

TOWN PLANNING BOARD

**Minutes of 441st Meeting of the
Metro Planning Committee held at 9:00 a.m. on 6.5.2011**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Professor S.C. WONG

Ms. L.P. Yau

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. Albert W.B. Lee

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

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mr. Ken Y.K. Wong

Assistant Director/Kowloon, Lands Department
Ms. Olga Lam

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

Secretary

Absent with Apologies

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor P.P. Ho

In Attendance

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

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

Town Planner/Town Planning Board
Miss Hannah H.N. Yick

Agenda Item 1

Confirmation of the Draft Minutes of the 440th MPC Meeting held on 15.4.2011

[Open Meeting]

1. The draft minutes of the 440th MPC meeting held on 15.4.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) Approval of Outline Zoning Plan (OZP)

2. The Secretary reported that, on 12.4.2011, the Chief Executive in Council approved the following draft OZPs under section 9(1)(a) of the Town Planning Ordinance :

- (a) Sai Ying Pun & Sheung Wan OZP (to be renumbered as S/H3/25);
- (b) Tsim Sha Tsui OZP (to be renumbered as S/K1/26);
- (c) Shek Kip Mei OZP (to be renumbered as S/K4/25); and
- (d) So Kwun Wat OZP (to be renumbered as S/TM-SKW/11).

The approval of Sai Ying Pun & Sheung Wan OZP was notified in the Gazette on 15.4.2011 whereas the approval of the other three OZPs was notified on 6.5.2011.

[Closed Meeting]

- (ii) The minutes of this item were recorded under separate confidential cover.

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/KC/360

Proposed Public Utility Installation (Elevated Concrete Platform with Steel Gantry above and at-grade Concrete Trough for 400kV Connection to Lai Chi Kok Substation) in “Green Belt” zone, Government Land adjoining New Kowloon Inland Lot 9880 (Lai Chi Kok 400kV Substation), Kwai Chung
(MPC Paper No. A/KC/360)

3. The Committee noted that the applicant requested on 20.4.2011 for deferment of the consideration of the application for two months in order to allow time to address the tree compensation concerns and demonstrate the suitability of the Site for the proposed development .

4. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and 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 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/366 Religious Institution (Shed and Flower Rack)
 in “Green Belt” zone,
 Government Land, Golden Hill, Shek Lei, Kwai Chung

 (MPC Paper No. A/KC/366)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the application was to regularise a shed (15m(L) x 3m(W) x 2.1m(H)) and a flower rack (10m(L) x 1.5m(W) x 2.2m(H)) for the existing Shun Fung Temple (the Temple) at the application site. The Site was the subject of a previous Application No. A/KC/362 for the regularization of a rain shelter and two toilets at the Site. The application was approved by the Committee on 10.12.2010 with conditions. Recent site visits revealed that urns were found in the two enlarged storerooms within the Temple. Nevertheless, such use was not the subject of this application;
- (b) the religious institution (shed and flower rack);
- (c) departmental comments – no objection/adverse comment from concerned government departments was received;
- (d) during the statutory publication period, 11 public comments were received. Ten public comments from the general public supported the application on the grounds that the shed and flower rack were minor in scale, the former would provide room for cleansing of temple utensils and the latter would beautify the area. One comment from Designing Hong Kong Limited

objected to the application as there was no information regarding the number of trees to be felled, the tree compensation and protection during construction period. The District Officer (Kwai Tsing) advised that the Temple was a private columbarium under Part B of the “Information on Private Columbaria” published by the Government and the issue of private columbaria was highly controversial in the district. While the application for regularization of a shed and flower rack constructed seemed to be straightforward, the issue of privately owned columbarium niches by the Temple would likely be played up. The application was posted at his office and the Shek Lei Community Hall from 18.3.2011 to 8.4.2011 and no comment had been received on the application; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The intention of the application was to regularise the as-built situation of a shed and a flower rack for the Temple. The development was not considered excessive in scale and no clearance of natural vegetation was involved. There was no adverse comment from the urban design and landscape perspectives. Besides, no significant traffic, environmental, infrastructural, visual and landscape impacts on the surrounding areas were expected. Regarding the public comment from Designing Hong Kong Limited objecting to the application on the lack of information on tree felling, tree compensation and protection, it was noted that both the shed and the flower rack had been built and no clearance of vegetation was required. Both the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the application from conservation and landscape point of view respectively. Although columbarium use existed within two structures of the Temple, such use was not the subject of this application. In this regard, an advisory clause was suggested to advise the applicant to seek the necessary planning permission from the Board.

6. The Vice-chairman asked whether trees were felled when the structures were built. Mr. Y. S. Lee replied that when the Short Term Tenancy (STT) covering part of the

application site was granted by LandsD, site formation was allowed under the STT. The area concerned was originally intended to be used for open-air activities. He had no information in hand on when the structures were built.

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

Deliberation Session

7. 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 service installations within the shed within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.11.2011;
- (b) the submission of a Geotechnical Assessment Report and implementation of the mitigation measures recommended therein within six months from the date of the planning approval to the satisfaction of the Director of the Civil Engineering and Development or of the TPB by 6.11.2011; and
- (c) if any of the above planning conditions (a) or (b) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to apply to the TPB for planning permission for the columbarium use within the Temple at the application site;
- (c) to note the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department's comment to seek his approval to amend the short term

tenancy. If such approval was granted by his office, it would be subject to such terms and conditions including, inter alia, charging of rent or other fees as might be imposed; and

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning permission should not be construed as an acceptance of any unauthorized building works on the application site, which were still subject to enforcement action under the Buildings Ordinance (BO). According to his record, there was no building plan submission ever made to or approved by his office in relation to the structures under the current application. No retrospective approval could be granted by the Building Authority under BO for those existing or newly erected unauthorized structures as identified on the application site.

