

TOWN PLANNING BOARD

Minutes of 484th Meeting of the Metro Planning Committee held at 9:00 a.m. on 1.3.2013

Present

Director of Planning
Mr. K. K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor P.P. Ho

Professor Eddie C.M. Hui

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Mr. H.W. Cheung

Mr. Sunny L.K. Ho

Mr. Dominic K.K. Lam

Mr. Patrick H.T. Lau

Mr. Stephen H. B. Yau

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

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. Laurence L.J. Li

Ms. Bonnie J.Y. Chan

Ms. Julia M.K. Lau

Chief Engineer (Works), Home Affairs Department
Mr. Frankie Chou

In Attendance

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

Chief Town Planner/Town Planning Board
Mr. Edward Lo

Town Planner/Town Planning Board
Miss Hannah Yick

Agenda Item 1

Confirmation of the Draft Minutes of the 483rd MPC Meeting held on 8.2.2013

[Open Meeting]

1. The draft minutes of the 483rd MPC meeting held on 8.2.2013 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/TWW/105 Proposed Minor Relaxation of Maximum Plot Ratio Restriction (from 0.4 to 0.75) for Permitted House Development in “Residential (Group C)” zone, Lots No. 253 S.A RP, 261, 388 and adjoining Government Land in D.D. 399, Ting Kau, Tsuen Wan
(MPC Paper No. A/TWW/105)

3. The Secretary reported that Kenneth To & Associates Ltd. (KTAL) was one of the consultants of the applicant. Mr. Patrick Lau and Mr. Dominic Lam having current business dealings with KTAL had declared interests in this item. As Mr. Lau and Mr. Lam had no direct involvement in the application, the Committee agreed that they could stay in the

meeting.

[Mr. Albert Lee arrived to join the meeting at this point.]

Presentation and Question Sessions

4. With the aid of a visualiser, 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) minor relaxation of maximum plot ratio (PR) restriction (from 0.4 to 0.75) for permitted house development;
- (c) departmental comments – the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD) advised that the application included a piece of government land (GL). If the application was approved by the Board, the owners of the Lots were required to apply to the DLO/TW&KT for land exchange. In order to avoid a piece of GL being idle and land-locked and to maximise its development potential, his office had discussed with the surveyor representing the owners that they might consider to include the GL in the proposed land exchange of Lot No. 253s.A RP, 261 and 388 in DD399. However, the said proposal was on a non-committal basis and the applicant was required to follow up the relevant matters. Other concerned government departments had no objection/adverse comment on the application;
- (d) during the first three weeks of the statutory publication period of the application, one public comment enquiring the status of the GL included in the application site and the rationale for including the GL in the site for PR calculation was received. During the first three weeks of the two statutory publication periods for the two further information (FI), four public comments objecting to the application were received. The grounds of objection included that the proposed scheme would induce visual and

structural impacts on the commenter's property as well as damages to the surrounding environment/ecology; detail information on the application was not available and should be provided for comment; and the proposed PR relaxation would cause adverse impact on environment and fairness to the surrounding land owner should be considered in the PR relaxation of the site. One of the objectors enquired whether environmental assessments as well as geotechnical assessment of any impacts on her property had been undertaken and questioned the appropriateness of the proposed PR relaxation. She was also worried about any illegal change of use and construction of basement thereafter for other uses like columbarium, religious monastery, private club, etc. The District Officer (DO) (Tsuen Wan) advised that the relevant locals including Tsuen Wan District Council member, the chairperson and vice-chairperson of Tsuen Wan Rural Area Committee, the chairperson of Owner's Corporation of Royal Dragon Villa and the village representative of Ting Kau Village had been consulted. No comment had been received on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Regarding the public comment on the inclusion of GL in the site, the DLO/TW&KT advised that it was worth considering to include the GL in the site for the proposed development from land utilisation point of view given that the GL was land-locked, small, irregular, lacking access and incapable for separate development. For the public comments on the visual impact of the proposed development, the Chief Town Planner/Urban Design and Landscape, Planning Department advised that the proposed house was considered compatible with the surrounding visual context and he had no objection to the proposed PR relaxation from the urban design and visual perspectives. As for the public concerns over the geotechnical/structural and environmental/ecological impacts on the surrounding area, the applicant would adopt appropriate mitigation measures and appoint professionals to supervise the construction works such that no adverse technical impacts on the surrounding area would be caused. Regarding the concerns on impact on the environment, ecology and

