

TOWN PLANNING BOARD

**Minutes of 459th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 20.1.2012**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Clarence W.C. Leung

Mr. Felix W. Fong

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Professor C.M. Hui

Professor S.C. Wong

Ms. L.P. Yau

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

Assistant Director(2), Home Affairs Department
Mr. Eric K.S. Hui

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

Assistant Director/Kowloon, Lands Department
Ms. Olga W.H. Lam

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

Secretary

Absent with Apologies

Professor P.P. Ho

Dr. Winnie S.M. Tang

Ms. Julia M.K. Lau

Mr. Maurice W.M. Lee

In Attendance

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

Chief Town Planner/Town Planning Board
Miss Chu Hing Yin

Town Planner/Town Planning Board
Ms. Polly O. F Yip

Agenda Item 1

Confirmation of the Draft Minutes of the 458th MPC Meeting held on 6.1.2012

[Open Meeting]

1. The draft minutes of the 458th MPC meeting held on 6.1.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/K2/5 Application for Amendment to the Draft Yau Ma Tei Outline Zoning
Plan No. S/K2/21 from "Open Space" to "Residential (Group A)",
No. 107 Parkes Street, Yau Ma Tei
(MPC Paper No. Y/K2/5)

Presentation and Question Sessions

3. Mr. C.K. Soh, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK) of the Planning Department (PlanD) and the following applicant's representatives were invited to the meeting at this point :

Ms. Teresa Chow

Mr. Chu Hon Leung

4. The Chairman extended a welcome and explained the procedures of the hearing. Mr. C.K. Soh, STP/TWK, was then invited to brief Members on the background of the application. With the aid of a powerpoint presentation, Mr. Soh presented the application and covered the following main points as detailed in the Paper :

Proposed Rezoning

- (a) the applicant proposed to rezone the application site from “Open Space” (“O”) to “Residential (Group A)” (“R(A)”) on the draft Yau Ma Tei Outline Zoning Plan (OZP) No. S/K2/21;

Background

- (a) the application site formed part of an “O” zone at Parkes Street/Woosung Street. This “O” zone had been on the OZP since the draft OZP No. LK2/40 published in 1971. It mainly comprised four private lots, i.e. No. 105 and 107 Parkes Street and No. 82 and 84 Woosung Street (as indicated in Plan Z-2 of the Paper);
- (b) the application site, No. 107 Parkes Street, had an area of about 69m². It consisted of a 6-storey tenement building built in 1964. The adjoining lot, No. 105 Parkes Street, was occupied by a 3-storey tenement building which was under demolition. According to the set of building plans approved by the Building Authority on 14.1.2011, the land area of No. 105 Parkes Street would be left vacant whilst the adjoining lots, No. 93 to 103 Parkes Street, which were zoned “R(A)”, would be redeveloped into a 25 storey composite building; and
- (c) the land area of No. 82 and 84 Woosung Street together with the adjoining lot, No. 86 Woosung Street which were zoned “R(A)”, were surrendered to the Government in 1979. The tenement buildings thereon were demolished in 1988. The Lands Department granted a short-term tenancy for hockey related activities commencing on 29.4.2011 for a fixed term of two years and thereafter quarterly;

Departmental Comments

- (d) the departmental comments were detailed in paragraph 8 of the Paper and highlighted below :
- (i) the Director of Leisure and Cultural Services (DLCS) had no objection to the application subject to the identification of a reprovisioning site of equivalent size in the Yau Tsim Mong district. There was no implementation plan to develop the subject open space; and
 - (ii) other concerned government departments had no objection to or adverse comments on the application;

Public Comments

- (e) during the statutory publication period, two public comments were received. Designing Hong Kong Limited objected to the application on the grounds that the proposed development would have adverse traffic impacts and approval of the application would lead to a loss of open space in the district. An individual objected to the application on the ground that the open space was a valuable public asset in the crowded urban area and the proposed rezoning had no benefit to the public interest; and

PlanD's Views

- (f) PlanD did not support the application based on the assessments set out in paragraph 10.1 of the Paper which were summarised below :
- (i) the "O" zone at Parkes Street/Woosung Street was needed to redress the shortfall of local open space provision in the old urban core like the immediate neighbourhood of Parkes Street. Although the Leisure and Cultural Services Department (LCSD) had no programme to develop the public open space at the moment, implementation of the planning intention of the "O" zone had taken shape progressively. Part of the "O" zone, i.e. No. 82 and 84,

Woosung Street, had been surrendered to the Government while the tenement building on No. 105 Parkes Street was under demolition and the land area of this lot would be left vacant. Rezoning of the site, from “O” to “R(A)” would adversely affect the integrity of the “O” zone and frustrate the planning intention;

- (ii) there was a deficit of local open space of about 2.84 ha in the Yau Ma Tei area. Whilst this deficit could be compensated by the surplus in district open space provision, the larger open spaces (i.e. Saigon Street Playground, Gascoigne Road/Nathan Road Rest Garden and Shanghai Street/Market Street Playground) were not situated in the immediate neighbourhood of Parkes Street (as indicated in Plan Z-5 of the Paper);
- (iii) in the older residential areas bounded by Parkes Street, Jordan Road, Canton Road and Kansu Street, there were only a few pockets of open spaces including the subject planned open space at Parkes Street/Woosung. These open spaces were important in serving the local residents and acting as a breathing space and visual relief in the older part of the urban area. The applicant argued that Yau Ma Tei had a higher open space provision when compared with the adjoining planning areas in terms of percentage of land zoned “O” on the OZP. Such argument was not relevant as according to the Hong Kong Planning Standards and Guidelines, the provision of open space was dependent on the number of population rather than the land area of the district. Besides, the applicant had not submitted any proposal to demonstrate any planning gain or benefit of the proposed rezoning; and
- (iv) the site had an area of about 69m². Rezoning it to “R(A)” would reduce the size of the planned open space at Parkes Street/Woosung Street and constraining its future design. As the site was small, it would also result in a piecemeal residential development which was

separated from other residential developments by the adjoining road, “O” and “Government, Institution or Community” (“G/IC”) zones.

5. The Chairman then invited the applicant’s representatives to elaborate on the rezoning application. The applicant’s representative, Ms. Theresa Chow, said that she had no further information to be provided for the rezoning application.

6. The Chairman referred to the photo on Plan Z-4 of the Paper and asked whether the adjoining lots, No. 82 to 86 Woosung Street, were vacant. Mr. C.K. Soh replied in the affirmative. He added that these private lots had been surrendered to the Government and a short-term tenancy was granted by the Lands Department to an organisation for hockey related activities. The area covered by these lots had not been formed and was currently vacant.

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

7. In response to a Member’s question on the current status of the adjoining lot, No. 105 Parkes Street, Mr. C.K. Soh said that the tenement building on this lot was under demolition. According to the set of building plans approved by the Building Authority on 14.1.2011, it would be left vacant whilst the adjoining lots, No. 93 to 103 Parkes Street, would be redeveloped into a composite building for residential/commercial uses.

8. As the applicant’s representatives had no further points to add and Members had no further questions to raise, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee’s decision in due course. The Chairman thanked the applicant’s representatives and PlanD’s representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

9. A Member said that as the application site was under private ownership and located in the middle of the “O” zone, it would be difficult for the applicant to redevelop the

site. Since the landowner would be unwilling to invest more on the site, the site condition would further deteriorate over time. The Chairman said that the concerned area had been zoned “O” and under such zoning, the current use of the tenement building on the site would not be affected. The Government would implement the public open space when opportunities arised. The Secretary added that such situation was common in the old urban districts, like Sheung Wan, Yau Ma Tei and Mong Kok. For instance, in Sheung Wan, about twenty-three pieces of land, so-called ‘pocket’ open spaces, had been zoned “O” and most of them had been implemented. The open space in Yu Lok Lane was implemented by the Urban Renewal Authority as part of a redevelopment scheme. The approval of the subject application would adversely affect the integrity of the “O” zone of Parkes Street/Woosung Street and allow pencil-type development, which was considered undesirable.

10. A Member noted that the developer might consider amalgamating the site with the adjoining lot, No. 107 Parkes Street, in order to obtain a higher plot ratio for the development site. As the adjoining lots within the “O” zone had either been surrendered to the Government or would be left vacant, it was worthy to retain the site for open space use to serve the local residents. The open space use was also compatible with the “G/IC” site to its immediate north. Another Member shared similar views that open space was scarce in the old urban areas and it was particularly valuable in the district with crowded living environment like Yau Ma Tei. Although the subject “O” zone might take some time to be realised, the planning intention of the “O” zone should be maintained.

11. The Chairman summarised Members’ views and concluded that the planned open space at Parkes Street/Woosung Street was essential to serve the needs of the local residents as larger open spaces were located some distance away from the immediate neighbourhood of Parkes Street. The current “O” zoning of the site was considered appropriate and the current use of the tenement building on the site would not be affected. The approval of the application would adversely affect the integrity of the “O” zone. Moreover, as the site was small, rezoning it to “R(A)” would result in pencil-type development on the site, which was considered undesirable. Members agreed that the application should be rejected.

12. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the open space was needed to redress the shortfall of local open space provision in the old urban core of Yau Ma Tei;
- (b) the proposed amendment of the Outline Zoning Plan would reduce the size of the planned open space constraining its future design; and
- (c) the approval of the application would set an undesirable precedent for similar applications in the area.

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/TW/2 Application for Amendment to the Approved Tsuen Wan Outline Zoning Plan No. S/TW/28 from "Green Belt" to "Other Specified Uses" annotated "Columbarium", Lots 613 RP (Part), 614, 1229 in D.D. 453 and Adjoining Government Land, Lo Wai, Tsuen Wan (MPC Paper No. Y/TW/2)

13. The Secretary reported that on 15.12.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow sufficient time for the applicant to liaise with other existing major columbarium operators along Lo Wai Road to form a long-term traffic and transport arrangement including shuttle bus service during Ching Ming and Chung Yeung Festival periods in the area to address the comments of the Transport Department.

14. 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 a further period of two months were allowed for preparation of the submission of further information, and since this was the fourth deferment and a total of eight months had been allowed, this was the last deferment of the application.

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/TW/4 Application for Amendment to the Approved Tsuen Wan Outline Zoning Plan No. S/TW/28 from "Green Belt" to "Government, Institution or Community (10)", Lots 233 S.A, 233 RP, 234, 235 in D.D. 447 and Adjoining Government Land, Lo Wai, Tsuen Wan (MPC Paper No. Y/TW/4)

15. The Secretary reported that on 15.12.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow sufficient time for the applicant to arrange meetings with various government departments and to prepare necessary supplementary information in response to the departmental comments.