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

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/102 Renewal of Planning Approval for
Temporary Shop and Services (Retail Shop) Use for a Period of 6 Years
in "Government, Institution or Community" zone,
Lot 100 (Part), 101RP and 110 RP in D.D. 390,
Sham Tseng, Tsuen Wan
(MPC Paper No. A/TWW/102)

Presentation and Question Sessions

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

- (a) background to the application highlighting the application was for renewal of a s.16 planning approval, under application No. A/TWW/79, approved by the Committee on 27.5.2005 for temporary shop and services (retail shop) use for a period of 6 years at the application site (the Site);
- (b) the renewal of planning approval for temporary shop and services (retail shop) use for a period of 6 years;
- (c) departmental comments – no objection/adverse comment from concerned government departments was received;
- (d) during the statutory publication period, one public comment was received. The commenter raised strong objection to the current application as the application occupied part of the “Government, Institution or Community” (“G/IC”) zone. He also claimed that the Site was the only G/IC area in the community. District Officer (Tsuen Wan) advised that he had sought the comments from the Tsuen Wan District Council members, the Chairman and Vice-chairman of Tsuen Wan Rural Area Committee, the Village Representatives of Sham Tseng Village, the Incorporated Owners of Rhine Garden and the Owners’ Committee of Bellagio and they were asked to submit their feedback directly to Planning Department (PlanD). He had no comment on the application provided that no objection was received from the public; and
- (e) the PlanD’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The application for existing temporary commercial development at the Site was a renewal of the previously approved application No. A/TWW/79, with no change in the major development parameters of site area, gross floor area and building height. The originally designated “G/IC” use of a fire station cum ambulance depot on the Site had already been developed at the “G/IC” site next to Rhine Garden. Currently, the Site was not designated for any “G/IC” uses. The existing temporary shop and services (retail shop) use

was not incompatible with the retail shops and residential developments nearby. The scale and development intensity of the existing one-storey building was also compatible with the surrounding low-rise land uses. The application also generally complied with assessment criteria as specified under Town Planning Board Guidelines No. 34B on renewal of planning approval. There was no material change in the planning circumstances and surrounding land uses since the temporary approval granted for application No. A/TWW/79 on 27.5.2005. Should the Board approve the current application for another 6 years as applied, it would result in an accumulated approval period of 12 years, which might not befit the temporary nature of the proposed uses. As the applicant had an intention for a comprehensive redevelopment with the adjoining lots and to allow time for the applicant to formulate the redevelopment proposal while continuing Shop and Services use at the Site, a temporary approval of 3 years was recommended for the subject application. As regards the public comment on the provision of “G/IC” site, three other “G/IC” sites within the Tsuen Wan West Area which were not designated for G/IC uses could be reserved to meet the future community needs if required.

10. In response to a Member’s enquiry, Mr. K. T. Ng replied that the subject “G/IC” site was owned by the applicant and no government land was involved.

Deliberation Session

11. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 28.5.2011 to 27.5.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) all existing fire service installations and equipments at the Site should be maintained in an efficient working order during the approval period;
- (b) the submission and implementation of tree preservation proposal within 6 months from the date of commencement of the renewed planning

approval to the satisfaction of the Director of Planning or of the TPB by 27.11.2011 ;

- (c) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (d) if the above planning condition (b) 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.

12. The Committee also agreed to advise the applicant that a shorter temporary approval period of 3 years was granted so as to allow time for the applicant to formulate the redevelopment proposal while continuing Shop and Services use at the Site.

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

Hong Kong District

[Mr. K.S. Ng, 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/H1/93 Proposed Hotel in "Residential (Group A)" zone,
No. 10-12 Yat Fu Lane, Shek Tong Tsui
(MPC Paper No. A/H1/93)

13. The Committee noted that three petition letters received before the meeting, two

from Mr. Victor S. Y. Yeung, Central & Western District Councillor and one from Belcher's Area Promotion Association, objecting to the application were tabled in the meeting.

Presentation and Question Sessions

14. Mr. K.S. Ng, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the application was submitted by the same applicant of a previously rejected application No. A/H1/92 for a 29-storey hotel with a PR of 15. The application was rejected by the Committee on 25.6.2010;
- (b) the proposed hotel highlighting that the current proposal was similar to the previously rejected scheme except that the PR was reduced from 15 to 11.997 and the total gross floor area (GFA) from 2,379.971m² to 1,689.036m². The building height was also reduced from 98.4mPD (29 storeys) to 81.2mPD (23 storeys) while the number of guest rooms remained unchanged (i.e. 50);
- (c) departmental comments –the Commissioner for Transport (C for T) has no in-principle objection to the application in view of the small size of the hotel. Should the application be approved, the applicant should be advised that Yat Fu Lane might become a cul-de-sac and the Government might implement traffic management measures such as no stopping restriction zones thereat as necessary. The Commissioner for Tourism supported the application as the hotel development would increase the number of hotel rooms, broaden the range of accommodations for visitor. The Chief Architect/Advisory and Statutory Compliance, Architectural Services Department commented that the proposed hotel development would have a similar building height with some of the surrounding buildings. No objection/adverse from other concerned government departments was received;

- (d) District Officer (Central & Western) advised that the Central and Western District Council (C&WDC) had objected to the previous application for hotel use (No. A/H1/92) at the application site. It was expected that some DC members would raise concern on the current application given its similar nature with the previous application. In particular, it was noted that three DC members, Mr. Stephen Chan, Mr. Yeung Sui-yin and Ms. Cheng Lai-king, had raised strong concerns over the current application such as possible impact of the proposed hotel on traffic, environment and air ventilation. Through their daily liaison works, they were aware that the above concerns were also shared by some local groups. The Committee was advised to give due consideration to these concerns;

- (e) during the statutory publication period, 766 public comments objecting to the application were received. The major grounds of objection included that the proposed hotel would further aggravate the air ventilation problem, generate adverse traffic impacts in the area, affect pedestrian safety, further aggravate sewerage blockage problem at Yat Fu Lane and affect the business of the shops at the street. The site was not suitable for hotel development and the proposed hotel was incompatible with the surrounding residential developments. There was sufficient hotel accommodation in the area. The proposed hotel would cause security and safety problems, adversely affect sunlight penetration and the living quality of the local residents and endanger health of local elderly. The applicant's traffic assessment was not comprehensive nor convincing. No traffic, environmental, sewerage and drainage impact assessment had been done; and

- (f) the Planning Department (PlanD)'s views – PlanD had reservation on the application based on the assessment made in paragraph 10 of the Paper. The application site was located within an area with a mixture of residential developments with commercial uses on ground floors. The proposed hotel was considered not incompatible with the surrounding developments in terms of land use. C for T had no in-principle objection to the application in view of the small size of the hotel (50 rooms) which would only attract

minimal traffic. Other concerned departments also no objection to the application. However, the application site, with an area of 171.3m² and a net site area of 140.783m² only, was relatively small in size when compared with other sites within the planning scheme area with similar hotel applications approved (mainly ranging from 310m² to 1,661m²). The small site area and its triangular configuration made the site not really conducive to a decent hotel development. Apart from the inclusion of a small reception counter cum administration office and some back-of-house (BOH) facilities, there was a lack of hotel amenities for the hotel guests.