geotechnical aspect, relevant government departments including the Director of Environmental Protection, the Director of Agricultural, Fisheries and Conservation and the Head of Geotechnical Engineering Office, Civil Engineering and Development Department had no objection or comment on these aspects. The Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) suggested to impose an advisory clause to require the applicant to conduct a structural impact assessment at the detailed design stage and before the commencement of construction work. For the concerns over the fairness of the proposed PR relaxation, the PR of “Residential (Group C)” “R(C)” zone in the Outline Zoning Plan was permitted to be increased to a maximum of 0.75 provided that the noise impact from Castle Peak Road on the proposed development would be mitigated to the satisfaction of the Board. Since 2003, 6 applications with PR relaxation from 0.4 to 0.75 had been approved by the Board including the two previously approved applications no. A/TWW/100 and A/TWW/101 of the site. For the public comment on the potential illegal change of use and construction of basement, the applicant responded that the proposed house would be for the applicant’s own residential use and there would be no addition of basement or uses other than residential after the redevelopment. As advised by DLO/TW&KT and CBS/NTW, BD, if there were any illegal change of use and unauthorised basement construction at the site, appropriate enforcement actions against the owner would be taken. While an objector arguing that no detail information was provided for comment, the respective FI submitted by the applicant had been made available for public inspection at the Public Enquiry Counters of PlanD and DO during the publication period.

5. In response to a Member’s enquiry, Mr. K. T. Ng replied that the DLO/TW&KT had suggested the applicant to consider including a small piece of GL (50.1m²) into the site during the land exchange applications related to two previously approved applications No. A/TWW/100 and 101 at the same site in order to facilitate more efficient use of land resources. Therefore, the applicant submitted this application with the piece of GL included into the site to the Board for consideration.

Deliberation Session

6. 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 1.3.2017, 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 water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing to apply for land exchange upon approval of the application;
- (b) to note the comments of the Director of Environmental Protection to liaise with the relevant public commenters to address their environmental concerns and to implement appropriate pollution control measures recommended in Environmental Protection Department's website;
- (c) to note the comments of the Chief Building Surveyor/New Territories West that the building plans should be submitted to the Building Authority to demonstrate compliance with the Buildings Ordinance (BO) and its regulations; the Emergency Vehicular Access (EVA) should be provided in compliance with Building (Planning) Regulation (B(P)R) 41D and a structural impact assessment to the surrounding buildings should be conducted according to the BO by an Authorised Person and a Registered Structural Engineer during detailed design stage and before the commencement of construction work;

- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority; and the EVA in the site should comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the B(P)R 41D. In case of non-provision or deficiency of EVA, enhanced fire safety provisions should be provided in accordance with Clause D26 of the Code of Practice for Fire Safety in Buildings 2011; and

- (e) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that a new sewerage assessment of the proposed house development should be provided at the building plan submission stage for his comments.

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

Agenda Item 4

Section 16 Application

[Open Meeting]

A/K2/207 Proposed Composite Residential, Hotel and Retail Development in
"Commercial" zone, No. 348 Nathan Road, Jordan
(MPC Paper No. A/K2/207)

8. The Secretary reported that Kenneth To & Associates Ltd. (KTAL) and CKM Asia Ltd. (CKMAL) were the consultants of the applicants. Mr. Patrick Lau and Mr. Dominic Lam having current business dealings with KTAL had declared interests in this item. Professor S.C. Wong had also declared an interest in this item as he was the Director of the Institute of Transport Studies of the University of Hong Kong and CKMAL had sponsored some activities of the Institute. As the applicants had requested a deferral of consideration of the application, the Committee agreed that Professor Wong, Mr. Lau and Mr. Lam could stay

in the meeting.

9. The Secretary reported that the applicants' representative requested on 8.2.2013 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the concern raised by Transport Department.

10. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. The Committee also agreed to advise the applicants 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.

[Mr. Philip Y.L. Chum, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K20/119 Proposed Comprehensive Residential and Commercial Development
(Amendments to Approved Scheme) in "Comprehensive Development
Area" zone, West Rail Line Nam Cheong Station, West Kowloon
Reclamation
(MPC Paper No. A/K20/119)

11. The Secretary reported that the application was submitted by the then Kowloon-Canton Railway Corporation which was now the Mass Transit Railway Corporation Ltd. (MTRCL) with LD Asia, AECOM Asia Co. Ltd. (AECOM) and Ove Arup & Partners Hong Kong Ltd (Ove Arup) as the applicant's consultants. The following Members had declared interests in this item:

- Mr. Albert Lee
as the Assistant
Commissioner for
Transport (Urban) - being an assistant to the Commissioner
for Transport who was a Non-executive
Director of MTRCL

- Mr. Dominic Lam - having current business dealings with
MTRCL, AECOM and Ove Arup

- Mr. Patrick Lau - having current business dealings with
MTRCL, LD Asia, AECOM and Ove
Arup

- Prof. S.C. Wong - being the traffic consultant of Ove Arup
and being the Director of the Institute of
Transport Studies of the University of
Hong Kong and MTRCL, AECOM and
Ove Arup had sponsored some activities
of the Institute.

