

TOWN PLANNING BOARD

Minutes of 487th Meeting of the Metro Planning Committee held at 9:00 a.m. on 19.4.2013

Present

Director of Planning
Mr. K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Ms. Bonnie J.Y. Chan

Mr. H.W. Cheung

Mr. Sunny L.K. Ho

Mr. Patrick H.T. Lau

Mr. Stephen H.B. Yau

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. K.F. Tang

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

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

Secretary

Absent with Apologies

Mr. Dominic K.K. Lam

Mr. Maurice W.M. Lee

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

In Attendance

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

Chief Town Planner/Town Planning Board
Miss H.Y. Chu

Town Planner/Town Planning Board
Mr. Wallace W.K. Tang

Agenda Item 1

Confirmation of the Draft Minutes of the 486th MPC Meeting held on 5.4.2013

[Open Meeting]

1. The draft minutes of the 486th MPC meeting held on 5.4.2013 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. Philip Y.L. Chum, 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)]

Further Consideration of Application No. A/K5/730

Proposed Hotel in “Residential (Group A) 8 zone”, Nos. 310-310C Un Chau Street,

Cheung Sha Wan, Kowloon

(MPC Paper No. A/K5/730A)

3. The Secretary reported that CKM Asia Ltd. (CKM) and Lanbase Surveyors Ltd. (Lanbase) were the consultants for this application. The following Members had declared interests in this item :

Prof. S.C. Wong

- he was the Director of the Institute of

Transport Studies of the University of Hong Kong and CKM had sponsored some activities of the Institute

- | | |
|----------------------|--|
| Prof. P.P. Ho | - had current business dealings with CKM |
| Mr. Patrick H.T. Lau | - had current business dealings with Lanbase |

4. As the above Members had no direct involvement in the subject application, the Committee agreed that they could be allowed to stay in the meeting. The Committee noted that Prof. Wong and Prof. Ho had not yet arrived to join the meeting.

Presentation and Question Sessions

5. Mr. Philip Y.L. Chum, STP/TWK, presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

[Prof. S.C. Wong and Prof. P.P. Ho arrived to join the meeting at this point.]

- (a) background to the application – the applicant sought planning permission for the development of a 22-storey hotel (including one-storey of basement) with 214 guestrooms at the application site (the Site), which fell within an area zoned “Residential (Group A)8” (“R(A)8”) on the OZP. During the consideration of the application on 25.1.2013, Members noted that the Site was within an area with existing industrial buildings in the immediate surroundings and generally shared the view that the proposed hotel development might help address the industrial/residential (I/R) interface problem. Nevertheless, in view of the prevailing problem of shortage of land for housing, the Committee agreed that careful consideration should be given for application of such nature involving “R(A)” zone. After deliberation, the Committee decided to defer a decision on the application pending the submission of further information by the Planning Department (PlanD) on the type and number of industrial establishments and the ownership pattern of the Ping Fai Industrial Building, Cheong Fat Factory

Building and Wai Tak Factory Building in the vicinity for further consideration of the application;

- (b) further consideration of the proposed hotel;
- (c) in response to the Committee's request, PlanD undertook on 30.1.2013 a floor survey on the type and number of industrial establishments and ownership pattern of the nearby Ping Fai Industrial Building, Cheong Fat Factory Building and Wai Tak Factory Building. The findings of the survey were summarised as follows :

Ownership Pattern

- (i) Ping Fai Industrial Building was an 11-storey industrial building within the same "R(A)8" zone as the Site. Cheong Fat Industrial Building was an 11-storey industrial building while Wai Tak Industrial Building was an 8-storey industrial building. The subject lots in respect of Wai Tak and Cheong Fat Industrial Buildings were rezoned from "Industrial" to "Residential (Group E)" in 1999. Ping Fai Industrial Building, Cheong Fat Factory Building and Wai Tak Factory Building were completed in 1967, 1963 and 1960 respectively. Apart from Wai Tak Industrial Building which was under single ownership, the other two industrial buildings were under multiple ownership;

Building Characters and Floor Uses

- (ii) there were 53 business operations within Ping Fai Industrial Building, of which 13 were industrial establishments (including manufacturing/workshops and warehouses/storages) accounting for about 25% of the total number of operations. The percentages of the remaining operations area were 49% (industrial-related offices and trading firms) and 26% (non-industrial establishments and unknown);
- (iii) there were 96 business operations within Cheong Fat Industrial Building, of which 37 were industrial establishments (including

manufacturing/workshops and warehouses/storages) accounting for about 38% of the total number of operations. The percentages of the remaining operations area were 16% (industrial-related offices and trading firms) and 46% (non-industrial establishments and unknown); and

- (iv) there were 93 business operations within Wai Tak Industrial Building, of which 27 were industrial establishments (including manufacturing/workshops and warehouses/storages and logistics operations) accounting for about 29% of the total number of operations. The percentages of the remaining operations area were 10% (industrial-related offices and trading firms) and 61% (non-industrial establishments and unknown); and

[Ms. Julia M.K. Lau and Mr. Clarence W.C. Leung arrived to join the meeting at this point.]

- (d) PlanD's view – based on the assessment made in paragraph 3 of the Paper, PlanD maintained its previous view of having no objection to the application. The assessment was summarised below :
 - (i) in terms of planning intention for the lots occupied by the three industrial buildings under survey, the two industrial buildings across Un Chau Street from the Site were zoned “R(E)2”, which was for phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board, while the adjoining Ping Fai Industrial Building was within the same “R(A)8” sub-zone as the Site;
 - (ii) in terms of ownership pattern, apart from Wai Tak Industrial Building which was under one owner, the other two buildings were under multiple ownership. Generally speaking, fragmented ownership was often a major stumbling block to redevelopment. Nevertheless, even for Wai Tak Industrial Building, which was under single ownership and fell within the same “R(E)2” zoning as the adjacent Cheong Fat Factory Building, there had been no

planning application for redevelopment including that for residential use since its rezoning from “I” to “R(E)” in 1999;

- (iii) based on PlanD’s recent land-use survey, there were still a fair amount of industrial establishments within the three buildings. Hence, as long as there were industrial activities remained in the area; the I/R interface problem posed by these industrial buildings would continue to exist. According to the Environmental Protection Department, there had been unsubstantiated environmental-related complaints received involving the two industrial buildings across from the Site in the past;
- (iv) the existing composite building on the Site was mostly vacant except for some G/F shop units. The Site was located in an area which comprised mainly residential and partly industrial buildings with commercial and retail uses on the lower floors. From the land use compatibility viewpoint, the proposed redevelopment for hotel use was considered not incompatible with the surrounding land uses. The proposed non-domestic plot ratio of 9 and building height of 79.8mPD complied with the OZP restrictions; and
- (v) the proposed hotel development might help speed up redevelopment/conversion in the “R(E)” zone and also served as a catalyst to encourage residential and other compatible developments in the area. Moreover, given that there were still active industrial operations at the three nearby industrial buildings, the proposed hotel development as non-sensitive use would alleviate the I/R interface problem.

