

## **TOWN PLANNING BOARD**

### **Minutes of 453rd Meeting of the Metro Planning Committee held at 9:00 a.m. on 4.11.2011**

#### **Present**

Director of Planning  
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Dr. Winnie S.M. Tang

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Professor S.C. Wong

Ms. L.P. Yau

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

Assistant Director(2), Home Affairs Department  
Mr. Frankie Chou

Principal Environmental Protection Officer (Metro Assessment),  
Environmental Protection Department  
Mr. Colin Keung

Assistant Director/Kowloon, Lands Department  
Mr. Gary Cheung

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

Secretary

**Absent with Apologies**

Mr. Raymond Y.M. Chan

Professor P.P. Ho

Mr. Maurice W.M. Lee

Mr. Laurence L.J. Li

**In Attendance**

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

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

Town Planner/Town Planning Board  
Mr. Terence Leung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 452nd MPC Meeting held on 21.10.2011

[Open Meeting]

1. The draft minutes of the 452nd MPC meeting held on 21.10.2011 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.

**Tsuen Wan and West Kowloon District**

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

**Agenda Item 3**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K1/230                      Proposed Hotel (Guesthouse) in “Residential (Group A)” zone,  
Units A, B, C and Flat Roof, 3/F Ealing Court,  
259A Temple Street, Jordan  
(MPC Paper No. A/K1/230)

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Presentation and Question Sessions

3. 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 hotel (guesthouse);
- (c) departmental comments – no objection from concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, 37 public comments were received. Among them, 35 commenters objected to the application as they considered that there would be possible adverse impacts on fire safety, building structure, environmental hygiene, waste management, electricity supply, drainage and sewerage treatment, and property value of the subject building. In particular, the commenters objecting to the application were concerned about the sharing of the use of the lifts, staircases and building lobby with users of the proposed guesthouse, which might lead to security and building management issues and nuisance to residents of the same building. One other commenter stated that the applicant should pay attention to the impact on building structure, maintain segregation between commercial and domestic uses of the same building, and comply with relevant government regulations/requirements on hotel operations. The remaining commenter had no objection to the application but did not provide reasons; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 10 of the Paper. The application premises was located on the third floor of the subject building where G/F to 3/F were for non-domestic uses and 4/F to 16/F were for domestic use under the Occupation Permit. The proposed guesthouse would share the use of two lifts, two staircases, lift lobby and main entrance with the residents of the same building. The proposed development was considered incompatible with the domestic use of the same building as its operation might create nuisance to the residents on the upper floors. Within the Tsim Sha Tsui district, there was only a similar application (Application No. A/K1/214) for hotel use which was approved

by the Committee on 3.3.2006. The hotel use in that application did not involve compatibility issues with the domestic use of the same building and was therefore different from the current application. The approval of the current application would set an undesirable precedent for other similar applications in composite buildings, which were predominantly used for residential purposes.

4. The Chairman asked about the uses of the premises on the podium floors. Mr. C.K. Soh said that for the podium floors of the building, G/F was mainly occupied by shops. A commercial bathhouse and massage establishment occupied portion of G/F and 1/F to 2/F with a separate access leading to Temple Street. The application premises and an office were on 3/F. The application premises was accessible by two lifts and two staircases, which also served the upper residential floors of the same building.

#### Deliberation Session

5. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed hotel/guesthouse was considered incompatible with the domestic use within the subject building as it would share the use of the existing lifts and staircases serving the building and would cause nuisance to the residents on the upper floors; and
- (b) the approval of the application would set an undesirable precedent for other similar hotel/guesthouse applications which would lead to intrusion of guesthouse use into composite buildings with shared use of the existing lifts and staircases with the residential use at other floors.

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

**Agenda Item 4**

**Section 16 Application**

[Open Meeting]

A/KC/370                      Proposed Hotel in “Other Specified Uses” annotated “Business” zone,  
No. 30-34 Kwai Wing Road, Kwai Chung  
(MPC Paper No. A/KC/370)

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6.                      The Committee noted that the applicant had requested on 19.10.2011 for deferment of the consideration of the application for two months as the applicant was actively examining the feasibility of revising the scheme in response to the comments from the Transport Department and the Urban Design Unit of the Planning Department regarding the access arrangement and the overall building height respectively.

7.                      After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted 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, resulting in a total period of four 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, STP/TWK, was invited to the meeting at this point.]

**Agenda Item 5**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/376                      Shop and Services (Real Estate Agency)  
in “Other Specified Uses” annotated “Business” zone,  
Workshop No. 4, G/F, Kwai Cheong Centre,  
No. 50 Kwai Cheong Road, Kwai Chung  
(MPC Paper No. A/KC/376)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (real estate agency);
- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Kwai Tsing); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The use under application was not incompatible with the uses of the subject industrial building which mainly comprised a bank, an electrical shop and a canteen on ground floor, car park on 1/F and industrial related office and warehouse uses on the upper floors. The use under application would unlikely generate adverse traffic or environmental impacts on the surrounding areas. It was considered to be in line with TPB PG-No. 22D in terms of land use, traffic and environmental impacts. The subject industrial building, which was sprinkler-protected, was subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the G/F. There was no planning permission previously granted by the Committee on the ground floor of the subject industrial building which was accountable towards the aggregate commercial floor area. The subject premises of about 56.76m<sup>2</sup> would not exceed the maximum permissible limit of 460m<sup>2</sup>.

9. Members had no question on the application.

Deliberation Session

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

- (a) the submission of fire service installations proposal and the implementation of fire service installations in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 4.5.2012; 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.

11. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the development at the subject premises;
- (b) to note the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD)'s comment that should the planning application be approved, the applicants were required to apply for a lease modification or a temporary waiver. The application, if approved by LandsD acting in the capacity as the landlord at its sole discretion, would be subject to such terms and conditions as should be considered appropriate by LandsD including inter alia, payment of premium/waiver fee and administrative fee. There was no commitment that the Government would approve the lease modification or temporary waiver application;
- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comment on the compliance with the provisions of the



Buildings Ordinance (BO), in particular: (i) the application premises should be separated from the remaining of the building with fire resistance period of not less than 2 hours; and (ii) an Authorised Person should be appointed to coordinate building works except exempted works as defined in the s.41 of the BO;

- (d) to note the Director of Fire Services' comments that a means of escape which was completely separated from the industrial portion should be available; and fire service installations (FSIs) should be provided to his satisfaction. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and regarding matters in relation to fire resisting construction requirements for the Premises, the applicant should comply with the requirements as stipulated in Code of Practice for Fire Resisting Construction which was administered by the BD; and
- (e) to note the TPB's 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for further information on the fulfilment of the approval conditions herein.