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

[Ms. Fannie F.L Hung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/382 Temporary Government Use (Driving Test Centre)
for a Period of 3 Years in "Residential (Group A)", "Green Belt",
"Government, Institution or Community" zones and an area shown
as "Road", 103 Lei Muk Road, Kwai Chung
(MPC Paper No. A/KC/382)

17. The Secretary reported that the application was submitted by the Transport Department (TD) and Mr. David K.B. To, being the representative of TD, had declared an interest in this item. The Committee agreed that Mr. To's interest was direct and he should leave the meeting temporarily.

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

Presentation and Question Sessions

18. Ms. Fannie F.L. Hung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary government use (driving test centre) for a period of 3 years from 29.2.2012 until 28.2.2015;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment from an individual was received. The commenter considered that the site was not suitable for use as a driving test centre because Lei Muk Road was busy, steep and narrow and there were taxi stand and mini-bus station near Shek

Yam Shopping Centre; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper which were summarised below :
- (i) the site had been using as a driving test centre for private cars and light goods vehicles since April 2007 and the applicant intended to continue the current use for 3 more years from 29.2.2012 to 28.2.2015 in order to continue the service to the public;
 - (ii) about 52% of the site was designated for 'Road' use and such area was intended to be a road linking up Tai Pak Tin Street and Wo Yi Hop Road (as indicated in Plan A-2 of the Paper). The temporary driving test centre would not jeopardize the implementation of the planned road and the Chief Highways Engineer/New Territories West, Highways Department had no comment on the application;
 - (iii) the temporary driving test centre was considered not incompatible with the surrounding residential developments, government uses and open space. It would not cause adverse environmental, sewerage, drainage and traffic impacts on the surrounding areas and the concerned government departments had no adverse comments on the application;
 - (iv) although the site encroached on the "Green Belt" zone, the area concerned (about 7.8% of the site) was relatively small and paved. As only some vegetation and no trees were found in the Site, no significant adverse landscape impact arising from the development was anticipated and the Chief Town Planner/Urban Design and Landscape Unit, PlanD had no objection to the application;

- (v) only about 0.3% of the site fell within the “Government, Institution or Community” (“G/IC”) zone. The applied use would not affect the normal operation of the North Kwai Chung Tang Shiu Kin Sports Centre in the concerned “G/IC” zone; and
- (vi) regarding the public comment concerning on the traffic condition of Lei Muk Road, the Commissioner of Police had no comment on the application. Besides, the applicant explained that the traffic along Lei Muk Road was not very busy and it was not a black spot of traffic congestion or accident. No complaint regarding traffic obstruction caused by the learners' or driving test vehicles along Lei Muk Road had been received in the past 3 years.

19. Members had no question on the application.

Deliberation Session

20. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 29.2.2012 until 28.2.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

- the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of the Fire Services or of the TPB by 20.7.2012.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/383 Shop and Services (Property Agency) in "Industrial" zone,
Flat Unit 02B (Room 4), G/F, Profit Industrial Building,
1-15 Kwai Fung Crescent, Kwai Chung
(MPC Paper No. A/KC/383)

Presentation and Question Sessions

21. Ms. Fannie F.L. Hung, STP/TWK, said that a replacement page for Page 6 of the Paper was tabled at the meeting for Members' information. Ms. Hung then 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 – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Kwai Tsing), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below :
 - (i) the applied use was considered not incompatible with the logistic company on G/F of the subject industrial building and the industrial-related office uses, logistic companies and warehouses at the upper floors of the building. The Director-General of Trade

and Industry had no comment on the application;

- (ii) the subject premises was small (about 29m²) and the applied use complied with the Town Planning Board Guidelines No. 25D for 'Use/Development within "Industrial" Zone' in that it would unlikely generate adverse traffic, environmental or infrastructural impacts on the surrounding areas. The concerned government departments had no comment on the application; and
- (iii) the subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on G/F and the applied use was accountable towards the aggregate commercial floor area. As no other uses on G/F were currently applicable for the maximum permissible limit, the subject premises with a gross floor area of about 29m² would not exceed the maximum permissible limit. In this regard, the Director of Fire Services had no objection to the application.

22. Members had no question on the application.

Deliberation Session

23. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.1.2015, 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 fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises, within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 20.7.2012; and

- (b) if the above planning condition was not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the development at the subject premises;
- (b) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (LandsD) that the applicant was required to apply for a temporary waiver for the shop and services use. The application for temporary waiver would be considered by 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 considered appropriate by LandsD;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the applicant should comply with the provisions of the Buildings Ordinance (BO), in particular :
 - (i) the application premises should be separated from the remainder of the building with fire resistance period of not less than two hours; and
 - (ii) an Authorised Person should be appointed to coordinate building works except those exempted works as defined in section 41 of the BO;
- (d) to note the comments of the Director of Fire Services that the applicant should comply with the requirements as stipulated in the 'Code of Practice for Fire Resisting Construction' which was administered by BD; and

- (e) to take note of the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ issued by TPB for further information on the fulfilment of the approval conditions.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/384 Shop and Services (Computer Sales) in "Other Specified Uses"
annotated "Business" zone, Factory Unit 3, G/F,
South China Industrial Building, No.1 Chun Pin Street, Kwai Chung
(MPC Paper No. A/KC/384)

Presentation and Question Sessions

25. Ms. Fannie F.L. Hung, STP/TWK, said that a replacement page for Page 6 of the Paper was tabled at the meeting for Members’ information. Ms. Hung then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (computer sales);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Kwai Tsing), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper

which were summarised below :

- (i) the shop and services use under application was considered not incompatible with the uses of the subject industrial building which comprised a printing equipment company and a factory canteen on G/F and industrial-related offices and trading companies on the upper floors;
- (ii) the applied use complied with the Town Planning Guidelines No. 22D for 'Development within "OU" annotated "Business" Zone' in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. The concerned government departments had no objection to or adverse comments on the application; and
- (iii) the subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on G/F and the applied use was accountable towards the aggregate commercial floor area. As no other uses on G/F were currently applicable for the maximum permissible limit, the subject premises with a gross floor area of about 72.1m² would not exceed the maximum permissible limit. In this regard, the Director of Fire Services had no objection to the application.

26. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises, within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 20.7.2012; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the development at the subject premises;
- (b) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (LandsD) that the owner should apply for a temporary waiver or lease modification. The application for temporary waiver or lease modification would be considered by 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/premium and administrative fee, as considered appropriate by LandsD;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the applicant should comply with the provisions of the Buildings Ordinance (BO), in particular :
 - (i) the application premises should be separated from the remainder of the building with fire resistance period of not less than two hours; and

- (ii) an Authorised Person should be appointed to coordinate building works except those exempted works as defined in section 41 of the BO;
- (d) to note the comments of the Director of Fire Services that the applicant should comply with the requirements as stipulated in the ‘Code of Practice for Fire Resisting Construction’ which was administered by BD; and
- (e) to take note of the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ issued by TPB for further information on the fulfilment of the approval conditions.

[The Chairman thanked Ms. Fannie F.L. Hung, STP/TWK, for her attendance to answer Members’ enquiries. She 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 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/405 Proposed Enhanced Design of Arbuthnot Wing for Cultural, Recreational and Commercial Uses (Proposed Amendments to an Approved Scheme) 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, Hong Kong
(MPC Paper No. A/H3/405)

29. The Secretary reported that the application was submitted by the Jockey Club CPS Ltd., Mr. Raymond Y.M. Chan and Mr. Felix W. Fong had declared an interest in this item as they were ordinary members of the Hong Kong Jockey Club (HKJC). The Committee noted that Mr. Chan had current business dealings with HKJC and agreed that he should leave the meeting temporarily, and Mr. Fong did not have current business dealings with HKJC but he had not arrived to join the meeting yet. Mr. Roger K.H. Luk and Mr. Clarence W.C. Leung also declared an interest in this item as they were voting/ordinary members of HKJC. The Committee noted that Mr. Luk and Mr. Leung did not have current business dealings with HKJC and they could be allowed to stay at the meeting.

30. The Secretary continued to report that Professor S.C. Wong had declared an interest in this item as he had current business dealings with Ove Arup and Partners Hong Kong Ltd., one of the consultants of the application. The Committee considered that the interest of Professor Wong was indirect as he was not involved in the application and he could stay in the meeting.

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

Presentation and Question Sessions

31. With the aid of a powerpoint presentation, 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) proposed enhanced design of the Arbuthnot Wing for cultural, recreational and commercial uses which mainly included :
 - (i) lowering of the soffit of Arbuthnot Wing, which would result in an increase in clear height of the multi-purpose hall from about 6.5m to 8m;

- (ii) inclusion of a technical ceiling inside the multi-purpose hall for a variety of art performance usages;
 - (iii) provision of a new structural core and circulation staircases to connect the multi-purpose hall within Arbuthnot Wing to the covered open space provided underneath;
 - (iv) extension of the building line to align with the revetment wall of Arbuthnot Road;
 - (v) increase in building coverage of Arbuthnot Wing from not more than 3.5% to 4%;
 - (vi) increase in scale of the covered public space from about 600m² to 660m²; and
 - (vii) change in location and provision of more connections between Arbuthnot Wing and D and E Halls;
- (c) departmental comments were detailed in paragraph 8 of the Paper and highlighted below :
- (i) the Commissioner for Heritage, Development Bureau (C for H, DEVB) fully supported the application. He considered that the enhanced design would increase the covered public space within the compound. It would provide a more spacious and technically equipped multi-purpose hall capable of holding a greater variety of art performances and functions. The staircase within the central core of the Arbuthnot Wing could be shared as the means of escape for D and E Halls and thus minimised the disturbances to the historic building by reducing the number of staircase connections to both Halls. The enhanced design also maintained a consistent design approach as the Old Bailey Wing with regard to the relationship with the revetment

wall. As the enhanced design would maintain the same building height and had a similar building envelope as that for the approved scheme, it would not result in any significant increase in building bulk;

- (ii) the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) advised that the new building line was extended to cantilever over the revetment wall of Arbuthnot Road. This was consistent with the design approach of the Old Bailey Wing in the approved scheme. Besides, the lowering of the soffit of Arbuthnot Wing and the inclusion of a technical ceiling above the multi-purpose hall would not result in an increase in overall building height. The revised linking bridges between Arbuthnot Wing and D and E Halls would generate less visual impact on the façades of both Halls and bring less obstruction for appreciating the architectural value of the roof of the Halls;

