

TOWN PLANNING BOARD

**Minutes of 466th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 18.5.2012**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Professor S.C. Wong

Vice-chairman

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms. Julia M.K. Lau

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Ms. Bonnie J.Y. Chan

Mr. H.W. Cheung

Mr. Sunny L.K. Ho

Mr. Dominic K.K. Lam

Mr. Patrick H.T. Lau

Mr. Stephen H. B. Yau

Chief Traffic Engineer/Kowloon,
Transport Department
Mr. Albert Lee

Chief Engineer (Works) (Acting), Home Affairs Department
Mr. Chris Liu

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

Assistant Director (Hong Kong), Lands Department
Ms. Doris Chow

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

Secretary

Absent with Apologies

Mr. Maurice W.M. Lee

Mr. Clarence W.C. Leung

In Attendance

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

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

Town Planner/Town Planning Board
Mr. William W.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 465th MPC Meeting held on 4.5.2012

[Open Meeting]

1. The draft minutes of the 465th MPC meeting held on 4.5.2012 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

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/432 Proposed Place of Recreation, Sports or Culture (Rehearsal Studio for Performing Arts) in “Industrial” zone, 4/F to 6/F, Wofoo Building, 204 - 210 Texaco Road, Tsuen Wan (Lot No. 288 in D.D. 446)
(MPC Paper No. A/TW/432)

Presentation and Question Sessions

3. The Secretary reported that Mr. Stephen Yau had declared an interest in this application as he was the chairman of a committee under Wofoo Social Enterprise which was related to Wofoo Foundation Ltd. (i.e. the applicant). The Committee agreed that Mr. Yau should be invited to leave the meeting temporarily for this item.

[Mr. Stephen Yau left the meeting temporarily at this point.]

4. With the aid of a visualizer, Mr. K.T. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed place of recreation, sports or culture (rehearsal studio for performing arts) highlighting that the application premises was located at 4/F to 6/F of the 16-storey Wofoo Building which was predominately used for industrial purposes, including warehouses and storage at various floors and automobile services at G/F. According to the applicant, the operating hours of the proposed rehearsal studio for performing arts would be from Monday to Sunday (10:00 a.m. to 11:00 p.m.) and the anticipated number of persons would be around 132 to 264 persons per floor. The premises were for use of the Hong Kong Arts Development Council as their base for performing arts.
- (c) departmental comments – department comments were set out in paragraph 9 of the Paper. The Director of Fire Services (D of FS) objected to the application as the compatibility of occupancy was not acceptable. The proposed rehearsal studio for performing art was not completely separated from the existing industrial uses. Buffer floor such as carparking floor or electrical & mechanical floor was required to completely separate the rehearsal studio from existing industrial uses from the fire safety point of view. The proposed rehearsal studio was not acceptable as it would attract unreasonably large number of persons to stay for a long period of time. The nature of activities of these persons was unrelated to the intended uses of the industrial building. They would be exposed to risk, which they would neither be aware of nor prepared to face. The applicant was reminded to observe the Town Planning Board Guidelines for Use/Development within “Industrial” (“I”) Zone (TPB PG-No. 25D). Other government departments had no objection to or adverse comment on the application;

- (d) 8 public comments were received during the first three weeks of the statutory publication period. Among them, 7 commenters from the owners of the building or private individuals objected to the application on the grounds that the proposed use was not compatible with other industrial uses in the same building and would create problems on increasing fire risk, shared use of passenger lifts with the visitors of the application premises, reduction in industrial floor space, visitors' safety in an industrial setting, and impacts on the carpark usage and traffic in the area. The remaining commenter, the Incorporation Owners of the adjacent Leader Industrial Centre, had carried out a questionnaire survey among the owners of the industrial building and, among the questionnaires returned, 40 units supported the proposal, 2 units objected to it and 16 units had no comment. No local objection was received by the District Officer (Tsuen Wan); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper which were summarized below:
 - (i) Commercial uses in industrial buildings within the “I” zone might be permitted on application to the Board based on individual merits and the planning assessment criteria set out in the TPB PG-No. 25D. The subject industrial building was predominately used for industrial purpose, including warehouses and storage at various floors and automobile services at G/F. The proposed partial conversion of an existing industrial building in “I” zone for rehearsal studio for performing arts was considered incompatible with the industrial uses within the same industrial building.