15. Members had no question on the application.

Deliberation Session

16. The Chairman asked TD whether the application was acceptable from traffic impact point of view as hotel guests might come to the hotel by taxis. Mr. Albert Lee, AC for T (U), TD, replied that while there was no provision for carparking space and loading/unloading bay in the proposed hotel, hotel guests could make use of the loading/unloading spaces in the vicinity, same as residents in the surrounding buildings. As Yat Fu Lane might become a cul-de-sac, traffic management measures such as no stopping restriction zones might be implemented. Given that the proposed hotel was small in scale, the potential traffic impact was considered minimal and acceptable. In reply to the Chairman's further question, Mr. Albert Lee said that there were locations for loading/unloading activities in front of the hotel entrance.

17. A Member asked what the building height (BH) and plot ratio (PR) would be for a residential development on the subject "Residential (Group A)" ("R(A)") site. Mr. K.S. Ng, STP/HK, replied that as stated in para. 1.5 of the MPC paper, a set of building plans for a 26-storey (72.95m/78.15mPD) composite commercial/residential building with shop use on the G/F and M/F at a total PR of 8.49 was approved by the Building Authority on 17.2.2011. The Chairman added that the BH restriction of the subject "R(A)" zone was 120mPD.

18. Another Member asked if there was information in the application on the trip generation for vehicles providing BOH services for the hotel. Mr. K.S. Ng replied that no

such information was provided by the applicant. Mr. Albert Lee supplemented that the traffic impact resulting from the provision of BOH services was minimal in view of the small scale of the proposed hotel.

19. A Member considered that although the traffic impact generated by the proposed hotel was acceptable, there was no planning merit in the application to justify the development of a hotel at such a small site. The Vice-chairman also said that the small site area of the application site was not conducive to hotel development. Members agreed.

20. After further deliberation, the Committee decided to reject the application and the reasons were :

- (a) the application site was not conducive to hotel development given its small site area and triangular configuration; and
- (b) there was no planning merit to justify the proposed hotel development.

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/H11/99 Proposed Minor Relaxation of Plot Ratio Restriction from 5 to 5.1 and Building Height Restriction from 230mPD to 237mPD for permitted 'Flat' Development in "Residential (Group B)" zone, 23, 25, 27D, E and F Robinson Road, Mid-levels
(MPC Paper No. A/H11/99)

21. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Mr. Raymond Chan who had current business dealings with Henderson had declared an interest in this item. The Committee

noted that Mr. Chan had tendered apologies for being unable to attend the meeting.

22. The Secretary reported that Mr. Clarence Leung was the director of a non-government organisation (NGO) which had previously received a private donation from a family member of the Chairman of Henderson. The Committee agreed that Mr. Leung's interest was indirect and he could stay in the meeting.

23. The Secretary said that the further information including updated development schedule and sectional plans to reduce the building height of the proposed development from 240.15mPD to 237mPD with a view to addressing departmental comments on the urban design and visual aspects was submitted by the applicants on 4.5.2011, i.e. 2 days before this meeting. There was insufficient time for the relevant departments to provide further comments. Since the departmental comments would be relevant to the consideration of the application, PlanD recommended the Committee to defer a decision on the subject application to the next meeting.

24. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD to the next meeting.

[Ms. April K.Y. Kun, STP/HK, was invited to the meeting at this point.]

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/395 Proposed Partial Conversion of an Existing Building into ‘Hotel’
in “Residential (Group A) 7” zone,
G/F to 2/F (Portion), 15/F to 26/F (Portion), Healthgate Medical Centre,
160 Des Voeux Road West and 25 Sai Woo Lane, Sai Ying Pun
(MPC Paper No. A/H3/395)

Presentation and Question Sessions

25. 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) the proposed partial conversion of an existing building into ‘Hotel’;
- (c) departmental comments –the Commissioner for Transport (C for T) had no comment on the application from traffic engineering point of view in view of the small size of the proposed hotel and the proximity of the development with the proposed MTR West Island Line (WIL). The Commissioner for Tourism supported the application as the hotel development would increase the number of hotel rooms, broaden the range of accommodations for our visitors, and support the rapid development of convention and exhibition, tourism and hotel industries. No objection/adverse comment from concerned government departments was received;
- (d) one public comment raising objection to the application was received during the statutory publication period. The commenter stated that there were already a lot of hotels in the surroundings and an additional hotel was not needed. Furthermore, the future picking up/setting down of hotel

guests at the site would generate adverse traffic impact. No local objection was received by the District Officer (Central & Western); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The application premises were within an existing office building located at an area with a mixture of commercial and residential developments with commercial uses on ground floors, although the concerned street block was predominantly occupied by residential developments. The proposed hotel was considered not incompatible with the surrounding developments in terms of land use. In this regard, 8 hotel applications in the “Residential (Group A)” zone concerning 5 sites in the vicinity were approved with conditions by the Committee. The application was for conversion of 14 storeys of the existing 25-storey office building involving about 3,512m² of gross floor area (GFA) (about 56% of the total GFA) for hotel use. The application would not result in any increase in the physical bulk and building height of the building. The proposed hotel has only 50 guest rooms with no car parking and loading/unloading facilities. It would be served by the future MTR WIL. In this regard, the C for T and the Commissioner of Police had no comment on the application from traffic point of view. Moreover, the hotel would unlikely generate adverse environmental and sewerage impacts on the area.

26. In response to the Vice-chairman's enquiry, Ms. April Kun confirmed that there was a previous application on the application site (Application No. A/H3/331) for partial conversion (7/F to 24/F) of the application premises from office to hospital use. The application was rejected by the Committee on 15.9.2006 for the reason that the proposed use would generate adverse traffic impact on the surrounding areas as no on-site parking and loading/unloading facilities were provided and the proposed arrangement for picking-up/dropping-off of patients and loading/unloading activities was not satisfactory.

Deliberation Session

27. The Vice-chairman considered that the proposed hotel use was different from the

previous hospital case in terms of their loading/unloading requirements.

28. 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 6.5.2015, 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 of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (d) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval of the application did not imply that the proposed non-domestic plot ratio (PR) of the proposed hotel development and the proposed gross floor area (GFA) exemption for back-of-house facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. In addition, if GFA concession, in particular the non-domestic PR of the development, was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (b) to note the comments of the Chief Engineer/Railway Development 2-1,

Railway Development Office, Highways Department regarding temporary arrangement of Sai Woo Lane in relation to West Island Line construction works;

- (c) to note the comments of the Director of Fire Services regarding the requirement for compliance of the Code of Practice for Minimum Fire Service Installations and Equipment;
- (d) 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 provision of more greenery and improvement of the local landscape quality and landscape planting on podiums or roofs; and
- (e) to prepare and submit the Sewerage Impact Assessment as early as possible in view of the time required for the implementation of any required sewerage works.