- Ms. Julia Lau - having current business dealings with
AECOM

12. The Committee considered that the interests of Mr. Lee, Mr. Lam and Mr. Lau were direct and agreed that they should leave the meeting temporarily during the discussion and determination of this application. As Professor Wong had no direct involvement in the subject application, the Committee agreed that he could stay in the meeting. The Committee also noted that Ms. Lau had not yet arrived to join the meeting.

[Mr. Albert Lee, Mr. Dominic Lam and Mr. Patrick Lau left the meeting temporarily at this point.]

Presentation and Question Sessions

13. With the aid of a powerpoint, Mr. Philip Y.L. Chum, STP/TWK, presented the

application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

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

- (b) the proposed comprehensive residential and commercial development (amendments to approved scheme) highlighting that the application site was the subject of five previously approved s.16 applications and a previously approved s.16A application (No. A/K20/116-1). The current application was to ask the Committee's endorsement to the changes in tree felling/transplanting proposal in response to the latest situation of affected trees resulted from the construction works of the Guangzhou-Shenzhen-Hong Kong Express Rail Link Hong Kong Section (XRL) and natural deterioration, and to further enhance the Landscape Master Plan (LMP). It had also incorporated all amendments previously approved under the s.16A application No. A/K20/116-1 by the Director of Planning under the delegated authority of the Board;

[Professor P. P. Ho arrived to join the meeting at this point.]

- (c) departmental comments – concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter supported the current application as the increase in total number of flats could help ease Hong Kong's housing problem, especially for a site next to the MTR station; and the proposed retail centre would be convenient to local residents. He hoped that the development could be implemented soon. No local objection or comment was received by the District Officer (Sham Shui Po); 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.

There were substantial discrepancies between the landscape proposal approved under planning application No. A/K20/116 and the tree removal applications approved by LandsD. The revision of LMP and tree preservation proposal for the Site, however, was beyond Class B amendment under the Town Planning Board Guidelines No. 36A, a fresh s.16 planning application was thus required. The Chief Town Planner/Urban Design and Landscape, PlanD had no strong view on the proposed amendments in the current scheme from the landscape perspective. Although additional tree felling was generally not desirable, the trees were proposed to be removed as they would be affected by the ground treatment works essential for construction of the underground XRL tunnel structure as well as due to potential danger caused by typhoon or natural deterioration after tree transplantation. As indicated in the LMP, the compensatory trees could be incorporated into the design at the ground level plaza and streetscape. He considered that there was room for improvement in terms of the qualitative aspect of the LMP design and provision of additional new trees. These concerns could be dealt with during the approval condition compliance stage. With regard to the revised Air Quality Impact Assessment (AQIA) and other environmental assessments, the Director of Environmental Protection considered the revised AQIA was in order and had no further comment on the road traffic noise impact assessment and sewerage impact assessment which were the same as those submitted under planning application No. A/K20/116-1. All other concerned departments had no objection to the proposed amendments to and/or updating of the LMP, tree survey and preservation proposal.

14. Members had no question on the application.

Deliberation Session

15. After deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.3.2017, 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 MLP for the development scheme to incorporate the approval conditions as stipulated in conditions (b) and (c) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised landscape master plan and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission of an implementation programme of the proposed development to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note that the approved 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 the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) to ensure the proposed street and podium level tree planting could be implemented, provision should be made at early planning stage, so that the basement structure would not be in conflict with the proposed planting, and make sure adequate soil depth would be reserved for tree planting;
- (c) to further improve the harsh built environment at the ground level, under-storey planting should be provided as much as possible at the open plaza and along the public streets where streetscape enhancement was proposed; and
- (d) to note that the proposed development at the application site was still subject to the approval conditions and advisory clauses imposed under the

latest approved scheme under Application No. A/K20/116-1.

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

[Mr. Albert Lee, Mr. Dominic Lam and Mr. Patrick Lau returned to join the meeting at this point.]

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/395 Religious Institution (Canopies, Incinerator and Storerooms) in "Open Space" zone, Government land, Tai Wo Hau Road, Kwai Chung
(MPC Paper No. A/KC/395A)

17. The Secretary reported that Lawson David & Sung Surveyors Ltd. was the consultant of the applicant. Ms. Bonnie Chan having current business dealings with this company had declared an interest in this item. The Committee noted that Ms. Chan had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the ancillary facilities of a religious institution (temple) including three canopies, one incinerator and two storerooms;

- (c) departmental comments – concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the two statutory publication periods of the application and the further information, four public comments were received objecting to the application on the grounds of possible adverse air quality impact on students and staff of a nearby school. No local objection was received by the District Officer (Kwai Tsing); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Regarding the adverse public comments on air quality, the Director of Health had no comment on the application from the health aspect based on the applicant's submission and declaration that the operation of the temple would remain unchanged. The Director of Environmental Protection advised that there had been no air pollution complaint against the premises for the past 3 years. Any air nuisance would be enforced under the relevant environmental pollution control ordinance. In this regard, an advisory clause stating that any air nuisance would be enforced under the relevant environmental pollution control ordinance was suggested.