 - (ii) The proposed development was not in line with the TPB PG-No. 25D in that D of FS was not satisfied with the risks likely to arise or increase from the proposed rehearsal studio for performing arts as the compatibility of occupancy was not acceptable. The applicant claimed that, under the control of the current lease, the existing premises at 3/F and 7/F of the building did not have any occupancy

of hazardous in nature and could serve as buffer floors separating the proposed use from the existing industrial uses in the subject industrial building. However, according to D of FS, buffer floor(s) such as carparking or E/M floor was required for complete separation of the premises under application from the fire safety point of view. Hence, the proposed use was considered not completely separated from the existing industrial use/premises within the subject industrial building. Besides, the proposed use would attract unreasonably large number of persons to stay for a long period of time. The nature of activities of these persons was unrelated to the intended uses of the industrial building. These people, who were not familiar with the building, would be exposed to risk associated with the existing industrial activities which they would neither be aware of nor prepared to face. In this connection, the D of FS objected to the application from the fire safety point of view.

- (iii) The approval of the application would set an undesirable precedent for other similar applications for rehearsal studio for performing arts use within industrial buildings which was unacceptable from the fire safety point of view.

5. A Member asked whether the applicant intended to use the proposed rehearsal studio for performing arts and the operating time of the proposed use. This Member opined that if the operation of the studio took place mainly at nighttime and weekends, it would have little conflict with the existing industrial activities in the same building. Mr. K.T. Ng explained that according to the applicant, the rooms were mainly for rehearsal for performance arts. The rooms would also be rented out to other art organizations and the operating time of the proposed rehearsal studio was from Monday to Sunday. There would likely be conflict between the users of the studio and the active loading/unloading activities of the existing industrial uses in the daytime. Problems such as pedestrian safety would arise. Fire Services Department (FSD) also objected to the proposed use from fire safety point of view.

6. A Member asked whether the proposed rehearsal studio was similar to audio-visual recording studio. Noting that the number of persons visiting the proposed rehearsal studio could be similar to the number of workers for industrial uses within an industrial building, it was not clear why the fire safety requirement for the proposed rehearsal studio for performing arts was more stringent. Mr. K.T. Ng explained that the proposed rehearsal studio for performing arts was different from audio-visual recording studio. The audio-visual recording studio, an always permitted use under "I" zone, was mainly a production centre which should attract less people than rehearsal studio. He further explained that the users of rehearsal studio would in general be different from industrial workers in terms of age and social background and would be less familiar with the industrial activities and environment within the industrial building. They would be less aware of the risk associated with the existing industrial activities in case of fire. In response to the same Member's enquiry on whether the proposed rehearsal studio would be used for performance and would attract large number of audience, the Chairman drew Members' attention to the anticipated number of people of around 132 to 264 per floor as mentioned in the Planning Statement submitted by the applicant.

7. In response to a Member's enquiry, Mr. K.T. Ng said that the applicant had actively liaised with FSD in exploring measures to address the fire safety concern. However, as a matter of principle, FSD would object to the proposed rehearsal studio for performing arts unless buffer floor(s) separating the proposed use and the other industrial uses in the building could be provided.

8. A Member enquired on the vacancy rate of Wofoo Building. Mr. K.T. Ng replied that according to his understanding, the vacancy rate of industrial buildings at Tsuen Wan East where the application premises was located was less than 10%. The same Member asked whether there was any policy support for the development of art and creative industries in vacant industrial premises. Mr. K.T. Ng replied that the Development Bureau had introduced the policy on revitalization of old industrial buildings and would support such development if the proposal complied with relevant Government regulations and requirements relating to town planning, fire safety and land administration aspects. In terms of fire safety, FSD would normally look for provision of buffer floor(s) or wholesale conversion of the entire building in allowing such development in industrial building.

9. The Chairman asked about the ownership pattern of Wofoo Building. Mr. K.T. Ng replied that some floors of Wofoo Building (including the application premises) were owned by the applicant and the remaining parts of the building had been sold to others.

10. A Member asked whether the fire risk was due to the users of the proposed rehearsal studio or the existing industrial uses in the same building. Mr. K.T. Ng said that, apart from general industrial uses, the existing industrial uses in the building included warehouses and in particular logistic firms at 3/F which might store inflammable goods. The Chairman concluded that the users of the proposed rehearsal studio would be exposed to high fire risk associated with the existing industrial uses that they were not aware of.

Deliberation Session

11. A Member agreed that the proposed rehearsal studio was subject to high fire risk as it was situated amidst industrial uses in an industrial building. Also, its large size would attract a large number of users. The Member considered that there would be fire safety concern if there was no buffer floor to segregate the proposed rehearsal studio from other industrial floors. The Member said that the fire safety problem could be addressed if there was a wholesale conversion of the industrial building. The Member did not support the application.

