

TOWN PLANNING BOARD

Minutes of 472nd Meeting of the Metro Planning Committee held at 9:00 a.m. on 24.8.2012

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. Stephen H. B. Yau	
Assistant Commissioner for Transport (Urban), Transport Department Mr. Albert W.B. Lee	
Assistant Director(2), Home Affairs Department Mr. Frankie W.P. Chou	

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

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

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

Secretary

Absent with Apologies

Mr. Maurice W.M. Lee

Mr. Sunny L.K. Ho

Mr. Dominic K.K. Lam

Mr. Clarence W.C. Leung

Mr. Patrick H.T. Lau

In Attendance

Assistant Director of Planning/Board
Ms. Christine K.C. Tse

Chief Town Planner/Town Planning Board
Mr. J.J. Austin

Town Planner/Town Planning Board
Mr. Terence Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 471st MPC Meeting held on 10.8.2012

[Open Meeting]

1. The draft minutes of the 471st MPC meeting held on 10.8.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) Abandonment of Town Planning Appeal

Town Planning Appeal No. 12 of 2011

Temporary Open Storage of Vehicles (Buses, Minibuses, Private Cars and Goods Vans) that were Pending Repairing or Having Been Repaired for a Period of 3 Years in “Agriculture” Zone, Lots 1324 (Part) and 1328 (Part) in D.D. 114, Kam Sheung Road, Yuen Long

(Application No. A/YL-SK/163)

2. The Secretary reported that the appeal (No. 12/2011) had been abandoned by the appellant on his own accord. The subject appeal was received by the Appeal Board Panel (Town Planning) (Appeal Board) on 1.11.2011 against the decision of the Town Planning Board on 26.8.2011 to reject on review planning application No. A/YL-SK/163 for temporary open storage of vehicles (buses, minibuses, private cars and goods vans) that were pending repairing or had been repaired for a period of 3 years in “Agriculture” zone on the Shek Kong Outline Zoning Plan. On 10.8.2012, the appeal was abandoned by the appellant. On 15.8.2012, the Appeal Board confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

- (ii) Appeal Statistics

3. The Secretary reported that as at 24.8.2012, a total of 21 cases were yet to be heard by the Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	28
Dismissed	:	123
Abandoned/Withdrawn/Invalid	:	161
Yet to be Heard	:	21
<u>Decision Outstanding</u>	:	1
Total	:	334

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/TW/4 To rezone the application site 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/4B)

4. The Secretary reported that the application was submitted by Hong Kong Bodhi Siksa Society Limited with LLA Consultancy Ltd. serving as a consultant. Mr. Patrick Lau and Mr. Dominic Lam had declared interests in this item as they had current business dealings with LLA Consultancy Ltd. Members noted that Mr. Patrick Lau and Mr. Dominic Lam had tendered apologies for being unable to attend the meeting.

5. The Committee noted that the applicant had requested on 20.7.2012 for deferment of the consideration of the application for two months in order to allow sufficient time to discuss with Transport Department and to provide supplementary information in response to their further comments.

6. 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 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 the Committee had allowed a period of two months, resulting in a total period of six months for preparation of further information, and this would be the last deferment to be granted.

Hong Kong District

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H4/89 Proposed Landscape Terrace for Place of Recreation, Sports and Culture in “Government, Institution or Community”, “Green Belt” and “Open Space” zones and areas shown as “Road”, the Asia Society Hong Kong Center, No. 9 Justice Drive, Admiralty

(MPC Paper No.A/H4/89)

7. Mr. Laurence Li declared an interest in this item as the application was submitted by the Asia Society Hong Kong Center Limited and he was a member of the Asia Society Hong Kong (ASHK). As Mr. Laurence Li was an ordinary member of the ASHK and he was not directly involved in the proposed development, Members considered that his interest in this item was indirect and he should be allowed to stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed landscape terrace (place of recreation, sports and culture);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from the Central and Western Development Concern Association was received. The commenter had no objection to the proposed development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the assessment as detailed in paragraph 11 of the Paper.

9. In response to a question from a Member, Mr. Ng said that the layout of the proposed scheme was shown in Drawings A-1 and A-2 of the Paper. The proposal was intended to replace the original man-made slope by a landscape terrace. However, the applicant had not provided any information on the materials to be used for the construction of the landscape terrace.

10. In response to a question from the Chairman, Mr. Ng explained Drawing A-1 of the Paper in detail. He said that the green area in Drawing A-1 of the Paper denoted the additional gross floor area (GFA) applied for under the current application. The area was covered by the existing development on top and fell within the site of the existing development. The green shaded area was an area falling within a drainage reserve.

Deliberation Session

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

11. In response to a question from a Member, Mr. Ng said that the current application site comprised only the areas coloured green and orange in Drawing A-1 of the Paper.

12. A Member supported the application as it could improve the landscaping of the area and create more open space for the public. In response to a question from the same Member, Mr. Ng said that an approval condition on landscaping had been proposed in paragraph 12.2 in the Paper for Members' consideration.

13. A Member asked whether the proposed development would exceed the GFA restriction for the site and whether the additional GFA would entail any additional land premium. Mr. Ng said that according to the comments of Lands Department in paragraph 9.1.1 of the Paper, the lot was restricted to a maximum GFA of 1,300m² for the new building(s) in addition to a covered entrance foyer and loading and unloading area not exceeding 200m². As the covered area under application might be countable for GFA calculation under the lease, a lease modification would be required if the permitted maximum GFA under the lease was exceeded. Ms. Doris Chow said that whether a premium would be required for the additional GFA would be subject to assessment by LandsD. She was of the view that the issue of premium should not be a material consideration of the Board. The Secretary explained that the application site fell partly within the "Government, Institution or Community" ("G/IC"), "Green Belt" ("GB"), "Open Space" ("O") zones and an area shown as 'Road' and there was no GFA restriction under the OZP zonings. The existing ASHK development was the subject of a planning application previously approved by the Board. The subject planning application was required as the proposed landscape terrace was a modification to the approved scheme and the total GFA would exceed that of the approved scheme.