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

[Ms. Brenda K.Y. Au, District Planning Officer/Hong Kong (DPO/HK), Mr. Tom K. C. Ming, Executive Secretary (ES), Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department (LCSD) and Mr. Robin, K.B. Lee, Ch AS (Works)², Commissioner for Heritage (C for H)'s Office, Development Bureau (DEVB) were invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

30. The Secretary reported that the application was submitted by Jockey Club CPS Ltd. Mr. Raymond Chan and Mr. Felix Fong who were members of Hong Kong Jockey Club (HKJC) had declared interests in this item. The Committee noted that Mr. Chan and Mr. Fong had tendered apologies for being unable to attend the meeting.

31. The Secretary reported that Ove Arup & Partners Hong Kong Ltd (Ove Arup) was the consultant of the applicant. Professor S.C. Wong who had current business dealings with Ove Arup had declared an interest in this item. As Professor Wong had no direct involvement in the subject application, the Committee agreed that he could stay in the meeting

Presentation and Question Sessions

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

Background

- (a) the Central Police Station (CPS) Compound was included as one of the projects under the “Conserving Central” initiative. In January 2007, HKJC submitted a proposal (the ‘bamboo’ based scheme) to the Government for the development of the CPS Compound. On 15.7.2008, the Government

announced that the partnership project with HKJC was endorsed by the Executive Council and the Government would enter into a partnership with HKJC Charities Trust to take forward the conservation and revitalization of the CPS Compound;

The Proposal

- (b) the applicant sought planning permission for two new buildings (namely Old Bailey Wing and Arbuthnot Wing) for cultural, recreational and commercial use at the Central Police Station (CPS) Compound:
 - (i) Old Bailey Wing located to the north of F Hall would accommodate a main art gallery space which could accept international exhibitions, Food & Beverage (F&B) spaces and a public viewing area. The existing General Office structures, which were of low historic value, would be removed for the new building; and
 - (ii) Arbuthnot Wing located in the south-eastern part of the CPS Compound would provide an outdoor multipurpose public space at ground level, a multipurpose space at first floor, which would link to educational facilities within D Hall. It also accommodated large centralised ancillary plant facilities to support the entire site. The existing Workshop and Laundry structures, which were of low historic value, would be removed for the new building.
- (c) although only the above two ‘new developments’ required planning permission, the applicant had submitted a scheme for the whole site for comprehensiveness of information. The project was to create the CPS Compound as a contemporary arts centre. All uses proposed within the CPS Compound were always permitted under Column 1 of the Notes for the “OU” zone, including arts related support spaces, arts related organization archive and record centre, education spaces, interpretation rooms, museum on ground floor of Barrack Block as well as commercial use (cafés, restaurants and shops). The applicant also proposed to preserve the two courtyards, i.e. the Parade Ground and the Prison Yard;

demolish the Garage for open space area and provide a green wall (covering an area of appropriately 900m²) at the Prison Yard;

- (d) a Traffic Impact Assessment (TIA) had been conducted, which concluded that there would be no adverse traffic impacts as a result of the proposed development. To improve the pedestrian accessibility of the site and the surroundings, a new footbridge to connect to the Mid-levels Escalator would be erected; and new openings on Old Bailey Street and Arbuthnot Road would be added to create cross pedestrian flow between SOHO and Lan Kwai Fong;

Departmental Comments

- (e) the Commissioner for Heritage (C for H) fully supported the application as the application was based on a development scheme that respected the heritage value of the site, public views and the BH restriction;
- (f) the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) considered the application acceptable from heritage conservation point of view as it had adopted a scheme to adequately preserve and interpret the cultural significance of the site. The Cultural and Heritage Impact Assessment (CHIA), as part of the Environmental Impact Assessment (EIA) for the project prepared under the EIA Ordinance, was considered acceptable to AMO;
- (g) the Commissioner for Tourism (C for Tourism) supported the application as the revitalisation of the CPS Compound would enhance the appeal of the Central to visitors in particular those who liked the unique arts and cultural characteristics of Hong Kong;
- (h) the Director of Environmental Protection (DEP) advised that the overall proposed development, including the proposed erection of the 2 new buildings and removal of 3 existing buildings, within the 3 declared monuments (i.e. The Former Central Police Station, Victoria Prison and Central Magistracy) was a designated project controlled under the EIAO.

On 18.4.2011, DEP approved with conditions the EIA Report of the proposed development and granted an Environmental Permit (EP);

- (i) the Commissioner for Transport (C for T) had no objection to the application subject to the design and provision of improvement measures proposed by the applicant;
- (j) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application from the landscape planning point of view. It was noted that two existing trees were proposed to be removed while six numbers of new trees were proposed to compensate the loss of the existing trees. Thus, significant adverse landscape impact arising from the proposed redevelopment on the area was not anticipated. As regards the urban design aspect, CTP/UD&L advised that whether the proposed architectural solution could achieve the conservation objective was a matter of public perception on the aesthetic and compatibility aspects of the proposal;
- (k) the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) had no adverse comment on the modern design approach which was to provide distinctive and high contrasting icons amongst the historical building groups. In terms of the scale and BH, the proposed new buildings blocks might not be incompatible with the surrounding context and the existing low-rise buildings within the site. As building designs in heritage renovation/re-vitalization projects might sometimes be debatable within the community, it was understood that views had been sought from the public for TPB's consideration;
- (l) no objection/adverse comment was received from other government departments;

Public Comments

- (m) the District Officer (Central & Western), Home Affairs Department

(DO(C&W), HAD) advised that the HKJC Charities Trust presented a revised design plan for the CPS Compound to the Central & Western District Council (C&WDC) on 6.1.2011. At the meeting, most of the C&WDC members welcomed the revised proposal and suggested that works be commenced as soon as possible to ensure early enjoyment of the facilities therein by the public;

