed residential development from 2.1 to 1.9 and keeping the maximum BH at 151mPD. The departmental comments on the design, landscaping, environmental, traffic and sewerage aspects could be further dealt with through the planning permission system;
- secondly, the Committee was concerned about the availability of a relocation site to ensure that the services currently provided to the visually impaired would not be interrupted. The applicant had made

good progress in acquiring the relocation site as stated in paragraphs 2.1 to 2.4 of the Paper; and

- thirdly, the Committee was concerned about the mechanism to guarantee that the site would only be redeveloped after the Ebenezer was relocated to the new site. Should the Committee agree to the subject application, the only mechanism was through the Notes of the OZP given that the lease of the site was virtually unrestricted. The applicant had submitted three sets of Notes for the proposed “R(C)7” zone. However, the legal advice was that the Committee would have to take up an unnecessary burden of ensuring the continuous provision of services for the visually impaired; and
- (i) there were two options which the Committee could consider:
- to reject the application and indicate to the applicant that the Committee could only consider the rezoning of the site for residential use when a relocation site was secured and the relocation proposal was firmed up; or
  - to rezone the site to “Comprehensive Development Area” (“CDA”) and through the implementation programme and other technical submissions to be prepared as part of the Master Layout Plan (MLP) submission, to ensure that the services currently provided to the visually impaired would not be interrupted and the site would only be redeveloped after the Ebenezer had been relocated to a suitable site and other technical issues were satisfactorily dealt with.

7. The Chairman then invited the applicant’s representatives to elaborate on the application. Mr. Ian Brownlee said that supplementary information on the number of multiple-handicapped children at various service units run by the Ebenezer and the preferred relocation site at Ma On Shan was tabled at the meeting. Confidential information relating to the procurement of the relocation site was also tabled at the meeting for Members’ reference. With the aid of a Powerpoint presentation, Mr. Brownlee then made the following main points :

- (a) there had been useful discussions between the applicant and PlanD to address the various issues raised by the Committee on 19.6.2009. The development scheme at the site had been revised and the proposed development intensity and BH would not exceed those of the existing school buildings (i.e. PR of 1.9 and maximum BH of 151mPD). Plans showing the revised proposal were shown to Members; and
- (b) the applicant proposed to rezone the site to “R(C)7” zone under which ‘flat’ and ‘house’ uses were Column 2 uses requiring planning permission of the TPB. This would allow the TPB to maintain adequate control on the proposed residential development at the site. Similar control would also be provided under the “CDA” zoning as proposed by PlanD in that all uses, including ‘flat’ and ‘house’ uses, would be put under Column 2 of the Notes for the “CDA” zone. The proposed “CDA” zoning for the site was also acceptable to the applicant.

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

7. Professor Brian Duggan then made the following main points :

- (a) the applicant’s aim was to establish a purpose-built facility in a better location for the visually impaired. The Ebenezer School, the Ebenezer New Hope School (ENHS), the Ebenezer Child Care Centre and the Early Intervention Programme had a total of 237 students. Among the 237 students, 131 students (about 55%) were multiple-handicapped whilst 184 students (about 78%) lived in Kowloon and the New Territories. Given the disabilities of the students, it was difficult for them to cross the harbour and then take a bus/taxi to get to the application site at Pok Fu Lam. Besides, relocating the Ebenezer to Kowloon or the New Territories would allow more students to reside at home; and
- (b) apart from the Ebenezer, the applicant also intended to relocate the ENHS adjoining the Ebenezer at its own cost. The ENHS was a special school

for the visually impaired and handicapped. In recent years, there was an increasing number of severely handicapped students being admitted to the ENHS upon government referral. Last year, 25 students were wheelchair users. In the coming years, it was estimated that the number of wheelchair bound students at the ENHS would be around 25 to 30. However, the design and facilities of the school were no longer suitable and adequate to cater for the needs of such large number of wheelchair bound students. For example, the corridors were too narrow for the passage and parking of wheelchairs. The classrooms were crowded as space was required for accommodating the wheelchairs. There was only one lift which could accommodate one to two wheelchairs. It took about 41 minutes to get the wheelchair bound students from one floor to another floor via the single small lift. In case of fire, the wheelchair bound students had to be moved to a room away from the fire source and wait there for rescue. Such arrangement was considered not satisfactory.

8. Mr. Leo Barretto then made the following main points :

- (a) as no relocation site would be provided by the Government, the Ebenezer had to acquire private land at its own cost. However, property price had been increasing at a phenomenal rate and the relocation site should have an area of about 100,000 sq.ft.. Given that land within the “Green Belt” (“GB”) zone had relatively lower commercial value, the applicant thus explored “GB” land with good access and transportation links for the relocation site;
- (b) on 29.10.2010, the applicant advertised in newspapers inviting interested parties to sell or donate land for the relocation of the Ebenezer. As a result of the advertisement and other offers from private organisations, seven sites were being offered for consideration. Four of them were in Yuen Long, one in Fanling, one in Sha Tin and the remaining one in Tai Po. As detailed in the confidential report tabled at the meeting, the seven sites had been assessed in terms of the location, site area, value/affordability, environmental issues, capability for future expansion, etc.; and

- (c) the applicant had identified a preferred site at Ma On Shan off Sai Sha Road and near the village at Tai Tung Wo Liu (hereinafter referred to as the preferred site). The site plan, broad development schedule, block plan, section plan and design concepts of the relocation scheme at the preferred site were shown to Members. The applicant had engaged the services of an architect for the relocation scheme. Photographs of some of the architect's award winning schemes were shown to Members. The acquisition of land for the preferred site was at an advanced stage with the preparation of the provisional sale and purchase agreement and supplementary agreements. However, the applicant could not commit to the actual purchase of land until the Committee had agreed to rezoning the application site for residential use.

9. Mr. Ian Brownlee then made the following main points :

- (a) to conclude, the justifications for the rezoning application were based on the fundamental need to provide decent facilities in a better location for the visually impaired. The revised scheme for the proposed residential development at the site with a PR of 1.9 and BH of 151mPD should be acceptable to Members as expressed on 19.6.2009. The technical comments raised by the relevant government departments were not insurmountable. Rezoning the site to "R(C)7", or "CDA" as proposed by PlanD, were both acceptable to the applicant. Under the "CDA" zoning, the Committee's concern on ensuring the continuous provision of services to the visually impaired could be addressed through the requirement for an implementation programme as part of the MLP submission; and
- (b) the preferred site for the relocation of the Ebenezer was located within the "GB" zone on the Shap Sz Heung OZP. However, the applicant needed some certainty on the use of the application site before it could proceed with the purchase of land for the preferred site. With regard to the two options put forward by PlanD in paragraph 5.10 of the Paper, the applicant strongly requested the Committee to consider rezoning the site to "CDA"

rather than rejecting the application. Should the Committee agree to rezone the application site for residential use, the applicant would submit a section 12A application for rezoning the preferred site to an appropriate zoning and proceed with the actual purchase of land.

10. A Member said that if the Committee agreed to rezone the application site for residential use, whether the applicant could commit that they would not raise legal challenge in respect of any decisions of the Committee on the application site and the preferred site. Mr. Ian Brownlee said that as the nature of the Committee's decisions was unknown at this stage, it was difficult for the applicant to make such commitment. Nevertheless, the applicant would welcome any decisions of the Committee which would facilitate the relocation of the Ebenezer to the new site. The Chairman said that the Committee was not required to make any decision in respect of the preferred site at this meeting as it was not a subject of the current application.

11. Another Member was sympathetic with the applicant in respect of its difficulties in identifying and acquiring a relocation site. With no policy support from the relevant government bureaux, the applicant could not obtain private treaty grant for the relocation site. In the circumstances, the applicant submitted the section 12A application for rezoning the site for residential use in order to provide funding for the acquisition of land for the relocation site and construction of a new school. One of the Committee's concerns was whether the Ebenezer would stay in service until the new facility at the relocated site was completed and ready for occupation. To address this concern, the Committee might consider including measures/conditions for ensuring the continuity of the services currently provided to the visually impaired in making a decision relating to the application site. This Member asked if the applicant could commit that they would not legally challenge such decision as ultra vires. Mr. Leo Barretto confirmed that the applicant would not. In fact, both the applicant and parents were of great concern that there would be no interruption of services during the relocation process. Mr. Ian Brownlee supplemented that the applicant held the same view as the Committee in that the applicant had proposed measures for ensuring the continuity of services in the three sets of draft Notes for the "R(C)7" zone.