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

6. The Chairman remarked that when the subject application was considered by the Committee on 25.1.2013, Members had requested for further information on whether there were still industrial establishments within the surrounding industrial buildings so as to determine whether the proposed hotel development under application could help alleviate the I/R interface problem in the area.

7. A Member noted from the powerpoint that the Ping Fai Industrial Building was under multiple-ownership (with 50 owners) and asked whether its redevelopment potential was considered to be low. Mr. Philip Y.L. Chum replied in the affirmative.

Deliberation Session

8. 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 19.4.2017, 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;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in planning condition (c) above to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary

approval. If the building design elements and the GFA concession were not approved/granted by BA and major changes to the current scheme were required, a fresh planning application to the Town Planning Board might be required;

- (b) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should be provided in accordance with the Code of Practice for Fire Safety in Building 2011 published by BD;
- (c) to note the comments of the District Lands Officer/Kowloon West about submission of application to his office for removal of the relevant offensive trades restriction by way of a licence or modification letter if there was any bar and/or restaurant to be provided;
- (d) to note the comments of the Chief Building Surveyor/Kowloon, BD that subject to compliance with the criteria under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-40, the application for hotel concession under Building (Planning) Regulation 23A would be considered upon formal submission of building plans; the provision of natural lighting and ventilation to each of the hotel guestrooms; the provision of access and facilities to persons with a disability in accordance with Design Manual: Barrier Free Access 2008; and the appointment of an Authorized Person to submit building plans for approval under the Buildings Ordinance;
- (e) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department regarding the licensing requirements under the Hotel and Guesthouse Accommodation Ordinance;
- (f) to prepare and submit the Sewerage Impact Assessment as early as possible in view of the time required for the implementation of any required sewerage works; and

- (g) to note the comments of the Director of Food and Environmental Hygiene for obtaining appropriate licence/permit from the Food and Environmental Hygiene Department.

[The Chairman thanked Mr. Philip Y.L. Chum, STP/TWK, for his attendance to answer Members' enquiries. He left 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 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/397 Proposed Hotel in "Other Specified Uses" annotated "Business" zone,
Nos. 75-87 Wo Yi Hop Road, Kwai Chung, New Territories
(MPC Paper No. A/KC/397)

10. The Secretary reported that CKM Asia Ltd. (CKM) was one of the consultants for this application. Prof. S.C. Wong had declared an interest in this item as he was the Director of the Institute of Transport Studies of the University of Hong Kong and CKM had sponsored some activities of the Institute. Prof. P.P. Ho had also declared an interest in this item as he had current business dealings with CKM. As both Prof. Wong and Prof. Ho had no direct involvement in the subject application, the Committee agreed that they could be allowed to stay in the meeting.

Presentation and Question Sessions

11. Ms. Fannie F.L. Hung, STP/TWK, 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 hotel (wholesale conversion of an existing 6-storey industrial

building to a hotel providing 199 guestrooms);

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) two public comments from a District Council member and a private individual were received during the first three weeks of the statutory publication period. Both commenters were concerned about the adverse traffic impact to be generated from the proposed hotel development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Regarding the public comments on the adverse traffic impacts to be generated from the proposed hotel development, the Commissioner for Transport (C for T) had no adverse comment on the submitted Traffic Study Report and had no objection to the application.

12. A Member referred to the floor plans submitted by the applicant and said that areas were designated for conference/function/exhibition/meeting use from the upper ground floor to the fourth floor of the proposed hotel but without kitchen facilities. This Member asked whether the applicant had been requested to clarify how the catering services of the proposed hotel would be provided. This Member opined that in case part of the hotel premises were for banquet use, the traffic impact of the proposed development might be different.

13. In response, Ms. Fannie F.L. Hung said that the applicant had not provided in his submission the detailed internal layout for each floor of the proposed hotel. However, the applicant would need to provide such detailed information at the building plan submission stage to demonstrate to the Building Authority that the proposed hotel development would comply with the Buildings Ordinance. Hence, the Member's concern would be followed up at the building plan submission stage. With respect to the traffic impact of the proposed hotel, Ms. Hung said that the Traffic Study Report submitted by the applicant had taken into account the proposed conference/function/exhibition/meeting use within the hotel. C for T had no adverse comment on the Report and had no objection to the subject application.

14. Another Member noted that the application site was the subject of another application (No. A/KC/381) submitted by the same applicant for wholesale conversion of the existing building for hotel and public vehicle park use which was approved by the Committee in June 2012. In the current application, the applicant applied for wholesale conversion of the same building for hotel use only. Noting that there were hotel developments in Hong Kong which had incorporated public vehicle park, this Member asked whether there was any policy change that had prohibited the co-existence of the two uses.

15. Upon the invitation of the Chairman, Ms. Doris Chow explained that the applicant could apply to the Lands Department (LandsD) for lease modification to effect the originally approved scheme with both hotel and public vehicle park uses under Application No. A/KC/381, subject to the payment of premium if approved by the LandsD. It was, however, noted that the applicant intended to apply to the LandsD for Special Waiver for wholesale conversion of the subject industrial building, which allowed hotel use together with ancillary accommodation only but not together with other uses. In this regard, the applicant applied for wholesale conversion of the building for hotel use only under the current application.