14. A Member had no objection to the application but said that the geotechnical implications of the proposal would need to be dealt with at the building plan submission stage.

15. A Member asked whether the proposed landscape terrace was a public open space. Mr. Ng said that the proposed landscape terrace would be open to people visiting the ASHK Centre. The Chairman said that the proposed landscape terrace was not a public open space but a facility of the ASHK Centre.

16. 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 24.8.2016, 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 and implementation of a landscape proposal for the proposed landscape terrace to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of Chief Building Surveyor/Hong Kong West, Buildings Department that the proposed covered landscape terrace should be included in GFA calculation under Buildings Ordinance;
- (b) to note the comments of District Lands Officer/Hong Kong West & South, Lands Department on the requirement to apply for a modification of the lease and to submit an amendment to the MLP;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that disturbance to trees adjacent to the proposed site should be minimized;
- (d) to note the comments of Chief Engineer/Hong Kong & Islands, Drainage Services Department that the requirement/constraint on the Drainage Reserve as laid down in the existing land lease conditions should be followed; and
- (e) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department that Block GG and the features of cultural significance as identified in the finalized Conservation Report of the Former Explosive Magazine Site should not be adversely affected and to

provide detailed works proposal and necessary precautionary and monitoring measures before commencement of any construction works on the site.

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

[Mr. Louis K.H. Kau, 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/H7/160 Proposed Minor Relaxation of Building Height Restriction for permitted Flat Use in "Residential (Group B) 2" zone, No. 7 Village Terrace, Happy Valley
(MPC Paper No.A/H7/160A)

18. Ms. Bonnie Chan declared an interest in this item as her family had a property in Happy Valley but not in the Village Terrace area. Members considered that her interest was indirect and she should be allowed to stay in the meeting.

Presentation and Question Sessions

19. Mr. K. H. Kau, STP/HK, presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction from 4 storeys to 5 storeys at the roof of an existing residential building;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department commented that there was no merit in the

proposal to justify the relaxation of building height restriction to allow an additional storey. The Chief Architect/Advisory and Statutory Compliance, Architectural Services Department commented that the applicant did not provide any photomontages of the proposed development in relation to its context from a visual point of view;

- (d) during the first three weeks of the statutory publication period, 36 public comments were received. Four of the commenters were supportive while the remaining 32 objected to the application. The commenters who raised objection included the Incorporated Owners of the subject building and the owners/tenants of the adjacent Silver Star Court. The main grounds of objection included the deterioration of accessibility to Village Terrace, structural safety and fire hazard concerns, and the setting of an undesirable precedent for similar applications at Village Terrace; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. The Village Terrace and Fung Fai Terrace to its north were residential neighbourhoods with a low-rise and low-density character and narrow access roads. The building height restrictions of 4 to 6 storeys including carports for the area were intended to maintain its character. The applicant claimed that the proposed relaxation of building height restriction was to address site constraints so that the permissible plot ratio under the Building (Planning) Regulations could be achieved. It was also to allow the addition of a residential floor for the development of duplex units. However, there were no planning and design merits in the proposal to justify the relaxation of the building height restriction. Moreover, there had been no previous planning approval for minor relaxation of building height restriction within the “R(B)2” zone. The approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving similar applications would cause adverse impacts on the low-rise and low-density character of the existing neighbourhoods. There were also local concerns on the traffic impacts induced by the proposal.

20. In response to a question from a Member, Mr. Kau said that there were about 40 to 50 residential units at Village Terrace.

Deliberation Session

21. A Member said that there used to be about 30-40 residential units in the Village Terrace area, but due to additions and alterations, the number of residential units at Village Terrace had increased. Traffic safety in the area was a concern in view of the narrow access road serving Village Terrace which was a private road built in the 1950s. The approval of the application would set an undesirable precedent for other similar applications, the cumulative impact of which would generate additional traffic and overload the capacity of the private road which was already in a poor condition. The Chairman said that as the applicant intended to build duplex units, the number of residential units and the traffic generated would remain largely the same for the subject development. However, if the applicant sold off the additional floor as a separate residential unit in future, the traffic volume would increase.

22. A Member asked whether and how the applicant could implement the proposal if the application was approved by the Committee. Ms. Doris Chow said that if lease modification was required for the proposal, all concerned owners of the site would have to agree to the lease modification for it to take effect, but LandsD would not be concerned on how land premium, if required, was to be paid among the owners. The Secretary said that there was a previous case where an owner of a private residential development was permitted to increase the GFA of his own flat under the OZP but the proposal was not processed under the lease. She also recalled that there were planning applications approved by the Board but the proposals were not implemented due to restrictions under the relevant Deeds of Mutual Covenant.

23. In summing up the discussion, the Chairman said that Members generally considered that there were no strong planning and design merits to support the approval of the application.

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

24. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11 of the Paper and considered that they were appropriate. The reasons were :

- (a) there was no strong justification nor planning and design merit in the development proposal for the proposed minor relaxation of building height restriction; and
- (b) the approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving similar applications would change the low-rise and low-density character of the existing residential neighbourhood and induce adverse traffic impact to the neighbourhood.