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

- (iii) the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) had no adverse comment on the application. He considered that the enhanced design was similar to the approved scheme in terms of building bulk and height;
- (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that the increase in the internal space of the Arbuthnot Wing by extending the footprint and lowering the soffit of the building would increase the building bulk and decrease the permeability. The current proposal was considered less desirable than the approved scheme in terms of visual effect. She also had reservation on the application from landscape planning point of view. The revised design of the new building was more massive and covered more area of public space underneath it. When compared with the approved scheme, the headroom of the covered

public space would be much reduced. The increase in covered public space was at the expense of the reduction in the adjacent uncovered public space. The landscape quality and provision of the revised design were considered inferior to that of the approved scheme; and

- (v) the Director of Environmental Protection (DEP) advised that the Central Police Station (CPS) Compound Conservation and Revitalisation was a Designated Project under the Environmental Impact Assessment Ordinance (EIAO). An EIA report for the CPS project had been approved and an Environmental Permit (EP) had been issued for the project on 18.4.2011. He would separately seek the views of relevant authorities in the context of EIAO to ascertain whether the proposed changes might possibly entail a material change to the environmental impacts of the CPS project and require a variation of the EP;

- (d) during the statutory publication period, a total of 35 comments were received. Of the public comments received, 26 comments were from Designing Hong Kong Limited, two District Councillors and members of the public and they supported or had no objection to the application. Eight comments were from the Central and Western Concern Group and members of the public and they objected to the application. One comment was from a member of the public who provided some general comments. The views received were summarised as follows :

Supporting Views/Comments

- (i) the revised design met the demand for small to medium scale performance venue;

- (ii) a performance venue without a false ceiling for lighting equipment or curtains would not be of much use and it was welcomed that change was introduced;

- (iii) the project should not be delayed incessantly and this would be a loss to the public and art organizations;
- (iv) the revised design would create more covered public space to allow for a broader range of activities;
- (v) the application only involved minor amendments without increasing the building height and bulk and there was no visual impact on the local residents;

Objecting Views

- (vi) no additional structural changes should be made to dilute the historic value of the premises. The revised design would have a significant visual impact when viewed from Arbuthnot Road. The new building structure was more bulky and uglier than the previous scheme. By increasing the covered public space, the already limited public open space was reduced;
- (vii) the increase in ceiling height and inclusion of technical ceiling could be achieved without revising the building line to align with Arbuthnot Road;
- (viii) there was no assessment on the impact of the new building;
- (ix) there was no explanation on whether the proposed changes had met the requirement of the approved EP;
- (x) the step by step approach of additional alterations to the plans further impinges on the integrity and historic context of the site; and
- (xi) public consultation was inadequate and there had not been any public engagement prior to the submission of the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below :
- (i) planning permission had been granted by the Committee to two new developments, namely Old Bailey Wing and Arbuthnot Wing, under Application No. A/H3/399 for cultural, recreational and commercial uses. The subject application involved changes to the design of the Arbuthnot Wing. The proposed gross floor area and building height of the Arbuthnot Wing maintained at 3,100m² and 80mPD respectively. C for H, DEVB considered that the revised design provided a more technically equipped multi-purpose hall capable of holding a greater variety of art performances and functions and achieved a better utilization of the site;
 - (ii) CTP/UD&L, PlanD considered the proposal less desirable than the approved scheme in visual terms due to the increase in building bulk and decrease in permeability. Moreover, the increase in the covered public space was at the expense of reduction in the adjacent uncovered public space. However, AMO, LCSD advised that the revised linking bridges between Arbuthnot Wing and D and E Halls would generate less visual impact on the façades of both Halls and bring less obstruction for appreciating the architectural value of the roof of the Halls. Besides, with the alignment of the revetment wall, the new building line gave a distinctive and consistent framework to both the old and new buildings. CA/ASC, ArchSD considered that the revised design was similar to the approved scheme and had no adverse comment. The functional merits of the revised design and the reduced impact on the adjacent historic buildings (i.e. D and E Halls) vis-à-vis the visual and landscape impacts, the revised proposal for Arbuthnot Wing was considered acceptable;

- (iii) whether the proposed changes might possibly entail a material change to the environmental impacts, DEP would seek the views of relevant authorities in the context of EIAO to ascertain if a variation of the EP would require an EIA. As the compliance with the Town Planning Ordinances (TPO) and the EIAO were two separate statutory processes, they could be proceeded in parallel; and
- (iv) regarding the public comments on inadequate consultation on the application, the application was published for public comments in accordance with the provisions of the TPO. As regards the comments on the revised design of Arbuthnot Wing, the assessments in paragraphs (i) and (ii) above were relevant. Regarding the comments on the absence of impact assessments, the application only proposed some changes to the design of the Arbuthnot Wing and there were no changes to other parts of the approved scheme.

32. In response to a Member's enquiry, Ms. April K.Y. Kun said that by reference to the photomontage on Drawing A-11 of the Paper, the headroom of the covered public space was about 8m.

33. A Member asked whether the applicant would need to revise the EIA report, taking into account the change in the design of the revised scheme. In response, Mr. Ken Y.K. Wong, Principal Environmental Protection Officer (Metro Assessment) of the Environmental Protection Department (EPD) said that the TPO and EIAO were two separate ordinances and the revised scheme would need to comply with both ordinances. The EIA report for the CPS project had been approved and an EP for the approved scheme had been issued. If the proposed amendments to the approved scheme did not entail a material change to the environmental impact of the CPS project, the applicant would not be required to conduct another EIA. However, the applicant would have to apply for a variation of the current EP under the EIAO to cater for the proposed changes in design. For this purpose, the applicant had submitted an Environmental Review Report to EPD in January 2012 to ascertain whether there would be material changes. The Report was being considered by the concerned authorities under the EIAO.

Deliberation Session

34. A Member agreed with PlanD's assessments that the revised design was less desirable than the approved scheme in terms of visual impact. However, there was also a functional improvement in that it provided a more spacious and technically equipped multi-purpose hall which could meet the demand for high quality performance venue. Another Member shared similar views that a technical ceiling for the multi-purpose hall was necessary to cater for the need of various performance usages. The lowering of the soffit of the Arbuthnot Wing would, however, affect the visual impact and the permeability of the building. The Chairman noted Members' concern on the visual impact of the revised design. He said that the CPS project was a large-scale revitalisation project. During the implementation of the project, further adjustments to the detailed design of the scheme to meet the needs of future users were not uncommon.

35. A Member noted that one of the major amendments of the revised design was the addition of a technical ceiling for the multi-purpose hall. In order to maintain the design merits of the previous approved scheme and allow more design flexibility, this Member asked whether consideration would be given to relax the building height restriction of 80mPD for the Arbuthnot Wing. In response, Ms. April K.Y. Kun said that the applicant had tried to achieve the revised design within the building height restriction under the Outline Zoning Plan. The Secretary pointed out that the stipulation of building height restriction for the site had gone through a due process of public consultation under the Town Planning Ordinance, and taken into account different public views and various planning considerations, such as compatibility with the adjacent historic buildings. The relaxation of building height restrictions should only be considered with strong justifications.

36. The Secretary continued to point out that the Urban Design and Landscape Unit of the Planning Department had discussed with the consultants regarding the visual impact of the revised design and suggested them to improve the permeability. However, the applicant had its own considerations and adopted the revised scheme. From the urban design perspective, the revised design was less desirable as the permeability had been reduced. However, there was an overall improvement in the functions of the Arbuthnot Wing.

37. A Member said that other than the functional merits mentioned above, the lowering of the soffit of Arbuthnot Wing for the revised linking bridges would result in a better connectivity between the Arbuthnot Wing and the adjacent D and E Halls. This could not be achieved if there was an increase in the overall building height of the Arbuthnot Wing.

38. The Chairman summarised Members' views and concluded that the revised design under application would provide a more technically equipped multi-purpose hall for a variety of art performance usage and achieved a better utilisation of the internal space. The connectivity between Arbuthnot Wing and the adjacent historic buildings would also be improved. However, the revised design was less desirable in terms of visual impact. Considering the revised scheme as a whole and taking into account the above aspects, the revised proposal for Arbuthnot Wing was acceptable. Members agreed.

39. 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 20.1.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the implementation of the mitigation measures identified in the archaeological investigation report 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 fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;

40. 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 TPB might be required;
- (b) to note the comments of the Chief Building Surveyor/Hong Kong West, BD as set out in the MPC Paper No. A/H3/399A regarding the compliance of sections 31(1) and 42 of the Buildings Ordinance, the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-87 and 151, the 'Code of Practice for the Provision of Means of Escape in case of Fire 1996', as well as the proposed footbridge;
- (c) to note the comments of the Chief Engineer/Hong Kong and 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 sewerage systems for handling additional discharge due to the redevelopment;

- (d) to note the comments of the Commissioner for Transport as set out in the MPC Paper No. A/H3/399A regarding the proposed traffic improvement measures and the applicant's responsibility to fund all improvement works;
- (e) 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 as set out in the MPC Paper No. A/H3/399A, and to refer to the 'Design and Management Guidelines on Public Open Space in Private Developments' published by the Development Bureau;
- (f) to note the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department as set out in the MPC Paper No. A/H3/399A on the provision of adequate separation between the new buildings, and the design of the footbridge should be further reviewed so that it might be visually more compatible with the surrounding context;
- (g) to note the comments of the Director of Leisure and Cultural Services as set out in the MPC Paper No. A/H3/399A on the need to approach the District Lands Officer/Hong Kong West and South, Lands Department for formal approval of transplanting/felling of trees;
- (h) to note the comments of the Director of Fire Services on the compliance of the 'Code of Practice for Means of Access for Fire-fighting and Rescue'; and
- (i) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department as set out in the MPC Paper No. A/H3/399A on the need to submit any upgrading works to the masonry walls to the Antiquities and Monuments Office for comments and a detailed program showing the master construction sequences for

interfacing work to BD for approval.

[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. K.S. Ng, STP/HK, was invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H11/99 Proposed Minor Relaxation of Plot Ratio Restriction from 5 to 5.1
and Building Height Restriction from 230mPD to 240.15mPD
for a Residential Development in "Residential (Group B)" zone,
23, 25, 27D, E and F Robinson Road, Mid-levels
(MPC Paper No. A/H11/99)

41. The Secretary reported that the application was submitted by Superich Consultants Ltd. and Express Hero Ltd., the subsidiaries of Henderson Land Development Co. Ltd. Mr. Raymond Y.M. Chan had declared an interest in this item as he had current business dealings with Henderson Land Development Co. Ltd. The Committee noted that Mr. Chan had left the meeting temporarily.

42. The Secretary continued to report that Mr. Clarence W.C. Leung was the director of a non-government organization which had previously received a private donation from a family member of the Chairman of Henderson. The Committee considered that Mr. Leung's interest was indirect and he could stay in the meeting.