[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 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/426                      Shop and Services (Property Agency) in "Industrial" zone,  
Workshop 4, G/F and the Upper Part of the G/F, TCL Tower,  
No. 8 Tai Chung Road, Tsuen Wan  
(MPC Paper No. A/TW/426)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (property agency);
- (c) departmental comments – no objection from concerned government departments was received;

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

- (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 made in paragraph 11 of the Paper. The planning intention of the “I” zone was to reserve land primarily for general industrial uses. However, commercial uses in industrial buildings within the “I” zone might be permitted on application to the Board. The subject property agency was considered not incompatible with the industrial and industrial-related uses in the subject building and the surrounding developments. It generally complied with the considerations set out in TPB PG-No. 25D including the fire safety and traffic aspects. D of FS had no in-principle objection subject to the imposition of relevant approval conditions. As advised by D of FS, only the ground floor portion of the application premises was considered as commercial use and hence only this portion of the application premises (i.e. 121.008 m<sup>2</sup>) should be counted towards the aggregated commercial floor area, which was within the maximum permissible limit of 460 m<sup>2</sup>. A temporary planning permission for a period of three years was recommended in order not to

jeopardise the long-term planning intention for industrial use in the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

13. Members had no question on the application.

#### Deliberation Session

14. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.11.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire service installations in the application premises within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 4.5.2012;
- (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;
- (c) no direct provision of goods and services to the customers should be allowed at the upper part of the ground floor of the Premises at any time during the planning approval period; and
- (d) if the above planning condition (c) 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.

15. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the Premises;
- (b) that a temporary approval of three years was given in order to allow the

Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;

- (c) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (LandsD) that the proposed shop and services use was in breach of the user restriction. There was no waiver or lease modification application related to the Premises received by her office so far. If the planning application was approved, the owner should apply to her office for a temporary waiver. The temporary waiver application would be considered by the LandsD acting in the capacity as the landlord at its sole discretion. Any approval, if given, would be subject to such terms and conditions, including inter alia, payment of waiver fee and administrative fee, as might be imposed by the LandsD;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if non-exempted works were involved, plans should be submitted by an Authorized Person to the Building Authority for approval and consent prior to commencement of works unless such works were minor works to be carried out under the minor works control system;
- (e) to note the comments of the Director of Fire Services that regarding matters in relation to fire resisting construction, in particular the separation between the industrial portion and the area under application, the applicant was advised to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the BD; and
- (f) refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service

installations.

[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**

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

#### **Agenda Item 7**

[Open Meeting (Presentation and Question Sessions Only)]

Variation to Approved Premises for Proposed Shop and Services (Bank, Retail Shop, Fast Food Shop, Service Trades) and Eating Place (Restaurant)  
Approved under Application No. A/H24/15  
(MPC Paper No. 18/11)

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16. The Secretary reported that Application No. A/H24/15 was submitted by the "Star" Ferry Co. Ltd, which was a subsidiary of Wharf (Holdings) Ltd. Mr. Roger Luk had declared an interest in this item as he was a member of the Board of Directors of Wharf T&T and a former member of the Board of Directors of Wheelock Properties Ltd., both of which were companies related to Wharf (Holdings) Ltd.

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

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

17. Ms. April K.Y. Kun, STP/HK, presented the Paper with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background – Application No. A/H24/15 for proposed "Shop and Services

(Bank, Retail Shop, Fast Food Shop, Service Trades)” and “Eating Place (Restaurant)” uses for Shops A, B, C on Lower Deck and Shops D, E, F on Upper Deck of Central Pier 7, Shops H, I, J, K & P on 1/F of Central Terminal Building and Shop U on Lower Deck of Central Pier 8 was approved by the Committee on 17.4.2009 subject to the following conditions:

- (a) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board (the Board);
  - (b) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the Board;
  - (c) the implementation of the sewerage upgrading/connection works as identified in the SIA under approval condition (b) to the satisfaction of the Director of Drainage Services or of the Board; and
  - (d) the future tenants/operators should carry out loading/unloading activities outside peak hours at the Man Kwong Street cul-de-sac to the satisfaction of the Commissioner for Transport or of the Board.
- (b) the proposed variation to the premises approved under Application No. A/H24/15 by deleting Shop U from the application premises with a corresponding reduction in the approved total gross floor area from 808.74 m<sup>2</sup> to 297.74 m<sup>2</sup> (-63.18%);
- (c) departmental comments – no objection from concerned government departments was received;
- (d) the Planning Department (PlanD)’s views – PlanD had no objection to the applicant’s request based on the assessments made in paragraph 5.1 of the Paper. The approval conditions (a) to (c) imposed under application No. A/H24/15 were applicable to all the application premises at Central Piers 7

and 8, and Central Terminal Building. With the cessation of the “Central – Hung Hom” ferry services, the tenancy agreement allowing the applicant to use the Western Berth of Central Pier 8 including Shop U was also terminated. As the Western Berth of Central Pier 8 had already been handed back to the Government, the applicant was unable to comply with the approval conditions in relation to Shop U on the lower deck of Western Berth of this pier. The proposed deletion of Shop U from the application premises was a technical variation involving a reduction in the scope of the approved application. No adverse planning implication was anticipated.

18. Members had no question on the application.

#### Deliberation Session

19. After deliberation, the Committee decided to approve the proposed variation to the premises approved under Application No. A/H24/15 by deleting Shop U from the application premises.

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

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

[Miss Isabel Y. Yiu, STP/HK, was invited to the meeting at this point.]

#### **Agenda Item 8**

[Open Meeting]

Further Consideration of the Draft Planning Brief  
for “Comprehensive Development Area” Site in Wong Chuk Hang  
(MPC Paper No. 19/11)

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20. The Secretary reported that the following Members had declared interests in this item:

- Mr. Raymond Chan - had interests in a development project in the vicinity of the “Comprehensive Development Area” (“CDA”) site;
- Mr. K.Y. Leung }  
Prof. S.C. Wong } - being an employee of the University of Hong Kong (HKU) and HKU had expressed interest in acquiring a site to the south of the “CDA” site;
- Mr. David To - being an alternate member for the Deputy Secretary for Transport and Housing (Transport)1 who was a member of the Board of MTR Corporation Limited (MTRCL). The subject site was granted to MTRCL for property development.

21. The Committee noted that Mr. Raymond Chan had tendered an apology for being unable to attend the meeting.

[Mr. K.Y. Leung, Prof. S.C. Wong and Mr. David To left the meeting temporarily at this point.]

22. Miss Isabel Y. Yiu, STP/HK, with the aid of a powerpoint presentation, reported the results of the consultation with the Southern District Council (SDC) on the draft planning brief (PB) for “Comprehensive Development Area” site in Wong Chuk Hang (WCH) as detailed in the Paper:

- (a) on 8.7.2011, the Committee considered the draft PB for the site and agreed that the draft PB was suitable for consultation with the SDC;
- (b) the District Development and Environment Committee (DDEC) of the SDC was consulted on 18.7.2011. In general, DDEC of SDC had no adverse comment on the draft PB but expressed concerns mainly on the traffic impact of the proposed development on the local road network and the traffic and transport arrangements in the “CDA” site. Their views were summarized as follows:



- (i) the proposed residential development and the proposed shopping centre in the “CDA” site would generate additional traffic to the area, which would give extra burden to the already congested local road network in WCH. Suitable road widening/improvement and traffic management measures should be proposed;
- (ii) the scale of the proposed public transport interchange (PTI) and the proposed public transport routes/services in the PTI should be carefully planned to cater for future needs. Consideration should be given to providing green mini-bus bays at the PTI;
- (iii) provision of a rehabilitation centre in the “CDA” was supported, and facilities for special transport vehicles and barrier-free access should be provided to serve the rehabilitation centre;
- (iv) opportunity should be taken to improve the pedestrian connection between the site and the surrounding developments, particularly on the provision of a footbridge to connect the “CDA” site and the area to the south of Shum Wan Road and on the walking environment along Heung Yip Road;
- (v) the noise impact of the rail depot should be assessed;
- (vi) the scale of the proposed performance venue (300m<sup>2</sup>) was too small to help enhance the art and cultural development in the district. It seemed unreasonable for the Government not to require the developer to pay premium for the proposed performance venue. Opportunity should be explored to open up the podium of the development for public use;
- (vii) the temporary bus terminus site at Nam Long Shan Road should be developed for community hall;

- (viii) if no organization would take up the space reserved for social enterprises (1,500m<sup>2</sup>), whether the premises would be allocated to social welfare services; and
  - (ix) it was uncertain if additional trees would be planted to compensate for the trees felled by the proposed development.
- (c) The DDEC of SDC passed the following motion:

“The Committee requests the PB for the “CDA” site in WCH submitted by the Planning Department must be able to cope with the traffic flow in the future.”

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

- (d) The responses of the Transport Department and the Planning Department to DDEC’s views were set out below:
- (i) the draft PB had set out the development parameters as well as planning and design requirements to provide guidance for the future development on the site. As part of the Master Layout Plan (MLP) submission, the MTR Corporation Limited (MTRCL) would need to include information on the GIC uses, open space provision, parking and loading/unloading facilities to be provided within the site. Technical assessments would also be submitted together with the MLP;
  - (ii) it was stated in the draft PB that a detailed Traffic Impact Assessment (TIA) for the proposed development was required at the MLP submission stage. The TIA would include detailed assessments to examine possible traffic problems and to propose mitigation measures. The TIA would also include a pedestrian traffic study to assess the impacts on pedestrian flows. To minimize the number of car parking spaces and to encourage the use

of public transport including South Island Line (East) (SIL(E)), TD had recommended that a car parking ratio lower than the minimum requirement in the Hong Kong Planning Standards and Guidelines. Traffic impact associated with the parking spaces of the development would also be reviewed in the TIA;

- (iii) as for road widening, TD advised that the essential public infrastructure works (EPIW) for the SIL(E) project would include road widening works for Heung Yip Road and Police School Road;
- (iv) TD advised that the PTI would be of sufficient size to provide loading/unloading facilities for buses, green mini-buses, taxis and other vehicles. The existing bus and PLB termini at Nam Long Shan Road and Police School Road would be reprovioned at the southern part of the CDA site;

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

- (v) the requirement to provide one parking space to accommodate 5.5-ton goods vehicle for the Integrated Vocational Rehabilitation Services Centre was stipulated in the draft PB in accordance with the Social Welfare Department's requirement. Barrier-free access would be provided to serve the proposed social welfare facilities;
- (vi) TD advised that the use of bicycles as a transport mode in urban areas was not encouraged based on road safety considerations and therefore it was not necessary to provide bicycle parking spaces;
- (vii) a walkway would be provided between the WCH Station and Kwun Hoi Path to form part of the pedestrian link connecting the WCH Station to the Aberdeen Channel promenade. All the pedestrian connections/access for the proposed development would be barrier-free as required under the Buildings Ordinance;

- (viii) on footbridge connections, TD advised that a new footbridge linking WCH Station and the nearby areas would be provided under the EPIW item. Regarding the suggestion to provide a footbridge connecting Shum Wan Road with the CDA site, TD explained that the existing at-grade pedestrian crossing at the junction of Shum Wan Road and Nam Long Shan Road was considered adequate to cope with the pedestrians' need even when SIL(E) came into operation;
- (ix) as regards the noise concerns, the Environmental Impact Assessment study, including a noise impact assessment, submitted by MTRCL under the Environmental Impact Assessment Ordinance was endorsed by the Advisory Council on the Environment on 11.10.2010. Moreover, an environmental assessment was required under the draft PB to examine the noise and air quality impacts from nearby pollutant sources including SIL(E);
- (x) the scale of the performance venue was proposed in reference to similar facilities in other existing shopping malls. The MTRCL would pay full market premium of the site and bear all development cost for the property development;
- (xi) regarding the suggestion to open up the podium level for public use, it should be noted that in accordance with government policy, public open space would be provided at grade and separated from the private local open space for the residents at the podium level of the development;
- (xii) the temporary bus terminus site at Nam Long Shan Road had already been reserved for the development of a community hall;
- (xiii) in case no suitable social enterprises could be identified, the premises would be reserved for GIC uses but would not be limited to social welfare facilities alone; and

- (xiv) regarding tree removal and compensatory planting at the site, the applicant was required to submit a Landscape Master Plan including a transplanting and compensatory planting proposal and a comprehensive landscaping proposal as part of the MLP submission.

[Ms. Maggie Chan arrived to join the meeting at this point.]

- (e) the PlanD's views were summarized as follows:
  - (i) the draft PB would provide guidance on the proposed uses, development parameters, and planning and design requirements for MTRCL to prepare a MLP for consideration of the Committee. Detailed design and proposals were not included in the PB;
  - (ii) the primary concerns of DDEC of SDC were related to the traffic impact of the proposed development, which would be thoroughly examined in the TIA. The views expressed by DDEC of SDC had been conveyed to concerned departments, including TD, Highways Department and MTRCL for consideration. The SDC would be further consulted on the proposal at the MLP submission stage; and
  - (iii) given that the requirements in the draft PB had generally covered the issues raised by DDEC of SDC, no amendment to the draft PB was considered necessary.

23. Members had no question on the proposed amendments.

24. After deliberation, the Committee decided to :

- (a) note the views of DDEC of SDC as summarized in paragraph 3 of the Paper and recorded in Attachment IV of the Paper; and
- (b) endorse the draft PB at Attachment I of the Paper.

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

[Mr. K.Y. Leung, Prof. S.C. Wong and Mr. David To returned to join the meeting at this point.]

[Mr. Louis K.H. Kau, STP/HK, was invited to the meeting at this point.]

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/393                      Proposed Public Utility Installation  
(Telecommunications Radio Base Station, Antenna and  
Associated Facilities) in "Comprehensive Development Area" zone,  
Portions of G/F and 1/F of Wan Chai Market,  
258 Queen's Road East, Wan Chai  
(MPC Paper No. A/H5/393)

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25.            The Chairman said that the applicant was submitted by Hong Kong Telecommunications Limited, a subsidiary of PCCW Limited. Mr. Felix Fong declared an interest in this item as he had previous business dealings with PCCW Limited. As the business dealings took place more than three years ago and were not related to the application site, Members considered that his interest in this item was indirect and remote and he should be allowed to stay in the meeting.