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

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H6/69 Minor Relaxation of Building Height Restriction for Composite Development in "Other Specified Uses" annotated "Mixed Use" zone,
33-39 Tung Lo Wan Road and 19-21 Shelter Street
(MPC Paper No.A/H6/69B)

25. The Secretary reported that the application was submitted by Fortress Jet International Ltd., Pine Cheer Ltd. and Sino Able Investments Ltd. with Kenneth To & Associates Ltd. (KTA), MVA Hong Kong Ltd. (MVA), Environ Hong Kong Ltd. and Archiplus International (HK) Ltd. serving as consultants. The following Members had declared interests in this item:

- Mr. Patrick Lau - had current business dealings with KTA and MVA;
- Mr. Dominic Lam - had current business dealings with KTA and MVA; and
- Ms. Julia Lau - had current business dealings with Environ Hong Kong Ltd.

26. Members noted that Mr. Patrick Lau and Mr. Dominic Lam had tendered apologies for being unable to attend the meeting. As Ms. Julia Lau was not directly involved in the proposed development, Members considered that her interest was indirect and she should be allowed to stay at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) to relax the building height restriction from 100mPD to 108.65mPD for composite development;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) supported the proposed site coverage of 63% at ground level as it would provide more pedestrian circulation space and greening opportunity, which together with the terraced design could help improve the streetscape and the general pedestrian environment. The opening up of a diversionary lane and the adjoining ground level setback would enhance the visual connectivity between Tung Lo Wan Road and Shelter Street and the overall permeability of the Moreton Terrace area. However, there was insufficient justification in the submission to demonstrate the design merit of the sky garden, as there was no significant difference between the proposed scheme (with a sky garden) and the OZP-compliant scheme

- (without a sky garden) in terms of air ventilation;
- (d) during the first three weeks of the statutory publication period, seven public comments were received. Two of them were supportive while the other five objected to the application. The opposing comments were mainly concerned about the plot ratio and building height of the proposed development, which were higher than those of the surrounding buildings, and the possible adverse impacts of the proposal on traffic, air ventilation, vista, property value, fung shui and the structural safety of the nearby residential developments;
 - (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. Although CTP/UD&L, PlanD considered that the applicants had not provided sufficient justification to demonstrate the design merits of the sky garden and there was no significant difference between the proposed scheme and the OZP-compliant scheme without the sky garden in terms of air ventilation, the reduced SC at ground level from 82% to 63% to bring about improvement to the overall pedestrian network, streetscape/local amenity, visual connectivity and overall permeability of the area could be considered as planning gain to justify the relaxation of the building height restriction by 8.65m for the proposed sky garden and an additional storey; and
 - (f) regarding the public concern on the proposed increase in plot ratio, it should be noted that the site was a Class C site with permissible plot ratio up to 10 and 15 for residential and commercial buildings respectively, and the proposed bonus plot ratio would be subject to approval by the Building Authority. The proposed minor relaxation of building height generally complied with the relevant criteria listed in the Explanatory Statement of the OZP. To enhance visual permeability of the area, the applicants had proposed to adopt a terraced design on the lower levels with greening to break up the building mass. In terms of air ventilation, CTP/UD&L considered that there was no significant difference between the proposed

scheme and the OZP-compliant scheme without the sky garden. As regards traffic, the Commissioner for Transport and Commissioner of Police had no objection or adverse comment on the application. Furthermore, issues of structural safety could be addressed under the Buildings Ordinance, while property value was not a relevant planning consideration.

28. Mr. Frankie Chou asked if the closure of the existing right-of-way and the provision of a diversionary lane would require gazetting under the Roads Ordinance. The Chairman said that the applicants would have to follow the relevant statutory requirements under the Roads Ordinance if the application was approved.

29. A Member asked whether approval had been obtained for the bonus gross floor area (GFA). Ms. Lai said that approval had not been obtained for the bonus GFA and the applicants had to apply separately to the Buildings Department at the building plan submission stage should the application be approved by the Committee. To ensure that the applicants would implement the proposed setback along Shelter Street, a relevant approval condition had been suggested for Members' consideration. The Chairman supplemented that a clause advising the applicant to seek the Building Authority's approval on bonus GFA concession had been recommended in paragraph 13.2 of the Paper for Members' consideration.

30. A Member asked whether there were any public benefit in the rearrangement of the pedestrian network. Ms. Lai said that as the applicants had already acquired the six lots covering the site, the existing right-of-way running across the site was no longer necessary and could be distinguished. However, the applicants proposed to open up a diversionary lane along the western boundary of the site as a pedestrian connection between Shelter Street to Tung Lo Wan Road. In addition, the applicants proposed to set back the site boundary fronting Shelter Street by 2m for the provision of a public footpath which would generally improve the pedestrian network in the area.

31. A Member asked whether the typical floor-to-floor height of 3.1m and the floor-to-floor height of 5.5m of the sky-garden were acceptable. Ms. Lai said that the typical floor-to-floor height of 3.1m was considered acceptable. As a reference, a site to the

immediate east of the application site was the subject of an application for minor relaxation of building height restriction for a proposed hotel development. That application was rejected by the Committee mainly for the reason that there were insufficient planning and design merits to justify the proposed minor relaxation of building height restriction. The proposed floor-to-floor height of that proposed hotel development was 3.25m, which was slightly taller than that of the current proposal. As for the sky garden, even though CTP/UD&L, PlanD considered that the applicants had not provided sufficient merits to justify the sky garden, the proposed development as a whole was considered acceptable as it would improve the pedestrian network and the overall permeability of the Moreton Terrace area.