12. As the applicant's representatives had no further points to add and Members had no further questions to raise, the Chairman informed them that the hearing procedures for the

application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's and PlanD's representatives for attending the meeting. They all left the meeting at this point.

### Deliberation Session

13. In response to a Member's question on the background of the application, the Secretary said that when the Committee considered the application on 19.6.2009, Members generally had no objection to low-rise, low-density residential development on the site. However, the Ebenezer School was the only school in the territory for the visually impaired and lease modification would not be required for the proposed residential development on the site. As such, some Members were concerned that once the site was rezoned for residential use, there was no mechanism to ensure that there would be no interruption in the provision of services for the visually impaired. Since then, various steps had been taken by the applicant to address the Committee's concerns as detailed in paragraph 2 of the Paper. The applicant's representatives indicated at this meeting that they had identified a preferred relocation site at Ma On Shan and the acquisition of land for that site was at an advanced stage. Nevertheless, as pointed out by the Chairman earlier at the meeting, the preferred site did not form part of the current application and hence the Committee was not required to make any decision or commitment in respect of that site. Subject to the actual boundary and details of the relocation scheme, a section 12A application would be required for rezoning the preferred site from "GB" to an appropriate zoning for the relocation of the Ebenezer. The relocation scheme together with the supporting technical assessments would have to be circulated for departmental comments and published for public comments as well as submitted to the Rural and New Town Planning Committee (RNTPC) for consideration. The proposed amendments to the relevant OZP, if agreed by the RNTPC, would still need to be gazetted under sections 5 or 7 of the Town Planning Ordinance for public inspection and representation.

14. In response to a Member's question, the Secretary said that the prevailing government policies were one of the considerations that the Committee needed to take into account. However, the crux of the matter for the subject case was whether there was an appropriate mechanism to ensure the continuous provision of services to the visually

impaired, and whether it was appropriate for the Committee to take up such burden.

15. A Member said that the Ebenezer had been operating for many years. The applicant's contribution to society through the provision of services for the visually impaired throughout the years was appreciated. However, under the proposed sets of Notes for the "R(C)7" zone by the applicant, the Committee would have to ensure that there would be no interruption of services for the visually impaired before approving a planning application. According to the legal advice, this was an unnecessary burden for the Committee and might fetter the exercise of its powers in considering a planning application. Therefore, it was considered inappropriate to adopt the proposed sets of Notes for the "R(C)7" zone by the applicant. On the other hand, this Member opined that the Committee should focus on whether the application site was suitable for rezoning for residential use as applied for under the current application. It was recalled that Members generally had no objection to low-rise, low-density residential development on the site at the meeting on 19.6.2009. To address Members' concerns, the applicant had revised the development scheme such that the proposed development density and BH would not exceed those of the existing buildings. As the site was virtually under unrestricted lease, it could be redeveloped for any Column 1 uses under the current "G/IC" zoning without lease modifications. Regarding the relocation site, the applicant's representatives at the meeting indicated that they had identified a preferred site at Ma On Shan. If the Committee decided to rezone the application site for residential use, the applicant would then submitted a section 12A application and proceed with the actual purchase of land for the preferred site. In light of the above, this Member supported the rezoning of the site to "CDA" to facilitate the proposed low-rise, low-density residential use.

16. While sharing the above views, another Member added that the proposed "CDA" zoning for the site was considered appropriate as it could enable the Committee to follow-up on the implementation programme of the proposed residential development as part of the MLP to be considered by the Committee. This could in a way address the Committee's concern on ensuring that the site would only be redeveloped after the Ebenezer was relocated to the new site.

17. A Member questioned if the Committee should take up an unnecessary burden of ensuring the continuous provision of services to the visually impaired. This might be subject to legal challenge. More importantly, it should be the onus of the applicant instead

of the TPB/Committee to ensure that the services to the visually impaired would not be interrupted during the relocation process.

18. Two Members considered appropriate to rezone the application site to “CDA”. The requirement for the submission of the MLP under the “CDA” zone would allow the Committee to vet the residential development at the subject site in more detail, including the examination of its implementation programme. This was a win-win situation for all parties concerned. The other Member expressed appreciation on the efforts and endeavour of the applicant in providing educational and social welfare services for the visually impaired throughout the years. While having no objection to rezoning the subject site for residential use, it was important to ensure that the Committee’s decision would not be ultra vires and hence subject to legal challenge. The proposed sets of Notes for the “R(C)7” zone by the applicant was, therefore, considered unacceptable as it would put an unnecessary burden on the Committee to guarantee the continuous provision of services to the visually impaired in considering a planning application.

19. The Chairman summarized Members’ views that while the proposed sets of Notes for the “R(C)7” zone were considered not acceptable, it was agreed that the site could be rezoned to “CDA” as residential use with the current development intensity was considered acceptable and it would also facilitate the relocation of the Ebenezer to a new site with improved facilities. According to section 12A(23) of the Town Planning Ordinance, the Committee could “accept, in whole or in part, the application” or “refuse the application”. As the applicant’s section 12A application was for rezoning the site to “R(C)7”, the application should be rejected by the Committee. Members agreed.

20. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons for rejecting the application as stated in paragraph 5.12 of the Paper and agreed that they should be suitably amended to reflect Members’ views as expressed at the meeting. The rejection reason was :

- the proposed sets of Notes for the “Residential (Group C)7” zone suggesting that the Town Planning Board (TPB) might not approve a residential development on the site until an alternative site for the relocation of the existing facility had been confirmed would put an

unnecessary burden on the TPB to ensure the continuous provision of educational and social welfare services to the visually impaired.

21. In addition, the Committee agreed to rezone the application site from “Government, Institution or Community” to “Comprehensive Development Area”. The proposed amendments to the approved Pok Fu Lam Outline Zoning Plan No. S/H10/15 would be submitted to the Committee for agreement prior to gazetting for public inspection under section 5 of the Town Planning Ordinance.

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

[Mr. Raymond Y.M. Chan and Mr. Clarence W.C. Leung left the meeting temporarily at this point.]

[Ms. April K.Y. Kun, 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/H3/401                      Proposed New Developments Associated with the  
   ‘Creative Industries Landmark’ in “Other Specified Uses” annotated  
   “Heritage Site for Creative Industries and Related Uses” zone,  
   Former Police Married Quarters, Hollywood Road, Central  
   (MPC Paper No. A/H3/401)

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22. Mr. Laurence L.J. Li, being a member of the Antiquities Advisory Board (AAB), declared an interest in this item as the buildings of the Former Police Married Quarters were Grade 3 historic buildings and the underground latrine at the corner of Staunton Street and Aberdeen Street was a proposed Grade 2 structure to be considered by the AAB. The Committee considered that Mr. Li’s interest was indirect and hence agreed that he could be allowed to stay at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) according to the Notes for the subject “Other Specified Uses” (“OU”) annotated “Heritage Site for Creative Industries and Related Uses” zone, all uses proposed within the ‘creative industries landmark’ (CIL) at the subject site were always permitted. However, four proposed new developments associated with the CIL required planning permission from the Town Planning Board. They comprised (i) an underground interpretation area for exhibition of the history and evolution of the former Central School; (ii) i-Cube to serve as a multi-function hall for different types of events/activities and as a circulation link between Blocks A and B; (iii) a roof-top restaurant for pre- and post-function cocktail party; and (iv) E&M facilities on Plateau 1;

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

- (c) departmental comments – concerned government bureaux/departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period of the application, 125 public comments were received which were summarised below:

- 45 commenters supported the revitalisation project and/or the proposed new developments mainly on the grounds that the proposal met the Government’s policy directive for a “heritage site for the creative industries and related uses” and helped promoting Hong Kong as Asia’s creative hub. The heritage buildings would be preserved. The proposal was compatible with the nearby developments and would have

no adverse impacts on the surrounding areas. There was a well balance of commercial space, event/studio facilities and landscaped area;

- 74 commenters raised objection to or expressed grave concerns on the application. The major grounds were that the buildings should be preserved as they were. The Government's policy directive would not be achieved as over 25% of the space would be used for commercial purpose. The design of facilities had not adopted a sustainable design approach. The i-Cube was too large and would adversely affect wall trees and existing walls. It should not be included in open space calculation due to the restriction in public access. The lower level elevator should be moved to Aberdeen Street so that the lower platform could be used as a children's playground. While there were too many restaurants, the provision of public facilities and public open space (POS) was lacking. The landscape design focused on the function of the area rather than the provision of recreational/public facilities. There was no information on the operation/management of the site and financial outlay of the applicant. As the underground latrine was located outside the boundary of the subject "OU" zone, it should be deleted from the proposal; and