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

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

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

- (a) background to the application;
- (b) the proposed public utility installation (telecommunications radio base station, antenna and associated facilities);
- (c) departmental comments – the Director-General of Telecommunications supported the application as the proposed telecommunications radio base station would enhance the mobile telecommunications services in Wan Chai Market;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Wan Chai); 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 proposed telecommunications radio base station and associated facilities were intended to improve the mobile coverage in Wan Chai Market. They were small in scale and would have no adverse impact on the surrounding area.

28. Members had no question on the application.

#### Deliberation Session

29. In response to a question from a Member, Mr. Kau said that the proposed telecommunications radio base station and associated facilities served to enhance the mobile telecommunications services operated by the applicant.

30. In response to a question from the same Member, Mr. Kau said that if other telecommunications operators needed to install their own telecommunications radio base stations in Wan Chai Market, they would be required to seek approval from the relevant authorities as well as the Town Planning Board.

31. 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 4.11.2015, 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.

32. The Committee also agreed to advise the applicant to note :

- (a) the comment of the District Lands Officer/Hong Kong East, Lands Department that prior consent from Government Property Agency, Food and Environmental Hygiene Department and Office of the Telecommunications Authority was required as the proposed installation was within the premises governed by the Food and Environmental Hygiene Department;
- (b) the Director of Food and Environmental Hygiene's comment that all the installation work should not be carried out during the opening hours of Wan Chai Market (i.e. 06:00-20:00 hrs);
- (c) the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department's comment that his prior approval and consent on the proposed installation works was required unless they were minor works to be carried out under the Minor Works Control System; and
- (d) the Director of Health's comments that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998), exposure to extremely low frequency electromagnetic fields such as those generated by the mobile telecommunications radio base stations and antennae would not pose any significant adverse effects to workers and the public. WHO also encouraged effective and open communication with stakeholders in the planning of new facilities and exploration of low-cost ways of reducing exposures when constructing new facilities. Verification of actual compliance with the ICNIRP guidelines by the project owner was advisable upon the commissioning of the facilities.



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

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

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/69                      Proposed Access Road for House Development  
   in "Green Belt" zone,  
   Government Land adjacent to 47 Barker Road, The Peak Area  
   (MPC Paper No. A/H14/69)

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**Presentation and Question Sessions**

33.            Ms. Kitty S.T. Lam, STP/HK, presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed access road for house development;
- (c)    departmental comments – the Director of Agriculture, Fisheries and Conservation had no adverse comment on the application as only two ornamental trees of common species would be affected by the proposed development and compensatory planting had been proposed. The Chief Town Planner/Urban Design and Landscape, Planning Department had no objection to the application as significant adverse landscape impact arising from the proposed development was not anticipated. The applicant was required to submit and implement tree preservation and landscape proposals to her satisfaction;
- (d)    during the first three weeks of the statutory publication period, four public

comments were received. Two comments were from the general public while the other two were submitted by 'Caring Hong Kong' and a Legislative Council member respectively. The commenters were concerned about the proposed right-of-way which would bring about adverse landscape impacts on the surrounding environment. It would spoil the natural character of the concerned "Green Belt" ("GB") area and the reinstatement proposal through compensatory planting might not be satisfactory. The demolition of the existing right-of-way, which formed part of the building, would damage the integrity of the historic building. The "GB" area was a public asset and should not be used for private purposes. Besides, there were existing car parking facilities outside the subject building and the proposed realigned right-of-way to allow for car parking spaces at the site was not necessary; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The majority of the application site was an existing right-of-way where there was a staircase serving the existing house. The area concerned was relatively small (about 72m<sup>2</sup>) and compensatory trees would be provided after felling of two existing palm trees. The proposed development generally complied with the relevant considerations in the Town Planning Board Guidelines for Application for Development within "GB" zone (TPB PG-No. 10) as it was small in scale and compatible with the character of the surrounding area. As regards the adverse public comments, it should be noted that the proposed development would not have significant impact on the existing natural landscape. The existing footpath to be affected by the proposed right-of-way was not part of the adjacent graded historic building. The Antiquities and Monuments Office of the Leisure and Cultural Services Department had no adverse comment on the proposed realignment of the existing right-of-way.

34. Members had no question on the application.

35. 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 4.11.2015, 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 condition:

- submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) apply to the the District Lands Officer/Hong Kong East, Lands Department (DLO/HK&E, LandsD) for a modification of the lease conditions for R.B.L. 544;
- (b) note the comments of DLO/HK&E, LandsD on the need to ensure that the stability of the two slope features Nos. 11SW-D/C827 and 11SW-D/R852, which were maintained by Highways Department (HyD) and LandsD respectively, would not be affected and the impacts on these two slope features would be addressed;
- (c) note the comments of the Chief Highway Engineer/Hong Kong, HyD that formal submission to LandsD was required regarding any proposal for felling of trees in accordance with ETWB TCW No. 3/2006 on “Tree Preservation”;
- (d) note the comments of the Chief Building Surveyor/Hong Kong East & Heritage, Buildings Department (BD) that the width of the proposed right-of-way (ROW) should not be less than 4.5m; and
- (e) note the comments of the Director of Fire Services that if the proposed ROW was to be used as Emergency Vehicular Access (EVA) after the realignment, the EVA arrangement should comply with Part VI of the Code

of Practice for Means of Access for Firefighting and Rescue administered by BD.

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

### **Kowloon District**

#### **Agenda Item 11**

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

[Open Meeting (Presentation and Question Sessions Only)]

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

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37.            The Committee noted that the applicant's representative had requested on 20.10.2011 for deferment of the consideration of the application for three months in order to allow time for the applicant to address comments from PlanD.

38.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information. Since this was the third deferment of the application and the Committee had allowed a total period of 6 months for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

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

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/288                      Proposed Temporary School (Kindergarten) for a Period of 18 Months  
in “Residential (Group C) 1” zone,  
2 Essex Crescent, Kowloon Tong (NKIL 720)  
(MPC Paper No. A/K18/288)

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39.            Ms. Julia Lau declared an interest in this item as her parents lived near the application site. Members considered that her interest was remote and indirect and therefore she should be allowed to stay in the meeting.

**Presentation and Question Sessions**

40.            Ms. S.H. Lam, STP/K, presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary school (kindergarten) for a period of 18 months;
- (c) departmental comments –
  - (i) the Commissioner for Transport (C for T) had no in-principle objection to the proposed traffic mitigation measures provided that effective control instrument should be identified before the approval was granted. Should the application be approved by the Committee, his department would monitor the traffic situation at Essex Crescent upon opening of the subject kindergarten, by way of sample site checking and complaint mechanism. Also, his department would rely on the Commissioner of Police for feedback. Should the

traffic condition at Essex Crescent be verified to be out-of-control or the traffic mitigation measures be not properly implemented by the applicant, the Lands Department and PlanD would be notified as soon as possible for necessary lease enforcement actions and report of non-compliance of planning conditions respectively. The applicant should not have an expectation that future renewal of similar application at the subject site would be favourably considered;