12. This view was shared by another Member. The Member concurred that the users of the proposed rehearsal studio would be exposed to fire risk as they were not familiar with the industrial activities and the layout of the industrial building. The Member said that to facilitate the creative industry to make use of industrial premises for its purposes, the Government should consider promulgating the requirements for a successful application. The suggestion was agreed by another Member.

13. A Member showed sympathy on the application but said that fire safety should not be compromised. The Member asked PlanD to liaise with the applicant and FSD to come up with a proposal that could meet the fire safety requirements. The Secretary told Members that the applicant had approached Development Opportunities Office (DOO) in respect of the proposed development. PlanD had met with FSD to discuss the measures to tackle the fire safety problem, including fire service installation and other fire engineering

approaches. FSD had expressed particular concern on the fire risk caused by the logistic firm at 3/F, and was of the view that only buffer floor(s) or wholesale conversion of the industrial building could be acceptable. All comments from FSD had been passed to the applicant. Suggestions had also been given to the applicant to use some of the carparking floors as the buffer floors given that some floors of Wofoo Building was owned by the applicant. However, it was up to the applicant to decide how to take the matter forward.

14. A Member asked if the rejection reason as stated in paragraph 12.1(a) of the Paper was appropriate since the major concern of the proposed rehearsal studio was on the fire safety concern. In response, the Chairman said that indeed the applied use was regarded as incompatible with the existing industrial uses. Besides, the use of the industrial premises might change over time and would pose fire risk to the proposed use. Three other Members also agreed that the proposed use was incompatible with the existing industrial uses with regard to the fire risk and the potential danger posed by lorries and forklifts to the users of the proposed use, especially children. Although efficient use of vacant industrial premises for other purposes including art and creative industries should be encouraged, the incompatibility of uses should not be ignored.

15. A Member said that the rejection of the application might create an impression that the Board did not support the development of art and creative industries in industrial buildings. The Board should bring out a positive message to the public that the Board would consider measures to tackle the problem. The Member said that there were many successful examples in other countries, and a more creative approach (e.g. through architectural design) should be encouraged. Another Member proposed that inter-departmental effort should be considered to tackle the problem. Noting that the application premises sat on a podium and Wofoo Building had six staircases, the same Member suggested providing separate staircases from the proposed rehearsal studio to the podium level for fire escape purpose.

16. A Member noted that there was a TPB Guidelines for Use/Development within "I" Zone and asked whether there was any specific guideline for development of art and creative industries in industrial buildings with fulfilment of the fire safety requirement. The Chairman said that relevant departments had been consulted during the formulation of the TPB Guidelines, and the departmental concerns had already been incorporated into the

guidelines.

17. The Chairman concluded that the Members generally supported development of art and creative industries in vacant industrial premises in view of their difficulty in finding suitable and affordable venues. However, it was noted that the applicant had liaised with FSD and FSD would not support the proposal unless buffer floor(s) separating the proposed rehearsal studio for performing arts and other industrial uses was proposed. The application should be rejected since fire safety was an issue that could not be compromised. The Chairman requested the Secretariat to provide a list of approved planning applications for wholesale conversion of industrial buildings for office use to Hong Kong Arts Development Council (HKADC) so as to facilitate HKADC to find suitable premises for the applied use.

18. After 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 proposed development was not compatible with the existing uses in the subject industrial building which was predominately industrial in character;
- (b) the proposed development did not comply with the Town Planning Board Guidelines No. 25D in that the Director of Fire Services was not satisfied with the risks likely to arise or increase from the proposed use under application. The proposed development was considered unacceptable from the fire safety point of view; and
- (c) the approval of the application would set an undesirable precedent for other similar applications for rehearsal studio for performing arts use within industrial buildings which was unacceptable from the fire safety point of view.

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

Hong Kong District

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H12/25 Proposed Comprehensive Residential Development (including ‘Shop and Services’/‘Eating Place’ use) in “Comprehensive Development Area” and ‘Road’ zones, No. 18 Stubbs Road and adjoining Government Land, Mid-levels East

(MPC Paper No. A/H12/25)

[Mr. Stephen Yau returned to the meeting at this point.]

19. The Secretary reported that Mr. Patrick Lau had declared an interest in this application as he has current business dealings with LD Asia, the consultant of the application. As the case was for deferral, the Committee agreed that Mr. Lau could be allowed to stay in the meeting.