- (n) a total of 231 comments were received during the statutory publication period. Of the public comments received, 152 (Designing Hong Kong Limited and members of the public) were in support of or had no objection to the application, 65 (Democratic Party, 3 District Councillors of the C&WDC, Green Sense, Central & Western Concern Group, the Incorporated Owners of Tim Po Court Phase II and members of the public) objected to or expressed grave concerns on the application, with 53 in standard letters. The remaining 14 (Civic Party, The Conservancy Association, Heritage Hong Kong Foundation, the Incorporated Owners of Carfield Commercial Building and members of the public) provided comments on the application;
- (o) the major public views supporting the application included that the site would become a key tourism attraction in HK; the project would provide space and opportunity for cultural and art activities; the design of the new buildings was innovative but compatible with the existing developments; the reduction in BH of the two new buildings, as compared with the previous scheme, was supported; the proposed footbridge would make the site easier to access; the project should be implemented early to avoid the condition of the site to further deteriorate; the applicant would be an appropriate partner, as the site should be run by a non-profit making operation with cultural conservation experience instead of a private property developer; and the project could help stimulate other conservation projects in the Central & Western District;
- (p) the major public views opposing to the application included that the development of the new buildings contravened the principles of heritage

conservation; there was insufficient justification/“overriding need” for the development of the two proposed new buildings; there was insufficient open space and green space within the site; the design of the two proposed new buildings was incompatible with the existing buildings; the BH of the proposed new buildings should not be higher than the surrounding walls and the buildings were overly bulky; over 30% of area was proposed for commercial (eating place or shop) use and that was not in line with the planning intention of the site. There was no clear justification to explain whether using 1/3 of the area of the new buildings for arts and culture use was appropriate; the proposal would have adverse impact on the surrounding catering business; the proposal would generate adverse environmental, noise and glare impacts; the TIA was inadequate and failed to identify the cumulative traffic impact in the already congested Central area; the proposed footbridge was ugly and would obstruct the view to the CPS Compound; the proposed public viewing areas at Old Bailey Wing would affect the privacy of the residents in the surroundings; there was inadequate public consultation or discussion in the community about the scheme; and there was a lack of open and detailed financial model and analysis, as well as the future programming and management and operating arrangements;

Response to Public Comments

(q) in response to the public comments received, relevant government departments and the applicant had the following responses:

- (i) regarding the public comment on heritage conservation principles, AMO pointed out that the CHIA prepared by the applicant had fully complied with the relevant heritage conservation principles. All the 16 historic buildings including the F Hall would be preserved. The 3 buildings to be demolished were of low historical significance;

[Mr. Laurence L.J. Li arrived to join the meeting at this point.]

- (ii) regarding the public comments on the need for and design of the

new buildings, the applicant had explained that they were essential and critical to the overall function of the CPS Compound and the facilities could not be provided within the existing historic buildings without causing substantial and irreversible damage. In addition, the location of the electrical and mechanical (E&M) facilities had been carefully located and would not be perceivable to the public so they would not affect or detract the heritage value of the site;

- (iii) the design of the new buildings, which complied with the BH restriction and based on a modern design approach, was considered acceptable;
- (iv) as for the concern on the lack of open space, the CPS Compound consisted of two courtyards, i.e. the Parade Ground and the Prison Yard (amount to about 2,770m²) and 2 covered open areas were proposed under the two new buildings (amount to about 600m²);
- (v) regarding the public concerns on the amount of commercial facilities, the commercial facilities were intended to serve the basic needs of future visitors and tenants as well as to support the project financially. The C for H supported the provision of commercial facilities and pointed out that the proposed floor area for commercial use was relatively modest in comparison with the international norm thus reflecting due respect had been paid to heritage conservation of the CPS Compound;
- (vi) regarding the public comments concerning the traffic condition in the area, the proposal would unlikely cause adverse traffic impact on the surrounding areas. The C for T and the Commissioner of Police had no objection to the application from traffic point of view;
- (vii) on the concern of adverse impact on the local residents, the applicant had confirmed that the noise during construction and implementation would be monitored to ensure compliance with relevant noise

criteria. Besides, the environmental issues would be controlled through the EP issued under EIAO; and

- (viii) regarding the public concerns on operation and management arrangements, C of H advised that the HKJC Charities Trust had set up a special project company to undertake the project. Details were stipulated in para. 11.23 and appendix II of the Paper.

Planning Department (PlanD)'s views

- (r) PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper;

Planning Intention

- (s) the proposal was in line with the planning intention of the “OU (Historical Site Preserved for Cultural, Recreational and Commercial Uses)” zone which was to preserve, restore and convert the historic site into a heritage tourism attraction which would provide a wide range of cultural, recreational and commercial facilities for the enjoyment of local residents and tourists. The existing buildings within the CPS Compound together with the two new buildings would provide venues for cultural and recreational uses (art gallery, multipurpose spaces and interpretation rooms), as well as commercial spaces (cafés/restaurants and shops) on the site;

Preservation Aspect

- (t) all the 16 historic buildings including the F Hall would be preserved. The existing structures of the General Office, the Laundry and the Garage, which were proposed to be removed for the development of Old Bailey Wing, Arbuthnot Wing and open area respectively, were of low historical significance. AMO, LCSO considered the application acceptable from heritage conservation point of view while C for H supported the project and considered it to have achieved both conservation and revitalization of the heritage site;

- (u) as regards the archaeological remains and artifacts found within the site, the applicant was required to submit the archaeological investigation (AI) report for AMO's consideration in accordance with the approved EIA and the EP. Based on the preliminary findings, the sub-surface areas of the sites for the new buildings would not be occupied by any antiquities. In the event that archaeological materials were found during removal of the existing buildings and/or subsequent archaeological monitoring during excavation, appropriate mitigation measures would be recommended under the AI report;

Visual Aspect

- (v) the two proposed new buildings were within the relevant BHR (i.e. 80mPD) stipulated under the OZP. The design of the new buildings was based on a modern design approach. CA/ASC, ArchSD advised that there was no adverse comment to the design approach. CTP/UD&L, PlanD considered that whether the proposed new developments were 'compatible' with the historical setting of the CPS Compound could be subjective and was a matter of public perception. It was noted that of the public comments received, over half of them supported the application. Comments from C&WDC had also been sought and most of the C&WDC Members had expressed general support to the application;

Landscape Aspect and Private Open Space Provision

- (w) the CPS Compound consisted of two existing courtyards and 2 covered open areas under the two new buildings. According to AMO, the hard-paved Parade Ground, where many remarkable events had taken place throughout the history of the police station, should be generally kept open as of today and any grassing or tree planting at the Parade Ground would defeat the purpose of heritage conservation, jeopardize the openness of the Ground and efface its appearance as a gathering square of disciplinary forces. In addition, the design and intention of the Prison Yard to preserve openness and re-activate it for public use would echo with the uses in the old days, i.e. a common gathering area for functions and activities for the prisoners. To strike a balance between conserving the character of the

area and the requirement for landscape mitigation, vertical greening in form of green wall at the Prison Yard was proposed;

- (x) as for the new buildings, the applicant had explained that the space below the Old Bailey Wing was limited and the provision of landscaping might disrupt pedestrian circulation. The grand stairs below the Arbuthnot Wing might act as a semi-open space for cultural events, and the provision of landscaping was also considered not appropriate;

Other Technical Aspects

- (y) with regard to the traffic aspect, the proposal did not involve any car parking spaces, while the proposed loading/unloading bay provided within the site would unlikely cause adverse traffic impact on the surrounding areas. C for T had no objection to the application subject to the design and provision of improvement measures proposed by the applicant. Relevant approval conditions were suggested to be imposed should the application be approved; and
- (z) the environmental impacts during the construction and operation stages, would be controlled through the EP issued under EIAO. As such, there should not be adverse environmental and sewerage impacts on the surrounding areas.