- six commenters provided comments on the application. Their views included that more cafes should be provided; the studios should be opened to artists 24 hours daily; young artists should be involved in site management; a flexible rental scheme should be adopted; part of the studios could be rented to the public/school; and part of the site should be used for elderly housing;

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

- (e) the District Officer (Central and Western) advised that at the two meetings held on 3.3.2011 and 15.3.2011, the majority of the Central and Western District Council (C&WDC) members supported the objectives of the proposal. Some members requested to reserve some space for community

uses whilst some raised concerns about tree preservation, operation model and financial sustainability of the project. Some members also suggested to establish an advisory committee so that community views could be incorporated as appropriate. The revitalization proposal was subsequently circulated to the C&WDC members. As at 29.3.2011, 11 members indicated support for the proposal, seven objected to the proposal and one had not replied; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 11 of the Paper which were summarised below :

*Compliance with planning intention*

- the proposal was for the development of CIL for revitalizing the historic buildings and providing facilities for creative industries to take place. It was in line with the planning intention of the subject “OU” zone which was to preserve, restore and re-use the site for creative industries. The four proposed new developments were to support the development of creative industries at the site;
  
- the architectural remnants of the former Central School would be preserved in-situ and for public appreciation via the development of the underground interpretation area. The proposed development was an initiative to preserve the heritage and put it into active use again. The initiative was thus in line with the heritage conservation policy. The i-Cube, which would provide a multi-function hall for different types of events, was in line with the Government's intention to promote creative industries and revitalize the site. The roof-top restaurant was considered not incompatible with the surrounding land uses which were predominantly residential in nature with some ground floor shops and restaurants. It could be patronized by the public and would not deprive the public of the opportunity to enjoy the historic buildings. The proposed E&M facilities were required to meet the functional needs of the site and would be placed at a visually least sensitive location;

- the four proposed new developments, with a gross floor area (GFA) of 1,730m<sup>2</sup>, were small in scale. The total GFA of the whole development also complied with the maximum GFA restriction of 20,000m<sup>2</sup> as stipulated under the Outline Zoning Plan (OZP);

Preservation Aspect

- all three historic buildings, including Block A, Block B and JPC Building, would be preserved. The applicant had refined the design of the roof-top restaurant to retain the existing building façades of 6/F of Block B in whole. The Antiquities and Monuments Office pointed out that the proposal had adequately complied with the Conservation Guidelines. The Commissioner for Heritage supported the proposal as it was capable of meeting the objectives of conserving and revitalizing the site. The proposal, which had minimized the disturbance to the quarters and former Central School, was also supported by the Antiquities Advisory Board;

Visual, Tree Preservation, Landscape and POS Aspects

- although the proposal involved an increase in the building height of Block B from 67mPD to 71mPD to accommodate the roof-top restaurant, it was well within the stipulated building height restriction of 75mPD. As the JPC Building would be preserved, the non-building area at the eastern corner of the site would not be provided, which was acceptable as allowed for in paragraph 8.6(j)(iii) of the Explanatory Statement of the OZP. No additional structure would be erected on that area. Relevant government departments considered that the proposed new developments would not result in adverse visual impact and the i-Cube could create new spatial experience and enhance connectivity between Blocks A and B;
- the applicant's assessment demonstrated that the proposed works would not have insurmountable impacts on the existing trees. As a precautionary measure, a tree expert would be engaged to assess the impact of the proposed works, to formulate and monitor the implementation of tree preservation measures;

- the proposal had met the requirement of providing not less than 1,200m<sup>2</sup> of POS as stipulated under the OZP. The applicant would be responsible for the management/operation of the POS. The POS would be landscaped and open to the sky. The applicant was committed to opening the POS for not less than 6 hours each day, including Sundays and public holidays. The public could access to the POS at the roof of i-Cube through the elevators of Blocks A and B during the opening hours. The Chief Town Planner/Urban Design and Landscape, PlanD considered that the landscape design of the POS on the rooftop of i-Cube could be further improved. An approval condition requiring the submission and implementation of tree preservation proposal, landscape master plan and quarterly tree monitoring reports was thus recommended in paragraph 12.2(c) of the Paper;

Other Technical Aspects

- the proposal did not involve car parking spaces. The proposed loading/unloading bay and disabled drop-off would unlikely cause adverse traffic impact. The proposed development would unlikely generate adverse environmental and sewerage impacts. Relevant approval conditions relating to the implementation of traffic management and crowd control measures as well as the submission of a geotechnical report and implementation of the necessary geotechnical remedial works had been recommended in paragraphs 12.2(a) and (b) of the Paper;

Public Comments

- 56% of the GFA of the proposed CIL was for studios/offices/shops at concessionary rent for start-up designers, 21% was for communal/creative use and 23% was for commercial use. The commercial facilities including complementary food and beverage facilities, bookstores, creative product shops, etc. were required to serve the basic needs of visitors/tenants and to sustain the financial viability of the CIL;

- it was originally envisaged that the JPC Building would be demolished and the area concerned would be for POS use. As the JPC Building would now

be preserved from the heritage conservation point of view, part of the POS requirement was to be met by the proposed POS (about 460m<sup>2</sup>) at the roof-top of i-Cube. However, the majority of the POS would still be located at-grade, with about 840m<sup>2</sup> at Plateau 4 and about 100m<sup>2</sup> at Plateau 2. The total POS and greening area within the site were about 1,400m<sup>2</sup> and 1,500m<sup>2</sup> respectively. The central courtyard at G/F, including the covered area under i-Cube, was not counted towards the POS calculation. A wide range of facilities, including display galleries and underground interpretation area, would be made available for public enjoyment at no cost;

- the design of the i-Cube with glassy exterior and column-less interior could achieve transparency and visual penetration. Its location was sensitively selected to be located in-between two existing blocks to minimize the potential visual impact and to preserve the outlook of the heritage buildings when viewing from most directions;
- the proposal to move the lower level elevator to Aberdeen Street would affect the integrity of the existing steps which was a key feature of the remaining foundation of the former Central School, involve major addition works to the existing JPC Building and affect stone wall trees;
- the applicant advised that the project had adopted a sustainable design approach. Block A, Block B and JPC Building were generally preserved for adaptive re-use except minor modifications/additions for upgrading to meet the current requirements and new functional needs. Most of the existing window design at both ends of the typical units would be kept. For most of the typical floors, the design of the open balcony facing courtyard would also be maintained and cross ventilation in Blocks A and B was possible;
- the Government was responsible for the modification and conversion works to the existing premises in the early phase. The applicant would then take up the site for all internal renovation and fitting works at its own costs. A management committee would be set up to oversee the daily management,

operation and maintenance of the premises. The Government would enter into a tenancy agreement with the applicant. Any net operating surplus arising from the operation of the project would be shared between the Government and the applicant. The Musketeers Foundation had committed to ploughing back its share of the net operating surplus for the operation of the CIL; and

- although a small portion of the latrine fell outside the boundary of the subject "OU" zone, there was a provision in the covering Notes of the OZP allowing boundaries between zones be subject to minor adjustments as detailed planning proceeded. The applicant confirmed that the parapet wall at Aberdeen Street would be salvaged and stored properly for future restoration, if necessary.

24. Members had no question on the application.

#### Deliberation Session

25. 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 15.4.2015, 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 implementation of the traffic management and crowd control measures, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission of a geotechnical report and the implementation of the necessary geotechnical remedial works identified therein in respect of all permanent retaining wall including the Underground Interpretation Area as well as the underground latrine and the associated access to the satisfaction of the Director of Civil Engineering and Development or of the TPB;

- (c) the submission and implementation of tree preservation proposal, landscape master plan and quarterly tree monitoring reports to the satisfaction of the Director of Planning or of the TPB; and
- (d) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services.

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

- (a) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraph 9.1.10 of the Paper regarding the public open space on top of i-Cube; and
- (b) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department in paragraph 9.1.13 of the Paper regarding the requirement to forward any stabilization/upgrading works to the retaining walls to the Antiquities Monuments Office for comments.