Deliberation Session

32. The Secretary said that the application for proposed relaxation of building height restriction for the hotel development at the adjacent site was rejected mainly for the reason that there were insufficient planning and design merits to justify the relaxation for essentially a podium garden. For the current application, PlanD considered that although the sky garden did not demonstrate sufficient design merits, the improvements in the pedestrian network and the overall permeability of the area could be regarded as planning merits of the proposal under application.

33. A Member asked why a minor relaxation of the building height restriction was justified if the proposal was to accommodate the proposed bonus GFA. The Secretary said that the proposed minor relaxation of building height restriction was to accommodate an additional residential floor arising from the bonus GFA and a sky garden. Although there were insufficient merits for the proposed sky garden, PlanD considered that there were planning merits in the application as a whole, as the development with a site coverage of 63% would help improve pedestrian circulation, especially along the narrow back lane of Shelter Street. To ensure that the proposed minor relaxation of building height restriction would be kept to a minimum, the applicant had confirmed that the floor-to-floor height of the proposed sky garden complied with the Joint Practice Notes issued by Buildings Department, Planning Department and Lands Department and was not considered excessive.

34. A Member supported the application as the proposal would help improve the

urban fabric and pedestrian connections. The Member also noted that the Transport Department had no objection to the application.

35. A Member said that in terms of building height, the proposed development would be comparable with the nearby hotel but would be taller than most other buildings in the area. The Member agreed that the local street was very narrow and the proposed setback would help improve the pedestrian and traffic circulation, although the developer would also benefit from having a more spacious building frontage. The Chairman said that the proposed rearrangement of the pedestrian network would be beneficial to both the proposed development and pedestrian circulation in the area, and was therefore a “win-win” situation.

36. A Member supported the application and said that the proposed development would bring improvements to the local pedestrian network. The Member further considered that for similar applications in the future, strong justifications for any proposed sky gardens would need to be provided by the applicant for consideration of the Committee.

37. 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 24.8.2016, 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 the proposed setback area along the back lane of Shelter Street for public footpath, as proposed by the applicants, to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning 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 implementation of local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment to the satisfaction of

the Director of Drainage Services or of the TPB.

38. 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 fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio (PR) and/or gross floor area (GFA) concession for the proposed development would be approved/ granted by the Building Authority. The applicants should approach the Buildings Department direct to obtain the necessary approval. If the building design elements, bonus PR and GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (b) to note the comments of the District Lands Officer/Hong Kong East, Lands Department regarding the right-of-way, non-offensive trades clause and site area in paragraph 10.1(c) of the Paper;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department regarding the need for justifications for the proposed dedication instead of surrender of the setback area, and provision of fireman's lift and access for persons with a disability on G/F in paragraphs 10.2(c), (f) and (g) of the Paper;
- (d) to note the comments of the Chief Highway Engineer/Hong Kong, Highways Department regarding the design of the proposed footpath in paragraph 10.4(b) of the Paper;
- (e) to maximise greening on ground level and the proposed sky garden, and to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department regarding the landscape planting in paragraph 10.7(c) of the Paper;

- (f) to note the comments of the Director of Fire Services regarding the emergency vehicular access in paragraph 10.8(b) of the Paper; and
- (g) to note the comments of the Director of Water Supplies regarding the water mains in paragraph 10.11 of the Paper.

[Mr. Laurence Li left the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/414 Proposed Comprehensive Hotel, Residential and Open Space Development in “Comprehensive Development Area” zone, 12 Oil Street, North Point (Inland Lot No. 8920 and adjoining Government Land)

(MPC Paper No.A/H8/414B)

39. The application was submitted by Ocean Century Investments Ltd., which was a subsidiary of Cheung Kong (Holdings) Ltd (Cheung Kong). Environ Hong Kong Ltd., LLA Consultancy Ltd. (LLA), Kenneth To & Associates Ltd (KTA), Earthasia Ltd., Westwood Hong and Associates Ltd and LWK & Partners (HK) Ltd. served as consultants for this application. The following Members had declared interests in this item:

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|-----------------|---|
| Mr. Patrick Lau | - had current business dealings with Cheung Kong, KTA, Earthasia and LLA; |
| Prof. P.P. Ho | - was undertaking a research project for Cheung Kong; |
| Mr. Dominic Lam | - had current business dealings with KTA and LLA; |
| Ms. Julia Lau | - had current business dealings with Environ Hong Kong Ltd; |

Mr. Roger Luk
Mr. Frankie Chou } had properties in City Garden, North Point; and

Mr. Stephen Yau - had a property in North Point.

40. Members noted that Mr. Patrick Lau and Mr. Dominic Lam had tendered apologies for being unable to attend the meeting. As the interest of Prof. P.P. Ho was direct and substantial, Members agreed that he should be invited to leave the meeting during the discussion and deliberation of this item. Since Ms. Julia Lau had no direct involvement in this project, Members agreed that she should be allowed to stay at the meeting. As the proposed development was not directly visible from the properties of Mr. Roger Luk, Mr. Frankie Chou and Mr. Stephen Yau, Members agreed that their interests were indirect and they should be allowed to stay at the meeting.

[Prof. P.P. Ho left the meeting temporarily at this point.]