33. Ms. Brenda K.Y. Au, DPO/HK said that a letter submitted by the Central and Western Concern Group (CWCG) to the Town Planning Board was received on 5.5.2011 and tabled at the meeting. CWCG was concerned with the recent archaeological relics discovered within the CPS Compound as reported in the media and also confirmed by HKJC. They were concerned that the proposed new buildings and the underground structures underneath the Compound would have impact on the archaeological relics. CWCG said that TPB should only consider the application after HKJC had released the AI report and comprehensive mitigation measures which could include alteration of design had been submitted for public comments and discussion by relevant antiquities bodies. They also had strong reservation on the EIA report which was approved on 18.4.2011 without prior consideration of the archaeological findings.

34. A Member asked if more information on the archaeological findings could be provided. Mr. Tom K. C. Ming, ES, AMO, LCSD responded that HKJC had conducted archaeological investigation (AI) in accordance with the requirement of the Environmental Permit (EP). Based on the initial study, no important archaeological relics were found at the sites of the two proposed new buildings. If important archaeological relics were subsequently discovered, appropriate mitigation measures would have to be proposed by the project proponent for the agreement of AMO.

35. Another Member asked if the three buildings proposed to be demolished were important historical buildings. Mr. Ming replied that according to the previous assessment on the historical value of the buildings within the application site conducted by AMO in consultation with Antiquities Advisory Board, which was done at the time when the CPS Compound was designated as Declared Monument and well before HKJC's current proposal, the concerned buildings were of low historical significance and were not required to be preserved.

36. A Member asked whether the architectural design concept of the two buildings was to contrast with the existing buildings in the CPS Compound and whether there was a need for additional space for the art, cultural and commercial activities. Ms. Brenda Au, DPO/HK responded that when the Outline Zoning Plan (OZP) was amended to incorporate the building height restriction (BHR) for the CPS Compound site, a detailed visual assessment had been conducted to demonstrate that the stepped BH profile was appropriate for the site. The proposed new buildings on the Upper Platform with a height not exceeding 80mPD followed the stepped height concept of the OZP, i.e. 60mPD and 70mPD on the Lower and Upper Platform Areas and 80mPD for new buildings on the Upper Platform Area. The facilities to be included in the two new buildings were also in line with the planning intention of the subject zone. Mr. Robin, K.B. Lee, Ch AS (Works)2, C for H's Office, DEVB, added that there were 16 historic buildings within the CPS Compound site of more than 100 years old. Noting the need to meet current fire safety, building services and design standards and to provide certain facilities such as exhibition hall or art performance venue which required high headroom, HKJC had proposed to use two new buildings to provide the necessary space for exhibition /performance activities and to accommodate the centralised E&M facilities to support the whole site, so as to save the need for major alteration of the

historical buildings.

37. A Member asked whether the recent AI would have impact on the approved EIA. Mr. Brenda Au explained that under the EIAO, a Cultural and Heritage Impact Assessment (CHIA) had been conducted and submitted to EPD and hence the parties concerned should have knowledge about the presence of some historic relics such as tunnel, pottery, opium containers, copper coins within the application site. According to the Environment Permit (EP) granted, an AI was required to be carried out by HKJC and HKJC had to submit the AI report together with appropriate mitigation measures to AMO for consideration.

38. The same Member asked if the AI should be conducted after the EIA was approved and whether such a procedure complied with the EIA Ordinance requirement. Mr. Tom Ming replied that the EIA submitted by HKJC had included details on how the 16 buildings within the CPS Compound would be preserved for adaptive-reuse. However, during the course of site investigation and excavation, relics below ground might be discovered. If the relics found were of important archaeological value, appropriate mitigation measures would have to be recommended and agreed with AMO. It was therefore proper for the AI to be conducted after the EP was granted. The same Member further asked if there was any mechanism to ensure that the archaeological materials found would be properly handled given that the EIA was already approved. Mr. Ken Wong, PEPO(MA), EPD explained that the EIA of the CPS project was approved on the basis of the CHIA accepted by AMO. The EIA Report approved by EPD indicated that the proposed scheme would not have unacceptable impact on the materials below ground which were considered to be of low or fairly low archaeological potential. However, in accordance with the approved EIA and the EP, HKJC was required to submit AI report together with appropriate mitigation measures for the approval of AMO during the detailed design stage of the project. In fact, the AI would be carried out under AMO's monitoring throughout the course of site investigation and if any important archaeological materials were found, the design of the scheme might need to be revised. Mr. Tom Ming supplemented that the AI conducted by HKJC recently was intended to comply with the EP condition.

39. The same Member asked why the proposed scheme at the former Police Married Quarters (PMQ) at Hollywood Road had its archaeological investigation completed before submitting the application to the TPB for consideration. Mr. Robin Lee explained that

according to the technical circular on “Heritage Impact Assessment Mechanism for Capital Works Projects” promulgated by DEVB on 1.1.2008, if heritage sites were within or in the vicinity of the project boundary of any government works, heritage impact assessment (HIA) might be required by AMO. As Government would finance the essential structural and building services works for the revitalization of PMQ, it was regarded as a government project and HIA had been conducted. The CPS Compound was a declared monument and hence CHIA had been done as a requirement under the EIA Ordinance. According to the CHIA, the buildings above-ground would be preserved while relics found below ground during site investigation or excavation would be monitored by AMO. In the PMQ project, detailed site investigation had confirmed that the locations of piling and foundation work were acceptable while the locations of drains and lifts had to be further confirmed nearer the time of such works. AMO would monitor the situation and in some special circumstances, the design of the project might have to be revised to avoid affecting the relics found. Mr. Tom Ming added that it was a common practice for AI to be conducted after approval of HIA and CHIA.

40. A Member asked whether HKJC had found archaeological remains or artifacts within the CPS Compound. Mr. Tom Ming responded that both archaeological remains or artifacts were found according to HKJC. There were foundation remains of demolished buildings, copper coins and pottery. The heritage value of which would have to be further assessed. Unlike the PMQ where the heritage importance was the Central College foundation found below ground, the heritage value of the CPS Compound was the historical building structures existed within the Compound. Up to this moment, the archaeological relics found at the locations of the two new buildings at the application site were not of important archaeological value.