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

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



channel and sewerage pipe by new ones. Besides, the manholes would be modified and the utility pipes would be placed above grade in order to meet the current government requirement of keeping the buried services out of slopes. While the proposed utility installation would encroach onto the “Green Belt” (“GB”) zone, the concerned area of about 103.9m<sup>2</sup> was relatively small. The applicant had attempted to minimize the potential adverse impact on the “GB” zone by adopting the shortest route (about 40m) and generally following the existing alignment. The proposed utility installation would not affect slope stability, involve tree felling/transplanting, or have adverse impacts on the surrounding environment. It would be well screened by the existing trees and materials resembling the colour tone of the surrounding environment would be used. As such, the proposed development was considered generally in line with criteria (c) to (f) of the Town Planning Board Guidelines No. 10 for ‘Development within “GB” Zone’. Alternative option along the existing access road had been explored, but was considered not feasible. Regarding the public comments, the applicant had provided information about the visual impact of the pipelines/manholes and tree assessment schedule. As all existing trees would be preserved, no compensatory planting was required. Tree protection measures throughout the construction period had been proposed. The relevant government departments, including the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape of PlanD, had no adverse comments on the application.

28. In response to a Member’s question, Ms. Kitty S.T. Lam said that according to the applicant’s submission, the existing utility installation was built in the 1950s. The stormwater channel was broken. The underground sewerage pipe did not have leakage detection system. As leakage of water could affect the stability of slopes, the prevailing Practice Note for Authorized Persons and Registered Structural Engineers 183 on ‘Keeping Buried Services out of Slopes’ issued by the Buildings Department stipulated that buried services should be kept out of slopes. In this regard, it was proposed to replace the existing utility installation by the new ones as applied for under the subject application.

Deliberation Session

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 15.4.2015, 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.

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

- (a) to note the comments of the District Lands Officer/Hong Kong West and South (DLO/HKW&S), Lands Department that the applicant should apply to DLO/HKW&S for permission for the proposed laying of utility pipes on Government land and to ensure that the stability of the slope features (Nos. 11SW-C/R479(3) and 11SW-C/C792) would not be affected;
- (b) to note the comments of the Chief Highway Engineer/Hong Kong, Highways Department regarding compliance with the Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) 183 on 'Keeping Buried Services out of Slopes';
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department regarding compliance with the 'Conditions for Working within Water Gathering Grounds'; and
- (d) to note the comments of the Director of Electrical and Mechanical Services and liaise with the Hong Kong and China Gas Company Limited in respect of the exact location of the existing gas pipes/gas installations in the vicinity of the proposed work site, and to observe the requirements of the 'Code of Practice on Avoiding Danger from Gas Pipes' issued by the Electrical and Mechanical Services Department.

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

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

## **Agenda Item 6**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/64                      Proposed School in “Government, Institution or Community (2)”,  
   “Government, Institution or Community (3)” and  
   “Government, Institution or Community (4)” zones,  
   Two Sites Adjacent to Hong Kong International School  
   at 700 Tai Tam Reservoir Road, Tai Tam  
  
   (MPC Paper No. A/H18/64A)

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31.                      The Secretary said that Ove Arup & Partners HK Ltd. (OAP) was the consultant of the application. Professor S.C. Wong, being the traffic consultant of OAP, had declared an interest in this item. The Committee considered that Professor Wong’s interest was indirect and hence agreed that he could be allowed to stay at the meeting.

### **Presentation and Question Sessions**

32.                      Ms. Isabel Y. Yiu, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school which comprised the Student Activities Centre (SAC) and Service Learning & Technology Centre (SLTC) at two sites adjoining the Hong Kong International School (HKIS);
- (c) departmental comments – concerned government bureaux/departments had no objection to or adverse comments on the application;

- (d) a total of six public comments were received during the statutory publication periods of the application and further information. They objected to the application mainly on grounds of adverse noise, visual, ecological and sewerage impacts, air pollution, and blockage of views. The proposed development would adversely affect the traffic along Tai Tam Reservoir Road, Tai Tam Road and at the junction of Red Hill Road and Pak Pat Shan Road. The provision of car parking area in the proposed development could not solve the illegal parking problem along Red Hill Road and Pat Pak Shan Road. The proposed development would not benefit the permanent residents of Hong Kong and the community. The proposed SLTC, being a waterfront site, should be earmarked for marine supporting uses. The District Officer (Southern) advised that the local personalities concerned objected to the application as the proposed works would have environmental and traffic impacts. Due consideration should be given to the local sentiments in considering the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 11 of the Paper. The sites had been rezoned to “Government, Institution or Community(2)” (“G/IC(2)”) and “G/IC(4)” specifically for the purpose of meeting the expansion need of the HKIS. The proposed SAC and SLTC would provide the necessary teaching and non-academic spaces of the school. The Secretary of Education supported the application from the educational perspective. As such, the proposed development was considered in line with the planning intention of the “G/IC” zone. The proposed building heights of 40-48mPD for the proposed SAC and 40mPD for the proposed SLTC did not exceed the stipulated building height restrictions. The proposal would unlikely cause significant visual impact on the surrounding areas. The Chief Architect/Advisory and Statutory Compliance, Architectural Services Department commented that the scale of the proposed school buildings would be compatible with the existing ones. The Chief Town Planner/Urban Design and Landscape, PlanD considered that the proposed SAC would not affect the visual amenity of Tai Tam

Road and the proposed SLTC related to the existing school buildings in terms of scale and form. The applicant indicated that ornamental shrub planting and other landscaping elements would be provided at the roof of the proposed SAC and SLTC. An approval condition requiring the applicant to submit and implement tree preservation and landscape proposals had been recommended in paragraph 12.2(c) of the Paper. The proposed development would not overload the infrastructure capacities in the area nor cause significant noise, air, water and other pollution problems. Also, it would not generate significant adverse traffic impact, subject to the implementation of appropriate traffic improvement and management measures. In this regard, approval conditions relating to the design/provision of vehicular access and internal transport facilities as well as the submission and implementation of a traffic management plan were recommended in paragraphs 12.2(a) and (b) of the Paper respectively. Regarding the public comments, concerned government bureaux/departments had no objection to/adverse comments on the application. Specifically, the Director of Environmental Protection advised that the potential environmental impacts at the construction stage would be subject to the statutory control of various pollution control ordinances. The Director of Agriculture, Fisheries and Conservation had no comment on the application. The Secretary for Education advised that the improved school facilities would enhance the quality of education for the benefits of students and help attracting overseas firms/families to work/invest in Hong Kong. The HKIS had undertaken to share its facilities for community use and inter-school events. The SLTC site was adjoining the existing HKIS campus and was considered more suitable for educational use to meet the expansion need of the HKIS.

33. In response to a Member's question, Ms. Isabel Y. Yiu said that the original capacity of the HKIS was 1,240 students. However, the HKIS agreed with the Education Bureau in 2006 to provide 300 additional school places. For these 300 additional school places, the HKIS had already admitted 153 students, resulting in a total enrolment of 1,393 students at present. In future, 147 more students could be admitted to the school as agreed with the Education Bureau in 2006.

Deliberation Session

34. 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 15.4.2015, 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 the vehicular access and internal transport facilities of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of a traffic management plan to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (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;
- (e) the submission of a revised Drainage Impact Assessment and implementation of the drainage improvement works identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the submission of a revised Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (g) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in condition (f) above to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Hong Kong West and South, Lands Department to secure the policy support of the Secretary for Education and then submit application to the Lands Department for direct grant of the government land for implementation of the planning scheme;
- (b) to note the comments of the Secretary for Education that policy support for the land matters would be considered separately at a later stage;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department on the building height, maximum site coverage and plot ratio for the proposed Service Learning & Technology Centre and the gross floor area calculation of cooling tower room;
- (d) to note the comments of the Director of Fire Services regarding the compliance with the Code of Practice for Means of Access for Firefighting and Rescue;
- (e) to note the comments of the Head of Geotechnical Engineering Office of the Civil Engineering and Development Department in preparing the natural terrain hazard studies and implementing the necessary stabilisation/mitigation works identified therein;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in preparing the landscape and tree preservation proposal;
- (g) to note the comments of the Chief Engineer/Hong Kong and Islands, Drainage Services Department in preparing the revised Drainage Impact Assessment and the revised Sewerage Impact Assessment; and
- (h) to note the comments of the Commissioner of Police regarding the need for traffic management measures upon the completion of the school expansion.