Presentation and Question Sessions

41. Ms. Irene Lai, STP/HK, presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed comprehensive hotel, residential and public open space development;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, six public comments were received. Two of them were from Designing Hong Kong Limited and the other four were from members of the public. Designing Hong Kong Limited welcomed the ground level orientation of the

development and requested that maximum visual permeability, public accessibility to the waterfront, integration of the open space corridor and the former clubhouse of Royal Hong Kong Yacht Club (RHKYC), and public rights of recreation should be provided. Furthermore, the use of fence and restrictions by the private owner of designated public areas should be minimized. The applicant was also requested to replace and enhance the entire footbridge connecting the application site and the Fortress Hill MTR Station including its landings. An overall layout plan of the application site, the waterfront and the surrounding areas should be considered. The remaining four public comments were concerned about a proposal to reduce the building height to 80mPD, the wall effect affecting air ventilation and dispersion of traffic noise and vehicle emissions, the provision of wind corridors, greening and public access to the waterfront, and fire safety and property management problems; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 12 of the Paper. Regarding the public comments on the proposed building height, the applicant had reduced the building height to 100mPD and 110mPD to tally with the Planning Brief. The reduced building height was not incompatible with the surrounding developments. As for the concerns on wall effect and adverse impacts on air ventilation and dispersion of traffic noise and vehicle emissions, a wide building separation with three wind corridors and building permeability at the pedestrian level had been provided at the proposed development to enhance air permeability. The applicant's Air Ventilation Assessment (AVA) had demonstrated that the wind environment would not be worse off under the proposed scheme as compared to the Second Revised Scheme of the AVA Study undertaken by PlanD. Regarding the public concerns on air quality and noise issues, DEP had no objection to the application.

42. A Member asked whether the applicant had provided detailed information on the design of the composite tower blocks. Ms. Lai said that the applicant had only provided conceptual plans and some sectional drawings showing the demarcation between the hotel

use at the lower floors and residential use on the upper floors. The applicant had not submitted any detailed design for the consideration of the Committee.

43. In response to a question from the Chairman, Ms. Lai said that the noise barriers for the Island Eastern Corridor (IEC) were tentatively scheduled for completion in 2017 but the programme was subject to review. In response to a further question from the Chairman, Ms. Lai said that the two strips of public open space within the application site would be completed by the applicant and handed over to the Leisure and Cultural Services Department (LCSD) for future management and maintenance.

Deliberation Session

44. The Vice-Chairman said that the planning brief stated that the residential buildings should be protected from the traffic noise from the IEC. However, the proposed Master Layout Plan (MLP), with the composite towers located close to the IEC and the hotel development located further inland, seemed to have deviated from the planning brief. He asked whether it was possible to switch the locations of the composite buildings with the hotel development so that the noise from the IEC would be shielded by the hotel development and there would be a greater separation between the composite towers and the hotel. Ms. Lai said that although the proposed MLP did not follow the requirement of the planning brief in that aspect, the proposed layout was considered acceptable as the Noise Impact Assessment had demonstrated that the traffic noise standard could be complied with. The Chairman said that the hotel development was located at the lower floors of the composite buildings to reduce the noise impact generated by the IEC on the development.

45. A Member asked whether the RHKYC building, which was a Grade 2 historic building, would be integrated into the private development. Ms. Lai said that the RHKYC building was not part of the private development. It was separated from the private development by a piece of government land to be formed by the applicant and subsequently handed over to the LCSD for the development of a public open space. In the subject planning application, the applicant had provided an indicative layout for the proposed public open space. The future design of the proposed public open space would be decided by LCSD.

46. A Member noted that the footbridge at Fuk Yuen Street would pass through Tower 6 which was a private property. The Member asked whether visitors would have difficulty entering Tower 6 at the footbridge level. The Member suggested that the detailed design of the footbridge and its integration with Tower 6 should be more facilitating to the visitors so that they could enter Tower 6 directly from the footbridge. The Secretary said that a relevant approval condition in approval condition (h) was recommended and the Member's concern could be conveyed to the applicant with regard to the design of the footbridge. Members agreed.

47. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 24.8.2016, 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 and implementation of a revised Master Layout Plan (MLP) to take into account the approval conditions (b) to (i) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of three wind corridors through the application site, including a wind corridor of 15m wide along Oil Street, a wind corridor of 20m wide in the middle part of the application site and a wind corridor of 8m wide and 17.8m high on the north-eastern boundary of the application site;
- (c) the provision of building setback for the residential development with a minimum width of 50m from the Island Eastern Corridor and Central-Wan Chai Bypass;
- (d) the design and provision of two at-grade public landscaped walkways of 15m and 20m wide along Oil Street and the north-western boundary of the application site respectively to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (e) the submission and implementation of a Landscape Master Plan and

quarterly tree monitoring reports to the satisfaction of the Director of Planning or of the TPB;

- (f) the design and provision of ingress/egress point, parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the design and provision of pedestrian accesses at Oil Street to and from the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the design, provision and maintenance of a covered walkway system connecting with the existing footbridge at Fuk Yuen Street as proposed by the applicant to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) 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;
- (j) the submission of a land contamination assessment and remedial plan and implementation of the agreed remedial actions prior to commencement of construction for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (k) no population intake for the proposed residential development should be allowed prior to the completion of the proposed semi-closures and noise barriers for the section of Island Eastern Corridor facing the application site.