19. In response to a Member's enquiry, Ms. Fannie Hung responded that the application site was located at the eastern edge of the subject "Open Space" ("O") zone and occupied only about 0.59% of the "O" zone. The approval of the application would not affect the overall provision of open space in the area.

Deliberation Session

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

- (a) the implementation of the accepted proposal for fire service installations (FSI) in the application premises, as proposed by the applicant, within 6

months from the date of the approval to the satisfaction of the Director of Fire Services (D of FS) or of the TPB by 1.9.2013; and

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

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

- (a) to note that a shorter compliance period was granted in order to monitor the fulfilment of the approval condition. Should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application;
- (b) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department that if the Board approved the application, he would consider revising the user of the structures in question under the regularization exercise for STT 3037 K&T. If the application was approved by his office, the regularization exercise would be subject to such terms and conditions including 'No columbarium and no storage of animals or human remains/ashes and any urns/niches for such purposes would be allowed', and the charging of appropriate rent and administrative fee as might be imposed by his office;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (CE/D(2), WSD) that for the provision of water supply to the application premises, the applicant might need to extend their inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to CE/D(2), WSD's satisfaction;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of the planning permission should not be construed as an acceptance of the unauthorized building works on site under the Buildings Ordinance and the unauthorized buildings should be removed. Moreover, Authorized Person had to be appointed to coordinate any new building works and having considering the topographical features that there was no specified street abutting the site, the applicant's attention was drawn to the issue that the development potential such as building height, maximum site coverage and maximum plot ratio should be determined by the Building Authority as laid down in section 19(3) of Building (Planning) Regulation;
- (e) to note the comments of the D of FS that the installation/maintenance /modification/repair work of FSI should be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC should after completion of the installation/maintenance /modification/repair work issue a certificate (FS 251) and forward a copy of the certificate to D of FS;
- (f) to note the comments of the Director of Health that measures should be taken to prevent/minimize the release of smoke from the burning of joss sticks into the air in the surrounding areas; and
- (g) to note the comments of the Director of Environmental Protection that any air nuisance would be enforced under the relevant environmental pollution control ordinance.

[The Chairman thanked Ms. Fannie F.L. Hung, STP/TWK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Hong Kong District

[Ms. Ginger K.Y. Kiang, District Planning Officer/Hong Kong (DPO/HK) and Miss Isabel Y. Yiu, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

Agenda Item 7

[Open Meeting]

Further Consideration of the Proposed Amendments to the Approved Shouson Hill & Repulse Bay Outline Zoning Plan S/H17/11
(MPC Paper No. 5/13)

22. The Committee noted that a revised page 6 of Annex 5 of the Paper incorporating the Director of Environmental Protection (DEP)'s comments in paragraph 7.3.5 of the Explanatory Statement (ES) was tabled at the meeting.

23. With the aid of a powerpoint, Miss Isabel Y. Yiu, STP/HK, presented the proposed amendments to the Approved Shouson Hill & Repulse Bay Outline Zoning Plan S/H17/11 as detailed in the Paper:

Background

- (a) On 9.11.2012, the Committee considered the proposed amendments to the approved Shouson Hill and Repulse Bay Outline Zoning Plan (OZP) No. S/H17/11 in respect of rezoning a "Government, Institution or Community" ("G/IC") site at the junction of Shouson Hill Road West and Wong Chuk Hang Path (the proposed amendment site) for residential use. At the meeting, the Committee decided to defer the consideration of the proposed amendments and requested the Planning Department (PlanD) to review the possibility of rezoning the adjoining plant nursery site to the immediate west of the proposed amendment site for residential use and to provide more justifications on the proposed land use zoning and the associated development parameters;

Combine the Plant Nursery Site with the Proposed Amendment Site

- (b) upon completion of a review, it was confirmed that the proposed amendment site (about 0.6 ha) could be combined with the adjoining plant nursery site to form an enlarged site (about 1.27 ha). The Director of

Leisure and Cultural Services (DLCS) agreed to release the plant nursery site and the District Lands Officer/Hong Kong West and South, Lands Department (DLO/HKW&S) was undertaking a site search for a reprovisioning site of the plant nursery;