Deliberation Session

16. 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 19.4.2017, 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 design and provision of vehicular access, car park and loading/unloading layout to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB; and

- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development and the proposed gross floor area exemption for back-of-house facilities would be granted by the Building Authority (BA). The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing that the applicant should apply for a modification/special waiver for the proposed wholesale conversion. The application would be considered by the Lands Department (LandsD) acting in the capacity as Landlord at its sole discretion. Any approval, if given, would be subject to such terms and conditions including, inter alia, payment of waiver fee/premium and administrative fee, as might be approved by LandsD;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that an Authorized Person should be appointed to submit general building plans for approval of the proposed A&A works to demonstrate full compliance with the Buildings Ordinance. Attention should be drawn to the provision of prescribed windows under Building (Planning) Regulations (B(P)Rs) 30 and 31, the provision of service lane under B(P)R 28 and the requirements for granting hotel concessions under B(P)R 23A and Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-40;
- (d) to note the comments of the Director of Fire Services that fire service installations and water supplies for fire-fighting should be provided in accordance with the current Code of Practice for Minimum Fire Service Installations and Equipment, and emergency vehicular access should be

provided in accordance with the Code of Practice for Fire Safety in Buildings published by BD;

- (e) to note the comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department that, as the building was originally approved by BA for non-domestic use, the applicant should submit documentary evidence showing that BA had granted prior approval for the proposed use when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO). The proposed licence area should be physically connected. The licensing requirements would be formulated after inspections by the Building Safety Unit and Fire Safety Team of his office upon receipt of a licence application under HAGAO; and
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to improve the landscape quality of the area by maximizing the greening opportunity within available space of the application site upon conversion of the building and to explore the possibility of providing a podium and roof garden.

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/TW/445 Proposed Shop and Services / Eating Place in "Industrial" zone,
Nos. 59-63 Chai Wan Kok Street, Tsuen Wan
(MPC Paper No. A/TW/445)

18. The Secretary reported that CKM Asia Ltd. (CKM) was one of the consultants for this application. Prof. S.C. Wong had declared an interest in this item as he was the Director of the Institute of Transport Studies of the University of Hong Kong and CKM had

sponsored some activities of the Institute. Prof. P.P. Ho had also declared an interest in this item as he had current business dealings with CKM. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Prof. Wong and Prof. Ho could be allowed to stay in the meeting.

19. The Secretary reported that on 28.3.2013, the applicant's representative requested for a deferment of the consideration of the application for two months as the applicant required additional time to further conduct site survey and revise the technical information of the traffic impact assessment report in response to the comments of the Transport Department.

20. 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.

Hong Kong District

Agenda Item 6

Section 16 Application

[Open Meeting]

A/H13/28 Proposed School (Expansion of French International School) in
"Government, Institution or Community" and "Green Belt" zones,
Government Land adjoining 165 Blue Pool Road, Happy Valley, Hong
Kong
(MPC Paper No. A/H13/28)

21. The Secretary reported that LD Asia was the consultant for this application. Mr. Patrick H.T. Lau had declared an interest in this item as he had current business dealings with LD Asia. As the applicant had requested for a deferment of consideration of the application,

the Committee agreed that Mr. Lau could be allowed to stay in the meeting.

22. The Secretary reported that on 8.4.2013, the applicant's representative requested for a deferment of the consideration of the application by two meetings to 24.5.2013 in order to allow additional time for the applicant to prepare supplementary information to address the comments of relevant government departments and the public comments received.

23. 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.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/177 Proposed Comprehensive Residential Development with Commercial Use and a Public Transport Terminus in "Comprehensive Development Area (1)" and "Open Space" zones, former China Motor Bus Depot at 391 Chai Wan Road (Chai Wan Inland Lot No. 88), Chai Wan Road Bus Terminus, and a section of Sheung On Street in Chai Wan
(MPC Paper No. A/H20/177A)

24. The Secretary reported that the application was submitted by China Motor Bus Company Ltd., with ADI Ltd. as one of its consultants. Mr. Dominic K.K. Lam had declared an interest in this item as he had current business dealings with ADI Ltd. The Committee noted that Mr. Lam had tendered an apology for being unable to attend the

meeting.

Presentation and Question Sessions

25. Ms. April K.Y. Kun, STP/HK, said that replacement page 29 of the Paper was tabled at the meeting for Members' reference. She then 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 – the application site (the Site) was the subject of a rezoning application approved by the Committee on 12.1.2001 for rezoning the Site to “Comprehensive Development Area” (“CDA”) and “Open Space” (“O”) as the rezoning of the Site could help phase out the non-conforming uses in the area and the proposed “O” site could serve as a buffer between the proposed residential development at the “CDA” site and the nearby industrial developments. The Site was the subject of two previous applications (No. A/H20/119 and A/H20/159) for the same uses submitted by the applicant. Application No. A/H20/119 was approved by the Committee on 8.2.2002 but its planning permission lapsed on 9.2.2011. Application No. A/H20/159 was rejected by the Board on review on 11.12.2009. On 5.3.2010, the applicant lodged an appeal to the Secretary of the Town Planning Appeal Board (TPAB) under section 17(B) of the Town Planning Ordinance (the Ordinance). The appellant had subsequently requested three times to TPAB to defer the appeal hearing to late 2013. In the subject application, the applicant sought planning permission from the Board to develop the Site into three residential towers with shops, a covered public transport terminus (PTT) and a public open space (POS), at a plot ratio (PR) of 6 (PR 7.05 if based on net site area of the “CDA(1)” site and included the gross floor area (GFA) of the PTT). Tower 1, situated to the west of Sheung On Street, would be located above a covered PTT on G/F while Towers 2 and 3, situated to the east of Sheung On Street, would be located above a 3-storey podium. The three residential towers would be connected by a 8m-wide footbridge over Sheung On Street. A POS of 4,000m² was proposed at the eastern part of the Site connecting to a planned open space at Fung Yip Street;

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

- (b) the proposed comprehensive residential development with commercial uses and a PTT;
- (c) departmental comments – the Commissioner for Transport (C for T) had reservation on the application as the traffic impact assessment (TIA) submitted by the applicant was considered unsatisfactory. C for T’s comments were summarised as follows :
 - (i) in view of the current heavy traffic situation at Sheung On Street and its junction with Fung Yip Street and Chai Wan Road, the proposed vehicular access at Sheung On Street was not desirable;
 - (ii) there was reservation on the feasibility of the proposed closure of the exit road of the petrol filling station (PFS) to the immediate north of the Site. Even if the proposed closure was feasible, the effects would be switched to the exits of the PFS fronting Sheung On Street. However, such effects had not been taken into account in the TIA;
 - (iii) the proposed improvement for Sheung On Street/Fung Yip Street junction was not practical. If Sheung On Street/Fung Yip Street was signalised, vehicles from the PFS would tend to use the exit at Sheung On Street. Even though a sign of “no exit at Sheung On Street” was placed in the PFS, it was foreseen that quite a number of vehicles from the PFS would still use the Sheung On Street exit. Moreover, the performance of the exit was not the only factor to consider, but also the effects to the Sheung On Street/Fung Yip Street junction and the run-in/out of the proposed development;
 - (iv) if Sheung On Street/Fung Yip Street was signalised, crossing(s) should be provided across Sheung On Street. Otherwise, it might result in jaywalking crossing Sheung On Street. As such, the calculations of Sheung On Street/Fung Yip Street signalised junction should include the crossing(s) across Sheung On Street. The

subject development might also have impact on the pedestrian pattern and pedestrian flow along and crossing Sheung On Street, which should be taken into consideration;