Presentation and Question Sessions

43. With the aid of a powerpoint presentation, Mr. K. S. Ng, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio (PR) restriction from 5 to 5.1 and building height (BH) restriction from 230mPD to 240.15mPD for a residential development;
- (c) departmental comments were detailed in paragraph 8 of the Paper and highlighted below :
 - (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the previous scheme (Application No. A/H11/97) was approved with a condition that the BH should not exceed 237mPD. Opportunities to accommodate the bonus gross floor area (GFA) by adjusting floor plans while complying with the approval condition should be fully explored. The submission had not provided sufficient information to demonstrate that the bonus GFA could not be accommodated without an increase in BH;
 - (ii) the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) advised that the proposed BH of 240.15mPD was about 9.28% higher than the restriction under the Outline Zoning Plan (OZP) and 2.71% higher than the approved scheme (in terms of absolute BH). To avoid inducing greater height difference between the proposed development and the existing lower residential towers in the immediate surroundings, the applicant should review if there was alternative design option to accommodate the bonus GFA instead of adding one storey on top of the building;
 - (iii) the District Lands Officer/Hong Kong West and South, Lands Department advised that IL 4007 and IL 4008 (i.e. 23 and 25

Robinson Road) were subject to lease requirement for provision of right-of-way (ROW) within the lot for the owners of all the adjacent lots to pass and repass into Robinson Road. The applicant should ensure that the provision of ROW be maintained in the proposed scheme. If the ROW in the proposed scheme was different from the lease requirement, modification of lease for re-alignment of Row might be required; and

- (iv) the Commissioner for Transport (C for T) objected to the application as the ingress/egress point of the proposed development would create potential conflict with Mosque Junction, resulting in safety problems and aggravate the traffic conditions and management problems at Robinson Road. Given 27D, E and F Robinson Road would be incorporated in the comprehensive development, opportunity should be taken to shift the location of the ingress/egress point at Robinson Road westwards and further away from Mosque Junction to provide adequate inter-visibility distance for motorists and reduce potential conflicts with traffic turning to Mosque Junction. Despite the applicant claimed that the ingress/egress point could not be shifted as the existing right-of-way (ROW) also served the adjacent lots at Robinson Road, there was a level difference between the site and the adjacent lots, and the ramp of the existing ROW did not connect to these lots. For provision of adequate inter-visibility distance and road safety enhancement, the applicant should investigate ways to shift the ingress/egress point while fulfilling the ROW requirement under the lease;

- (d) during the statutory publication period, a total of 27 public comments were received from a member of the Central and Western District Council, Designing Hong Kong Limited, Incorporated Owners of Golden Court, Incorporated Owners of Tycoon Court, Yukon Court Estate Management Office (included 37 signatures from the residents), owners of the properties at the application site and residents in the vicinity. Amongst the public

comments, 25 objected to and 2 were in support of the application. Seven comments were in standard letter. The views received were summarised as follows :

Objecting Views

- (i) the proposed relaxation would further increase the already crowded population in the district, aggravate the traffic congestion problem, impair air ventilation, block the views and affect the property values of neighboring buildings;
- (ii) there was no guarantee that the proposed landscape area would be provided. Even if it was provided, it would only benefit the residents at the site;
- (iii) the proposed minor relaxation for building one more floor could not be considered as minor. There was room to reduce the floor-to-floor height of the proposed development to reduce the overall BH;
- (iv) the relaxation of BH restriction in the previous approved scheme (Application No. A/H11/97) was unreasonable and unacceptable by the local residents. The Committee was urged to reject the application, to review or withdraw the approval for the previous application;
- (v) the new tapering design of the upper duplex floor was unnecessary but to obtain a better view for higher saleable price. Allowing developers to build such large luxurious flats would push up the flat prices in Hong Kong;
- (vi) there was no desperate need for widening the existing pedestrian path/road. No documentary evidence had been provided to prove that the widening of Robinson Road would be allowed and explain the pros and cons to the neighbourhood;

- (vii) the bonus GFA arising from the surrender of land for road widening should have been incorporated in the previous approved scheme. the land required for road widening should be acquired by other means but not at the expense of the local residents by relaxing the PR and BH restrictions;
- (viii) the development intensity of the proposed development was excessive. It would breach the ridge line and adversely affect the visual impact, air ventilation and natural lighting of the nearby buildings, and thus endanger the health of the local residents;
- (ix) the developer submitted the current application in a short period of time after the previous scheme was approved such that fewer objections would be received. The applicant were abusing the provision under the Town Planning Ordinance;

Supporting Views

- (x) road safety could be improved by road widening;
 - (xi) more greenery could be provided in the densely built area;
 - (xii) the property value in the old district would be enhanced due to the new redevelopment project;
- (e) the District Officer (Central and Western), Home Affairs Department advised that while members of the Central and Western District Council and the Chung Wan and Mid-Levels Area Committee generally welcomed the road widening proposals to widen existing footpaths, members were also concerned about the development intensity in the Mid-levels area. The Central and Western District Council passed a motion on 12.2.2004 objecting to any relaxation of PR and BH restrictions for residential buildings in the Mid-levels area; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper which were summarised below :
- (i) in the current application, the applicant proposed to accommodate the bonus GFA (363.44m²) by adding an upper floor (3.15m) above the top floor duplex unit in the approved scheme under application No. A/H11/97. The design of the top five floors would be revised to form tapered floor plates (as indicated in Drawing A-8 of the Paper). CTP/UD&L, PlanD considered that the applicant should fully explore opportunities to accommodate the bonus GFA by adjusting floor plans while complying with the BH restriction of 237mPD as imposed under the approved scheme. The applicant had not demonstrated in the submission that the bonus GFA could not be accommodated without an increase in BH. CA/ASC, ArchSD also advised that the applicant should review if there was alternative design option to accommodate the bonus GFA so as to avoid inducing greater height difference between the proposed development and the existing lower residential towers in the immediate surroundings; and
 - (ii) C for T objected to the application in that the location of the ingress/egress point of the proposed development was not acceptable. He considered that opportunities should be taken to shift the location of the ingress/egress point on Robinson Road westwards and further away from Mosque Junction to provide adequate inter-visibility distance for motorists and reduce potential conflicts with traffic turning to Mosque Junction. Although the relocation of the ingress/egress point westwards as requested by C for T, coupled with the need to maintain the ROW for the adjacent lots at Robinson Road under the lease, would reduce the size of the landscape garden fronting Robinson Road and hence the design merits in the scheme,

traffic safety on Robinson Road should not be compromised. The applicant should resolve C for T's concerns with a view to addressing the traffic safety problem properly.

44. Members had no question on the application.

Deliberation Session

45. In response to the Chairman's enquiry, Mr. K.S. Ng said that the proposed ingress/egress point in the current application was the same as that of the previous approved scheme (Application No. A/H11/97). Mr. David K.B. To, Assistant Commissioner for Transport (Urban) of Transport Department (TD) said that the inclusion of 27D, E and F Robinson Road in the proposed development allowed opportunities for shifting the location of the ingress/egress point at Robinson Road westwards and further away from Mosque Junction. This would provide adequate sight distance for motorists and reduce the potential conflicts at the junction of Robinson Road and Mosque Junction.

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

46. A Member opined that the applicant should demonstrate that there were planning and design merits in the scheme to justify for the relaxation of PR and BH restrictions. As there were opportunities to improve the traffic safety of the area by shifting the location of the ingress/egress point, the applicant should consider revise the scheme to address the concern. The Secretary pointed out that the current application was not an amendment to the approved scheme. It was a fresh application which involved a relaxation of PR and BH restrictions under the OZP. Hence, the prevailing requirements of the concerned government departments, such as the traffic safety concern of TD, should be properly addressed.

47. The Chairman said that although the area of the landscape garden might be reduced due to the need for relocating the ingress/egress point, the traffic safety on Robinson Road should not be compromised. Members agreed and the application should be rejected.

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

- (a) the applicant had not demonstrated that the bonus GFA could not be accommodated without increasing the building height of the proposed development;
- (b) the location of the ingress/egress point of the proposed development would create potential traffic safety problem at Robinson Road; and
- (c) approval of the application would set an undesirable precedent for similar applications in the "Residential (Group B)" zone, the cumulative effect of which would jeopardize the planning intention of imposing development restrictions in the zone.

[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 11

Section 16 Application

[Open Meeting]

A/H12/25 Proposed Comprehensive Residential Development in
"Comprehensive Development Area" zone,
No. 18 Stubbs Road and Adjoining Government Land, Mid-levels East
(MPC Paper No. A/H12/25)

49. The Secretary reported that on 9.1.2012, the applicant requested for a deferment of the consideration of the application for two months to allow more time for the applicant to address the comments from various government departments.

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

[Mr. Raymond Y.M. Chan returned 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/H9/68 Proposed Hotel in "Residential (Group A) 2" zone,
225 to 227 Shau Kei Wan Road, Hong Kong
(MPC Paper No. A/H9/68)

Presentation and Question Sessions

51. With the aid of a powerpoint presentation, 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;
- (b) the proposed hotel;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;

- (d) during the statutory publication period, four public comments, including one from a member of the Eastern District Council, were received. Three commenters raised concern that the proposed development would adversely affect the traffic condition in the area and the applicant had not conducted any traffic impact assessment. They suggested that the proposed hotel should designate a parking area at Hing Man Street, Nam On Street or inner streets where traffic was less busy. A commenter opined that parking of hotel related vehicles at Shau Kei Wan Road should not be allowed. If parking at Shau Kei Wan Road was necessary, the applicant should submit a traffic impact assessment to demonstrate the feasibility. Another commenter opined that the site should be extended by including the adjoining Casio Mansion and temporary open air carpark to promote tourism in Shau Kei Wan. A commenter was concerned about the security in the area as the proposed hotel might attract pornographic activities; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below :
 - (i) the proposed hotel was considered not incompatible with the surrounding developments in terms of land use. In considering other applications for hotel developments within the “Residential (Group A)” zones on Hong Kong Island, the Committee had taken the view that a plot ratio (PR) of 12 was not incompatible with residential developments with permitted plot ratio up to 8 to 10 in general. The current application with a PR of 12 was considered acceptable in terms of development intensity;

 - (ii) the proposed 24-storey hotel development (81.368mPD at main roof) was within the maximum building height of 100mPD stipulated on the Outline Zoning Plan (OZP) and was considered not incompatible with the buildings in its immediate surrounding area;

- (iii) although no loading/unloading bay was provided within the proposed hotel, the site had good accessibility by public transport. The Mass Transit Railway Sai Wan Ho Station was about 300m to the northwest of the site. There were also bus routes and public light bus services along Shau Kei Wan Road. Given the small scale of the proposed hotel with 93 guest rooms, the Commissioner for Transport considered that it would unlikely generate unacceptable traffic impact on the surrounding areas; and

- (iv) regarding the public concerns on the traffic impact of the proposed hotel, C for T's comments as stated in paragraph (iii) above was relevant. As for the proposal to extend the site, the adjoining Casio Mansion was a 24-storey building under private ownership. Site amalgamation would be dependent on the initiative of the concerned owners. The temporary carpark was zoned "Open Space" on the OZP and the inclusion of the concerned area into the proposed hotel was not in line with the planning intention. As regards the concern on security, the Commissioner of Police had no adverse comment on the application.