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

- (a) the approved Master Layout Plan (MLP), together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning

Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;

- (b) 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 gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (c) to note the comments of District Lands Officer/Hong Kong East, Lands Department in paragraphs 9.1.1(a) to (h) of the Paper in respect of the Yellow Area, Green Hatched Blue Areas and Green Hatched Blue Stippled Black Area under the lease, the transport requirements, tree felling and preservation, and landscaping;
- (d) to note the comments of Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department in paragraphs 9.1.3(c) to (h) of the Paper in respect of hotel concession and GFA exemption for back of house, Sustainable Building Design (SBD) guidelines, prescribed windows for rooms, emergency vehicular access (EVA), accessible carpark, and headroom/clearance on G/F;
- (e) to note the comments of Commissioner for Transport in paragraph 9.1.4(c)(i) of the Paper that pedestrian accesses at Oil Street to and from the development should be located on the north side of King Wah Road;
- (f) to note the comments of Chief Engineer/Major Works, Major Works Project Management Office, Highways Department in paragraph 9.1.5 of the Paper in respect of the Central-Wanchai Bypass project;

- (g) to note the comments of Chief Highway Engineer/Hong Kong, Highways Department in paragraph 9.1.6 of the Paper in respect of the railway protection area;
- (h) to note the comments of Chief Architect/Advisory and Statutory Compliance, Architectural Services Department in paragraph 9.1.11 of the Paper in respect of further exploring the opportunity to step up measures to improve the visual relationship of the proposed development with the environment;
- (i) to note the comments of the Director of Fire Services in paragraph 9.1.14(b) of the Paper in respect of Emergency Vehicular Access;
- (j) to note the comments of Chief Officer (Licensing Authority), Home Affairs Department in paragraph 9.1.16 of the Paper in respect of the licensing requirements for hotel use under Hotel and Guesthouse Accommodation Ordinance;
- (k) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department in paragraph 9.1.17(b) of the Paper in respect of the precautionary measures and monitoring systems to safeguard the structural integrity of the former clubhouse of Royal Hong Kong Yacht Club (RHKYC) and the need to consult the Antiquities and Monuments Office of works proposals that might affect the former clubhouse of RHKYC;
- (l) to note the detailed comments of the Leisure and Cultural Services Department in Appendix VI of the Paper in respect of the public open space within the application site and future landscaped area to the southeast outside the application site; and
- (m) to note a Member's comments on the detailed design of the footbridge passing through Tower 6.

[The meeting adjourned for a break of 5 minutes and resumed at 11:15 a.m.]

[Prof. P.P. Ho returned to join the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/416 Proposed Exterior Designs for the East Ventilation Building (EVB), Administration Building (ADB) and East Vent Shaft (EVS) of the Central - Wan Chai Bypass (CWB) Project in “Other Specified Uses” annotated “Central-Wan Chai Bypass Administration Building”, “Other Specified Uses” annotated “Central-Wan Chai Bypass Ventilation Building” and “Other Specified Use” annotated “Central-Wanchai Bypass Exhaust Vent” zones. EVB : a site in future waterfront open space at North Point adjacent to the eastern breakwater of the Causeway Bay Typhoon Shelter. ADB : a site near Oil Street at North Point adjacent to the eastern tunnel portal entry of the Central-Wan Chai Bypass. EVS : a site at the end of eastern breakwater of the Causeway Bay Typhoon Shelter

(MPC Paper No.A/H8/416)

49. Mr. Roger Luk and Mr. Frankie Chou declared interests in this item as they had properties in City Garden, North Point. Mr. Stephen Yau also declared an interest in this item as he had a property in North Point. As their properties did not have a direct view on the application site, Members agreed that their interests were indirect and they should be allowed to stay in the meeting.

Presentation and Question Sessions

50. Ms. Irene Lai, STP/HK, presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed exterior design for ADB, EVB and EVS of the CWB project;
- (c) departmental comments – the Chief Architect/Advisory & Statutory Compliance, Architectural Services Department commented that the aesthetic design submission for the tunnel buildings (ADB, EVB and EVS) had been commented by Design Advisory Panel in accordance with Environment, Transport and Works Bureau Technical Circular (Works) on ‘Aesthetic Design of Ancillary Buildings in Engineering Projects’ (i.e. ETWB TC (W) No. 8/2005). Should the application for the proposed aesthetic design be considered acceptable by the Board, the applicant was advised to further explore opportunities to step up measures to improve the visual relationship with its environment, noting the requirement of two-stage design submission under ETWB TC (W) No. 8/2005;
- (d) during the first three weeks of the statutory publication period, two public comments from a member of the Eastern District Council (EDC) and the Eastern Branch of the Democratic Alliance for the Betterment and Progress of Hong Kong were received. The two commenters had grave concerns on the location of the EVS due to the adverse air quality impact of the EVS on the local residents. They requested for the relocation of the EVS to the northern breakwater of the Causeway Bay Typhoon Shelter (CBTS). One of them had provided a letter from the Chairman of the Incorporated Owners (IO) of Victoria Centre dated 2.8.2012 objecting to the location of EVS at the eastern breakwater of the CBTS. The Chairman of the IO also asked for the reasons, in particular from the perspective of air quality standard, for locating the planned EVS at the eastern breakwater which was close to the densely populated areas near the harbourfront. He strongly requested for the relocation of the EVS to the central part of the northern breakwater of the CBTS away from the nearby residential developments; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper.