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

### **Tsuen Wan and West Kowloon District**

#### **Agenda Item 7**

##### **Section 12A Application**

[Open Meeting]

Y/K3/3                      Application for Amendment to the  
Draft Mong Kok Outline Zoning Plan No. S/K3/28  
from "Residential (Group E)" to  
"Other Specified Uses" annotated "Business",  
Famous Horse Industrial Building, 1145-1153 Canton Road,  
Mong Kok (KIL 2931 S.A RP, S.B, S.C, S.D and RP)  
(MPC Paper No. Y/K3/3A)

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36.            The Committee noted that on 17.3.2011, the applicant's representative requested for deferment of the consideration of the application for two months in order to allow additional time for undertaking a traffic impact assessment to address the comments and concerns raised by the Transport Department.

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

**Agenda Item 8**

**Section 12A Application**

[Open Meeting]

Y/TW/2

Application for Amendment to the  
Approved Tsuen Wan Outline Zoning Plan No. S/TW/27  
from “Green Belt” to “Other Specified Uses” annotated “Columbarium”,  
Lots 613 RP (Part), 614 and 1229 in D.D. 453 and  
Adjoining Government Land, Lo Wai, Tsuen Wan  
(MPC Paper No. Y/TW/2A)

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38. The Committee noted that on 28.3.2011, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow sufficient time to address the comments of the Commissioner of Transport and Commissioner of Police.

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

[Mr. C.K. Soh, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

**Agenda Item 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K1/227                      Proposed Minor Relaxation of Building Height Restriction for Permitted Residential Building with Shop and Services Use on G/F in “Residential (Group A)” zone, 52, 54 and 56 Kwun Chung Street, Jordon, Kowloon (KIL 1697 S.D RP)  
(MPC Paper No. A/K1/227)

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**Presentation and Question Sessions**

40.            Mr. C.K. Soh, STP/TWK, 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 (BH) restriction from 80mPD to 86.9mPD for a permitted residential building with shop and services use on the ground floor of the building. The development proposal was summarised in paragraphs 1.3 to 1.5 of the Paper. In brief, two setback areas (on G/F and above) with paving and landscaped treatment would be provided along the western boundary fronting Kwun Chung Street and the northern boundary abutting the service lane. They were for the public benefit and no bonus gross floor area (GFA) would be claimed. The proposed floor heights of the development would be 4.85m on the G/F and 3.15m for the club house on the 1/F and the domestic floors above;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) two public comments were received during the statutory publication period. One commenter supported the increase in ceiling height provided that there

would be no increase in the BH of the proposed development. However, there was objection to the proposed minor relaxation of BH restriction as there was no evidence of overriding need or public gain for such relaxation. The other commenter supported the application and considered that the proposed increase in BH was acceptable as the proposed setbacks could widen the building gaps and improve the existing streetscape; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 10 of the Paper. The application was to seek planning permission for minor relaxation of the BH restriction from 80mPD to 86.9mPD. The relevant criteria for consideration of such application as stated in the Explanatory Statement of the relevant Outline Zoning Plan were given in paragraph 7.2 of the Paper. The proposed building setbacks which would reduce the podium coverage from 100% to 70% with provision of paving and landscaping at street level were planning merits. The proposal thus generally complied with the criteria stated in paragraphs 7.2(c) to 7.2(e) of the Paper in that better streetscape/good quality street level public urban space, separation between buildings, and improvements to the townscape/amenity of the locality would be provided. Besides, the proposed minor relaxation of BH restriction by 6.9m (8.625%) was considered minor. The Chief Town Planner/Urban Design and Landscape, PlanD commented that the visual impact induced by the proposed minor relaxation of BH restriction was considered not unacceptable. Regarding the public comments, the proposed setback areas could offer public benefits by improving the streetscape and providing building separation.

41. Members had no question on the application.

#### Deliberation Session

42. The Chairman said that the reduction in podium coverage under the subject application could help improve the air ventilation at street level. While having no objection to the application, a Member asked why the applicant was willing to provide the proposed

setback areas without claiming bonus GFA. The Secretary said that for any claim of bonus GFA arising from the proposed setbacks, the applicant would need to surrender/dedicate the land concerned for public passage/street widening purpose and obtain the support of the relevant government departments, including the Transport Department.

43. 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 15.4.2015, 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 fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of 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 proposed gross floor area concession would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If approval 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 Director of Fire Services regarding the need to comply with the requirements on Emergency Vehicular Access as stipulated in Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue; and
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the soil depth of the proposed planters on the podium deck should be sufficient for tree planting and large

hanging shrubs and the proposed planting should be visible to pedestrians at street level. Besides, at-grade street tree planting within the proposed setback fronting Kwun Chung Street was recommended for streetscape improvement.

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

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting]

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

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45.            The Committee noted that on 8.4.2011, 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 address the comments of the Planning Department and to submit further information to substantiate the application.

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

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

**Agenda Item 11**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

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Presentation and Question Sessions

47.            Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

(a)    background to the application;

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

(b)    the proposed religious institution (temple);

(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 stating that there was no comment on the application was received; and

(e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments in paragraph 10 of the Paper. The existing temple at the application site was located within the “Village Type Development” zone. It was not incompatible with the surrounding environment which was a cluster of village houses of Chung Mei Lo Uk Village. Under the subject application, the applicant proposed to

redevelop the temple to provide a more spacious worshipping place for the villagers. Upon redevelopment, the gross floor area (GFA) of the temple would be increased from 65.03m<sup>2</sup> to 130m<sup>2</sup>. A new incinerator with a GFA of 4m<sup>2</sup> and 3m in height ancillary to the temple would also be provided. The applicant confirmed that the temple had no columbarium use. The redevelopment of the existing temple would not result in additional site formation works nor affect significant trees. Besides, it would not cause significant traffic, environmental, fire safety, visual and landscape impacts on the surrounding areas.

48. In response to a Member's question, Mr. Y.S. Lee said that the existing temple at the application site was built 25 years ago.

#### Deliberation Session

49. 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 15.4.2015, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (LandsD) that the lot owner had to apply to LandsD for lease modification. If the application for lease modification was approved by LandsD, the approval would be subject to such conditions including, inter alia, payment of premium and administrative fee as

imposed by LandsD;

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that should the roofed-over area of the proposed building be beyond the requirements as set out in the Buildings Ordinance (Application to the New Territories) Ordinance (Chapter 121), an Authorised Person should be appointed to coordinate the building works for compliance with the Buildings Ordinance (Chapter 123). There was no specified street abutting the site. The applicant's attention was drawn to the issue that the development potential such as building height, maximum site coverage and maximum plot ratio in respect of the building should be determined by the Building Authority as per section 19(3) of the Building (Planning) Regulation. Besides, paragraph 11.7 of the Code of Practice for Fire Resisting Construction regarding fire protection against adjoining building and lot boundaries should be addressed when the design of the building was available;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (d) to note the comments of the Director of Environmental Protection that the applicant should be reminded to adopt administrative measures to reduce the potential air nuisance to the surrounding, e.g. good housekeeping, burning of joss sticks and ritual papers, from the temple.

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

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

**Agenda Item 12**

**Section 16 Application**

[Open Meeting]

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

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51.                      The Committee noted that on 28.3.2011, the applicant’s representative requested for deferment of the consideration of the application for two months as more time was required to respond to the traffic concerns raised by the Transport Department.

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

**Agenda Item 13**

**Section 16 Application**

[Open Meeting]

A/TW/420                      Proposed Public Utility Installation (Package Substation)  
in “Open Space” zone, Government Land in D.D. 451,  
Sheung Kwai Chung Tsuen Road, Sheung Kwai Chung, Tsuen Wan  
(MPC Paper No. A/TW/420A)

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53.                      The Committee noted that on 25.3.2011, the applicant requested for deferment of the consideration of the application for two months as more time was needed to obtain the local views and sort out issues with the concerned parties.

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

#### **Agenda Item 14**

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

[Open Meeting]

A/TW/421 Proposed Shop and Services (Temporary Motor-vehicle Showroom) and Temporary Minor Relaxation of Non-domestic Gross Floor Area Restriction for a Period of 3 Years in “Residential (Group A)6” zone, Portion of Car Park at Level 6, Discovery Park, 398 Castle Peak Road, Tsuen Wan (TWTL 361)  
(MPC Paper No. A/TW/421A)

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55. The Committee noted that on 4.4.2011 and 12.4.2011, the applicant’s representative requested for deferment of the consideration of the application for two months as the Parking Demand Study was being revised to address the comments raised by the Transport Department and Planning Department.