52. Members had no question on the application.

Deliberation Session

53. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.1.2016, 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 in approval condition (a) above to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines and any gross floor area (GFA) concession, hotel concession and the non-domestic plot ratio (PR) of the proposed hotel would be granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the proposed building design elements, GFA concession, hotel concession and non-domestic PR were not approved/granted by the BA 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 Building Surveyor/Hong Kong East and Heritage Unit, BD that pursuant to the Building (Planning) Regulation 23(2)(a) and 28, a service lane should be provided at the rear of the building and such area should be discounted from the site area for the purpose of PR and site coverage calculations under the Buildings Ordinance;
- (c) to apply to the District Lands Officer/Hong Kong East, Lands Department for a licence to permit the hotel use under the lease;
- (d) to note the comments of the Director of Environmental Protection that the applicant should prepare and submit the SIA as early as possible in view of

the time required for the implementation of any required sewerage works;

- (e) to note the comments of the Director of Fire Services that the arrangement on Emergency Vehicular Access should comply with Part VI of the 'Code of Practice for Means of Access for Fire-fighting and Rescue' which was administered by BD; and
- (f) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department regarding the application under the Hotel and Guesthouse Accommodation Ordinance.

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

[Ms. Irene W.S. Lai, STP/HK, was invited to the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/411 Proposed Hotel (including Shop and Services/Eating Place)
in "Residential (Group A)" zone,
11-13 Lin Fa Kung Street West, Causeway Bay
(MPC Paper No. A/H8/411)

Presentation and Question Sessions

55. With the aid of a powerpoint presentation, Ms Irene W. S. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (including shop and services/eating place);

- (c) departmental comments – departmental comments were detailed in paragraph 8 of the Paper and highlighted below :
- (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the site was the subject of a previous approved application (No. A/H8/404) for similar hotel use. She had no objection to the application from an urban design perspective. However, the area of the terrace garden on 2/F of the proposed hotel was quite small and it would be likely used by the adjacent shop and services/eating place for private business purposes. Thus, the scope of landscape planting on the terrace garden would be very limited. Moreover, there was no indication of any planting areas/planters on the terrace garden for accommodating plantings. The landscape quality and provision of the current scheme was considered less than satisfactory. She had reservation on the application from the landscape perspective; and
 - (ii) the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) advised that the site was located in the close vicinity to a Grade 1 historic building, namely Lin Fa Temple. To safeguard the structural integrity of the Temple, necessary precautionary measures and monitoring systems should be in place in the course of construction. Works proposals like foundation and piling which might affect the aforesaid graded building should be forwarded to the AMO for comments before commencement of any construction works on the site;
- (d) during the statutory publication period, one public comment from the Central and Western Concern Group was received. The Concern Group objected to the application as the proposed hotel was in a residential area and adjacent to the historic Lin Fa Temple. The area should remain as a residential area. The proposed hotel was inappropriate in this “Residential

(Group A)” (“R(A)”) zone and would have a precedent effect to similar applications in the residential area next to one of Hong Kong’s most beautiful historic temples;

- (e) the District Officer (Wan Chai), Home Affairs Department advised that given the streets near to the site were narrow and the proposed hotel would inevitably increase vehicular and pedestrians flow, the nearby residents expressed grave concern that the proposed hotel would likely worsen the traffic congestion and disturb the tranquillity in the vicinity; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below :
 - (i) the site was located within the Lin Fa Kung area, which was predominantly residential in character and intermixed with some commercial and government, institution or community uses and open space. The proposed hotel was considered not incompatible with the surrounding land uses;
 - (ii) there was a previous application (No. A/H8/404) for a 25-storey hotel with 50 guest rooms at a plot ratio (PR) of 12 and building height (BH) of 101.1mPD at the site approved by the Committee on 23.4.2010. The current application was for a 18-room hotel development of not more than 26 storeys (including 3 storeys of ancillary shop and services/eating place). The same PR was maintained but with an increase in BH by 3.2m. The proposed BH was within the maximum BH of 120mPD stipulated under the Outline Zoning Plan (OZP), and was considered not incompatible with the surrounding residential buildings with BHs ranging from 3 to 36 storeys and 17mPD to 113mPD;

- (iii) while no car parking and loading/unloading facilities were proposed, the site was within walking distance of the Tin Hau Mass Transit Railway Station, and the Commissioner for Transport (C for T) had no objection to the application. Other concerned departments had no objection to or adverse comments on the application on sewerage and fire safety aspects;
- (iv) although CTP/UD&L, PlanD had concern on landscape aspect and pointed out that the scope of landscape planting in the proposed terrace garden on 2/F might be limited. The concern could be addressed by imposing an approval condition requiring the applicant to submit and implement a landscape proposal; and
- (v) regarding the local residents' concerns on the adverse traffic and environmental impacts, C for T and the Director of Environmental Protection (DEP) had no adverse comments on the application. As for the concerns of the Concern Group, the proposed hotel was not incompatible with the surrounding residential developments in terms of land use and development intensity. It was also compatible with Lin Fa Temple which was a tourist attraction, and AMO has no comment on the application.

56. A Member noted that the proposed hotel was located in the "R(A)" zone which was intended primarily for high-density residential development. This Member raised concern on the cumulative impacts of approving similar applications for hotel use in the area. In response, Ms. Irene W.S. Lai said that the relevant government departments consulted had assessed the cumulative impacts arising from the development. The proposed hotel under application was small in scale and C for T considered the traffic impact on the surrounding areas would be minimal. DEP also had no adverse comments on the application from sewerage and environmental perspectives.

57. The same Member opined that the demand for hotel would be affected by the tourist industry in Hong Kong. If there was a decline in the tourist industry in Hong Kong,

the developer might consider putting the hotel for strata-title sale. In response, Ms. Irene W.S. Lai said that the applicant had confirmed that the proposed hotel would not be put for strata-title sale. Besides, the applicant had to fulfill certain requirements before GFA exemption for back-of-house facilities could be claimed under the Buildings Ordinance, including that the hotel should be provided with central air-conditioning and central hot water supply, and that there was a hotel operator to operate the hotel under the Hotel and Guesthouse Accommodation Ordinance. It would be unlikely for the hotel to be converted for other use after operation.

Deliberation Session

58. Some Member raised concerns that the approval of similar applications for hotel use might generally transform the character of the area. In response, the Chairman said that the old urban areas like Central, Tin Hau and Tai Hang, had unique land use character with low-rise tenement buildings and commercial activities like restaurants and shops were found on the ground level of the residential buildings. Transformation of these areas had been taken place. Currently, there was no policy to preserve the unique character of the old urban areas. In considering a similar application for a hotel development in Staunton Street, Sheung Wan, the 'Old City' concept had also been discussed. The preservation of the unique character and streetscape of the old urban areas would need to be carefully considered and justified at the policy level.

59. A Member expressed concerns that the residential land supply might be affected due to the growing number of hotel developments in the residential area. In response, the Chairman said that land resources were scarce and the supply of land for residential, office and commercial uses like hotel development in urban areas were not sufficient. From the planning perspective, it was necessary to strike a balance on provision of land for different uses and each application would need to be considered on its own merits. For the current application, the proposed hotel was small in scale. The impact of approving the application on residential land supply would not be significant.

60. Another Member opined that the cumulative impacts of approving commercial uses, like restaurants and bars, in residential area might bring with noise nuisance and traffic

congestion and adversely affect the living environment of the local residents. In response, the Secretary said that not all the planning applications for commercial use in the residential zone were approved by the Committee. Moreover, in considering application in an area where no previous planning approval had been given, the Committee would be very careful to avoid setting a precedent. For example, a planning application for commercial use in the “R(A)” zone in Yau Ma Tei was recently rejected by the Committee on the grounds that the proposed commercial use was considered incompatible with the residential development and might cause undesirable precedent.

61. A Member opined that Tai Hang could be divided into two areas with distinct characteristics. The areas along both sides of Wun Sha Street, where the proposed hotel was located, were more vibrant with restaurants and shops on the ground floors of the residential buildings, whereas the areas to the west of Tung Lo Wan Road was more tranquil with unique streetscape and such character should be maintained. The current application was the subject of a previous application (No. A/H8/404) for similar hotel use approved by the Committee. The main difference was that the size of the hotel room for the current application was larger to meet the market need. This Member considered that the application could be supported. Another Member shared the same view.

62. A Member also pointed out that the same applicant had submitted another application (No. A/H8/412) for similar hotel use at Lin Fu Kung Street East which was to be considered by the Committee at the same meeting. The design and layout were very similar to this application. There were opportunities for the two hotels to serve as a buffer between the Grade 1 historic building, Lin Fa Temple and the nearby residential buildings and a better coordination in the design of these hotels was considered necessary. The Secretary suggested that an advisory clause could be added to require the applicant to take into account the traditional character of Lin Fa Temple and better coordinate the design of the two hotels. Members agreed.

63. The Chairman noted that Members generally had no objection to approve the application. He also noted Members’ concern on the necessity to preserve the unique land use character and streetscape of the old urban areas. The Chairman said that the District Planning Offices would take note of the special character of individual district when

conducting land use review for individual OZP and recommend appropriate zonings and development parameters as appropriate.