- (ii) the Commissioner of Police (C of P) noted that the existing road network was already at full capacity during school drop-off/pick-up times and would have difficulty in accommodating more vehicles. However, he had no objection to the proposal subject to inclusion of the traffic mitigation measures as conditions. It should also be made clear to the applicant that he should have no expectation that the 18-month permission, if granted, would be renewed;
  - (iii) the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD) commented that the traffic mitigation measures proposed by the applicant could be incorporated as approval conditions, which could then be included in the proposed waiver provided that concerned department(s) would assume the monitoring duties/roles for the applicant's compliance with these conditions as appropriate and handling complaints in relation to the relevant conditions;
  - (iv) the Secretary for Education (SED) commented that it was neither feasible nor appropriate to use the approval for school registration as a vehicle for ensuring compliance with planning permission/traffic mitigation measures;
- (d) during the first three weeks of the statutory publication period, 4,092 public

comments were received. Among them, 1,845 were in support/in favour of the application while 2,246 objected to/made adverse comments on the application. The remaining one provided only comments on the application. A summary of the comments is as follows:

- (i) those supporting or in favour of the application included the existing parents of York English Primary School and Kindergarten, nearby residents, the Hong Kong Federation of Education Workers, three Kowloon City District Council Members, the President of the Legislative Council and individuals. They considered that the proposed kindergarten was merely a replacement of the existing school at York Road and would not cause any additional number of schools, students and traffic flow in the vicinity and would not increase the burden on the existing traffic capacity. The applicant proposed various traffic mitigation measures including staggering school hours and “school bus-only campus” to address the traffic-related concerns. The “school bus-only campus” approach was widely supported by the parents and the majority of the existing students travelled to school by school buses;
  
- (ii) those objecting to or making adverse comments on the application included nearby residents, schools/kindergartens and the parents of their students in the vicinity, two Kowloon City District Council Members and individuals. They considered that there were too many schools including kindergartens in Kowloon Tong. The Traffic Impact Assessment (TIA) submitted by the applicant was considered biased. The proposed kindergarten would further aggravate the existing traffic condition in the vicinity, especially the congestion problem. The proposed traffic mitigation measures like staggering school hours and the “school bus-only” campus were impractical and would not significantly improve the existing traffic situation; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The proposed kindergarten generally complied with the TPB Guidelines PG-No. 23A on “Application for Kindergarten/Child Care Centre in Kowloon Tong Garden Estate under Section 16 of the Town Planning Ordinance” as (i) the proposed kindergarten was considered not incompatible with the surrounding developments; (ii) no significant adverse impacts on the environment of the area were anticipated; (iii) a TIA had been undertaken by the applicant and traffic mitigation measures were proposed to address possible adverse traffic impacts on the surroundings. C for T had agreed to take up the monitoring role to oversee the traffic situation at Essex Crescent upon opening of the subject kindergarten with the assistance of C of P. In order to monitor the traffic conditions and the implementation and effectiveness of the traffic mitigation measures, it was recommended that planning permission should be granted on a temporary basis for a period of 18 months. A condition requiring the submission of bi-monthly monitoring reports on the implementation of the proposed measures was suggested. In addition, a revocation clause was also suggested so that the planning permission would be revoked if the concerned approval conditions were not complied with. The applicant would also be advised that if the permission was revoked, no sympathetic consideration would be given to future application for school use at the site.

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

41. A Member asked whether there were existing traffic management measures at Essex Crescent. Mr. David To replied that Essex Crescent was a local road and there were no-stopping restrictions at peak periods at appropriate locations along the road. Mr. To added that no-stopping restrictions would not be able to ease the traffic congestion problem which was caused mainly by the picking up and dropping off activities of kindergarten students by private vehicles and taxis within school premises causing queuing back to the adjacent street. Therefore, the proposed traffic mitigation measures submitted by the



applicant would be crucial in reducing the adverse traffic impacts generated by the proposed kindergarten. In order to monitor the implementation of the proposed traffic mitigation measures, the applicant would be required to submit a bi-monthly monitoring report, which should include information such as the number of students using school buses, the number of students breaching the “school bus only” rule, operation of the traffic management measures, and the traffic condition during the school hours, especially the morning and afternoon peaks, for the consideration of the Transport Department (TD).

42. A Member asked whether there was any precedent in granting a temporary planning permission and imposing approval conditions for the purpose of monitoring the implementation of proposed traffic mitigation measures. Mr. Eric Yue replied that there were other similar cases where temporary planning permission was granted for ‘school’ use in Kowloon Tong and approval conditions were imposed on the school hours. Mr. Yue added that a temporary permission of 18 months would help ensure close monitoring of the effectiveness of the proposed traffic mitigation measures.

#### Deliberation Session

43. In response to a question from the Chairman, Mr. David To said that according to the information available, there were about six percent of the students travelling to and from the existing school at York Road by private cars and taxis. The overall traffic conditions could be slightly improved if the use of private cars and taxis at the new campus was strictly prohibited. TD had no objection to the application on the considerations that the application was for a temporary planning permission of 18 months and that a revocation clause had been suggested. In addition, if the traffic mitigation measures were implemented successfully, they could serve as an example for other school operators in the Kowloon Tong area to follow.

44. The Chairman asked how many kindergartens were approved on a temporary basis in the Kowloon Tong area. Mr. Eric Yue referred to paragraph 6 and Annex II of the Paper and said that since 2000, there had been 33 similar applications for kindergarten use within the “Residential (Group C)1” zone in the Kowloon Tong area. A total of 24 applications involving 19 kindergartens were approved while nine applications were rejected. Among the 24 approved applications, two were approved on a temporary basis.

45. In response to a further question from the Chairman, Mr. Eric Yue said that according to the applicant, there would be seven school buses for transporting students and each of the school buses could accommodate 40 students. The seven school buses would travel on designated routes. Students living too far away from the designated routes would not be admitted by the school.

46. A Member expressed reservation on the application as the implementability and enforceability of the proposed traffic mitigation measures were questionable. It was doubtful whether the applicant would be able to comply with the approval conditions regarding the implementation of the proposed traffic mitigation measures. The Member said that it would cause hardship to the students when the temporary planning permission lapsed after 18 months. The site was not suitable for the proposed use if the traffic problem could not be resolved.

47. The same Member asked how TD would monitor the implementation of the proposed traffic mitigation measures. Mr. David To said that TD would conduct random on-site sample checking at Essex Crescent and would also rely on the complaint mechanism. The Secretary said that noting that a large number of objections were received against the application, the residents in the area would likely make complaints if the proposed traffic measures were not followed. Another Member said that the Police should strictly enforce the no-stopping restrictions to ensure that there would be no on-site parking/waiting of private cars in the area. The proposed measure on picking up/dropping off would need the strict enforcement by the Police.

48. The Vice-Chairman said that the proposed traffic mitigation measures and the requirement to submit bi-monthly monitoring reports might be useful in restricting the traffic volume to and from the kindergarten. If the proposed measures proved to be successful, other kindergartens in Kowloon Tong could follow suit and that would help relieve the traffic congestion problem in the area. Moreover, as the proposed kindergarten was merely a replacement of the existing school at York Road, it should not create additional adverse traffic impacts on the Kowloon Tong area. He therefore supported the temporary planning permission for a period of 18 months.