20. The Secretary reported that on 30.4.2012, the applicant requested the Board to further defer making a decision on the application for two months to allow sufficient time for the applicant to prepare further information to address departmental and public comments.

21. 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 agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a period of two months was allowed for preparation of the submission of further information, and since this was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/406 Proposed Partial Conversion of an Existing Building into ‘Hotel’ in
 “Residential (Group A) 7” zone, 7/F to 24/F, Healthgate Medical Centre,
 160 Des Voeux Road West and 25 Sai Woo Lane, Sai Ying Pun

 (MPC Paper No. A/H3/406)

Presentation and Question Sessions

22. The Secretary reported that Mr. Patrick Lau had declared an interest in this application as he has current business dealings with LLA Consultancy Ltd., the consultant of the application. As Mr. Lau had no direct involvement in the subject application, Members agreed that Mr. Lau could be allowed to stay in the meeting.

23. With the aid of a Powerpoint, 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 highlighting that the application site is the subject of a previous application No. A/H3/395 submitted by the same applicant for 50 hotel rooms approved with conditions by the Committee on 6.5.2011;
- (b) the proposed conversion of 18 storeys (7/F to 24/F) of an existing 25-storey office building into a hotel accommodating 50 guest rooms. G/F to 6/F of the building would be used for shops and offices. Comparing the current application with the previous application No. A/H3/395, the main differences were the increase in hotel room size from 50.03m² to 84.56m², and the increase in number of floors for hotel (including hotel rooms and back-of-house facilities) from 11 storeys to 18 storeys;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. District Officer (Central & Western), Home Affairs Department advised that the Chairman of Central and Western

District Council (C&WDC), the Chairman of Traffic and Transport Committee (T&TC) of the C&WDC and a councillor of the concerned constituency (Ms. Lo Yee-hang) expressed particular concern on traffic condition of Sai Ying Pun which might be adversely affected by a large number of coaches. Ms. Cheng Lai-king, Chairman of T&TC raised objection to the application mainly on traffic aspect. Other government departments had no objection to or adverse comment on the application;

- (d) one public comment was received during the first three weeks of the statutory publication period, stating that the non-provision of carparking and loading/unloading facilities would generate adverse traffic impact on the area, in particular Des Voeux Road West, which was of heavy vehicular flow; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 10 of the Paper. Regarding the public concern on the traffic impact of the proposed hotel development, to ensure that the proposed conversion would not result in an increase in the physical bulk of the existing building, an approval condition to stipulate the maximum gross floor area for the proposed hotel should be inclusive of the area for BOH facilitates was recommended in paragraph 11.2(a) of the Paper.

24. Members had no question on the application.

Deliberation Session

25. The Chairman noted that the drawings submitted by the applicant were not updated as the uses of the 1/F to 6/F of the subject building were still annotated as elderly centre which was different from the office and shop uses under the current proposal. He also asked whether the proposed office and shop uses above the lowest three floors of the subject building within “Residential (Group A) 7” zone required planning permission from the TPB. Ms. April Kun replied that the applicant had included the previous set of approved building plans in his submission, while the updated drawings for the application premises on

7/F to 24/F were submitted by the applicant as further information. Since the subject building was wholly an existing commercial building, no planning permission was required for the office and shop uses at the floors below the hotel use.

26. 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 18.5.2016, 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 proposed hotel development was subject to a maximum gross floor area (GFA) of 4,453.007m². Any floor space that was constructed or intended for use as back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations should be included in GFA calculation;
- (b) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (e) 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.

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

- (a) the approval of the application did not imply that the proposed non-domestic plot ratio (PR) of the proposed hotel development would be granted by the Building Authority. The applicant should approach the

Buildings Department direct to obtain the necessary approval. In addition, if hotel concession for the non-domestic PR of the development was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the TPB might be required;

- (b) to note the comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department regarding the requirements laid down under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-40;
- (c) to note the comments of the Commissioner for Transport that the Government reserved the right to impose the necessary traffic management measures and there was no guarantee of loading/unloading space on public road in vicinity of the frontage of the site;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that landscape planting should be provided on podiums or roofs;
- (e) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department regarding the licensing requirements for hotel uses; and
- (f) to note the comments of the Director of Fire Services regarding the requirement for compliance of the Code of Practice for Fire Safety in Building 2011.