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

[Mr. K.T. Ng, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/101            Proposed House Development at Plot Ratio of 0.75  
                          in “Residential (Group C)” zone,  
                          Lot 253 S.A RP, 261 and 388 in D.D. 399, Ting Kau, Tsuen Wan  
                          (MPC Paper No. A/TWW/101)

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

57.            Mr. K.T. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, including that the application site was the subject of a previous application (No. A/TWW/100) for the same use which was approved with conditions by the Committee on 26.11.2010. A comparison of the previously approved scheme and the current scheme was given in the table in paragraph 1.4 of the Paper;
- (b) the proposed house development at a plot ratio of 0.75;
- (c) departmental comments – the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD) advised that the total registered area of the concerned lots was 463.17m<sup>2</sup>. The site area of the application site (about 483m<sup>2</sup>) provided in the applicant’s submission was about 19.83m<sup>2</sup> larger than the total registered area of the concerned lots;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Tsuen Wan);

and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 10 of the Paper. According to the Notes for the subject “Residential (Group C)” zone, the maximum plot ratio might be increased from 0.4 to 0.75, provided that the noise impact from Castle Peak Road on the proposed development would be mitigated to the satisfaction of the Town Planning Board (TPB). This two-tier system was subject to environmental assessment. In support of the subject application, the applicant had submitted a traffic noise impact assessment with the provision of a self-protecting building design for the proposed house development. In this regard, the Director of Environmental Protection had no objection to the application from the environmental perspective. Regarding the comments of DLO/TW&KT, LandsD, the applicant clarified that the site area would be subject to verification during the building plan submission stage. According to the TPB Guidelines No. 36A, changes in site area/site boundary due to the setting out of site boundary at the stage of land grant, or reduction not exceeding 5% of the gross site area with corresponding reduction in gross floor area (GFA) were Class A amendments which did not require further application to the TPB. Should the Committee decide to approve the application, the applicant should be advised that if the site area was reduced after verification at the building plan submission stage, the total GFA of the proposed development should be reduced correspondingly in order to comply with the maximum permissible plot ratio of 0.75 as stipulated in the Outline Zoning Plan.

58. Members had no question on the application.

#### Deliberation Session

59. 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 15.4.2015, 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 noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) if the site area was reduced after verification at the building plan submission stage, the total gross floor area of the proposed development should be reduced correspondingly in order to comply with the maximum permissible plot ratio of 0.75 as stipulated in the Outline Zoning Plan;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department to submit building plans to the Building Authority to demonstrate compliance with the Buildings Ordinance and its regulations; and
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in the use of fresh water from Government mains.

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

**Kowloon District**

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

**Agenda Item 16**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/267            Shop and Services  
                          in “Other Specified Uses” annotated “Business” zone,  
                          Unit 4A, Ground Floor, Kowloon Bay Industrial Centre,  
                          15 Wang Hoi Road, Kowloon Bay  
                          (MPC Paper No. A/K13/267)

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**Presentation and Question Sessions**

61.            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 use on the ground floor of an industrial building which was equipped with a sprinkler system;
- (c) departmental comments – concerned government departments, including the Director of Fire Services, 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 in paragraph 11 of the Paper. The shop and services use was considered generally in line with the planning intention of the subject “Other Specified Uses” annotated “Business” (“OU(Business)”) zone. It was not incompatible with the other uses within the same building. The Committee had previously granted planning approval for shop and services (retail use – electrical products) use at portion of the application premises under Application No. A/K13/179. Similar applications for shop and services use had also been approved for the ground floor units of other industrial buildings in the Kowloon Bay Business Area. The shop and services use complied with the Town Planning Board Guidelines No. 22D for ‘Development within “OU (Business)” zone’ 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. According to the applicant, the cockloft had been blocked and did not form part of the application. Application No. A/K13/268 for the same use at Unit 4B on the ground floor of the same building would be considered by the Committee at this meeting under Agenda Item 17. Should the Committee decide to approve the subject application and Application No. A/K13/268, the aggregate commercial floor areas on the ground floor of the subject building would be 455.765m<sup>2</sup>. This was within the maximum permissible limit of 460m<sup>2</sup> on the ground floor of an industrial building with a sprinkler system.

62. A Member asked if the existing real estate agency at the application premises had obtained planning permission. In reply, Mr. Richard Y.L. Siu said that planning approval had been granted under Application No. A/K13/179 for retail use (electrical products) at portion of the application premises. This planning approval did not include real estate agency use. However, the subject application for shop and services use could provide more flexibility in the use of the application premises. According to the Definition of Terms for Statutory Plans adopted by the Town Planning Board, shop and services use was a broad use term covering a wide range of uses such as retail shop, real estate agency, etc.

Deliberation Session

63. 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 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 six months from the date of the planning approval to the satisfaction of the Director of Fire Services or the TPB by 15.10.2011; and
- (b) if the above planning condition (a) 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.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for a temporary wavier or lease modification;
- (b) to appoint an Authorised Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that any building works (excluding those listed under Section 41 of the Buildings Ordinance) carried out without prior approval and consent from the Building Authority, which were unauthorised building works, should be removed; and
- (d) to comply with the requirements as stipulated in the Code of Practice for

Fire Resisting Construction which was administered by the Buildings Department.

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

**Agenda Item 17**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/268            Proposed Shop and Services  
                          in “Other Specified Uses” annotated “Business” zone,  
                          Unit 4B, Ground Floor, Kowloon Bay Industrial Centre,  
                          15 Wang Hoi Road, Kowloon Bay  
                          (MPC Paper No. A/K13/268)

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65.            The Secretary said that a replacement for Page 9 of the Paper was tabled at the meeting for Members’ information.

**Presentation and Question Sessions**

66.            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 proposed shop and services use on the ground floor of an industrial building which was equipped with a sprinkler system;
- (c) departmental comments – concerned government departments, including the Director of Fire Services, 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 in paragraph 11 of the Paper. The proposed shop and services use was considered generally in line with the planning intention of the subject “Other Specified Uses” annotated “Business” (“OU(Business)”) zone. It was not incompatible with the other uses within the same building. The Committee had previously granted planning approval for shop and services (real estate agency/retail shop) use at the application premises under Application No. A/K13/193. Similar applications for shop and services use had also been approved for the ground floor units of other industrial buildings in the Kowloon Bay Business Area. The proposed shop and services use complied with the Town Planning Board Guidelines No. 22D for ‘Development within “OU (Business)” zone’ 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. According to the applicant, the cockloft had been blocked and did not form part of the application. Application No. A/K13/267 for the same use at Unit 4A on the ground floor of the same building had been approved with conditions by the Committee at this meeting under Agenda Item 16. Should the Committee decide to approve the subject application, the total aggregate commercial floor areas on the ground floor of the subject building, including that approved under Application No. A/K13/267, would be 455.765m<sup>2</sup>. This was within the maximum permissible limit of 460m<sup>2</sup> on the ground floor of an industrial building with a sprinkler system.

67. Members had no question on the application.

#### Deliberation Session

68. 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 15.4.2013, 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 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, before operation of the use to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition (a) was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for a temporary wavier or lease modification;
- (b) to appoint an Authorised Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that any building works (excluding those listed under Section 41 of the Buildings Ordinance) carried out without prior approval and consent from the Building Authority, which were unauthorised building works, should be removed; and
- (d) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the Buildings Department.

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

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

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/648            Shop and Services  
                          in "Other Specified Uses" annotated "Business" zone,  
                          Unit 1A, G/F, Century Centre, 44 and 46 Hung To Road, Kwun Tong  
                          (MPC Paper No. A/K14/648)

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

70.            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 on the ground floor of an industrial building which was equipped with a sprinkler system;
- (c) departmental comments – concerned government departments, including the Director of Fire Services, had no objection to or adverse comments on the application;
- (d) one public comment was received during the statutory publication period. The commenter supported the application without stating any reason; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 11 of the Paper. The shop and services use was considered generally in line with the planning intention of the subject “Other Specified Uses” annotated “Business” (“OU(Business)”) zone. It also complied with the Town Planning Board Guidelines No. 22D for ‘Development within “OU(Business)” Zone’ in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. Similar applications for shop and services use had been approved for the other units on the ground floor of the subject industrial building. Should the Committee decide to approve the application, the aggregate commercial floor areas on the ground floor of the subject building would be 457.66m<sup>2</sup>. This was within the maximum permissible limit of 460m<sup>2</sup> on the ground floor of an industrial building with a sprinkler system.

71. Members had no question on the application.

#### Deliberation Session

72. 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 for each portion of the unit and fire service installations in the application premises, within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2011; and
- (b) if the above planning condition (a) 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.