- (c) the western part of the enlarged site would be subject to air quality concern arising from the Aberdeen Tunnel Portal and the Director of Environmental Protection (DEP) suggested that the western part of the site should be restricted for non-air sensitive uses while the houses should be located towards the eastern boundary of the site. A Noise Impact Assessment and implementation of the noise mitigation measures identified therein were necessary for the residential development and a relevant clause should be incorporated in the lease;
- (d) District Officer (Southern) and Drainage Services Department advised that Wong Chuk Hang Path and the stream to the immediate south of the plant nursery should not be developed in order to avoid adverse impact to pedestrian flow and drainage of rainwater in the area. Since the OZP was a small-scale plan, Wong Chuk Hang Path and the stream would be included in the proposed residential zone but excluded from the developable area and hence the calculation of plot ratio (PR) and site coverage (SC) of the residential development. As a result, the net developable area of the enlarged site would be about 1.08 ha;

Proposed Land Use Zoning and Development Intensity

- (e) according to the Hong Kong Planning Standards and Guidelines (HKPSG), the Shouson Hill area fell within the Residential Density Zone R3 area for low intensity development. The area had long been developed following the intention to maintain a low development intensity over the years;
- (f) there were two special control areas (SCAs) in the area and its neighbourhood, i.e. SCA/H16/2 and SCA/H16/3, which had been established since 1980. While SCA/H16/3 covered 2 sites zoned “R(C)9”

with a higher development intensity on the north-eastern part of the area in a valley at a higher level with separate vehicular access, SCA/H/16/2 mainly covered sites zoned “R(C)3” within the Shouson Hill area. One of the intentions of the SCA was to preserve the well established residential character and amenity value of the area;

- (g) the enlarged site was situated within the Shouson Hill West residential area, which was characterized by low-rise, low-density residential developments mainly at a building height (BH) of 3 storeys (over 1 storey of carports) and a PR of 0.75. Therefore, low-rise, low-density residential use was considered compatible with the surrounding area and in line with the adjoining “R(C)3” zones falling within the same SCA;

Visual and Air Ventilation

- (h) by rezoning the enlarged site to “R(C)3”, the proposed scale and building height of the future development at the site would be consistent with the character of the residential neighbourhood and was the most appropriate in visual terms;
- (i) located at about 36mPD on the northwest facing slope and of maximum 4 storeys high, the proposed development would be substantially screened off by the neighbouring developments when viewed from key public viewing points or pedestrian nodes from the east and south and hence had almost no noticeable effect on public viewers in Shouson Hill and the nearby Wong Chuk Hang area;
- (j) according to the Expert Evaluation of the Air Ventilation Assessment for the Aberdeen & Ap Lei Chau Area, the topography of the surroundings effected a strong channelling of wind in the east-west direction over the Shouson Hill and Wong Chuk Hang areas. Being in a location shielded by higher terrain on its immediate eastern and southern sides, the proposed development was not expected to have adverse air ventilation impact on the surrounding area;

- (k) any increase in the current development restrictions would set a precedent for other residential developments within the “R(C)3” zone. The cumulative impact would undesirably change the well established low-rise residential character of the Shouson Hill area. It was expected that local community might raise strong reservation on the drastic change of the existing character;

Traffic Aspect

- (l) the Commissioner for Transport (C for T) had no adverse comment on the proposed rezoning as it would unlikely induce adverse traffic impact in the area and considered a Traffic Impact Assessment (TIA) not necessary. However, any proposed intensification of development at the site would be a precedent in the area and caused potential intensification of developments in the Shouson Hill area and had extensive cumulative traffic impact;

Site Coverage

- (m) regarding the suggestion of the Committee to consider relaxing the SC, relaxation of the SC would had wide implication on the whole Shouson Hill area. The Board had considered a review of domestic SC restriction for “R(B)” and “R(C)” zones on statutory plans in 2000. It was agreed by the Board to adopt as a general guideline that for R3 areas in the Metro Area and in the New Town Area, the maximum SC could be up to 50% provided that the PR and the BH restrictions of the sites would remain unchanged and no clearance of mature trees and natural vegetation would be involved. Since then, the guideline had been adopted by the Board for consideration of each case based on its individual merits through planning application. The development restrictions for the site would follow the development schedule for the “R(C)” zone as set out in the OZP with the provision for application for minor relaxation of the development restrictions including SC;

Proposed Amendments to the OZP

Amendment Item A (about 12,720m²)

- (n) based on the above findings, the site at the junction of Shouson Hill Road West and Wong Chuk Hang Path (combining the adjoining plant nursery site with the proposed amendment site to form an enlarged site) was proposed to be rezoned from “G/IC” to “R(C)3”. The site would be subject to a maximum BH of 3 storeys in addition to 1 storey of carports and a maximum PR of 0.75 and a maximum SC of 25%;
- (o) it would be stated in the explanatory statement (ES) that the area fronting the Aberdeen Tunnel Portal at the western side of the enlarged site would be restricted for non-air sensitive uses;
- (p) Wong Chuk Hang Path and the stream to the immediate south of the plant nursery, though incorporated in the proposed “R(C)3” zone, would be excluded from the developable area for PR and SC calculation. The net developable area would be about 1.08 hectares. It was estimated that the residential development would have a maximum domestic GFA of about 8,100m², producing about 32 houses;