49. A Member said that as the existing kindergarten at York Road would be closed by the end of 2011, the approval of the application would help provide a temporary campus for the existing students. Noting that the number of students would remain the same, the overall impacts generated by the proposed kindergarten would be the same as that of the existing kindergarten on York Road. Regarding the effectiveness of the proposed traffic mitigation measures, the Member said that it would depend on whether the applicant and the students were co-operative. However, the same Member said that the applicant should be advised that there was no guarantee that the planning permission would be renewed after 18 months, and the applicant should be prepared to come up with a long-term plan for the kindergarten.

50. Noting that the applicant did not seem to have an alternative plan for the kindergarten, a Member said that if the subject planning application was approved and the proposed traffic mitigation measures were successfully implemented, the applicant should be allowed to renew the planning permission upon its expiry. This would help ensure the continuous operation of the kindergarten and would certainly benefit the students. The Chairman said that it would not be appropriate to consider the renewal of the planning permission at this stage as it would depend on the planning circumstances at the time when the application for renewal was considered by the Committee. The overall traffic conditions in the Kowloon Tong area might have been different at that time because of other factors other than the kindergarten. The Chairman said that the subject application, if approved, was only a short-term solution. The applicant should have a long-term plan.

51. A Member said that the traffic congestion problems in the Kowloon Tong area would unlikely be relieved in the near future. The relocation of the subject kindergarten from York Road to Essex Crescent would not have a significant impact on the overall traffic conditions.

52. Noting that learner drivers in the Kowloon Tong area might also contribute to the traffic congestion problem, the Chairman asked whether any restrictions could be imposed to prohibit learner drivers from practising in Kowloon Tong during weekdays. Mr. Eric Yue said that driving instructors were prohibited from giving lessons on certain roads during rush hours.

[Dr. Winnie Tang left the meeting at this point.]

53. A Member said that the subject application could be approved on sympathetic grounds in view of its unique circumstances. However, in view of the serious traffic congestion problem in Kowloon Tong, it should be made clear to the applicant that the approval should only be regarded as a temporary measure and no further planning permission would be granted upon the expiry of the temporary planning permission. The applicant should look for another place outside Kowloon Tong for relocation. This might help to reduce the number of kindergartens in the Kowloon Tong area. The Member's view was shared by three other Members.

54. The Vice-Chairman said that given the traffic congestion problem in Kowloon Tong, the Committee might want to consider if no further planning applications for kindergarten development in the Kowloon Tong area should be approved. A Member said that if the subject application was approved, it should be clear that the approval should not be taken as a precedent for future planning applications.

55. A Member asked whether the applicant had undertaken to restrict the maximum number of students to be accommodated within the school building. Mr. Eric Yue said that according to the applicant, there would be two sessions per day with 277 students per session.

56. A Member supported the application and said that as the kindergarten was a commercial operation, a maximum limit on the number of students might not be appropriate. However, it should be made clear to the applicant that if the applicant failed to comply with the approval conditions, no further planning permission would be granted by the Board.

57. The Secretary said that a revocation clause had been recommended so that when the applicant failed to comply with the approval conditions, the planning permission could be revoked before the 18-month temporary planning permission expired. Under such circumstances, no sympathetic consideration would be given to future application for kindergarten use at the application site. The Secretary added that relevant conditions on the implementation of proposed traffic mitigation measures could be imposed in the temporary waiver issued by LandsD.

58. In response to a question from a Member, Mr. David To said that there were stopping restrictions at some sections of Essex Crescent. No-stopping restriction would only be useful to guard against vehicles waiting/parking on-street for picking up of students after their schooling. However, enforcement by the Police was important for such restriction to take effect. In some situations especially at the beginning of the school hours, the installation of no-stopping restriction could reduce the length of setting-down spaces resulting in a longer traffic queue. If necessary, further restrictions could be imposed to make sure the picking up/setting down activities would only take place within the school site and not along the road.

59. The Vice-Chairman asked whether it was possible to require an independent third party to submit the bi-monthly monitoring report to ensure its objectiveness. Another Member suggested requiring a third party to certify the bi-monthly reports one year after the temporary permission was granted. In response, Mr. David To said that the impartiality of the independent third party could still be questioned if he or she was employed by the applicant.

60. The Chairman summed up the discussion and said that Members generally agreed that the application could be approved on a temporary basis for a period of 18 months given its unique circumstances. Firstly, it was a replacement of an existing kindergarten in the same area. Secondly, the applicant had undertaken to implement traffic mitigation measures to address the traffic impacts. Members were of the view that the approval of the application should not be taken as a precedent for other kindergarten applications in the Kowloon Tong area. The applicant should also be advised that there was no guarantee that the planning permission would be renewed after 18 months. In view of traffic congestion in Kowloon Tong, Members were of the view that new applications for kindergarten use would further aggregate traffic congestion in the area and would be highly undesirable.

61. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 18 months until 4.5.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the school hours should be restricted from 9:30 a.m. to 12:30 p.m. and 2:00 p.m. to 5:00 p.m., Monday to Friday, as proposed by the applicant,

during the school operation period;

- (b) the implementation of the traffic mitigation measures including “school bus only” campus and ‘loading/unloading within campus’, as proposed by the applicant, during the school operation period to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of bi-monthly monitoring reports on the implementation of the proposed traffic mitigation measures stated in conditions (a) and (b) above, during the school operation period to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the provision of loading/unloading spaces prior to commencement of school operation to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the provision of water supplies for firefighting and fire service installations prior to commencement of school operation to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the submission of a Sewerage Impact Assessment (SIA) within 3 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 4.2.2012;
- (g) the implementation of the sewerage improvement measures identified in the SIA in condition (f) above within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.5.2012;
- (h) the submission of a landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.2.2012;
- (i) the implementation of the approved landscape and tree preservation

proposal under condition (h) within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.5.2012;

- (j) the submission of quarterly tree monitoring reports to the satisfaction of the Director of Planning or of the TPB upon the commencement of site works and until the satisfactory implementation of the landscape and tree preservation proposal; and
- (k) if any of the above planning conditions (a) or (b) was not complied with during the school operation period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

62. The Committee also agreed to advise the applicant :

- (a) that the approval of the application did not imply any compliance with the Buildings Ordinance (BO) and Regulations. The applicant should appoint Authorized Person and Registered Structural Engineer to submit building plans to the Buildings Department for approval in accordance with the requirements of the BO;
- (b) to consult the Registration Section of the Education Bureau on the school registration process for the proposed kindergarten under the Education Ordinance and Regulations;
- (c) to apply to the District Lands Officer/Kowloon East, Lands Department (LandsD) for the proposed development under the lease. However, the applicant should note that there was no guarantee that such application would be approved by the Government. Such application, if approved, would be subject to such terms and conditions (including but not limited to the payment of a waiver fee) as imposed by the LandsD at its discretion;
- (d) to note that large tree wounds were found on the Magnolia graniflora at the southwestern corner of the application site. Appropriate tree treatment

should be taken soonest possible to avoid further deterioration of the tree on site. The applicant should maximize the size of the planter and soil volume for the Magnolia grandiflora;

- (e) to note that non-compliance of approval conditions would lead to revocation of planning permission; and
- (f) to note that the planning permission was only for a period of 18 months. It should not be assumed that application for further extension would be given by the TPB.