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

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H6/70 Proposed Minor Relaxation of Building Height Restriction for Permitted Hotel Development in “Other Specified Uses” annotated “Mixed Use” zone, 7 Moreton Terrace, Causeway Bay
(MPC Paper No. A/H6/70)

Presentation and Question Sessions

28. The Secretary reported that Mr. Patrick Lau had declared an interest in this application as he has current business dealings with Kenneth To & Associates Ltd. and Chau, Ku & Leung Architect & Engineers Ltd., the consultants of the application. As Mr. Lau had no direct involvement in the subject application, Members agreed that Mr. Lau could be allowed to stay in the meeting.

29. The Secretary reported that Mr. Roger Luk and Mr. Dominic Lam had declared an interest in this application as Mr. Luk’s spouse owned a flat at Tai Hang Road and Mr. Lam’s spouse owned a flat at Caroline Hill Road. As these flats were not in proximity to the application site, Members agreed that Mr. Luk and Mr. Lam could be allowed to stay in the meeting.

30. With the aid of a Powerpoint, Ms. Irene W.S. Lai, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the application site was elongated in shape with a narrow frontage on Moreton Terrace. The “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”) zone where the application site fell within were occupied by medium-rise cluster of commercial, residential and composite buildings (8 to 32 storeys or 29mPD to 118mPD), and surrounded by some open spaces and low to medium-rise government, institution and community (GIC) uses.

- (b) to relax the building height (BH) restriction from 100mPD to 107.9mPD for a permitted hotel development. The proposed relaxation was to accommodate a 5.5m high podium garden for hotel guests with a typical floor-to-floor height of 3.25m for the guest rooms. A ground level setback area of 3m (width) x 3m (depth) would be provided along Moreton Terrace. A vertical green wall from G/F to the podium garden was also proposed. It was noted that a set of building plans for a proposed hotel development at the application site with a BH of 100mPD at main roof was approved by the Building Authority on 1.11.2011. A typical floor-to-floor height of 3.15m was adopted in the approved building plans.
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that there were no sufficient merits to justify for a relaxation of BH restriction from an urban design point of view. While the benefits of the proposed ground level setback in improving the streetscape were acknowledged, it was not easy to see the proposed podium garden from street level as the street was narrow and the view was substantially blocked by the flyover. Based on the photomontages submitted by the applicant (Drawing A-15 of the Paper), the contribution of the proposed podium garden to the overall visual amenity of the local area was considered not significant. The actual gap provided in the proposed podium garden for passage of air flow was mainly through a narrow open staircase (Drawing A-14 of the Paper). The submitted air ventilation assessment had in fact shown that the proposed scheme did not make any noticeable difference from the OZP compliant scheme in air ventilation terms. While having no in-principle objection to the application from the landscape planning perspective, CTP/UD&L, PlanD had some reservations on the feasibility and hence landscape benefit of planting trees to the size as shown in the photomontages, since the space in the proposed podium garden could only allow planting of small-sized trees and would be restrictive to their future growth, and sufficient soil depth (1.2m) and volume were required to support tree planting. Other government departments had no objection to or adverse comment on the

application;

- (d) three public comments from a local resident and two members of the public objecting to the application were received during the first three weeks of the statutory publication period. They considered that there was no legitimate ground to relax the BH restriction for the developer with no good to the public; and expressed concern on the reduction in the space for the local residents, implications on air ventilation, traffic impact of the proposed development on the already congested/heavily occupied road network in the area including Moreton Terrace, Tung Lo Wan Road and Shelter Street, and the precedent effect for similar requests for relaxation of BH restriction. No local objection was received by the District Officer (Wan Chai); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper which were summarized below:
 - (i) There were no particular technical concerns raised by the concerned government departments on the proposed permitted hotel use. The intention of the BH restriction was to maintain the existing medium-rise character of the area and to achieve a more compatible BH profile with the adjoining open space and low to medium-rise government, institution and community uses, while accommodating the permissible development intensity under the OZP. The minor relaxation clause for BH restriction was to provide incentive for development/redevelopment with planning and design merits and to cater for circumstances with specific site constraints. The application should be assessed against the relevant criteria in the Explanatory Statement of the OZP for the “Other Specified Uses” annotated “Mixed Use” zone (as stated in paragraph 8.2 of the Paper).