Proposed Amendments to the Notes and Explanatory Statement (ES)

- (q) the covering Notes would be revised to accord with the Master Schedule of Notes to Statutory Plans;
- (r) the exemption clause on maximum PR in the remarks for “Residential (Group B)” (“R(B)”) and “R(C)” zones would be amended to clarify that exemption of caretaker's quarters and recreational facilities were only applicable to those facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building;
- (s) the ES would be revised to take into account the proposed amendments as

mentioned and to reflect the latest status and planning circumstances of the OZP;

Departmental Consultation

- (t) relevant bureau and departments had no objection to or adverse comment on the proposed amendments;
- (u) there was no deficit of GIC provision in the Shouson Hill and Repulse Bay area. Concerned departments consulted had confirmed that the site was not required for any GIC use;

Public Consultation

- (v) the District Officer (Southern) advised that the Southern District Council (SDC) and local residents might express strong reservation on the proposed rezoning of the site from “G/IC” to “R(C)3” and anticipated that SDC would have much concern on the potential environmental and traffic issues of the proposed residential development;
- (w) should the Board agree the proposed amendments to the OZP, the SDC would be consulted on the amendments during the exhibition period of the amended OZP under section 5 of the Ordinance.

24. Given the proposed development parameters of the “R(C)3” zone (i.e. 3 storeys in addition to 1 storey of carports, a maximum PR of 0.75 and a maximum SC of 25%) and noting that the proposed residential development had to be concentrated more towards the eastern boundary of the site due to constraint posed by the tunnel portal on the western side of the site, a Member considered that the layout of the houses would be relatively congested with a monotonous built-form which was undesirable. This Member asked whether the proposed SC could be relaxed so as to allow more design flexibility and encourage innovative design since the Board had agreed in early years to allow a maximum SC of 50% for this type of residential development. Ms. Ginger Kiang, DPO/HK responded that the SC of 25% applied to all “R(C)3” sites in the whole Shouson Hill area. If the SC was increased for this

single site, it would be inconsistent with other “R(C)3” sites in the same area. The proposed SC of 25% for the subject site followed the development schedule for the “R(C)” zone as set out in the OZP Notes with a provision for application for minor relaxation of the development restrictions, including SC, on individual merits. The Board had considered a review of SC restriction for “R(B)” and “R(C)” zones in 2000 and agreed to adopt a maximum SC up to 50% as a general guideline for R3 areas in the Metro and the New Town Areas but each area had to be reviewed to see if the SC restriction in the OZP could be relaxed. After review, the Board considered that the SC restriction of 25% should be retained in the Shouson Hill area because of the characteristics of the area, such as landscape character, and recommended to consider each case based on individual merit through the planning application system. For the subject proposed “R(C)3” site, if there was a need for minor relaxation of SC at the detailed design stage, a planning application could be submitted to the Board for consideration. Moreover, PlanD had worked out a preliminary layout taking account of the fact that the houses had to be located towards the eastern side of the site on environmental consideration. It was found that under the proposed development restrictions of PR at 0.75 and maximum SC at 25%, a reasonable layout was possible.

25. The same Member opined that consideration should be given to relax the SC of similar sites so as to provide more flexibility and to encourage more innovative design without asking each individual owner to submit application to the Board for consideration based on individual merit. The Chairman responded that blanket relaxation of SC restriction for the area was not desirable given the different conditions and character of each individual site such as the availability of mature trees and special landscape features at certain site. It was a prudent approach that any SC relaxation should be considered by the Board based on its individual merits.

26. A Member noted Transport Department (TD)’s view that the traffic impact of the proposed rezoning would not be significant but given SDC’s concern, this Member asked whether a TIA would be required before the implementation of the residential development at the site. Ms. Ginger Kiang replied that TD considered a TIA not necessary given the small scale of the future residential development and the insignificant impact on traffic and pedestrian flow.

27. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Shouson Hill & Repulse Bay OZP No. S/H17/11 and that the draft Shouson Hill & Repulse Bay OZP No. S/H17/11B (to be renumbered to S/H17/12 upon exhibition) at Annex 3 of the Paper and its Notes at Annex 4 of the Paper were suitable for exhibition under section 5 of the Ordinance; and
- (b) adopt the revised ES at Annex 5 of the Paper for the draft Shouson Hill & Repulse Bay OZP No. S/H17/11B as an expression of the planning intentions and objectives of the Board for the various land use zonings of the OZP and the revised ES would be published together with the OZP.