41. A Member asked whether the government representatives considered it appropriate for TPB to approve the application without waiting for the AI to complete. Mr. Robin Lee explained that site investigation would be carried out progressively following the sequence of construction works. If important archaeological relics were discovered, appropriate mitigation measures had to be proposed. It was under very exceptional circumstance that the design of the proposed scheme had to be revised substantially to avoid affect archaeological relics. Mr. Tom Ming said that HKJC had to submit AI report for the approval of AMO in order to comply the relevant EP condition. If the AI report concluded

that there were relics worthy to be preserved, mitigation measures had to be proposed and it would take time to work out between HKJC and AMO the acceptable mitigation measures. Ms. Brenda Au added that there was an existing mechanism under the EP to ensure that AMO would be consulted in case important archaeological relics were found. If the proposed mitigation measures would result in major changes to the currently proposed scheme, a fresh planning application would be required. Mr. Ken Wong said that if the design of the proposed scheme would need to be revised substantially, a variation of EP or a fresh EP had to be obtained from EPD before commencement of the revised scheme.

Deliberation Session

42. A Member supported the current application and considered that the proposal had struck a balance between revitalisation and preservation. This Member also appreciated the combination of new and old elements in the scheme as proposed by an internationally renowned architect and considered it as a good approach in preservation. That Member and another Member believed that the government departments had a mechanism to ensure archaeological relics found would be properly handled and urged for an early implementation of the scheme.

43. Another Member supported the application but considered that the applicant should explain more on the concept behind the proposed scheme, in particular the integration/contrast between the new buildings and the historic buildings and adoption of the stepped height concept of the whole CPS Compound, so as to get wider public support. The Chairman said that according to “Venice Charter”, historic buildings should be preserved as far as possible. If there was a need to include new building, the contemporary approach was to build it in a different style so as to contrast with the existing buildings. Mr. Robin Lee explained that according to overseas experience in preservation of historical building, there had been criticism that new buildings built as a replica of the old ones would cause confusion to the public. In the modern approach, there should be contrast between the new and the old buildings so that the public would easily distinguish the difference. The example of the Pyramid at Louvre Museum in Paris had attracted much criticism at the time when it was first built but it had become a masterpiece. HKJC previously introduced a ‘bamboo’ based scheme, BH of which was not supported by the public. After several rounds of consultation, HKJC had adopted the current design for the art gallery and exhibition hall and a public observation

deck at Old Bailey Wing and a centralised E&M area at Arbuthnot Wing. Whilst the outlook of the proposed new buildings was different from the existing buildings, the façade using aluminium moulded with the texture of masonry block would help echo with the surrounding historical buildings mainly built with masonry rock. The Secretary supplemented that HKJC had introduced the philosophy of the design concept of the proposed scheme in the planning statement submitted to the Board. Moreover, an Executive Summary of the EIA report which included a summary on the visual impact assessment done under the EIA Ordinance had also been submitted together with the planning application for Member's information.

44. Another Member opined that there were different approaches in revitalisation and different people might have different views on what the best approach should be. From the town planning point of view, while there was a mechanism to ensure archaeological relics found within the site would be suitably handled and the technical aspects of the proposed scheme were acceptable, there was no reason not to support the application.

45. The Vice-Chairman noted that though there were different public views on the applications, the Central and Western District Council had urged for an early implementation of the revitalisation of CPS Compound. As regards the merits of the design concept of the proposed scheme, it was the responsibility of HKJC to explain clearly to the public. In response to the concerns of the media and CWCG on the discovery of archaeological relics within the site, it was noted that a relevant advisory clause (b) was proposed to remind the applicant to note the comment of AMO regarding the AI report. He suggested that the minutes should clearly record that the Members were concerned with the preservation of the archaeological materials found within the CPS Compound and had ensured that there was a mechanism to ensure archaeological relics found would be properly handled.

46. The Chairman suggested that an approval condition could be imposed requiring the submission of AI report and implementation of the mitigation measures proposed therein to the satisfaction of AMO or the TPB. Members agreed.

47. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.5.2015, 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 of archaeological investigation report and implementation of the mitigation measures identified therein to the satisfaction of the Antiquities and Monuments Office, Leisure and Cultural Services Department, or of the TPB;
- (b) the design and provision of vehicular access to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the design and provision of traffic improvement measures, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design, provision and maintenance of the footbridge extension, as proposed by the applicant, to the satisfaction of the Director of Highways or of the TPB;
- (e) the submission and implementation of tree preservation proposal and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (f) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval of the application did not imply that the proposed gross floor area (GFA) exemption would be granted by the Building Authority. The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. In addition, if GFA concession was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;

- (b) to note the comments of the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department regarding the Archaeological Investigation report. In addition, should there be any significant architectural features and artifacts discovered necessitating major changes to the current scheme, a fresh planning application to the Board might be required;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department regarding the compliance of the Practice Note for Authorized Persons and Registered Structural Engineers APP-87 and 151, Code of Practice for the Provision of Means of Escape in case of Fire 1996, as well as the proposed footbridge;
- (d) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department with regard to the applicant's responsibility to bear the costs and undertake improvement and upgrading works to the existing public drainage systems for handling additional discharge due to the proposed development;
- (e) to note the comments of the Commissioner for Transport regarding the proposed traffic improvement measures and the applicant's responsibility to fund all improvement works;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department on the pedestrian environment underneath the proposed footbridge, as well as the provision of more greenery/landscape plantings at the two courtyards and two new buildings;
- (g) to note the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department on the provision of adequate separation between the new buildings and the design of the footbridge to be further reviewed so that it might be visually more compatible with the surrounding context;

- (h) to note the comments of the Director of Leisure and Cultural Services on the need to approach the District Lands Officer/Hong Kong West & South, Lands Department for formal approval of transplanting/felling of trees;
- (i) to note the comments of the Director of Fire Services regarding the Preliminary Fire Safety Strategy Report and the compliance of Code of Practice for Means of Access for Firefighting and Rescue; and
- (j) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department on the need to submit any upgrading works to the masonry walls to AMO for comments; and a detailed program showing the master construction sequences for interfacing work to BD for approval.

[The Chairman thanked Mr. Tom K. C. Ming, ES, AMO, LCSD, Mr. Robin, K.B. Lee, Ch AS (Works)2, C for H's Office, DEVB, Ms. Brenda K.Y. Au, DPO/HK and Ms. April K.Y. Kun, STP/HK, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting]

A/H3/394 Proposed Hotel Development with Eating Place
in "Residential (Group A) 12" zone,
Nos. 20, 22, 24 and 26 Staunton Street, Central
(MPC Paper No. A/H3/394)

49. The Secretary reported that the application was submitted by a subsidiary of Sino Land Co. Ltd. (Sino). Mr. Raymond Chan and Mr. Felix Fong who had current business dealings with Sino had declared interests in this item. The Committee noted that Mr. Chan and Mr. Fong had tendered apologies for being unable to attend the meeting.