- (ii) The proposed development did not involve amalgamation of small sites nor any proposed bonus plot ratio. On planning and design merits, CTP/UD&L, PlanD acknowledged the benefits of the proposed ground level setback in improving the streetscape, but considered that the contribution of the proposed 5.5m high podium garden to the overall visual amenity of the local area was not significant. He had some reservations on the feasibility and landscape benefit of planting tree on the podium garden to the size as shown on the photomontages. The actual gap provided in the proposed podium garden for air flow was mainly through a narrow open staircase. There was no noticeable difference between the proposed scheme and the OZP compliant scheme without such podium garden in air ventilation terms. The proposed typical floor-to-floor height of 3.25m would further raise the overall BH. It was noted that a typical floor-to-floor height of 3.15m was adopted for the guest rooms in the building plans approved in November 2011. In view of the above, there were insufficient merits to justify the proposed relaxation of BH restriction. Approval of the application would set an undesirable precedent for other similar applications for relaxation of BH restriction in the area. The cumulative effect of which would jeopardise the planning intention of imposing BH restriction for the area.
- (iii) Regarding the public comments, visual and air ventilation aspects of the proposed relaxation of BH were assessed above. As for the traffic concern, the Commissioner for Transport had no objection to the proposed hotel use.

31. In response to the Chairman and a Member's enquiry on the difference between the proposed scheme under application and the OZP compliant scheme as shown in the photomontages submitted, Ms. Irene Lai clarified that the applicant did not provide a direct comparison of the two schemes. The noticeable difference between the two schemes was that podium garden was present in the proposed scheme but not the OZP compliant scheme. The photomontages could demonstrate the difference in visual impact between two schemes

with and without podium garden. In comparing with the aforesaid approved building plans, the proposed scheme had an increase in maximum BH from 100mPD to 107.9mPD, an increase in floor to floor height from 3.15m to 3.25m, and an additional podium garden, green wall and ground level setback.

Deliberation Session

32. Noting that Architectural Services Department had no adverse comment on the proposal in terms of visual impact, the Chairman said that the Committee needed to consider whether there were sufficient planning and design merits for relaxation of BH restriction by 7.9m based on the proposed setback, podium garden and green wall. A Member commented that in the applicant's proposal, the increase in BH of 7.9m would allow an addition of a podium garden and an increase in the floor-to-floor height from 3.15m to 3.25m, while at the same time some of the rooms at the lower floor of the proposed hotel would not be facing the flyover. The Member said that if the applicant did not propose to increase the floor-to-floor height, consideration might be given to relax the BH restriction to accommodate the podium garden.

33. In response to a Member's question on the rationale of the current BH restriction of 100 mPD for the Moreton Terrace area where the application site was located, Ms. Irene Lai said that the BH restriction was formulated based on a number of considerations including the view from the Tsim Sha Tsui vantage point, stepped building height profile as stated in the HKPSG, the local character and existing BH profile. The area was located to the south of Victoria Park and at the periphery of the core area in Causeway Bay. The BH restriction of 100mPD was to maintain the existing medium-rise BH profile of the area and compatible with the surrounding low to medium-rise developments including GIC uses and open space. The Secretary added that air ventilation was also one of the considerations in formulating the BH restriction. The BH restriction imposed on the Moreton Terrace area was to complement with the major air path passing through the Victoria Park. A Member added that since the BH restriction was formulated based on a number of considerations, the Committee should be careful in deciding whether to relax the BH restriction taking into account whether the relaxation had any planning gain or any conflict with the original intention of the BH restriction.

34. A Member said that the Government had been actively finding ways to facilitate greening (e.g. vertical greening) in high-rise and congested urban area such as formulating Greening Master Plan for different parts of Hong Kong. The Member said that the proposed redevelopment was a good opportunity to provide more greening in Causeway Bay, but there was doubt on the implementability of the proposed greening measures. A Member worried that the proposed green wall might not be able to sustain due to its high maintenance cost. Another Member had doubt on whether the podium garden and the green wall proposed could achieve the greening effect as claimed by the applicant and hence the merits were questionable. The Member agreed with CTP/UD&L that the feasibility of planting trees in such a small podium garden was in doubt.

35. A Member said that there were different ways in designing a green wall. The mounting of small potted plants onto a wall would involve high maintenance cost, was not encouraged and the planting of climbers on vertical metal frame was a simpler way requiring lower maintenance cost. If the application was approved, the Member suggested imposing an approval condition requiring the applicant to submit and implement a landscape proposal so as to ensure that the final design of vertical greening could be scrutinised by the concerned departments.

36. Members had different views on the merits of the proposed greening and design of the hotel. Some Members commented that the proposed ground level setback and the podium garden did not have much visual benefit, the proposed podium garden could not be easily seen by the nearby residents or the public at the pedestrian level, and the higher floor-to-floor height could only benefit the hotel users but not the general public. On the other hand, some Members commented that the proposed green wall and podium garden could create certain degree of visual benefits, such as better views from the Central Library and the flyover, better views for the pedestrians on the street level as well as higher visual permeability. Regarding those hotel rooms facing the flyover, two Members were of the view that the proposed podium garden was a good design to avoid some of the hotel rooms from facing the flyover. A Member said that it was difficult to judge whether the design merits brought about by the podium garden and the green wall were sufficient to justify a relaxation of BH restriction by 7.9m which included an increase in floor-to-floor height from 3.15m to 3.25m.