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

- A/K7/105            (a) Proposed minor relaxation of building height restriction from 80mPD to 100mPD and minor relaxation of plot ratio restriction from 5 to 5.5 for a proposed residential and museum development; and
- (b) Proposed place of recreation, sports or culture (museum) in “Residential (Group B)” zone,  
139-147 Argyle Street, Ho Man Tin, Kowloon  
(KIL Nos. 6005, 6035RP, 6036RP, 6037RP and 6037RP)  
(MPC Paper No. A/K7/105)
- 

63.            The Secretary reported that the application was submitted by CLP Holdings Ltd with Ove Arup & Partners Hong Kong Ltd. (OAP) as one of the consultants. Prof. S.C. Wong had declared an interest in this item as he had current business dealings with OAP. Members noted that Prof. Wong had already left the meeting.

64.            The Secretary further reported that a letter was submitted by “a group of residents” to the Committee that morning. A copy of the letter had been tabled at the meeting for Members’ information.

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



65. Ms. S.H. Lam, STP/K, presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application –
  - (i) on 28.9.2001, the Building Authority (BA) approved a set of building plans submitted by the applicant for a residential development at the application site with plot ratio of 5 and building height at main roof of 156.05mPD. Since then, the approved building plans were amended several times. The latest submission (with 156.05mPD at main roof) was approved by BA on 15.10.2010. In 2009, the CLP Head Office including the Clock Tower Building was proposed as a Grade 1 historic building by the Antiquities Advisory Board. Nevertheless, the applicant still had the right to proceed with the development in accordance with the approved building plans;
  - (ii) building height restriction for the site was imposed in 2008 on the draft Ho Man Tin OZP No. S/K7/19. The site was restricted to a maximum building height of 80mPD with a provision for minor relaxation of building height on application to the Board. The applicant submitted a representation opposing the imposition of building height restriction on the subject site and proposed to delete it. Upon consideration of the representation, the Board decided not to propose any amendment to the OZP to meet the representation;
- (b) the proposed minor relaxation of building height restriction from 80mPD to 100mPD and minor relaxation of plot ratio restriction from 5 to 5.5 for a residential and museum development; and proposed place of recreation, sports or culture (museum);
- (c) departmental comments –

- (i) the Commissioner for Heritage's Office of the Development Bureau (CHO, DEVB) and the Antiquities and Monuments Office of the Leisure and Cultural Services Department (AMO, LCSD) supported the application. CHO and AMO considered that the current proposal was commensurate with the grading and heritage value of the historic building concerned. The proposal made appropriate arrangement for heritage conservation while respecting private property rights. The applicant was advised to further explore the use of colour, materials, detailing and other architectural features for the new portion to echo with the preserved portion;
- (ii) the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) commented that the development seemed to be much taller than the low-rise buildings to the north and the historical building within the site. Therefore, the applicant might wish to keep the relaxation of building height for the residential towers as low as possible. Refinement on building scale, proportions, colour, materials or architectural design of the new development might also be considered to complement the heritage character of the historical building;
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) supported the conservation of the Clock Tower Building and the design of the podium to form a coherent extension of the heritage feature. The proposed minor relaxation of the building height and plot ratio restrictions were considered not unacceptable. However, consideration should be given to improve the visual permeability of the proposed scheme, e.g. by providing building gaps or voids, etc. The applicant should also consider minimising the impact on the existing trees to preserve the existing green buffer and landscape character;
- (iv) the Director of Environmental Protection had no objection to the

application but required the implementation of the noise mitigation measures as proposed by the applicant and the submission of a Sewerage Impact Assessment;

(d) during the first three weeks of the statutory publication period, 249 public comments were received. Among them, 129 objected to or made adverse comment on the application, 91 supported or were in favour of the proposal, two supported only the heritage preservation part of the scheme, four expressed views on the preservation of the Clock Tower Building, and 23 requested for extension of the consultation period. The details of the public comments were as follows:

- (i) A total of 129 comments including 4 organizations (Green Sense, Lung Fu Shan Environmental Concern Group, Conservancy Association and Central & Western Concern Group), one District Councillor (enclosing 267 signatures and comments) and 124 individuals objected to or made adverse comment on the application mainly for the reasons that the proposed residential development was too high and incompatible with the historic building and developments at Kadoorie Avenue; the wall effects would block air ventilation and natural lighting; the proposed number of car parking spaces was excessive; the proposed relaxation of building height was excessive; the whole building rather than just the Clock Tower Building itself should be preserved; and a lot of trees and natural slope would be removed to make way for the proposed development;
- (ii) a total of 91 comments including 87 individuals, one organization (YMCA of Hong Kong), a museum expert, the Chairman of Mong Kok Neighbourhood Association and the vice-Chairman of the Yau Tsim Mong Area Committee supported or were in favour of the application mainly for the reasons that the Clock Tower Building should be preserved; the height of the proposed development had been reduced as compared to the approved building plans; the museums would serve the public and provide good opportunity for

history education; the relaxation of plot ratio would provide an incentive for the developer to preserve the Clock Tower Building for museum use;

- (iii) two commenters including one individual and one organization (Designing Hong Kong Limited) supported the preservation of clock tower but opposed to the proposed residential development. Four commenters commented that the design of new building should match the Clock Tower Building and the applicant should be encouraged to preserve the historic building;
- (iv) the remaining 23 commenters requested to extend the statutory publication period to allow more time to comment on the proposal;
- (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 which was summarized as follows:

The preservation of the historic building

- (i) the proposed scheme comprised two portions. The existing Clock Tower Building located at the eastern part of the site would be preserved and adapted for museum use for public access, while the remaining portion of the site would be redeveloped for residential use with a maximum building height at 100mPD. Taking into account the fact that the owner already had a set of building plans approved for a proposed residential development at a maximum building height at 156mPD without the preservation of the Clock Tower Building, CHO and AMO considered that the current proposal had struck a balance between preservation of the historic building and respect for private property rights;

The minor relaxation of plot ratio and building height restrictions

- (ii) the proposed relaxation of plot ratio was considered reasonable as the additional plot ratio of 0.5 was for the proposed museums and there was no additional GFA for residential use. Taking into account the development intensity permitted and that about 26% of the site would be dedicated for the preservation of the heritage feature in-situ, the provision of museum as well as the development context south of the application site across Argyle Street, the proposed minor relaxation of the building height restriction of 20m was also considered not unacceptable. The proposal would not bring about adverse impacts on traffic, drainage and the environment;

The height of the podium and the car parking space provision

- (iii) the proposed 4-storey podium accommodating the car parking and loading/unloading spaces for both the proposed residential development and the proposed museums as well as the clubhouse facilities was considered acceptable. The height of the podium at 28.20mPD was similar to that of the Clock Tower Building at 27.3mPD. The car parking spaces would be provided in accordance with the requirement of the Hong Kong Planning Standards and Guidelines;

Concerns on the long façade of the residential towers

- (iv) regarding CTP/UD&L, PlanD and CA/ASC, ArchSD's concerns on the long façade of residential towers, it should be noted that due to preservation of the Clock Tower Building at the eastern part of the site, the proposed residential towers had to be positioned in the western part of the site. A wide gap above the preserved Clock Tower Building had already been proposed in the development scheme. Additional building gaps or voids might require further increase in building height which was undesirable;

Responses to the public comments

- (v) regarding the public comments on wall effects and traffic congestion, concerned government departments had no adverse comments. According to the Air Ventilation Assessment Study by Expert Evaluation on Ho Man Tin Area completed in 2008, the site was not located with the wind corridors. Nevertheless, a gap of about 30m would be provided above the preserved Clock Tower Building. As regards the public comments on the possible adverse visual and landscape impacts, it should be noted that 61 trees were proposed to be felled and 70 new trees would be planted. In addition, 12 new trees were proposed to be planted along Argyle Street. Besides, planning conditions had been recommended to address the urban design and landscape concerns. In the applicant's response to the public comments, the applicant had undertaken to conduct an on-going stakeholder engagement in relation to the implementation and content of the proposed museums, and on the preservation measures to be implemented in the building.