[The Chairman thanked Ms. Ginger K.Y. Kiang, DPO/HK and Miss Isabel Y. Yiu, STP/HK, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting]

A/H1/95 Proposed Hotel in "Residential (Group A)" zone, No. 10-12 Yat Fu Lane,
Shek Tong Tsui
(MPC Paper No. A/H1/95)

28. The Secretary reported that three petition letters from SIN Chung-kai Legislative Councillor Office, Malcolm Lam District Councillor Office and Belcher's Area Promotion Association respectively objecting to the application were received before the meeting. As the Committee would consider the deferral request from the applicant in this meeting, the views expressed in these petition letters together with government departments' responses would be incorporated into the relevant MPC Paper for consideration of the Committee when the application was submitted to the Committee.

29. The Committee noted that the applicant's representative requested on 6.2.2013 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from government departments.

30. 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.

[Mr. Louis K.H. Kau, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H7/163 Renewal of Planning Approval for Temporary Private Club (Recreational Facilities) for a Period of 5 Years in “Residential (Group C) 1” zone, 48 Shan Kwong Road, Happy Valley
(MPC Paper No. A/H7/163)

31. The Secretary reported that the application was submitted by the Hong Kong Jockey Club (HKJC). The following Members had declared interests in this item:

- | | | |
|-----------------|---|---|
| Mr. Dominic Lam | - | having current business dealings with HKJC |
| Mr. Roger Luk | - | as an ordinary member of HKJC |
| Mr. Stephen Yau | - | HKJC had supported his organisation on some projects. |

32. The Committee agreed that Mr. Lam’s interest was direct and he should leave the

meeting temporarily. For Mr. Luk and Mr. Yau, the Committee considered their interests indirect and agreed that they could stay in the meeting.

[Mr. Dominic Lam left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary private club (recreational facilities) under Application No. A/H7/147 for a period of 5 years;
- (c) departmental comments – concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of nine public comments with eight objecting to and one in support of the application were received. While there was no reason given in the supporting comment, the main reasons for objection included that there was illegal parking by users of HKJC along Shan Kwong Road; any additional facilities would increase traffic and affect local residents; noise created by the tennis courts had disturbed nearby residents; any new building would block sunlight and increase pest infestation; since the application site should be developed for residential use; and given the temporary use had been renewed repeatedly, either the owner should develop the site for the intended residential use or the zoning of the application site should be amended if the use for recreation and sports was a permanent community requirement and the facilities should be open to the general public. The District Officer (Wan Chai) advised that Wan Chai District Council and nearby residents would unlikely express grave concerns on the application as the approval for the temporary private club had been given since 1988;

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. Regarding the public concern on the illegal parking along Shan Kwong Road, HKJC's members and their guests, as claimed by HKJC, would park their cars in the car park at the Clubhouse building opposite to the application site. Enforcement actions against illegal parking and vehicle obstruction would be taken by the Police as appropriate. An advisory clause was recommended to request the applicant to formulate a remedial measure on the queuing arrangement at the clubhouse, as suggested by the Commissioner for Transport. As for the public concern on the noise created by the tennis courts, the Director of Environmental Protection had advised that no complaint lodged against the application site or its close vicinity was received in the past 5 years since 1.1.2008. Any noise emanating from the application site was subject to the statutory control under the Noise Control Ordinance. Some public comments suggested that the application site should be developed for residential use or the recreational facilities should be open to general public. It should be noted that the subject site was under private ownership of the HKJC. Based on the justifications provided by the HKJC, the application site would be redeveloped in future. Before the redevelopment plan was finalized, HKJC intended to use the application site for temporary recreational facilities in order to better utilize the land resources. As there was no user restriction or a requirement to open the recreational facilities to the public under the lease, the future use of the application site and the patronage of the existing recreational facilities were vested in the HKJC.

34. Members had no question on the application.

Deliberation Session

35. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years from 2.5.2013 to 1.5.2018, on the terms of the

application as submitted to the Town Planning Board (TPB).

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

- (a) to apply to the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department for the renewal of Temporary Building Permit for the sports complex on the application site;
- (b) to note the comments of the Commissioner for Transport in paragraph 10.1.3 (b) of the Paper regarding the formulation of a remedial measure on the queuing arrangement at the clubhouse to address public concern on the illegal parking along Shan Kwong Road;
- (c) to note the comments of the Commissioner of Police in paragraph 10.1.4 (b) of the Paper regarding enforcement actions against illegal parking and vehicle obstruction would be taken in accordance with the Selective Traffic Enforcement Policy as well as traffic procedures; and
- (d) to note the comments of the Director of Fire Services in paragraph 10.1.5 of the Paper on the maintenance of the fire service installations and equipment in an efficient working order at all times and the licencing requirements which were administered by Home Affairs Department.