37. Some Members did not support the application since the resultant building would not be compatible with the existing buildings in the area. They considered that the podium garden and green wall benefitted the hotel development more than the public. They commented that given the small size and elongated shape of the application site, the proposed development would result in a thin and tall building.

38. The Vice-chairman commented that the proposed ground level setback area was not returned to the public and hence there were little merits on this aspect. The proposed podium garden could only be viewed from the flyover and had little visual benefit. As shown in the photomontage submitted by the applicant (Drawing A-22 of the Paper), the proposed building with BH relaxed to 107.9mPD had protruded above the surrounding buildings. If the application was approved, the hotel development, which would be a taller building among the surrounding developments, could be seen by a larger number of people for many years. After balancing the merits brought about by the greening proposal and the impact on the public view, he considered that the proposed relaxation of BH restriction was not justified, and was not prepared to support the application.

39. Some Members asked if the application could be partially approved, say be allowing the proposed podium garden, green wall and ground level setback but rejecting the increase in floor-to-floor height to 3.25m. A Member also commented that the height of the proposed podium garden could be less than 5.5m in height if planters instead of big trees were proposed. In response, the Chairman said that it was considered proper for a planning authority to approve an application at a reduced scale of development. The Secretary said that partial approval of an application was possible according to legal advice previously sought. However, Members generally considered that it would be better to consider the proposal as a package and decide whether the application should be approved or rejected.

40. The Chairman concluded that the Members generally had reservation on the application. Although there were some design merits in the proposed scheme such as better views from the Central Library created by the podium garden, Members considered that the planning and design merits provided were insufficient to justify a relaxation of BH by 7.9m.

41. After 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) there were insufficient planning and design merits in the submission to justify the proposed minor relaxation of BH restriction; and
- (b) the approval of the application would set an undesirable precedent for similar application for minor relaxation of BH restriction in the area. The cumulative effect of approving similar applications would jeopardise the planning intention of imposing BH restriction on the area.

[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

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/280 Proposed Religious Institution (Temple) in “Residential (Group A)” zone, Area near the Road Junction between Ngau Tau Kok Road and Kwun Tong Road, Lower Ngau Tau Kok Estate Phase 7, Ngau Tau Kok
(MPC Paper No. A/K13/280)

Presentation and Question Sessions

42. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA) and the following Members had declared interests in this item:

- Mr. Jimmy C.F. Leung - being a member of the Strategic Planning
as the Director of Planning Committee (SPC) and Building
Committee of HKHA
- Ms. Doris Chow - being an assistant to the Director of
as the Assistant Director of Lands who was a member of the HKHA
the Lands Department
- Mr. Chris Liu - being a chief engineer of the Home
as the Chief Engineer of the Affairs Department, of which its Director
Home Affairs Department was a member of the SPC and Subsidised
Housing Committee of HKHA
- Ms. Julia Lau - being a member of the HKHA and a
member of the Commercial Properties
Committee and Tender Committee of
HKHA
- Mr. Dominic Lam - having current business dealings with the
HKHA

43. The Committee considered that these Members' interests were direct and they should be invited to withdraw from the meeting. Mr. Jimmy C.F. Leung, Ms. Doris Chow, Mr. Chris Liu, Ms. Julia Lau and Mr. Dominic Lam were invited to withdraw from the meeting. Since the Chairman had declared interest and withdrawn from the meeting, the Committee agreed that the Vice-chairman should chair the meeting.

[Mr. Jimmy C.F. Leung, Ms. Doris Chow, Mr. Chris Liu, Ms. Julia Lau and Mr. Dominic Lam left the meeting at this point.]

44. The Secretary reported that Mr. Patrick Lau had declared an interest in this item as he had current business dealings with MVA Hong Kong Ltd. and Meinhardt Infrastructure and Environment Ltd. which were the consultants of this application. As Mr. Lau had no direct involvement in the subject application, Members agreed that Mr. Lau could be allowed

to stay in the meeting.