50. The Committee noted that the applicant's representative requested on 19.4.2011 for deferment of the consideration of the application for two months in order to allow time to address departmental comments and concerns.

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

Agenda Item 11

Section 16 Application

[Open Meeting]

A/H19/64 Proposed Minor Relaxation of Site Coverage Restriction
to not more than 35% for Permitted Residential Development
in "Residential (Group C)" zone,
Nos. 16 and 18 Cape Road, Chung Hom Kok
(MPC Paper No. A/H19/64)

52. The Secretary reported that Ove Arup & Partners Hong Kong Ltd (Ove Arup) was the consultant of the applicant. Professor S.C. Wong who had current business dealings with Ove Arup had declared an interest in this item. As the applicant had requested a deferral of consideration of the application, the Committee agreed that Professor Wong could stay in the meeting.

53. The Committee noted that the applicant's representative requested on 18.4.2011 for deferment of the consideration of the application for one month in order to allow time to address departmental comments and concerns.

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

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

[Ms. Kitty S.T. Lam, STP/HK, was invited to the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/171 Religious Institution (Church) and Ancillary Open Space
 in “Residential (Group A)” zone,
 Parts of Lower Ground Floor and Flat Roof of Tower 7,
 No. 14 Tai Man Street, Greenwood Terrace, Chai Wan
 (MPC Paper No. A/H20/171)

Presentation and Question Sessions

55. Ms. Kitty S.T. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the applicant had previously applied for planning permission for religious institution use at the application premises for a period of 5 years under application No. A/H20/152, which was approved by the Committee on 28.4.2006. The current application, submitted by the same applicant, was for the continued use of the subject premises as a church on a permanent basis;
- (b) the religious institution (church) and ancillary open space;

- (c) departmental comments – no objection/adverse comment from concerned government departments was received;
- (d) one public comment was received during the statutory publication period. The public comment was submitted by an Eastern District Council Member indicating no objection to the application. No local objection was received by the District Officer (Eastern); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The church use under application was considered not incompatible with the uses in the surrounding area, which were mainly zoned “Government, Institution or Community” and “Other Specified Uses” annotated “Business”, as well as other uses within the same development. The proposed church was directly accessible from Hong Man Street via the commercial complex without entering the residential blocks of the housing estate. The residential blocks and the church had separate entrances and would unlikely cause nuisance to the residents. Although the applicant had not fully complied with the approval condition on provision of fire service installations under the previous application, the Director of Fire Services had no in-principle objection to the current application subject to the fire service installations being provided to his satisfaction. To ensure early and satisfactory provision of fire service installations, a shorter period for compliance together with revocation clause were recommended. The church use would unlikely generate any adverse traffic impact on the surrounding area. The Commissioner for Transport had no objection to the application.

56. Members had no question on the application.

Deliberation Session

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

- (a) the provision of fire service installations in the subject premises within three months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.8.2011; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to consult the District Lands Officer/Hong Kong East, Lands Department for lease modification or waiver application to permit the use under application at the subject premises; and
- (b) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department regarding :
 - (i) the approval of the planning application did not imply that the metal frames and the prefabricated structure erected within the application premises would be accepted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval; and
 - (ii) compliance with provisions of access and facilities for persons with a disability as required under Building (Planning) Regulation 72.

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

Special Duties Section

Agenda Item 13

Section 12A Application

[Open Meeting]

Y/H4/6

Application for Amendment to the
Draft Central District Outline Zoning Plan No. S/H4/13
from “Government, Institution or Community” (“G/IC”)
to “Other Specified Uses” annotated “Heritage Precinct” or “G/IC(1)”,
Central Government Offices, The Court of Final Appeal,
Battery Path and a public toilet at Ice House Street in Central
(MPC Paper No. Y/H4/6)

59. The Committee noted that the applicant’s representative requested on 11.4.2011 for deferment of the consideration of the application for two months in order to allow time to address departmental comments and concerns.

60. The Secretary said that generally speaking, the applicant would be given two months for submission of further information. For the subject application, as the summary of comments of concerned government departments had already been passed to the Applicants in end March, it is considered that one month for preparation of submission of further information should be sufficient. Therefore, it was recommended that one month be allowed for the applicant to submit further information and the application should be submitted to the full Board for consideration in July 2011. A Member asked whether it was a normal practice to give only one month for the applicant to submit further information as usually two months were given. The Secretary explained that in some cases, after the Board allowing the deferral, the applicant would submit the further information early so that the application would be submitted to the Board after two months. However, for some cases, the applicant would submit the further information after two months of the deferral and as department circulation for comments would involve some time, the application would actually be submitted to the Board four months after the deferral. In the subject application, the applicant had requested for deferral of the consideration of the application by two months and hence the application would be submitted to the full Board two months later, i.e. in July 2011.

61. After further deliberation, the Committee decided to defer a decision on the application for two months and agreed that the application should be submitted for its consideration in July 2011. The Committee also agreed to advise the applicant that one month would be allowed for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 14

Any Other Business

62. Noting that there were occasions where applicants of s.16 and s.12A applications or representers had tabled information at the meeting, a Member asked whether the materials tabled should be considered by the Committee/Board. The Secretary replied that under the Town Planning Ordinance, there were statutory time-limit for submissions of public comments on planning applications under s.16 and s.12A of the Ordinance and representations under the plan-making process. Public comments submitted after the statutory deadline should be regarded as not having been made. According to the advice previously sought, acceptance of supplementary information after the expiry of the statutory time-limit was procedurally improper and defeated the original intention of the Town Planning Ordinance to allow public comment on the representations. The Board would likely be subject to challenge that the hearing was unfair and that the Board had not taken into all relevant considerations (i.e. the public was deprived of the right to make comment on the supplementary information). By the same token, the Board should not accept new or alternative proposals which were not included in the original representation, even if it was presented or tabled by the representers at the meeting. The Board would further be challenged as it was clearly stated in the TPB Guidelines No. 29A that there was no provision under the Ordinance for submission of further information to supplement a representation/ comment/ further representation after the expiry of the respective statutory time limits. However, in most cases, the tabled information was similar to, the same as or just elaboration to those public comments already received within the statutory time limit.

63. Another Member opined that in some cases, the applicant's consultant would submit a set of technical assessment or even a new scheme at the hearing of representations. The information might be too substantial or technical for Members to consider during the

meeting. The Secretary explained that Members had to judge at the meeting whether those information tabled was new information or just further elaboration of the applicants'/representatives' justifications. If the information tabled was new information, the Board should not consider those information.

64. There being no other business, the meeting was closed at 11:15 a.m..