- (v) there was reservation on the calculations of the junction of Sheung On Street as it was commonly observed that the queue length was longer than the average queue lengths as quoted by the applicant, and vehicles queued from Sheung On Street/Chai Wan Road junction up to Sheung On Street/Fung Yip Street junction. In this regard, the queue lengths calculated might not reflect the actual situation; and
- (vi) the applicant should also address the pedestrian issues before and after the commencement of the proposed development in order to demonstrate that there would not be insurmountable effects to the pedestrians after the commencement of the development;
- (d) other concerned government departments consulted had no objection to or adverse comments on the application;
- (e) the application and the further information subsequently submitted were published for public inspection on 24.8.2012, 14.12.2012, 22.1.2013 and 1.3.2013 respectively. During the statutory publication periods, a total of 112 public comments were received. These public comments were submitted by local residents, incorporated owners of buildings in the vicinity of the Site, Democratic Alliance for the Betterment and Progress of Hong Kong (Eastern Branch), Designing Hong Kong Ltd., Eastern District Council (EDC) members, Hong Kong and China Gas Company Ltd. and Civic Party, and they were summarised below :

Support/No Objection

- (i) seven commenters indicated support or raised no objection to the application mainly on the grounds that the proposed development would enhance the overall neighbourhood in appearance, alleviate the acute shortage of housing units, create a catalytic effect on

redevelopment of the neighbouring industrial buildings, and result in no adverse impacts on the surrounding area;

Opposing Comments

(ii) 79 commenters objected to the application and their views were summarised as follows :

- (a) the proposed development would generate additional traffic which would aggravate the already overloaded road capacity, cause further congestion and adversely affect the traffic flow on local road network. The proposed vehicular ingress/egress point at Sheung On Street would pose danger to pedestrian safety;
- (b) the proposed development would cause air and noise pollution problems, adversely affect the living quality and health of the local residents in particular during the construction period. The LPG filling station and PFS located nearby would pose risk to the nearby residents and affect the residents' health;
- (c) the proposed development was excessive in scale and incompatible with the surrounding developments. It would create adverse visual impact and wall effect, obstruct natural lighting and air ventilation. The proposed building height (BH) was against the principle of stepped height concept for the area and incompatible with the surrounding comparatively low-rise developments;
- (d) the increase in population would create pressure on the existing GIC and transport facilities in the area. The Government should reserve the Site for open space/GIC uses/public purposes; and

- (e) government land should not be used for private development. One of the three towers in the proposed development should be developed for public housing. Besides, the local residents should be further consulted on the application; and

Comment Only

- (iii) 26 commenters provided comments on the application. Their main concerns were that the Site should provide commercial/shopping mall uses; the Site should be used to improve the traffic conditions by providing more bus and mini-bus routes and extending the existing MTR system; the layout and disposition of the towers should be adjusted to provide setback from Chai Wan Road; and relocation of the proposed POS to the existing Chai Wan Road Bus Terminus adjacent to Sheung On Street Playground to enhance the visual permeability and air ventilation of the area;
- (f) the District Officer (Eastern) advised that the EDC had expressed concerns over the proposed development. At the 6th meeting of the District Facilities Management Committee (DFMC) of EDC held on 22.11.2012, the EDC members passed a motion requesting the Government to develop the vacant land next to Wing Ping Street, the former China Motor Bus (CMB) Depot, the adjoining Chai Wan Road Bus Terminus, and the southern section of Sheung On Street outside the Site into a garden to serve the elderly in the district and create a landmark for Chai Wan. In addition, at the 6th meeting of the Planning, Works and Housing Committee (PWHC) of EDC held on 14.12.2012, the EDC members requested for a more detailed assessment of the traffic impact of the proposed development; and
- (g) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below :

Planning Intention and Land Use Compatibility

- (i) the proposed comprehensive development with residential and retail

uses, a covered PTT and POS provision were considered to be generally in line with the planning intention of the “CDA(1)” and “O” zones. It was also in line with the long-term planning intention for the area to phase out the bus depot, and the proposed open space could serve as a buffer between the proposed residential development on the Site and the nearby industrial developments. On the whole, the development proposal was considered not incompatible with the surrounding developments in terms of land use and development intensity;

Building Height and Layout

- (ii) the proposed scheme with a BH not exceeding 140mPD complied with the statutory height restriction. As compared to the previously approved scheme (Application No. A/H20/119), effort had been made by the applicant to minimize the overall building bulk and enhance building permeability under the current scheme. The number of residential tower was reduced from four to three, and the separation distance between Towers 1 and 2 above the podium was increased from about 14m to 30m. This would enhance the visual permeability and airflow through the proposed development to the inner area. The maximum BH of the proposed development was also lowered from 192mPD to 140mPD. To further reduce the visual impact, the podium height was lowered from 24m to 16m and the extent of the previously proposed deck over Sheung On Street was reduced to a 8m-wide footbridge. Besides, the applicant’s air ventilation assessment (AVA) had demonstrated that the proposed development, with the incorporation of good design features, would not result in any problem area at pedestrian level. In this regard, both the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of PlanD and Chief Architect/Advisory and Statutory Compliance of Architectural Services Department had no adverse comments on the application;

Design and Footbridge

- (iii) the applicant had adopted a single-aspect building design with a long continuous façade for Tower 1 as one of the noise mitigation measures. To avoid the creation of a long continuous monotonous blank wall, an approval condition was recommended to require the submission and implementation of façade design for the entire development. With respect to the proposed footbridge over Sheung On Street (a public street), the applicant had clarified that the street would remain as a public road below the footbridge and it would not be included in the site area calculation for the purpose of building plan submission. As the issue could only be dealt with at the building plan submission stage, the applicant would be advised that if the proposed footbridge was not approved by the Building Authority, a fresh planning application to the Board would be required;