As regards the public comments, the applicant had explained that the location of EVS was gazetted in July 2007 and authorized by the Chief Executive in Council in May 2009. The location of EVS would be about 250m from the Victoria Centre and an electrostatic precipitator system would be incorporated in the tunnel ventilation system to remove about 80% of the respirable suspended particulates from the tunnel exhaust. The EVS was designed with a minimum height to facilitate air dispersion and discharge. The Environmental Impact Assessment had concluded that the proposed EVS would not cause unacceptable environmental impacts to the areas. Director of Environmental Protection had confirmed that the air quality impacts from the EVS could comply with the air quality objectives. Besides, the CWB project had introduced an air purification system into the tunnel ventilation system to further improve the quality of the tunnel exhaust. According to the applicant, relocating the EVS to the northern breakwater would unavoidably involve temporary reclamation in Victoria Harbour for laying air ducts below the seabed of the CBTS, thus contravening the Protection of the Harbour Ordinance which had a presumption against reclamation. Notwithstanding the above, an advisory clause was suggested in paragraph 12.2(f) of the Paper to advise the applicant that the environmental concerns on the EVS of the local residents should be addressed at the detailed design stage.

51. Referring to paragraph 2(k) of the Paper, a Member asked who the organizer of the Exterior Design Competition of Central-Wan Chai East Vent Shaft was. Ms. Lai said that the competition was organized by the EDC. The Member continued to ask whether the Hong Kong Institute of Architects was involved with the competition. Ms. Lai said that she did not have the relevant information at hand.

52. In response to a question from a Member, the Secretary said that the Design Advisory Panel fell within the ambit of the Architectural Services Department and was responsible for giving advice on the design of building structures of engineering projects implemented by the works departments.

53. In response to a further question from the same Member, Ms. Lai said that the

landscape design of the waterfront open space around the application sites did not form part of the current application and would be considered by the relevant government departments.

Deliberation Session

54. A Member said that the design of the three buildings was not satisfactory. Even though the ADB was not situated at a prominent location, it would still have visual impact on the proposed comprehensive hotel, residential and open space development at Oil Street and efforts should be made to improve its design. As for the EVB, the building was quite large in size and special attention should be paid to its integration with the future waterfront open space. The Member noted that vertical greening and climbing plants would be provided around ADB and EVB respectively. However, the Member considered that the provision of greening was not a panacea for design problems. Efforts should be made to improve the design of the two buildings.

55. A Member said that with an overall height close to 20m and a base that was 3m in height, the EVS was not designed with respect to the human scale. The applicant should be requested to reduce its scale as much as possible. As the EVS was situated at a prominent location at the Victoria Harbour, opportunity should be taken to provide an iconic building through a design competition with the participation of renowned architects, and high quality building materials should be used for its construction. The Member also considered that the proposed greening of ADB and EVB was not practical, as a lot of resources would be required to maintain the plants and remove the weeds covering these buildings.

56. In response to a question from the Chairman, Ms. Lai said that no design competition on the EVS had been held under the Wan Chai Development Phase II (WDII) study but the EDC had organized a design competition for the EVS. However, the environmental impact assessment report for WDII had specified the detailed functional requirements for the EVS in relation to the height of the structure, and the direction, height and speed of discharge. The design of the EVS had to take into account the functional requirements.

57. A Member said that there was much room for improvement in the design of the EVS. The development was massive and was not designed with respect to the human scale.

The applicant should be asked to revise the design of the EVS.

58. A Member said that given the EVS was situated at a prominent location at the waterfront of Victoria Harbour, whether the design of the EVS would be acceptable to the public was a matter of concern. The Member asked if a wider public engagement on the final design of the EVS should be organized.

59. A Member said that as members of the public were very concerned about the development of the waterfront, the current box-like design of the ADB and EVB would need to be improved.

60. A Member said that as the EVS was situated at a prominent location along the waterfront, the EVS should be designed taking into account its relationship with Victoria Harbour and the entire waterfront. The design could be as creative as the fish sculpture designed by Frank Gehry in Barcelona. Noting that the final design of the EVS had made reference to the winning entry in the design competition organized by the EDC, the Member considered that there was not enough information for the Committee to make a decision on the application as the applicant had not provided sufficient details on the design competition organized by EDC.

61. The Chairman noted that Members had strong reservation on the design of the proposed developments and considered that the design of the EVS, in particular, should be substantially improved. However, as the applicant had not provided sufficient information on the design competition organized by the EDC, including its process and results, the extent of support from the public on the winning entry, and the differences between the final design and the design of the winning entry, it was suggested that a decision on the application be deferred pending the submission of further information from the applicant.

62. The Secretary said that during the consultation process of the WDII study, the public were very concerned about the appearance of the proposed utility facilities along the waterfront. To address their concerns, the Notes of the concerned “Other Specified Use” zones had included a provision stating that permission from the Board was required for the exterior design of the proposed developments. If the Committee considered that more information was required before making a decision on the design of the proposed facilities,

the Committee could consider deferring consideration of the application. The applicant could be requested to consider whether improvement on the design of the three proposed developments could be undertaken having regard to the comments made by Members.

63. A Member said that it might not be necessary to hold another competition for the design of these proposed utility buildings. However, the applicant should be requested to improve the design as much as possible.

64. In response to a question from a Member, Ms. Lai said that the applicant had a tight schedule to implement the proposed facilities under application and tender documents were already being prepared for the construction of these proposed facilities.

65. Mr. Frankie Chou said that the CWB project might be delayed if the EDC had to be consulted on the revised design of the proposed developments. The Chairman said that the applicant could be requested to indicate the timing of implementation of the three buildings under application in relation to the overall programme of the CWB project for the information of the Committee.

66. After further deliberation, the Committee decided to defer a decision on the application pending the submission of additional information from the applicant, which should include measures to improve the design of the three proposed developments taking into account the comments of Members, an implementation programme of the CWB project with regard to the ADB, EVB and EVS, and the process and result of the design competition organized by the EDC.