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

[Mr. Dominic Lam returned to join the meeting at this point.]

Kowloon District

Agenda Item 10

Section 16 Application

[Open Meeting]

Y/K11/3 Application for Amendment to the Approved Tsz Wan Shan, Diamond Hill & San Po Kong Outline Zoning Plan No. S/K11/25 from “Open Space” to “Other Specified Uses” annotated “Holistic Centre for Youth Development with Performance Venue and Hostel”, Government Land at King Fuk Street, Sam Chuk Street and Tsat Po Street, San Po Kong
(MPC Paper No. Y/K11/3A)

37. The Secretary reported that the application was submitted by Tung Wah Group of Hospitals (TWGH) with Urbanage International Ltd. (Urbanage) and Ove Arup & Partners Hong Kong Ltd (Ove Arup) as the applicant’s consultants. The following Members had declared interests in this item:

- Ms. Bonnie Chan - her father was a member of TWGH’s Advisory Board

- Prof. S.C. Wong - being the traffic consultant of Ove Arup and being the Director of the Institute of Transport Studies of the University of Hong Kong and Ove Arup had sponsored some activities of the Institute

- Mr. Dominic Lam - knew the management of Urbanage and having current business dealings with Ove Arup

- Mr. Patrick Lau - having current business dealings with Ove Arup

38. The Committee noted that Ms. Chan had tendered apologies for being unable to attend the meeting. As the applicant had requested a deferral of consideration of the

application, the Committee agreed that Professor Wong, Mr. Lam and Mr. Lau could stay in the meeting.

39. The Secretary reported that the applicant's representative requested on 21.2.2013 for deferment of the consideration of the application for one month in order to allow time for preparation of further information to address the government department's comments on the Air Ventilation Assessment.

40. 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 one month was allowed for preparation of the submission of the further information, and since a total of four months had been allowed, 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 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/682 Shop and Services (Real Estate Agency) in "Other Specified Uses" annotated "Business" zone, Workshop No. 5, Ground Floor, Prosperity Center, No. 25 Chong Yip Street, Kwun Tong
(MPC Paper No. A/K14/682)

41. The Secretary reported that Traces Ltd. was the consultant of the applicant. Ms. Julia Lau who was the executive director of this company had declared an interest in this item. The Committee noted that Ms. Lau had not yet arrived to join the meeting.

Presentation and Question Sessions

42. With the aid of a powerpoint, Ms. 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 shop and services (real estate agency);
- (c) departmental comments – concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received. The one from the Chairman of Kwun Tong Central Area Committee supported the application while the other one from the Incorporated Owners of the subject building had no comment. No local objection or comment was received by the District Officer (Kwun Tong); 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. Should the Committee decided to approve the application, no time clause on commencement was proposed as the shop and services (real estate agency) use under application was already in existence.

43. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire safety measures, including the

provision of a means of escape completely separated from the industrial portion and fire service installations in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 1.9.2013; and

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

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

- (a) to apply to the District Lands Officer/Kowloon East for lease modification or waiver for the shop and services (real estate agency) use at the application premises;
- (b) to note the comments of the Director of Fire Services that for fire resisting construction of the application premises, the applicant should be advised to comply with the requirements as stipulated in Part C of Code of Practice for Fire Safety in Buildings 2011 administrated by the Buildings Department.
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to appoint an Authorised Person to submit building plans for the proposed change of use and/or alteration and addition works to the Building Authority (BA) to demonstrate compliance with the Buildings Ordinance (BO), in particular:
 - (i) access and facilities for persons with a disability, including ramp and accessible toilet, should be provided at the premises in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008;
 - (ii) the applicant should note that for unauthorized building works (UBW) erected on private buildings/leased land, enforcement action

might be taken by the BA to effect their removal in accordance with Building Department's enforcement policy against UBW as and when necessary and that the granting of any planning approval should not be construed as an acceptance of any UBW on the application site under the BO; and

- (iii) the applicant should also pay attention to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the BA had no powers to give retrospective approval or consent for any UBW.

[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 12

Section 16 Application

[Open Meeting]

A/K14/683 Proposed Shop and Services in "Other Specified Uses" annotated "Business" zone, Ground Floor, Dah Way Industrial Building, No. 86 Hung To Road, Kwun Tong
(MPC Paper No. A/K14/683)

46. The Secretary reported that the applicant's representative requested on 19.2.2013 for deferment of the consideration of the application for one month in order to allow time for preparation of further information to address the comments from the Fire Services Department.

47. 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 one month was 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

48. There being no other business, the meeting closed at 10:20 a.m..