Traffic Impact

- (iv) although the applicant had included a TIA report in the application, C for T had reservation on the application and considered that the TIA report submitted was unsatisfactory. As advised by C for T, the proposed vehicular access at Sheung On Street was not desirable; the TIA failed to reflect the actual traffic situation in the vicinity of the Site; and the proposed ingress/egress of the Site was very close to the exit road of the PFS at the junction of Sheung On Street/Fung Yip Road. Although the applicant had proposed to close the exit road of the PFS to Sheung On Street and to convert its remaining exit road to Fung Yip Street a two way road, C for T still had reservation on its feasibility and pointed out that the TIA report submitted had not taken into account the impacts of this arrangement. Moreover, C for T also considered that the proposed improvement at the junction of Sheung On Street/Fung Yip Street was not practical, and the applicant had yet to address the pedestrian issues arising from the proposed development;

Environmental Impact and Risk Aspect

- (v) the applicant had submitted relevant technical assessments and proposed various mitigation measures to support the application. Concerned government departments consulted, including the Director of Environmental Protection (DEP) and Chief Engineer/Hong Kong and Islands of Drainage Services Department, had no adverse comments on the air quality, noise and sewerage aspects of the proposed development. Besides, the Director of Electrical and Mechanical Services had no objection to the application subject to the stipulation of an approval condition requiring the submission of a comprehensive quantitative risk assessment and the implementation of the mitigation measures identified therein;

Public Open Space

- (vi) the applicant had proposed to design and develop the proposed POS on the “O” zone to the east of the “CDA(1)” site subject to the construction cost of the POS being reflected in the land premium or funded by the Government. In this regard, the Director of Leisure and Cultural Services (DLCS) advised that there was no development programme for the “O” site, and the future management and maintenance of the POS and the taking over of the POS would be subject to the availability of annual recurrent cost. The District Lands Officer/Hong Kong East (DLO/HKE) pointed out that the construction cost of the POS would not be premium deductible and the future individual flat owners should not be held responsible for the future maintenance and management of the POS. As the design and provision of the POS in conjunction with the development would allow more integrated planning and design, it was suggested to include an approval condition requiring the design and provision of the POS to the satisfaction of DLCS, while the detailed arrangement regarding the funding, design, construction, management and maintenance of the POS could be sorted out among concerned departments at the land grant stage;

Covered Public Transport Terminus

- (vii) the applicant had proposed a covered PTT to replace the existing Chai Wan Road open-air bus terminus. The applicant had proposed to design and develop the proposed PTT subject to the construction cost being reflected in the land premium or funded by the Government. In this regard, both C for T and Chief Highway Engineer/Hong Kong of Highways Department (CHE/HK of HyD) advised that a covered PTT would incur much higher maintenance and management costs than the existing open-air bus terminus. The CHE/HK of HyD further suggested the applicant to modify the PTT proposal to reduce the recurrent consequences. However, from the planning point of view, an integrated design and provision of the PTT with the proposed development was considered more in line with the planning intention of a comprehensive redevelopment of the area. Hence, it was suggested to include an approval condition requiring the design and provision of a PTT to the satisfaction of C for T, while the detailed arrangement of the proposed PTT, including its funding, construction, management and maintenance, could be sorted out among concerned departments at the land grant stage;

EDC's Concerns and Public Comments

- (viii) the EDC was concerned about the adverse traffic impact of the proposed development and that there was insufficient information in the TIA. In this regard, C for T had reservation on the application and requested the applicant to provide more information and justifications. C for T further pointed out that there was reservation on the feasibility of the traffic arrangement proposed by the applicant;
- (ix) regarding the EDC's motion of requesting the Government to develop the "CDA(1)" zone and the vacant land west of Wing Ping Street zoned "O" into a garden, it should be noted that the land use zoning was agreed by the Committee in 2001 and the EDC was

consulted on the zoning amendments in April 2001. The current development proposal was intended to materialise the land use zonings shown on the OZP;

- (x) the EDC members were concerned about the location of PTT and adequacy of parking spaces for mini-buses and taxis. In this regard, the applicant proposed to re-provision the existing Chai Wan Road Bus Terminus and the existing four franchised bus bays in the proposed development. The applicant also proposed to provide additional green mini-bus bays and taxi bays in the proposed PTT in the development. C for T had no objection to the proposed re-provisioned PTT; and

- (xi) with respect to the public comments received on the air and pollution issues of the proposed development, a set of technical assessments had been included in the applicant's submission and appropriate mitigation measures had been proposed. Relevant departments consulted had no in-principle objection to or no adverse comments on the application. Regarding the aspects of the building bulk, wall effect, natural lighting and visual impact, the proposed development, with a PR of 6 and BH not exceeding 140mPD, was considered not incompatible with the surrounding environment. As for the public concerns on the use of government land for private development, the DLO/HKE had advised that the applicant still needed to apply for a land exchange for implementation of the development proposal and there was no guarantee that such application would be approved.

26. In response to a Member's enquiry about the re-provisioning of the existing Chai Wan Road Bus Terminus, Ms. April K.Y. Kun said that according to the applicant's rezoning application submitted in June 2000, the existing bus terminus would be re-provisioned in the development scheme as a covered PTT. The rezoning application was partially agreed by the Committee on 12.1.2001. Details of the re-provisioning of the bus terminus, including the funding arrangement, future management and maintenance responsibilities of the

proposed PTT, would be sorted out among relevant government departments at the implementation stage of the project.

27. A Member noted that Transport Department (TD) had reservation on the TIA report submitted by the applicant and did not support the application. This Member enquired whether TD's concerns about the TIA could possibly be addressed by the applicant. Besides, noting that there were public objection in relation to the development intensity, BH, building bulk and design of the development proposal, the same Member asked whether those aspects were considered acceptable.

28. Ms. April K.Y. Kun said that as compared with the previously approved scheme (Application No. A/H20/119), the bulk and intensity of the proposed development under the current submission had been reduced to a large extent. The number of residential towers had been reduced from four to three, the BH from 192mPD to not exceeding 140mPD, and the GFA from 86,268m² to 64,500m². To minimize the 'wall effect' and to enhance permeability of the development, the applicant had reduced the bulk and height of the podium and proposed a wider building gap of 30m between Towers 1 and 2. The applicant's AVA had also demonstrated that the proposed development would not result in any problem area at pedestrian level. The only problem left was related to the traffic impact.

29. Upon the invitation of the Chairman, Mr. Albert Lee stated that several rounds of discussion had been held between TD and the applicant on the application. TD's comments on the applicant's TIA were mainly on the issues regarding the assessment of vehicles queuing from the junction at Chai Wan Road/Sheung On Street up to the junction at Fung Yip Street/Sheung On Street, the practicability of the proposed improvement of the junction of Sheung On Street/Fung Yip Street, the feasibility of the proposed closure of the exit road of the PFS nearby, and the provision of pedestrian crossing. Mr. Lee pointed out that the above issues were technical in nature which had yet to be resolved by the applicant. If the applicant could provide more information in the revised TIA to demonstrate that the proposed development would not have adverse impact on the surrounding, the TIA might be considered acceptable from the traffic planning point of view.