73. 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 an Authorised Person should be appointed to submit building plans for the change of use/conversion works to demonstrate compliance with the Buildings Ordinance, in particular :
    - (i) the provision of two-hour fire resisting separation wall between the application premises and the remaining portion of the existing workshops on the ground floor of the subject building in accordance with paragraph 8.1 of the Code of Practice for Fire Resisting Construction 1996 and Building (Construction) Regulation 90; and
    - (ii) the provision of access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and
  - (b) to note the comments of the Director of Fire Services to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the Buildings Department.

**Agenda Item 19**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/649            Shop and Services  
in “Other Specified Uses” annotated “Business” zone,  
Unit 1, G/F, Block III of Camel Paint Building,  
60 Hoi Yuen Road, Kwun Tong  
(MPC Paper No. A/K14/649)

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Presentation and Question Sessions

74. 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 on the ground floor of an industrial building which was equipped with a sprinkler system;
- (c) departmental comments – concerned government departments, including the Director of Fire Services, had no objection to or adverse comments on the application;
- (d) two public comments were received during the statutory publication period. One commenter supported the application without stating any reason. The other commenter had no objection to the application provided that the applied use did not contravene the lease conditions and the requirements of the relevant government departments would be complied with; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments in paragraph 11 of the Paper. The shop and services use was considered generally in line with the planning intention of the subject “Other Specified Uses” annotated “Business” (“OU(Business)”) zone. It also 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 on the developments within the subject building and the adjacent areas. Similar applications for shop and services use had been approved for the other units on the ground floor of the subject industrial building. Should the Committee decide to approve the application, the aggregate commercial floor areas on the ground floor of the subject building would be 113.46m<sup>2</sup>. This was within the maximum permissible limit of 460m<sup>2</sup> on the ground floor of an industrial building

with a sprinkler system.

75. Members had no question on the application.

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

#### Deliberation Session

76. 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 six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2011; and
- (b) if the above planning condition (a) 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.

77. 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 a waiver for the shop and services use at the application premises;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that an Authorised Person should be appointed to submit building plans for the change of use and/or alteration works to demonstrate compliance with the Buildings Ordinance, in particular :
  - (i) the provision of two-hour fire resisting separation wall/slab between

the application premises and the remaining portion of the building in accordance with paragraphs 8 and 9 of the Code of Practice for Fire Resisting Construction 1996 and Building (Construction) Regulation 90; and

- (ii) the provision of access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and
- (c) to note the comments of the Director of Fire Services to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the Buildings Department.

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

[Mr. David To left the meeting temporarily at this point.]

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting]

A/K15/105                      Eating Place (Restaurant) in "Village Type Development" zone,  
G/F and 1/F, 41 Lei Yue Mun Praya Road, Lei Yue Mun  
(MPC Paper No. A/K15/105A)

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78.            The Committee noted that on 28.3.2011, the applicant's representative requested for deferment of the consideration of the application for two months as more time was required to confirm the connection points of the drainage system.

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

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

[Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), and Mr. Vincent T.K. Lai, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/278                      Proposed Residential Development  
   in “Comprehensive Development Area” zone,  
   NKIL 6493, Inverness Road, Kowloon Tong  
   (MPC Paper No. A/K18/278A)

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

80.            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 residential development;
- (c)    departmental comments – the Director of Environmental Protection (DEP) had no objection to the application from the noise planning perspective subject to effective mechanism to ensure implementation of the proposed noise mitigation measures including fixed/recessed windows. The proposed fixed/recessed windows should be subject to the approval of the

relevant authorities on other aspects (e.g. the Buildings Department on ventilation/structural aspects and the Planning Department (PlanD) on visual aspect, etc.). If the proposed fixed/recessed windows could not be implemented, the assumed road traffic noise compliance would not be materialized and other noise mitigation measures in terms of the arrangement of buildings and development layout should be explored;

[Mr. David To returned to join the meeting at this point.]

- (d) ten public comments were received during the statutory publication period of the application. One commenter supported the application, but indicated that the proposed development should not obstruct the road traffic. The other nine comments objected to the application mainly due to the potential “canyon/wall effect”, nuisances during construction, as well as adverse impacts on air ventilation, sunlight, noise, traffic and visual aspects. During the statutory publication period of the further information, two public comments raising objection to the application were received. One commenter was mainly concerned about the blockage of light penetration/air circulation, environmental problems, road safety of students, danger of flooding, and potential cracks in the school buildings that might be caused by the piling works. The other commenter reiterated its previous views conveyed during the statutory publication period of the application;
- (e) the District Officer (Kowloon City) advised that Members of the Kowloon City District Council (KCDC) and the local community had much concern on the adverse impacts brought by the emergence of tall buildings. It was expected that the schools in the vicinity would maintain their objection. All public comments received should be taken into account in considering the application. Should the application be approved, appropriate measures to address their concerns should be undertaken; and
- (f) PlanD’s views – PlanD had no objection to the application based on the assessments in paragraph 12 of the Paper which were summarised below :

Compliance with the Planning Intention and Planning Brief

- the proposed residential development was generally in line with the planning intention of the subject “Comprehensive Development Area” (“CDA”) zone, which was primarily to encourage comprehensive development of the area for residential and educational uses with the provision of open space and other supporting facilities;
- on 24.7.2009, the Committee endorsed a planning brief (PB) to guide the development of the site. In formulating the development parameters under the PB, due regard had been given to the relevant planning considerations such as site conditions, surrounding land uses, the requirements for open space and recreational facilities, visual impact, landscape framework, urban design and cultural heritage aspects. The KCDC was consulted on the draft PB, and the views received had been duly considered by the Committee. To address the possible visual impact of the development, the endorsed PB had incorporated, among others, maximum building height restriction, non-building area (NBA) requirement and greening ratio requirement;
- the major development parameters of the proposed residential development were in line with the endorsed PB, including the maximum gross floor area of 21,138m<sup>2</sup>, maximum plot ratio of 3, maximum building height of 57mPD and 10 storeys excluding basement floor(s), the provision of NBA of 4.5m/6m wide along the site boundary, and greening ratio of about 39.8%. As compared with the endorsed PB, the proposed number of flats/units and design population under the current scheme were reduced (from 212 units to 128 units and from 738 persons to 466 persons respectively). The endorsed PB had specified that these parameters would be subject to detailed design to provide flexibility for the future developer;

Urban Design and Visual Aspects

- the design concepts of the proposed residential development had included

diversity in building form, creation of stepped height profile and provision of a central courtyard. In addition, 3-storey houses would be located in the southwestern part of the site in order to create “openness” for views from the southern section of Inverness Road and Kowloon Tsai Park. To address the potential visual impact, the development scheme had been revised by deleting the corner portion of Tower 2 abutting Inverness Road on 3/F and above as well as providing partially recess façade for Towers 1 and 2 facing Inverness Road and a sky garden on 3/F to 5/F at Towers 3 and 4 facing the adjacent HKICC Lee Shau Kee School of Creativity which would create a void area of 10m x 9m. Besides, landscaping/green features including roof/podium gardens, vertical green wall and water feature at the main entrance, setback of boundary wall for installation of planters, as well as fence wall design with transparent sections would be provided;

Landscape Aspect

- a greening ratio of about 39.8% (counting the at-grade planting only) would be achieved at the site, which had exceeded the minimum requirement of 20% as specified in the endorsed PB. Landscape planting would be provided at different levels and along the boundary of the development. In particular, the tree planting in the NBA would provide a landscape buffer to the surrounding developments. The applicant confirmed that the property management office would manage/maintain all landscape areas (including private gardens) within the site. An approval condition requiring the applicant to submit and implement a revised Landscape Master Plan, including tree preservation proposal, had been recommended in paragraph 13.2(b) of the Paper;

Technical Aspects

- the applicant’s assessments demonstrated that the proposed residential development would not generate significant adverse impacts to the surrounding areas. Regarding DEP’s concern on the practicality and implementation of the proposed recessed/fixed windows, the relevant government departments had no adverse comments on the proposed

fixed/recessed windows from the ventilation, structural and visual aspects. Besides, an approval condition relating to the design and implementation of noise mitigation measures had been recommended in paragraph 13.2(c) of the Paper; and

Public Comments

- regarding the public concerns on the potential “canyon/wall effect” and visual impact, the proposed development parameters were generally in line with the endorsed PB and the proposed residential development was considered not incompatible with the surrounding developments. The assessments on urban design and visual impacts as stated in paragraphs 12.4 and 12.5 of the Paper were also relevant. On air ventilation, the proposed 4.5m/6m wide NBA along the site boundary would allow air permeability. The special building design and layout such as the provision of entrance gateway and sky garden as well as the deletion of some upper floors at the northeastern corner abutting Inverness Road would improve the air ventilation/light penetration. On traffic concern, the Commissioner for Transport had no adverse comments on the application from the traffic viewpoint. Regarding the environmental concerns, the Preliminary Environmental Review submitted by the applicant confirmed that the construction on site would unlikely cause noise, air quality, water quality and waste management impacts with the implementation of the recommended standard pollution control measures.