64. 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 20.1.2016, 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 in planning condition (a) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) in considering the design of the subject hotel, the applicant should take into account the traditional character of Lin Fa Temple and better coordinate with the design of the proposed hotel at No. 11-15 Lin Fa Kung Street East;
- (b) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines and any gross floor area (GFA) concession, hotel concession and the non-domestic plot ratio (PR) of the proposed hotel would be granted by the Building Authority (BA). The applicant should

approach the Buildings Department (BD) direct to obtain the necessary approval. If the proposed building design elements, GFA concession, hotel concession and non-domestic PR were not approved/granted by the BA and major changes to the current scheme were required, a fresh planning application to the TPB might be required;

- (c) to note the comments of the District Lands Officer/Hong Kong East, Lands Department that the owner needed to apply to his office for a licence to permit the proposed hotel use under the lease;
- (d) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, BD that the revised proposal submitted on 13.1.2012 had not been fulfilled the requirement in paragraph 11.2 of the 'Code of Practice for Provision of Means of Escape in Case of Fire 1996';
- (e) to note the comments of the Director of Environmental Protection that the applicant should 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;
- (f) to note the comments of the Director of Fire Services that the arrangement on emergency vehicular access should comply with the 'Code of Practice for Means of Access for Fire-fighting and Rescue' which was administered by BD;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department regarding the provision of landscape planting in the proposed development as follows :
 - (i) landscape planting should be maximized in the development design so that greenery could be provided on street level, podiums, rooftops and/or balconies for enhancing the landscape quality of the site;

- (ii) building setback from the site boundaries should be considered where possible for accommodating tree planting at ground level; and
 - (iii) all the proposed plantings should be planted in ground or fixed planters with open bottom. Plantings in movable planters would not be accepted;
- (h) to note the comments of Chief Officer (Licensing Authority), Home Affairs Department regarding the licensing requirements for hotel use under the Hotel and Guesthouse Accommodation Ordinance (HAGAO) as follows :
- (i) the applicant should submit a copy of the occupation permit for the proposed hotel when making an application under HAGAO;
 - (ii) the proposed licensed area should be physically connected;
 - (iii) the siting of the proposal was considered acceptable from licensing point of view. The fire service installations provisions to the hotel building should be in accordance with the ‘Codes of Practice for Minimum Fire Services Installations and Equipment’; and
 - (iv) the licensing requirements would be formulated after inspections by the Building Safety Unit and Fire Safety Team of his office upon receipt of a licence application under HAGAO; and
- (i) to note the comments of the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department that to safeguard the structural integrity of the Lin Fa Temple, necessary precautionary measures and monitoring systems should be in place in the course of construction. Works proposals like foundation and piling which might affect the aforesaid graded building should be forwarded to the AMO for comments before commencement of any construction works on the site.

[Mr. Clarence W.C. Leung and Mr. Eric K.S. Hui left the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/412 Proposed Hotel (including Shop and Services/Eating Place)
in "Residential (Group A)" zone,
11-15 Lin Fa Kung Street East, Causeway Bay
(MPC Paper No. A/H8/412)

Presentation and Question Sessions

66. With the aid of a powerpoint presentation, Ms Irene W. S. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (including shop and services/eating place);
- (c) departmental comments – departmental comments were detailed in paragraph 8 of the Paper and highlighted below :
 - (i) the Director of Agriculture, Fisheries and Conservation raised concern that the proposed crown pruning of the existing large tree (Common Red-stem Fig) to the southeast of the site (as indicated in Plan A-3 of the Paper) would create relatively large wounds on the tree and render it unbalanced. This would adversely affect its long-term health and structural stability. The applicant should provide a pruning proposal, preferably prepared by a qualified/experienced arborist and with detailed information such as the exact locations for each cut and the total percentage loss of crown, to demonstrate that the proposed crown pruning would not cause

adverse impacts on the tree's health and structure;

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the site was the subject of a previous approved application (No. A/H8/389) for similar hotel use. She had no objection to the application from an urban design perspective. However, the open space of double ceiling height with a cascade feature wall proposed on G/F was revised to a drop-off area of one storey height with no landscape feature under the current scheme. The area of the proposed terrace garden on 2/F was quite small and it would be likely used by the adjacent shop and services/eating place for private business purposes. Thus, the scope of landscape planting on the terrace garden would be very limited. Moreover, there was no indication of any planting areas/planters on the terrace garden for accommodating plantings. The landscape quality and provision of the current scheme was considered less than satisfactory. She had reservation on the application from the landscape perspective;
- (iii) the Commissioner for Transport (C for T) had no objection to the application from traffic engineering point of view. He advised that the applicant had proposed a vehicular access for the proposed hotel, the turntable on G/F would be an essential provision to avoid backward movement of vehicles; and
- (iv) the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) advised that the site was located in the close vicinity to a Grade 1 historic building, namely Lin Fa Temple. To safeguard the structural integrity of the Temple, necessary precautionary measures and monitoring systems should be in place in the course of construction. Works proposals like foundation and piling which might affect the aforesaid graded building should be forwarded to the AMO for comments before commencement of any

construction works on the site;

- (d) during the statutory publication period, two public comments were received. The Incorporated Owners' (IO) of Rhenish Mansion at Lin Fa Kung Street East commented that the plot ratio (PR) of the site should not be relaxed. As the proposed hotel and Rhenish Mansion were very close, the proposed eating place would have emission and should not be allowed. The pump rooms and air-conditioning plant rooms of the proposed hotel should face the nearby temple instead of Rhenish Mansion in view of safety and noise nuisances. The Central and Western Concern Group objected to the application as the proposed hotel was in a residential area and adjacent to the historic Lin Fa Temple. The area should remain as a residential area. The proposed hotel was inappropriate in this "Residential (Group A)" ("R(A)") zone and would have a precedent effect to similar applications in the residential area next to one of Hong Kong's most beautiful historic temples;
- (e) the District Officer (Wan Chai), Home Affairs Department advised that given the streets near to the application site were narrow and the proposed hotel would inevitably increase vehicular and pedestrians flow, the nearby residents expressed grave concern that the proposed hotel would likely worsen the traffic congestion and disturb the tranquillity in the vicinity; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below :
 - (i) the site was located within the Lin Fa Kung area, which was predominantly residential in character and intermixed with some commercial and government, institution or community uses and open space. The proposed hotel was considered not incompatible with the surrounding land uses;

- (ii) there was a previous application (No. A/H8/389) for a 25-storey hotel with 48 guest rooms at a plot ratio (PR) of 12 and building height (BH) of 90.1mPD at the site approved by the Committee on 7.3.2008. The current application was for a 20-room hotel development of not more than 26 storeys (including 3 storeys of ancillary shop and services/eating place). The same PR was maintained but with an increase in BH by 14.4m to not more than 104.5mPD. The proposed BH was within the maximum BH of 120mPD stipulated under the Outline Zoning Plan, and was considered not incompatible with the surrounding residential buildings with BHs ranging from 3 to 36 storeys and 17mPD to 113mPD;
- (iii) while no car parking and loading/unloading facilities were proposed, a drop-off area was proposed on G/F of the hotel. The site was within walking distance of the Tin Hau Mass Transit Railway Station, and C for T had no objection to the application. Other concerned departments had no objection to or adverse comments on the application on sewerage and fire safety aspects;
- (iv) although CTP/UD&L, PlanD had concern on landscape aspect and pointed out that the drop-off area on G/F had no landscape feature and the scope of landscape planting in the proposed terrace garden on 2/F might be limited. C for T advised that the turntable as a drop-off area on G/F was an essential provision to avoid backward movement of vehicles. CTP/UD&L, PlanD's concern could be addressed by imposing an approval condition requiring the applicant to submit and implement a landscape proposal; and
- (v) regarding the local residents' concerns on adverse traffic and environmental impacts, C for T and the Director of Environmental Protection had no adverse comments on the application. As for the IO's concerns, the applicant maintained the same PR (i.e. 12) as the

previously approved hotel application and concerned government departments had no adverse comments on environmental impacts, building and fire safety aspects. Regarding the concerns of the Concern Group, the proposed hotel was not incompatible with the surrounding residential developments in terms of use and development intensity. The proposed hotel was also considered compatible with Lin Fa Temple which was a tourist attraction, and AMO has no comment on the application.

67. Members had no question on the application.

Deliberation Session

68. Members considered that this application was similar to application No. A/H8/411 for similar hotel use approved by the Committee at the same meeting and had no objection to the application. Moreover, an advisory clause to require the applicant to take into account the traditional character of Lin Fa Temple and better coordinate the design of the two hotels should be added.

69. 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 20.1.2016, 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 in planning condition (a) above to the satisfaction of the Director of Drainage Services or of the TPB;

- (c) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (e) the submission and implementation of a tree preservation proposal for the large tree (Common Red-stem Fig) to the southeast of the site to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.

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

- (a) in considering the design of the subject hotel, the applicant should take into account the traditional character of Lin Fa Temple and better coordinate with the design of the proposed hotel at No. 11-13 Lin Fa Kung Street West;
- (b) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines and any gross floor area (GFA) concession, hotel concession and the non-domestic plot ratio (PR) of the proposed hotel would be granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the proposed building design elements, GFA concession, hotel concession and non-domestic PR were not approved/granted by the BA and major changes to the current scheme were required, a fresh planning application to the TPB might be required;
- (c) to note the comments of the District Lands Officer/Hong Kong East, Lands Department that the owner needed to apply to his office for a licence to permit the proposed hotel use under the lease;

- (d) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, BD that the revised proposal submitted on 13.1.2012 had not been fulfilled the requirement in paragraph 11.2 of the ‘Code of Practice for Provision of Means of Escape in Case of Fire 1996’;
- (e) to note the comments of the Director of Environmental Protection that the applicant should 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;
- (f) to note the comments of the Director of Fire Services that the arrangement on emergency vehicular access should comply with the ‘Code of Practice for Means of Access for Fire-fighting and Rescue’ which was administered by BD;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department regarding the provision of landscape planting in the proposed development as follows :
 - (i) landscape planting should be maximized in the development design so that greenery could be provided on street level, podiums, rooftops and/or balconies for enhancing the landscape quality of the site;
 - (ii) building setback from the site boundaries should be considered where possible for accommodating tree and shrub plantings at ground level; and
 - (iii) all the proposed plantings should be planted in ground or fixed planters with open bottom. Plantings in movable planters would not be accepted;
- (h) to note the comments of Chief Officer (Licensing Authority), Home Affairs Department regarding the licensing requirements for hotel use under the

Hotel and Guesthouse Accommodation Ordinance (HAGAO) as follows :

- (i) the applicant should submit a copy of the occupation permit for the proposed hotel when making an application under HAGAO;
 - (ii) the proposed licensed area should be physically connected;
 - (iii) the siting of the proposal was considered acceptable from licensing point of view. The fire service installations provisions to the hotel building should be in accordance with the ‘Codes of Practice for Minimum Fire Services Installations and Equipment’; and
 - (iv) the licensing requirements would be formulated after inspections by the Building Safety Unit and Fire Safety Team of his office upon receipt of a licence application under HAGAO;
-
- (i) to note the comments of the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department that to safeguard the structural integrity of the Lin Fa Temple, necessary precautionary measures and monitoring systems should be in place in the course of construction. Works proposals like foundation and piling which might affect the aforesaid graded building should be forwarded to the AMO for comments before commencement of any construction works on the site; and
 - (j) to note the local concerns on the environmental impacts and safety aspect of the pump rooms and air-conditioning plant rooms of the proposed hotel in paragraph 9 of the Paper and to address the concerns at the detailed design stage.

[The Chairman thanked Ms. Irene W. S. Lai, STP/HK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

Kowloon District

Agenda Item 15

Section 12A Application

[Open Meeting]

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

71. The Secretary reported that on 4.1.2012 and 6.1.2012, the applicant requested for a deferment of the consideration of the application for one month in order to allow more time for the applicant to address the issues raised by relevant government departments and the applicant’s architect to revise the scheme.