30. A Member said that some public commenters were worried that the adoption of a single-aspect building design for Tower 1 would result in 'wall effect' development and

affect air ventilation in the area. This Member shared the public commenters' view and opined that the single-aspect building design and the long continuous façade of Tower 1 was undesirable from the urban design point of view and should be improved. Other Members agreed.

31. In response, Ms. April K.Y. Kun stated that the applicant had submitted an air quality and noise impact assessment in support of its development proposal. The adoption of a single-aspect building design for Tower 1 was proposed as one of the noise mitigation measures which had been accepted by DEP. On the building design aspect, CTP/UD&L of PlanD had commented that the single-aspect design required special design attention in order to avoid the creation of a long continuous monotonous blank wall. In this regard, it was recommended to stipulate an approval condition requiring the submission and implementation of façade design for the entire development, should the application be approved. With respect to the air ventilation aspect, the applicant's AVA had been considered and accepted by relevant departments.

32. A Member enquired about the BH of the developments in the vicinity of the Site and asked how the building height restriction (BHR) for the "CDA(1)" site was determined. This Member also noted that if the application was approved by the Committee with conditions, the applicant had to comply with the approval conditions and also needed to apply for a land exchange in order to implement the development proposal. This Member asked whether a fresh planning application would be required if the applicant failed to fulfill the approval conditions imposed by the Committee and failed to execute the land exchange.

33. In response, Ms. April K.Y. Kun said that the Chai Wan OZP was amended in January 2012 to impose, inter alia, BHRs for various zones taking into account the broad urban design principles set out in the Urban Design Guidelines (Chapter 11 of the Hong Kong Planning Standards and Guidelines (HKPSG)), the topography, predominant land uses, waterfront and foothill setting, existing BH profile, local character as well as compatibility with the surrounding areas. Ms. Kun stated that the BHs of developments in the vicinity of the Site were shown on Plan A-3 of the Paper and a stepped height profile from the waterfront to the inland area in the Chai Wan Town Centre had been adopted. The proposed scheme submitted by the applicant with a BH not exceeding 140mPD complied with the statutory height restriction of the OZP.

34. Ms. April K.Y. Kun further stated that the submission of a section 16 planning application to the Board was only the first step for the applicant to materialize its development proposal. Upon obtaining the planning approval of the Board, the applicant still had to apply for a land exchange and submit building plans for the approval of the Buildings Authority at a later stage.

35. In response to another Member's enquiry, Ms. April K.Y. Kun said that the current application and the town planning appeal for Application No. A/H20/159, which was lodged by the applicant and would be heard in late 2013, were two different applications. The town planning appeal case should have no bearing on the consideration of the subject application. Ms. Kun further said that the development parameters proposed under Application No. A/H20/159 were different from those of the current scheme.

Deliberation Session

Section 12A Application from the Chai Wan Kaifong Welfare Association Ltd.

36. In response to the Chairman's enquiry, the Secretary said that the subject 16 application and the section 12A application (No. Y/H20/1) submitted by the Chai Wan Kaifong Welfare Association Ltd. to rezone the existing Chai Wan Road Bus Terminus and a section of Sheung On Street from "CDA(1)" to "O" should be considered separately. The Committee should consider the subject 16 application having regard to the planning intention of the extant zoning of the application site, i.e. "CDA(1)" and "O" on the Chai Wan OZP. The section 12A application had yet to be considered by the Committee. Even if the section 12A application was approved by the Committee, the PlanD would have to work out the proposed amendment to the OZP and submit the amendment to the Committee for agreement prior to gazetting under section 5 of the Ordinance.

37. A Member pointed out that if the subject section 16 application was approved by the Committee, the section 12A application, which related to the subject site and was tentatively scheduled for consideration on 5 July 2013, would have to be rejected by the Committee. Under the circumstances, this Member asked whether it would be more appropriate for the Committee to defer making a decision on the subject application.

38. The Secretary said that if the Committee deferred the consideration of a section 16 application upon the receipt of a section 12A application relating to the same site, the processing of section 16 applications by the Board would be unduly delayed. She remarked that even if the section 12A application was considered and rejected by the Committee prior to the consideration of the section 16 application, other persons could submit another section 12A application to the Board. According to the advice from Department of Justice, section 12A and section 16 applications should be processed separately. The Committee had previously dealt with similar situations under which both section 12A and section 16 applications relating to the same site had been received. The Committee had decided that section 12A and section 16 applications should be processed separately.

39. Another Member commented that if the Committee decided to reject the section 16 application and the applicant sought a review under section 17 of the Ordinance, the Committee would be considering the section 12A application (No. Y/H20/1) (in July 2013) prior to the review hearing of the subject application. This Member asked how the Committee should handle the section 12A application.

40. In response, the Secretary reiterated that section 16 and section 12A applications should be processed by the Board separately. The section 12A application was submitted by the Chai Wan Kaifong Welfare Association Ltd. to rezone the existing Chai Wan Road Bus Terminus and a section of Sheung On Street from “CDA(1)” to “O”. If the Committee agreed to the section 12A application, the PlanD would work out the proposed amendment to the OZP and submit the amendment to the Committee for agreement prior to gazetting under section 5 of the Ordinance.

Construction Cost of the Proposed PTT

41. Noting that it was mentioned in the Paper that the construction cost of the proposed covered PTT would not be premium deductible under the proposed development, a Member asked if this was the current land policy of the Government. In response, Ms. Doris Chow said that under the prevailing land policy, the construction cost of the proposed PTT could not be deducted from the land premium. For those public facilities required by relevant government departments and the requirements were stipulated in the respective land sale documents, their construction costs would be reimbursed to the developers by the Government upon the completion of those facilities.

Building Height and Bulk of the Proposed Development

42. In response to a Member's enquiry, the Secretary referred to Plan A-3 of the Paper and stated that the Site was subject to a BHR of 140mPD on the OZP. The applicant, after having discussions with the PlanD on the urban design aspect of the proposed development, proposed to adopt a stepped height concept (with BHs ranging from 133 to 140mPD) for the development. The Secretary continued to say that planning approval granted by the Board would be subject to the terms as submitted to the Board under the application. This meant that the applicant had to implement the development with the same development parameters as those in the approved scheme. If the applicant proposed different BHs for the development in the subsequent building plan submission, the building plans would be rejected even if the proposed BHs did not exceed the BHR on the OZP, i.e. 140mPD.