[Mr. Roger K.H. Luk returned to join the meeting at this point.]

81. In response to a Member’s question, Mr. Eric C.K. Yue, DPO/K, said that the subject “CDA” site was originally intended for public housing and school developments. The school portion of the “CDA” site had been developed into a school, namely HKICC Lee Shau Kee School of Creativity, which was already completed in November 2007. Regarding the residential portion of the “CDA” site, the Committee of Housing Development agreed to return it to the Government for private residential development in mid-2008 and it was sold to the applicant by way of auction in November 2010. Although the HKICC Lee Shau Kee School of Creativity had been completed, it remained an integral part of the subject

“CDA” zone and hence had to be shown in the Master Layout Plan submitted by the applicant under the current application.

### Deliberation Session

82. After further deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.4.2015, 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 a revised MLP, taking into account the approval conditions (b) to (d) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan, including Tree Preservation Proposal, to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and implementation of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (d) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services.

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

- (a) to note that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;

- (b) to note that approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should approach the Buildings Department direct to obtain the necessary approval. The applicant should also ensure that the proposed development complied with the Buildings Ordinance;
- (c) to consult the Lands Department on the lease matters concerning the proposed development;
- (d) to ensure that no disturbance would be made to the Stone Houses at 31-35 Hau Wong Temple New Village which were Grade 3 historic buildings and the Hau Wong Temple in the vicinity which was a Grade 1 historic building due to the vibration impact of the construction work, and monitoring measures should be implemented to the historic buildings if necessary;
- (e) to ensure that amenity planting strips with tree planting would be provided within the application site with a width of 4.5m fronting Inverness Road and 6m abutting the existing schools to the southwest and east. The amenity planting strips should be properly maintained in the operation stage; and
- (f) to note that fresh water from Government mains should not be used for the purposes of watering plant nurseries or landscape features except with the written consent of the Water Authority. Consent to use fresh water from the mains for such purposes might be given on concessionary supply basis if an alternative supply was impracticable and evidence to that effect was offered to and accepted by the Water Authority. Such permission would be withdrawn if in the opinion of the Water Authority the supply situation required it.

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

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/283            Proposed Minor Relaxation of Building Height Restriction  
to Allow for One Storey of Basement for Two Car Parking Spaces  
and Ancillary Plant Room Use in a Proposed Residential Development  
in “Residential (Group C) 1” zone,  
8 York Road, Kowloon Tong (NKIL 818)  
(MPC Paper No. A/K18/283)

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84.            The Secretary said that the Mass Transit Railway Corporation Limited (MTRCL) had submitted a public comment expressing concerns on the application. Mr. David To, being an assistant to the Commissioner for Transport who was a Non-executive Director of MTRCL, had declared an interest in this item. The Committee considered that Mr. To’s interest was indirect and hence agreed that he could be allowed to stay at the meeting.

**Presentation and Question Sessions**

85.            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 (BH) restriction to allow for one storey of basement to accommodate two 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) two public comments were received during the statutory publication period. One comment submitted by Designing Hong Kong Limited objected to the application mainly because there was no evidence of overriding need or

public gain for the proposed minor relaxation of BH restriction. The other comment submitted by MTRCL raised concerns about the proximity of the proposed development to the East Rail Line and the potential noise nuisance to the future residents. The applicant was requested to submit an environmental assessment (including railway noise assessment) and to provide adequate noise mitigation measures; and

[Mr. C.W. Tse 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 assessments in paragraph 11 of the Paper. According to the Notes for the subject “Residential (Group C)1” (“R(C)1”) zone, minor relaxation of the BH 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 on application to the Town Planning Board. Such provision was to allow design flexibility for development with design merits/planning gains. The subject application for minor relaxation of the BH restriction was to facilitate the construction of a basement floor with an area of 536.43m<sup>2</sup> and a height of 3.8m for accommodating two car parking spaces and some ancillary plant rooms. The areas for the car parking and plant room uses were 153.709m<sup>2</sup> and 182.264m<sup>2</sup> respectively. The remaining area of 200.457m<sup>2</sup> was for staircases/lift. As the proposed car parking and plant room uses were located in the basement floor, the impacts on the environment, drainage, traffic, visual and the planned infrastructure of the area, if any, should be insignificant. Besides, the proposed residential development would be set back from York Road by 6m to comply with the non-building area requirement under the draft Kowloon Tong Outline Development Plan No. D/K18/1A. Although one existing tree within the site would be felled, five new trees would be planted which could help softening the visual impact of the proposed development. The Committee had previously approved six similar applications within the “R(C)1” zone in the Kowloon Tong area mainly on the grounds that the proposals would allow more tree planting to enhance the local amenity and would not result in significant

impacts on the environmental, drainage, traffic, infrastructural and visual aspects. Although there were two public comments raising objection to/expressing concerns on the application, the relevant government departments had no adverse comments on the application. The visual amenity of the locality would also be enhanced with the provision of additional trees and other landscape features at the site.

86. In response to a Member's question, 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 BH of three storeys. Notwithstanding, there was provision for application for minor relaxation of the BH restriction for one storey of basement which was constructed or intended for use as car park and/or ancillary plant room. The intention of allowing such applications was to encourage the preservation of trees and the provision of landscaping at ground level within the development. The relevant criteria for considering such applications were stipulated in the Explanatory Statement of the relevant Outline Zoning Plan rather than the TPB Guidelines.

87. The Secretary continued to say that in considering applications for minor relaxation of the BH restriction within the "R(C)1" zone in the Kowloon Tong area, the Committee would consider whether the proposal had planning merits, particularly on the landscaping and tree preservation aspects, and whether there would be possible abuse in the use of the basement. Regarding the subject case, Mr. Eric C.K. Yue, DPO/K, said that there were two existing trees within the site. According to the applicant's submission, one would be retained and the other would be felled due to its poor amenity value and poor survival rate after transplanting. Nevertheless, this would be compensated by the planting of five new trees within the site. Colour flowering shrubs and planters would also be provided at the site. The Chief Town Planner/Urban Design and Landscape, PlanD had no in-principle objection to the application from the landscape planning perspective. Moreover, an approval condition requiring the applicant to submit and implement a landscape proposal had been recommended in paragraph 12.2(c) of the Paper. Regarding the possible abuse in the use of the basement, the Commissioner for Transport had no objection to the application and considered that the proposed car parking provision was acceptable. The Chief Building Surveyor/Kowloon, Buildings Department also had no in-principle objection to the application and advised that detailed comments would be given during the building plan

submission stage.

### Deliberation Session

88. 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 15.4.2015, 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 fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the design and provision of vehicular access arrangement of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to apply for the consent of the Director of Lands for the proposed redevelopment under the lease;
- (b) to note that the approval of the application did not imply that the proposed gross floor area exemption under the subject application would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (c) to observe item F4 of the Environmental Impact Assessment Ordinance (EIAO) (i.e. an activity for the reuse of the treated sewage effluent from a treatment plant) as the applicant had proposed to provide a rain water/grey water recycling system, and to ensure that the proposed recycling system

would not constitute a Designated Project under the EIAO, or otherwise it would need to go through the EIA process;

- (d) to plan properly for the closure of the school premises at the application site. Particular attention was drawn to submit application to the School Registration and Compliance Section of the Education Bureau for the closure of the school premises, and to keep the parents concerned well informed of the proposal. If necessary, pro-active measures had to be taken to help placing the students to other schools which would be acceptable to the parents; and
- (e) to resolve any land issue relating to the development with the concerned owner(s) of the application site.

[The Chairman thanked Mr. Eric C.K. Yue, DPO/K, and Mr. Vincent T.K. Lai, STP/K, for their attendance to answer Members' enquiries. They left the meeting at this point.]

**Agenda Item 23**

Any Other Business

90. There being no other business, the meeting was closed at 11:35 a.m..