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

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

Agenda Item 9

Section 12A Application

[Open Meeting]

Y/K13/1 Application for Amendment to the Approved Ngau Tau Kok and Kowloon Bay OZP No. S/K13/25 from “Residential (Group A)” to “Residential (Group A)1”, Nos. 53, 53A, 55, 55A Kwun Tong Road, Kowloon

(MPC Paper No.Y/K13/1C)

67. The Secretary reported that the application was submitted by Oriental Generation Limited, with Ove Arup & Partners Hong Kong Ltd. (OAP), the University of Hong Kong (HKU), Hsin Yieh Architects & Engineers Ltd, Vigers Building Consultancy Ltd. and Philip T. F. Wong & Co. Solicitors serving as consultants. The following Members had declared interests in this item:

- | | |
|-----------------|--|
| Mr. Patrick Lau | - had current business dealings with OAP; |
| Mr. Dominic Lam | - had current business dealings with OAP and HKU; and |
| Prof. S.C. Wong | - had current business dealings with OAP and was an employee of HKU. |

68. Members noted that Mr. Patrick Lau and Mr. Dominic Lam had tendered apologies for being unable to attend the meeting. As the applicant had requested to defer consideration of the application, Prof. S.C. Wong could be allowed to stay at the meeting.

69. The Committee noted that the applicant had requested on 1.8.2012 and 6.8.2012 for deferment of the consideration of the application for three months as more time was needed for preparation of further information to address the comments of the Architectural Services Department as well as for enhancing the scheme to improve the living quality and environment of the application site and its surrounding areas.

70. 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 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 maximum period of three months was allowed for preparation of further information. Since it was the fourth deferment of the application and the Committee had already allowed a total period of 10 months for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

[Ms. Karen F.Y. Wong, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/676 Shop and Services in “Other Specified Uses” annotated “Business” zone,
 Workshop 1, G/F, Hung To Industrial Building, No. 80 Hung To Road,
 Kwun Tong
 (MPC Paper No.A/K14/676)

71. The Secretary reported that the application was submitted by China Best Corporation Ltd. with Traces Ltd. serving as consultant. Ms. Julia Lau had declared an interest in this item as she was an Executive Director of Traces Ltd.

[Ms. Julia Lau left the meeting at this point.]

Presentation and Question Sessions

72. Karen F.Y. Wong, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services use;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received expressing support to the application without giving any reason; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper.

73. Members had no question on the application.

Deliberation Session

74. 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 24.8.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of fire service installations and water supplies for firefighting in the application premises to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition was not complied with before the operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) apply to the District Lands Officer/Kowloon East for lease modification or waiver for the proposed shop and services use at the application premises;

and

- (b) note the comments of the Chief Building Surveyor/Kowloon, Buildings Department on the appointment of an Authorized Person to submit alteration and addition proposal to the Building Authority to demonstrate compliance with the Buildings Ordinance, including:
 - (i) the provision of means of escape in accordance with Building (Planning) Regulation 41(1) and the related Code of Practice;
 - (ii) the application premises was to be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the related Code of Practice;
 - (iii) the provision of access and facilities for persons with a disability in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and
 - (iv) the applicant should pay attention to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the Building Authority had no powers to give retrospective approval or consent for any unauthorized building works.

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

Agenda Item 11

Section 16 Application

[Open Meeting]

A/K18/290 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/K18/290B)

76. The Committee noted that the applicant had requested on 10.8.2012 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information in response to the departmental comments. The applicant stated that they had tried their best to address queries raised by concerned departments and had solved most of them. Further information, however, was required to address the comments from Transport Department and the Hong Kong Police Force. The applicant was preparing the further information.

77. 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 for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the third deferment of the application and the Committee had allowed a total period of six months for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

Special Duties Section

Agenda Item 12

Section 16 Application

[Open Meeting]

- A/H4/90 Proposed Construction of One and a Half Additional Commercial Floors above Central Piers No. 4 to 6 and Conversion of the Existing Upper Decks at Central Piers 4 and 6 for Shop and Services (Bank, Barber Shop, Beauty Parlour, Fast Food Shop, Market, Money Exchange, Pawn Shop, Photographic Studio, Place of Recreation, Sports and Culture (Arts Gallery), Retail Shop, Service Trades, Showroom excluding Motor-Vehicle Showroom), Eating Place (Restaurant), Public Convenience; Pier use at Lower Deck (for Piers 4 to 6) and Upper Deck (for Pier 5); and the Public Utility Installation (Telecommunications Radio Base Station) at the landside of the rooftop at Central Piers 4 to 6 in “Comprehensive Development Area (2)” zone, Central Piers Nos. 4, 5 & 6 and adjacent inland area, Man Kwong Street, Central
(MPC Paper No.A/H4/90)
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78. The Secretary reported that the application was submitted by Transport Department with Jacobs China Ltd. serving as consultant. Mr. Albert Lee and Mr. Dominic Lam had declared interests in this item as Mr. Lee was a representative of Transport Department and Mr. Lam had current business dealings with Jacobs China Ltd. Prof. S.C. Wong also declared an interest in this item as he had current business dealings with Transport Department, although he was not involved in the proposed development. Members noted that Mr. Lam had tendered an apology for being unable to attend the meeting. As the applicant had requested to defer consideration of the application, Prof. Wong could be allowed to stay at the meeting.

[Mr. Albert Lee left the meeting at this point.]

79. The Committee noted that the applicant had requested on 14.8.2012 for deferment of the consideration of the application for two months in order to allow time to address the departmental comments.

80. 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 for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 13

Any Other Business

81. There being no other business, the meeting closed at 11:45 a.m.