43. The same Member made the following enquiry/comments on the BH aspect of the proposed development :

- (a) as the "CDA(1)" site was subject to a maximum permitted BH of 140mPD on the OZP, would the Committee have to approve the proposed BH of the development under application as long as the proposed BH did not exceed 140mPD?
- (b) although the BHs of the proposed development did not exceed the statutory restriction of 140mPD, they were considered excessive. The proposed development would create 'wall effect' and was visually intrusive. The approval of the subject application would set a bad precedent for other similar types of development in the district; and
- (c) the consideration of whether the BHs of the proposed development were acceptable should not be based on a comparison with the BH of the previously approved scheme. It was noted that the previously approved scheme had a BH of 60 storeys, which was considered far too excessive for the area.

44. In response, the Secretary made the following points :

- (a) under the Notes of the “CDA(1)” zone, the applicant was required to submit the proposed scheme in the form of a master layout plan, together with the relevant technical assessments, for the consideration of the Board. It was stipulated in the Notes of the “CDA(1)” zone that the maximum BH was 140mPD. Under the current application, the BHs of the proposed development ranged from 133 to 140mPD. However, if the Committee considered that the proposed BH of the scheme was too high and the proposed building design was not acceptable, the Committee could still reject the application even though the proposed BHs did not exceed the statutory BH restriction of 140mPD;
- (b) however, Members should note that the Site had a long development history. In 2002, the Committee approved an application (No. A/H20/119) submitted by the applicant for a proposed residential development comprising four residential towers over a 5-storey podium, with a total PR of 8.28, a total GFA of 86,268m² and a maximum BH of 192mPD, on the Site. Under the proposed scheme of the current application, the applicant had reduced the development intensity of the proposed development to a PR of 7.05 (based on net site area) and a maximum BH of not exceeding 140mPD. Effort had also been made by the applicant to minimize the overall building bulk and enhance permeability of the development by building design; and
- (c) in January 2012, the Chai Wan OZP was amended, inter alia, to impose BHRs for various zones. The Committee agreed that a BHR of 140mPD was suitable for this “CDA(1)” site, taking into account the various development requirements and constraints of the Site. The requirements/constraints included the need to accommodate a GFA of 86,268m² as permitted on the OZP; the requirement for reprovisioning the existing public bus terminus; the need to provide setback/building gaps within the Site; the need to provide sufficient buffer distance (55m) from the existing LPG filling station to the north of the Site; the traffic noise problem caused by Chai Wan Road; and the interface problem with the Chai Wan Industrial Area to the northeast of the Site.

Traffic Impact of the Proposed Development

45. A Member commented that while the application was considered generally in line with the planning intention of the “CDA(1)” and “O” zones, it could not be approved as the TIA submitted was insufficient to address the concerns of TD and the EDC had expressed grave concern on the traffic aspect of the proposed development. The view was shared by another Member.

46. The Vice-chairman considered that the TIA submitted by the applicant was unsatisfactory. Apart from the concerns on the technical issues raised by TD, the TIA also failed to mention about the pedestrian accessibility to the future PTT and how pedestrian safety would be ensured. In this regard, the Vice-chairman suggested that this aspect should form one of the reasons for rejecting the application. Members agreed.

Local Views on the Proposed POS

47. Upon the invitation of the Chairman, Ms. April K.Y. Kun explained the public comments and the EDC’s views on the application as follows :

- (a) the DFMC of EDC at its meeting in November 2012 passed a motion requesting the Government to develop the “CDA(1)” site and the vacant land zoned “O”, which was to the west of Wing Ping Street outside the Site, into a garden to serve the elderly in the district and create a landmark for Chai Wan;
- (b) upon the request of the EDC members, the applicant presented the proposed scheme to the PWHC of EDC in December 2012. Members of the PWHC expressed reservation on the proposed development in view of the insufficient information in the TIA;
- (c) among the public comments received on the application during the statutory public inspection periods, many were from the EDC members who requested that more public consultation should be undertaken on the application; and
- (d) some public comments were from the nearby residents. For those commenters who lived in the developments opposite the CMB Depot,

many of them requested that the bus depot should be used as a POS. Some commenters indicated support to the application but the number was relatively small. For other public commenters who did not indicate where they lived, their comments were mainly related to the concern of ‘wall effect’ as a result of the proposed development.

48. The Chairman asked about the local views regarding the provision of a POS in the proposed development. Ms. April K.Y. Kun said that under the current application, the applicant proposed to develop the area zoned “O” in the eastern part of the Site as a POS and hand it back to the Government for future maintenance and management, subject to its construction cost being reflected in the land premium or funded by the Government. However, amongst the public comments received, some considered that it would be more desirable to develop the western part of the “CDA(1)” site, i.e. the existing Chai Wan Road Bus Terminus, into a garden as it was closer to the residential developments in the west.

49. A Member remarked that the applicant had consulted the EDC on the proposed development before, and some EDC members requested the applicant to build the proposed POS first in order to provide the Chai Wan residents with more leisure and recreational facilities. However, the applicant refused to do so. This Member said that the applicant failed to solicit EDC’s support on the application.

50. Another Member noted that the DLCS had commented that the provision of open space in the Eastern District had met the requirement of the HKPSG, without the POS proposed by the applicant. In this regard, it might be prudent to seek the views of the DLCS on the EDC’s request to develop the “CDA(1)” site and the vacant land zoned “O” west of Wing Ping Street outside the Site into a garden to serve the elderly in the district.

51. The Vice-chairman noted that the EDC had concerns that there was insufficient information in the TIA submitted by the applicant, and the EDC had passed a motion requesting the Government to develop the “CDA(1)” zone and the vacant land west of Wing Ping Street zoned “O” into a garden. In this regard, consideration might be given to rejecting the application due to its failure to address the local community’s concerns and solicit its support on the application. The view was shared by another Member.

52. However, a Member held different view and said that it might not be appropriate to reject the application due to its failure to solicit the support of the EDC on the application. This Member said that the Committee should consider whether the concerns of the EDC members were valid.