45. With the aid of a Powerpoint, Mr. Richard Y.L. Siu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution (temple) highlighting that the proposal included the relocation of the Fuk Tak Temple and the Saint Yan Kung Ma Shrine as part of the Lower Ngau Tau Kok Estate Redevelopment project. The applicant had conducted a comprehensive site search for possible future locations of the affected temple and shrine. Four potential sites were identified and the application site was chosen among them. The application site was part of a designated local open space of the lower Ngau Tau Kok Estate Redevelopment. The applicant confirmed that smokeless joss paper furnaces would be installed to be in accordance with the Environmental Protection Department (EPD)'s "Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places";
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Director of Environmental Protection (DEP) advised that the proposed temple at the current location was considered undesirable since the proposed site was within "R(A)" zone and very close to residential developments, and burning of ritual papers and joss sticks as anticipated in the temple would inevitably cause air pollutant nuisance to the surrounding residents. Should there be no alternative/suitable sites for the relocation and the proposed site remained the only choice, there would likely be public complaints in future, as generally evident from past complaints made by residents on nearby temples and they should consider consulting the local residents on the proposal for some general consensus. Other government departments had no objection to or adverse comment on the application;

- (d) three supportive public comments were received during the first three weeks of the statutory publication period. The commenters stated that the temple and shrine had long been serving the community and had become an indispensable part of the community, the proposals were in line with the urban design initiative to enhance public life in public spaces as promoted by Kowloon East Development Office, and the proposals could improve the streetscape and add points of interest to the district. No local objection was received by the District Officer (Kwun Tong); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 10 of the Paper. Regarding DEP's concerns on possible air pollution, the applicant had already conducted a site search and identified 4 potential sites as mentioned in paragraph 10.1 of the Paper. The application site was considered the most suitable location by concerned departments, Kwun Tong District Council and the temple/shrine operators. Furthermore, as confirmed by the applicant, the proposed furnaces for burning of ritual papers and joss sticks would be designed and implemented in accordance with the "Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places" promulgated by EPD. The public comments in support of the application were noted.

46. A Member enquired whether the proposed design of the Fuk Tak Temple was a final one, and commented that the design of the Fuk Tak Temple including the landscape design would affect the public views from the adjacent open space. Mr. Richard Siu replied that the design was only a preliminary one, and an approval condition had been suggested to require the applicant to submit and implement landscape proposal.

47. In response to a Member's enquiry, Mr. Richard Siu clarified that there were no existing trees within the application site according to the applicant's submission. In response to another Member's enquiry, Mr. Siu explained that the Pak Kung Temple shown in the applicant's submission was indeed part of the Fuk Tak Temple.

Deliberation Session

[Ms. Bonnie J.Y. Chan left the meeting at this point.]

48. A Member commented that the proposed temple was expected to attract a large number of people especially during festivals, and pedestrian congestion would likely be occurred in the surrounding area. He asked where the pedestrian flow was expected to concentrate, either at the adjacent open space or the pavement nearby. Mr. Richard Siu explained that according to the traffic impact assessment submitted by the applicant, the proposed temple would not lead to pedestrian congestion problem at the adjacent open space or the pavement nearby.

49. A Member showed support to the proposal. The proposed location was not close to the residential area and the temple would be separated from the residential area by the adjacent open space. DEP's concern on possible air pollution affecting the nearby residents should have been addressed. The proposed temple was considered compatible with the adjacent open space. Other alternative locations identified by the applicant were either too far away from the residential area or not easily accessible to the public.

50. A Member agreed to approve the application, but suggested that the proposed design of Fuk Tak Temple needed to be improved since the design was not in line with the principle of traditional Chinese temple design especially for the part facing the adjacent open space. Another Member suggested that the design of the temple should integrate with that of the adjacent open space.

51. The Vice-chairman concluded that Members generally supported the application and agreed that DEP's concerns could be addressed. The Committee agreed that Members' suggestion of improving the design of Fuk Tak Temple would be included as an advisory clause, if the application was to be approved.

52. 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 18.5.2016, 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 provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the Chief Building Surveyor/Kowloon's comments that if the proposed temple and shrine were privately owned, an Authorised Person should be appointed to submit building plans to the Buildings Department for approval and demonstration of full compliance with the Buildings Ordinance (BO). Detailed comments under the BO could only be formulated at the building plan submission stage;
- (b) to note the Director of Fire Services' comments that Emergency Vehicular Access arrangement should comply with Section D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department; and
- (c) the design of the proposed Fuk Tak Temple had to be improved taking account of the traditional Chinese temple design especially for the part facing the adjacent open space, and the design of the proposed temple should integrate with that of the adjacent open space.

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

Agenda Item 8

Any Other Business

54. There being no other business, the meeting closed at 11:00 a.m..