72. 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 a further period of one month was allowed for preparation of the submission of further information, and since this was the fourth deferment and a total of seven months had been allowed, this was the last deferment of the application.

Agenda Item 16

Section 16 Application

[Open Meeting]

A/K18/290 Proposed Temporary School (Kindergarten cum Child Care Centre)
for a Period of 3 Years in "Residential (Group C) 1" zone,
2-4 Dorset Crescent, Kowloon Tong
(MPC Paper No. A/K18/290)

73. The Secretary reported that on 30.12.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare response to departmental comments.

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/670 Proposed Hotel (Conversion of an Existing Industrial Building to
Hotel Use) in "Other Specified Uses" annotated "Business" zone,
115 How Ming Street, Kwun Tong
(MPC Paper No. A/K14/670)

75. The Secretary reported that Traces Ltd. was one of the consultants of the application. Ms. Julia M.K. Lau had declared an interest in this item as she was the director of this company. The Committee noted that Ms. Lau had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

76. With the aid of a powerpoint presentation, Mr. Silas K. M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (conversion of an existing industrial building to hotel use);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, four public comments were received. One commenter supported the application without giving any reason. Another commenter supported the application as the proposed hotel was compatible with the commercial developments in the Kowloon East and the government’s initiative of energizing Kowloon East. This commenter suggested strengthening prosecution against illegal parking on the pavement along How Ming Street. The other two commenters raised concern that the proposed hotel use would aggravate the traffic congestion in the area and worsen the conflicts between pedestrians and vehicles. One of them objected to the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below :

- (i) the proposed hotel was generally in line with the planning intention of the “Other Specified Uses” (OU) annotated “Business” zone. It was an in-situ conversion of an existing industrial building with a plot ratio of 11.992 and a building height of 105.4mPD which did not exceed the restrictions stipulated in the Outline Zoning Plan. The Committee had approved 24 applications for hotel developments in the Kwun Tong Business Area, two of which, namely the Newton Place Hotel and L’ Hotel Elan were located to the southwest and northwest of the site;
- (ii) the proposed hotel was in line with the Town Planning Board Guidelines No. 22D for ‘Development within “OU” annotated “Business” zone’ in that it was compatible with the surrounding land uses. It helped improve the existing urban environment and serve as a catalyst in phasing out the current industrial uses within the “OU” annotated “Business” zone;
- (iii) the applicant had submitted environment assessment, sewerage impact assessment and transport statement to demonstrate that the proposed hotel would not have any adverse environmental, sewerage and traffic impacts on the surrounding areas. The proposed provision of car parking facilities was in line with the parking requirements of the Hong Kong Planning Standards and Guidelines (HKPSG) and was considered acceptable by the Commissioner of Transport (C for T). Other relevant government departments had no objection to or adverse comment on the application; and
- (iv) regarding the public concern on the possible traffic impact of the proposed hotel development, the applicant had provided internal transport facilities in accordance with HKPSG and C for T had no objection to the application.

77. Members had no question on the application.

Deliberation Session

78. 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 20.1.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the design and provision of parking facilities, loading/unloading spaces, lay-bys, vehicular access and internal driveway for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the design and provision of water supply for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or a special waiver to effect the change of use and the conversion proposal;
- (b) to note the comments of the Director of Fire Services that arrangement on Emergency Vehicular Access (EVA) shall comply with Part VI of the 'Code of Practice for Means of Access for Fire-fighting and Rescue' which was administered by the Buildings Department (BD);

- (c) to note the comments of the Chief Building Surveyor/Kowloon, BD that:
 - (i) subject to compliance with the criteria under the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-40, the application for hotel concession including exemption of back-of-house facilities from GFA calculation under Building (Planning) Regulation 23A would be considered upon formal submission of building plans; and
 - (ii) according to PNAP APP-47, the Building Authority had no power to give retrospective approval or consent for any unauthorized building works; and
- (d) to consult the Chief Officer(Licensing Authority), Home Affairs Department on the licensing requirements for the proposed hotel.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/671 School (Tutorial School) in "Residential (Group A)" zone,
Flat C, 3/F, On Ning Building, 67 Mut Wah Street, Kwun Tong
(MPC Paper No. A/K14/671)

Presentation and Question Sessions

80. Mr. Silas K. M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the school (tutorial school);

- (c) departmental comments were detailed in paragraph 9 of the Paper and highlighted below :
- (i) the District Lands Officer/Kowloon East, Lands Department advised that the proposed use of the application premises as a school (tutorial school) contravened the lease conditions. The applicant had applied for a temporary waiver to permit school (tutorial school) use at the subject premises and the application would be circulated to relevant government departments for comment; and
 - (ii) the School Registration and Compliance Section, Education Bureau advised that the subject premises had never been registered as a school. Moreover, no application for registration as a school at the subject premises had been received so far;
- (d) during the statutory publication period, four public comments were received. Two commenters objected to the application on fire safety concern that there were children studying in the tutorial school and there was no fire escape from the application premises or a sprinkler system. Besides, the information provided in the application was inadequate to demonstrate that the non-domestic use at the application premises would conform to the building's Deed of Mutual Covenant or other relevant regulations. One commenter, the Chairman of Kwun Tong District Council, indicated that the school must comply strictly with all current fire service requirements as it was inside a residential building. Another commenter stated 'no comment'. The District Officer (Kwun Tong), Home Affairs Department had no adverse comment on the application but advised that the locals might have concerns on the fire safety aspect; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below :

- (i) the tutorial school at the application premises did not comply with the Town Planning Board Guidelines No. 40 for ‘Application for Tutorial School under Section 16 of the Town Planning Ordinance’ (TPB-PG No. 40) in that there was no separate access to the tutorial school and it would cause disturbance or nuisance to the residents of the same residential building;
- (ii) the access to the application premises was via a common main entrance fronting Mut Wah Street through a common staircase and lift to the subject floor of the residential development, which were shared with the users within the building. The applicant had not come up with practical and implementable proposals to demonstrate that the tutorial school would not create nuisance to the residents. Access to the tutorial school through the common area of the residential development was not supported as the amenities of the residents of the same residential building would be affected; and
- (iii) the approval of the application would set an undesirable precedent for other similar applications for tutorial school within residential building in the area, which had no separate access to the application premises from public roads.

81. Members had no question on the application.

Deliberation Session

82. The Chairman noted that there had already been mixed uses in the subject residential development and the tutorial school might not be incompatible with the other uses in the building. However, the residents of the same building might suffer from the nuisance or disturbance caused by different uses, such as sharing a common access with the outsiders. The Secretary shared the same views. She pointed out that in the old urban areas, like Kwun Tong, it was common that mixed uses were existed in old residential buildings. For the subject application, the tutorial school at the application premises did not comply with the

TPB-PG No. 40 in that there was no separate access to the tutorial school and the applicant had not provided any proposal to address the fire safety concern.

83. In response to a Member's enquiry, Mr. Silas K.M. Liu said that there was another tutorial school in the same building. This tutorial school had less than six students and hence it was exempted from registration as a school from the Education Bureau. However, the tutorial school under application accommodated 19 persons, including 18 students and 1 teacher, and hence a school licence was required.

84. Members generally considered that the assessment criteria of the TPB-PG No. 40 were relevant in considering the application. The applicant was not able to demonstrate that the tutorial school would not cause disturbance to the residents of the same building and there was no separate access to the tutorial school. Members agreed that the application should be rejected.

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

85. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the tutorial school did not comply with the Town Planning Board Guidelines No. 40 for 'Application for Tutorial School under Section 16 of the Town Planning Ordinance' in that there was no separate access to the tutorial school and it would cause disturbance or nuisance to the residents of the same residential building; and
- (b) the approval of the application would set an undesirable precedent for similar applications for tutorial schools within residential buildings in the area.

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

[Ms. S.H. Lam, STP/K, was invited to the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/106 Proposed Government Refuse Collection Point
in "Residential (Group A)" zone,
Within the future Mass Transit Railway Ho Man Tin Station Structure,
Yan Fung Street, Ho Man Tin
(MPC Paper No. A/K7/106)

86. The Secretary reported that the application was submitted by the Mass Transit Railway Corporation Ltd (MTRCL). Mr. David K.B. To had declared an interest in this item as he was the alternative member for the Deputy Secretary for Transport and Housing (Transport)¹ who was a member of the Board of the MTRCL. The Committee agreed that Mr. To's interest was direct and he should leave the meeting temporarily.

87. The Secretary continued to report that Professor S.C. Wong had declared an interest in this item as he had current business dealings with Ove Arup and Partners Hong Kong Ltd., one of the consultants of the application. The Committee considered that the interest of Professor Wong was indirect as he was not involved in the application and he could stay in the meeting.

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

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed government refuse collection point (RCP);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, six public comments were received which included two from the local residents, one from the Incorporated Owners of Yee Fu Building (enclosing 85 signatures of residents), one from the Incorporated Owners of Wei King Building (enclosing 160 signatures of residents), one from the residents of Chuen Fat Building (enclosing 55 signatures of residents) and one from a Kowloon City District Councillor. All the public comments objected to the application mainly on the following grounds :
 - (i) the proposed RCP was located too close to the residential settlements in the vicinity of Yan Fung Street and Valley Road as well as the garden adjoining Yee Fu Building which was the only recreation ground for local residents. The operation of the RCP and movement of refuse collection vehicles (RCVs) would affect the environment and hygiene of the area;
 - (ii) the proposed RCP was located on the hill side. When there was strong wind, the unpleasant odour of the refuse emitted from the proposed RCP would spread;
 - (iii) the refuse collecting activities and recycling business associated with the proposed RCP would bring about noise, smell, visual impacts and security problems to the area;
 - (iv) to allow a healthy and hygienic living environment for all local residents, the RCP should be relocated to a remote area or a place away from the existing residential settlements, e.g. inside rock

cavern;