66. Miss S. H. Lam continued to say that the content of the letter submitted by “a group of residents” and tabled at the meeting was similar to those public comments that were against the application. Some of the major concerns stated in the letter included the adverse air ventilation and traffic impacts arising from the proposed development, the incompatibility of the heritage building with the new residential towers, the concerns on the calculations of the GFA and building height of the proposed residential towers and the operation of the proposed museums.

67. A Member asked how the proposed museums were to be operated. Mr. Eric Yue said that the existing Clock Tower Building at the eastern part of the site would accommodate two museums of different themes. One of them would be the Hong Kong Heritage Project (HKHP) which was to establish an archive of historical documents and to promote heritage preservation through a series of education and community initiatives. The other museum was the Electric Museum which was intended to present the history and evolution of the development of electricity supply in Hong Kong and its impact on people's

lives over time. The applicant had proposed that the museums would be open to the public free of charge.

### Deliberation Session

68. The Vice-Chairman supported the application and said that although the applicant sought planning permission for minor relaxation of the plot ratio and building height restrictions, the proposal was a reduction in the proposed building height as compared with the scheme in the approved building plans. There was also no change in the domestic plot ratio as the proposed increase in the plot ratio was only for the preservation of the Clock Tower Building. He said that the work of the Development Bureau was appreciated as the proposed scheme which included the preservation of the heritage building was for the benefit of the public. Another Member also considered the proposal under application was reasonable as it had struck a balance between preservation and development.

69. The Chairman drew Members' attention to the proposed scheme under the current application and the scheme in the approved building plans was shown in Figure 5 in Appendix Ia of the Paper. He pointed out that the proposed minor relaxation of building height and plot ratio restrictions seemed reasonable as the proposed building height of 100mPD was not incompatible with the surrounding areas and the site was subject to constraints. There was also a need to incorporate noise mitigation measures. A Member supported the application and said that the proposal, with the preservation of the Clock Tower Building and the reduction of the proposed building height, represented an improvement compared with the scheme in the approved building plans.

70. Another Member noted the long façade of the residential blocks but considered that there might not be much room for future improvement given the constraints of the site and the proposal to preserve the Clock Tower Building.

71. A Member supported the application and considered that the exhibits in the proposed museums should be updated regularly to generate public interests. Mr. Eric Yue said that the applicant had experience in operating the museums as both the Electric Museum and the HKHP were already in existence. Both of these museums would be relocated to the Clock Tower Building to take advantage of the historic setting of the building and enhance

their appeal to the public.

72. A Member said that the proposal was a good example demonstrating how a compromised solution could be reached through negotiations between the Government and the private sector to preserve a historic building under private ownership.

73. 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 4.11.2015, 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 Clock Tower Building should be open to the public free of charge at reasonable hours as proposed by the applicant;
- (b) the submission of a Conservation Management Plan for the preservation of the Clock Tower Building prior to commencement of any alteration works to the satisfaction of the Antiquities and Monuments Office, Leisure and Cultural Services Department or of the TPB;
- (c) the submission and implementation of a proposal on colour, materials and architectural feature of the building surface of the proposed residential development including the podium to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of emergency vehicular access (EVA) and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (e) the design and provision of vehicular access, car parking spaces and loading/unloading bays to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction



of the Director of Environmental Protection or of the TPB;

- (g) the implementation of the sewerage mitigation measures/sewerage upgrading/sewerage connection works identified in the SIA in planning condition (f) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (h) the implementation of the noise mitigation measures (i.e. building setbacks, building podium, building balcony, architectural fins and fixed windows) as recommended in the submitted Environmental Assessment Study to the satisfaction of the Director of Environmental Protection or of the TPB;
- (i) the submission and implementation of a revised Landscape Master Plan and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (j) the submission of quarterly tree monitoring report upon the commencement of site works and until the satisfactory implementation of the approved landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the District Lands Officer/Kowloon East, Lands Department (LandsD)'s comments that the applicant would need to apply to the LandsD for the necessary approval and/or lease modification;
- (b) note the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD)'s comments that detailed comments on the compliance with the provisions of the Buildings Ordinance would be provided upon submission of building plans and CBS/K, BD's comments in paragraph 9.1.2 (e) of the Paper;
- (c) note the Chief Engineer/Mainland South, Drainage Services Department

(DSD)'s comments that a drainage reserve should be designated for the existing sewer running across the site that no structure or support for any structure should be erected within the area of the drainage reserve. In cases the proposed residential development would have conflict with the said sewer and the designation of a drainage reserve was undesirable, it was suggested including in the lease appropriate provisions requesting the lot owner to divert the said sewer within the site to Government land. The sewerage diversion proposal together with the Sewerage Impact Assessment (SIA) should be submitted to Environmental Protection Department (EPD)/DSD for comment/approval in advance. Moreover, the applicant should undertake to carry out such diversion works and any sewerage mitigation measures/upgrading works as suggested by the SIA above at his cost;

- (d) note the Commissioner for Heritage's Office of the Development Bureau and the Antiquities and Monuments Office of the Leisure and Cultural Services Department's comments that the Conservation Management Plan should include but not limited to documentation of the preservation approach of the project, evaluation of the impacts of the proposed works on the preserved Clock Tower Building and mitigation measures for due protection of the preserved Clock Tower Building;
- (e) note the Chief Engineer/Development (2), Water Supplies Department's comments that the water mains replacement/rehabilitation works were being carried out in the vicinity of the application site;
- (f) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the existing trees on the slope of the northern boundary formed an effective landscape buffer and the applicant should minimize the impact on the existing trees to preserve the existing green buffer and landscape character. The existing trees along Argyle Street were planted on flat ground and had 'medium' survival rate after transplanting. The applicant should review if transplanting was feasible; and

- (g) carry out on-going stakeholder engagement in relation to the heritage components.

[The Chairman thanked Mr. Eric C.K. Yue, DPO/K, and Ms. S.H. Lam, STP/K, for their attendance to answer Members' enquiries. They left the meeting at this point.]

**Agenda Item 14**

**Any Other Business**

- 75. There being no other business, the meeting closed at 12:00p.m.