- (v) there was busy digging, drilling and excavation at the MTR construction site. During heavy rainstorm, flood would probably sweep toward the proposed RCP further down the hill side next to Yan Fung Street. The refuse kept inside the proposed RCP would be washed along by the swift water and most of the residential areas of Valley Road and Chatham Road would be badly affected; and
 - (vi) in the vicinity of Chung Hau Street and Yan Fung Street, various species of birds were resided around. If there was a spread of avian influenza, the proposed RCP would unavoidably be used for the collection of dead birds. It was hazardous to local residents;
- (e) the District Officer (Kowloon City), Home Affairs Department advised that the Planning Department had consulted the interested Kowloon City District Council members, the Chairman of Ho Man Tin Area Committee, the Owners Committee/Mutual Aid Committees/Management Committees and residents of buildings near to the application site on the planning application. The Committee should take into account all the comments gathered in the consultation exercise in the decision making process. Should the application be approved, the applicant should take appropriate measures to address the residents' concern; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below :
- (i) the proposed government RCP was for the reprovision of an existing RCP at Chung Hau Street within the same “Residential (Group A)” (“R(A)”) site which needed to be demolished to make way for railway construction works of the MTR Kwun Tong Ling Extension. Since 2009, a number of possible sites were considered by the Food

and Environmental Hygiene Department (FEHD) and the MTR Corporation Ltd. (i.e. the applicant) but no suitable site was found. FEHD requested that the new RCP should be reprovisioned nearby to serve similar catchment area as the existing RCP and the subject site was a desirable location. Subsequently, the applicant and FEHD agreed that the proposed RCP could be integrated into the MTR Ho Man Tin station structure;

- (ii) as part of the transport provisions for the MTR Ho Man Tin Station, a number of public transport lay-bys, taxi/private car pick-up/drop-off points and green minibus/bus stops would be provided along Chung Hau Street, locating the RCP at Chung Hau Street was not desirable as it would result in transport conflicts with the transport provisions along Chung Hau Street. Yan Fung Street was a local road serving limited traffic. Locating the RCP at Yan Fung Street would minimise the need for the RCVs to pass through internal streets of the surrounding residential area before gaining access to Yan Fung Street;
- (iii) the proposed RCP would be integrated into the future MTR Ho Man Tin station structure and upgrading measures would be provided in the proposed RCP to improve hygienic standards and operational efficiency. These include adopting a full-enclosure design and incorporating mechanical ventilation, air purifying facilities and appropriate waste water discharge system. The RCP was separated from the nearest residential development by about 30m (as indicated in Plan A-2 of the Paper). FEHD considered that the proposed RCP would unlikely cause significant environmental and hygienic impacts to the surrounding areas;
- (iv) the proposed RCP was small in scale with a total floor area of about 130m². It had about 10m set-back from Yan Fung Street and landscaping would be provided at the setback space around the RCP

as visual screening;

- (v) the trips generated by the RCVs were anticipated to be twice per day. The space for vehicle manoeuvring and loading/unloading activities was proposed at the entrance of and within the proposed RCP respectively to ensure no tailing back of vehicles onto Yan Fung Street. The proposed RCP would unlikely cause traffic impact to Yan Fung Street; and
- (vi) regarding the public comments on the application, the responses were mainly as follows :

Noise, Odour, Hygiene and Visual Concerns

- the proposed RCP would adopt a full-enclosure design and would be installed with mechanical ventilation measures to tackle the potential odour problem generated during its operation. The roller shutter at vehicular entrance of the proposed RCP facing Yan Fung Street would only be opened during in-and-out movements of RCVs. Recycling business or totting activity was not allowed inside the proposed RCP. The proposed RCP was new standard off-street one and on-street waste collection would not be allowed. It would be separated from the nearest residential developments by at least 30m. FEHD considered that the impact of noise and odour to the nearby residents would be insignificant;
- the operation of the RCP should comply with relevant requirements and ordinance in order to minimize odour and noise nuisances;
- landscaping would be provided to the RCP as visual screening and major visual impacts resulting from the proposed RCP were not anticipated;

- as advised by the Drainage Services Department, the possibility on flushing out of refuse inside the proposed RCP by swift water during rainstorm was minimal;

Location of the Site

- locating the RCP at Yan Fung Street within the Ho Man Tin Station Structure was considered appropriate and essential to serve the catchment area similar to that of the existing RCP at Chung Hau Street;

Other Concerns

- there was no evidence to demonstrate that the proposed RCP would cause security problems; and
- no dead bird would be kept inside any RCP under the management of FEHD and it was unlikely that the operation of the proposed RCP would cause hazard to the health of local residents.

89. In response to a Member's enquiry on the characteristics of the site and the surrounding areas, Ms. S.H. Lam said that the western side of Yan Fung Street were slopes and the construction site for the future MTR Ho Man Tin Station. The residential developments located to the southeast of Yan Fung Street were accessible via Valley Road. There was no existing vehicular access along Yan Fung Street. People who lived in the residential developments along Valley Road would walk pass the Yan Fung Street Rest Garden and the flyover at Chatham Road North to Hung Hom. With the future opening of the MTR Ho Man Tin Station, some pedestrian facilities would be provided to improve the connectivity between the station and the nearby residential areas.

90. A Member enquired about the catchment area of the proposed RCP. In response, Ms. S.H. Lam said that according to the Hong Kong Planning Standards and Guidelines, a RCP was required for every 20,000 persons or for areas within a distance of 500m. The

catchment area of the subject RCP was mainly Ho Man Tin which had a planned population of about 50,000 persons. In this catchment area, it mainly comprised public housing estates, private residential developments, schools, public open spaces and the future MTR Ho Man Tin Station and most of these uses/developments had their own refuse collection facilities for contractors to collect refuse. Besides, as there were three existing RCPs at the southeastern edge of the catchment area in Hung Hom, it would be unlikely for residents in the residential developments in Hung Hom to use the proposed RCP which was located uphill.

91. In response to a further enquiry from the same Member, Ms. S.H. Lam said that according to FEHD, the proposed RCP would likely be operated from around 6:00 a.m. to 5:00 p.m. The RCVs would visit the proposed RCP twice per day, once in the morning and the afternoon, and only one RCV would visit the RCP each time. The proposed RCP would be fully enclosed and all the loading/unloading activities would be conducted inside the RCP. The refuse collected would likely be stored in the RCP for half day.

92. Two Members enquired about the amount of refuse to be handled by the proposed RCP. In response, Ms. S.H. Lam said that she did not have the information. According to her recent site visit to the existing RCP at Chung Hau Street, the refuse collected was mainly tree leaves and she did not observe large amount of refuse. As the proposed RCP was small with an area of only about 130m², it was not expected to handle large amount of refuse. A Member raised concern that with the moving-in of residents to the nearby residential developments, there might be an increase in domestic waste and hence the number of trips of the RCVs. In response, Ms. S.H. Lam said that the new residential developments in the vicinity would have their own contractors to collect refuse and would transport the refuse to refuse transfer station direct. It was not expected that there would be a substantial increase in domestic waste to be handled by the proposed RCP and the number of RCV trips. According to FEHD, the waste collection frequency of twice per day by RCVs would be sufficient.

[Mr. Felix W. Fong left the meeting at this point.]

93. The same Member asked whether the proposed RCP would affect the nearby residential developments in terms of odour and whether the wind direction would adversely affect the odour impact. In response, Ms. S.H. Lam said that the nearest residential development was Yee Fu Building. Although the lower two floors of the residential dwellings were facing the roller shutter of the RCP, Yee Fu Building was separated from the proposed RCP by Yan Fung Road and the proposed RCP would adopt a full-enclosure design with mechanical ventilation and air purifying facilities, the odour impact would unlikely be significant. Besides, the wind direction was from the south or southwest during summer time and from the northeast during winter time. These wind directions would not aggravate the odour impact on Yee Fu Building which was located to the southeast of the proposed RCP. Ms. Lam noted that a full-enclosure design was also adopted for the RCP at the Kowloon City Complex. According to her recent site visit to this RCP, the odour impact was not significant.

94. A Member asked whether there was similar RCP in other MTR Station. In response, Ms. S.H. Lam said that the applicant had not provided the information. The same Member noted that the existing RCP at Chung Hau Street adopted an open-design and the public could dispose refuse anytime while the proposed RCP would adopt a full-enclosure design with specific operation hours which might cause inconvenience to the public. In response, Ms. S.H. Lam said that according to her understanding, each RCP had its own operation hours and there were full-time staff to oversee its operation. Although the existing RCP at Chung Hau Street adopted an open-design, the proposed RCP with a full-enclosure design and specific operation hours would cause less nuisance to the nearby residents. The proposed RCP would only open twice during the moving in and out of the RCVs.

Deliberation Session

95. A Member considered that the proposed location for the RCP was the most appropriate location in the area. The residential developments at Valley Road would probably make use of the RCPs in Hung Hom, instead of the proposed RCP which was located uphill. The proposed RCP would mainly serve the areas to the north along Fat Kwong Street. These areas were mainly public housing estates or government, institution or

community uses and most of which had their own arrangement for refuse collection. As the proposed RCP was small in scale and would not handle large amount of refuse, the odour impact was not expected to be significant. Other Members agreed.

96. A Member opined that the information provided by the MTRCL was very limited and more detailed information should be incorporated in the submission for consideration by the Committee. This Member urged MTRCL to provide more information in its future planning application to facilitate consideration. Other Members agreed.

97. 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 20.1.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the design and implementation of the proposed refuse collection point (RCP) to the satisfaction of the Director of Food and Environmental Hygiene or of the TPB; and
- (b) the design and provision of vehicular access to the proposed RCP to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) to note the comments of the Chief Building Surveyor/New Territories East(2) and Rail, Building Department that the proposed government RCP should be accountable for GFA calculation under the Buildings Ordinance;
- (b) to note the comments of the Director of Environmental Protection that there were existing RCP design guidelines in Chapter 9 of the Hong Kong Planning Standards and Guidelines to minimize nuisance to the public and people living and working nearby. The operation of the RCP should also comply with relevant requirement of existing environmental pollution

control ordinance; and

- (c) to liaise with the Food and Environmental Hygiene Department and the Incorporated Owners of Yee Fu Building, Incorporated Owners of Wei King Building, residents of Chuen Fat Building and other concerned parties to brief local residents on the proposed upgrading and mitigation measures for the proposed RCP and its future operation with a view to addressing their concerns, and to take into account local residents' concerns in the detailed design of the proposed RCP.

[The Chairman thanked Ms. S. H. Lam, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Ms. Maggie M.K. Chan left the meeting at this point.]

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

Agenda Item 20

Section 16 Application

[Open Meeting]

A/K9/247 Proposed Office, Eating Place and Shop and Services in
"Comprehensive Development Area (2)" zone,
Kowloon Inland Lot No. 11111, Hung Luen Road, Hung Hom
(MPC Paper No. A/K9/247)

99. The Secretary reported that Professor S.C. Wong had declared an interest in this item as he had current business dealing with Ove Arup and Partners Hong Kong Ltd., one of the consultants of the application. The Committee considered that the interest of Professor Wong was indirect as he was not involved in the application and he could stay in the meeting.

100. The Secretary continued to report that on 5.1.2012, the applicant requested for a deferment of the consideration of the application for one month in order to allow time for the

applicant to resolve the departmental and public comments on the application.

101. 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.

Agenda Item 21

Any Other Business

102. There being no other business, the meeting closed at 12:00 noon.