53. Another Member pointed out that the EDC and the local residents had the following major concerns on the proposed development, namely the wall effect, air ventilation problem, adverse traffic impact and lack of accessible open space :

- (a) with respect to the aspect of wall effect, Members had a discussion and agreed that the single-aspect building design and the long continuous façade of Tower 1 was undesirable and should be improved;
- (b) with regard to the air ventilation problem, it was noted that concerned departments had no objection to the AVA submitted by the applicant, which indicated that there would not be any air ventilation problem within the Site and no adverse air ventilation impact on the surrounding area;
- (c) with regard to the adverse traffic impact of the proposed development, Members agreed that the submitted TIA was not satisfactory; and
- (d) regarding the local community's concern on the lack of accessible open space in the proposed development and the suggestion of providing an open space in the western portion of the "CDA(1)" site, this Member enquired whether the application should be rejected on this aspect.

Realisation of the Proposed POS

54. A Member considered that the applicant should respond positively to the concerns and requests of the EDC, in particular the provision of a POS in the vicinity of the Site. To this respect, this Member asked whether there was any mechanism to ensure that the applicant would provide the POS as part of the proposed development.

55. In response, the Secretary said that it was quite common for the applicants of planning applications to propose provision of POS as a 'planning gain' of their proposed developments. In such cases, POS would be constructed at the developer's cost as proposed by the applicant. However, for the subject case, the applicant had only agreed to design and

develop the POS at the Government's cost. DLCS indicated that there was no development programme for this POS and the management and maintenance fee had yet to be secured. Besides, there were strong local objections to the proposed development and the EDC passed a motion on 22.11.2012 requesting the Government to develop the "CDA(1)" zone and the vacant land next to Wing Ping Street zoned "O" into a garden. Under such circumstances, it was difficult to implement the proposed POS. The same problem also applied to the proposed PTT. In this regard, it was suggested that PlanD should liaise with the applicant to address the concerns of Members on the implementation aspect. Members agreed.

56. The Secretary continued to point out that the application was the subject of a rezoning application approved by the Committee on 12.1.2001 for rezoning the Site to "CDA" and "O" as the rezoning of the site could help phase out the non-conforming uses in the area and the proposed "O" site could serve as a buffer between the proposed residential development at the "CDA" site and the nearby industrial developments. However, noting that the EDC passed a motion on 22.11.2012 requesting the Government to develop the "CDA(1)" zone and the vacant land next to Wing Ping Street zoned "O" into a garden, the issue on the provision of the open space had not been properly resolved. Since the provision of the open space could not be realised, the planning objective of the rezoning application that was approved by the Committee in 2001, which was to provide a POS next to the site to serve as a buffer between the proposed residential development at the "CDA(1)" site and the nearby industrial developments, could not be realised. In this regard, the Secretary suggested Members to consider whether the applicant's failure to realise the provision of the proposed POS should be reflected as a rejection reason. Members generally shared this concern and agreed.

57. The Chairman concluded that Members did not support the application on the grounds that the TIA submitted by the applicant was unsatisfactory; the single-aspect building design and the long continuous façade of the Tower 1 of the proposed development was undesirable and should be improved; and the applicant failed to realise the provision of POS on the Site and as such, the planning objective of the rezoning application approved by the Committee in 2001 could not be realised.

58. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper

and agreed that the reasons should be suitably amended to reflect Members' views as expressed at the meeting. The reasons were :

- (a) the traffic impact assessment (TIA) failed to demonstrate that the proposed development would not have adverse traffic impact on the surrounding area. There was reservation on the feasibility of the proposed traffic arrangements for the Site. The TIA also failed to address the provision of pedestrian access to the proposed public transport terminus and the aspect of pedestrian safety;
- (b) the adoption of a single-aspect building design with a long continuous façade for Tower 1 of the proposed development was undesirable from the urban design perspective; and
- (c) one of the planning objectives of the rezoning application approved in 2001 was to provide a public open space adjacent to the Site. Since the provision and maintenance of the public open space had not been resolved, the planning objective could not be realised.

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

Agenda Item 8

Section 16 Application

[Open Meeting]

A/H3/411 Proposed Hotel in "Residential (Group A) 7" zone, 172-174 Des Voeux Road West, Hong Kong
(MPC Paper No. A/H3/411)

59. The Secretary reported that on 3.4.2013, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow more time for the applicant to respond to Transport Department's comments on the application.

60. 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.

Kowloon District

Agenda Item 9

Section 16 Application

[Open Meeting]

A/K14/684 Proposed Hotel and Commercial Developments (Wholesale Conversion of Two Existing Industrial-Office Buildings) in “Other Specified Uses” annotated “Business” zone, Nos. 51 and 53 Hung To Road (formerly known as Nos. 49-53 and 53A Hung To Road), Kwun Tong, Kowloon (MPC Paper No. A/K14/684)

61. The Secretary reported that Kenneth To and Associates Ltd. (KTA) and LLA Consultancy Ltd. (LLA) were the consultants for this application. Mr. Dominic K.K. Lam and Mr. Patrick H.T. Lau had declared interests in this item as they had current business dealings with KTA and LLA. 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, the Committee agreed that Mr. Lau could be allowed to stay in the meeting.

62. The Secretary said that on 5.4.2013, the applicant’s representative requested for a deferment of the consideration of the application for one month in order to allow time to prepare supplementary information to address the departmental comments.

63. 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 10

Section 16 Application

[Open Meeting]

A/K9/250 Proposed Hotel in “Residential (Group A)” zone, 54 and 56 Ma Tau Wai Road, Hung Hom, Kowloon
(MPC Paper No. A/K9/250B)

64. The Secretary reported that CKM Asia Ltd. (CKM) and Lanbase Surveyors Ltd. (Lanbase) were the consultants for this application. The following Members had declared interests in this item :

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|----------------------|---|---|
| Prof. S.C. Wong | - | he was the Director of the Institute of Transport Studies of the University of Hong Kong and CKM had sponsored some activities of the Institute |
| Prof. P.P. Ho | - | had current business dealings with CKM |
| Mr. Patrick H.T. Lau | - | had current business dealings with Lanbase |

65. As the applicant had requested to defer consideration of the application, the Committee agreed that the above Members could be allowed to stay in the meeting.

66. The Secretary said that on 9.4.2013, the applicant’s representative requested for a further deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information to address the further comments

from the Commissioner for Transport (C for T) and Commissioner of Police (C of P) on the application.

67. The Secretary continued to say that the application had been deferred twice. During the first deferment period, the applicant had submitted further information to revise the development proposal to respond to the concern of C for T and C of P on the lack of car parking and loading/unloading facilities, and that of the Chief Town Planner/Urban Design and Landscape of Planning Department on greening opportunities. During the second deferment period, the applicant had submitted further information to further address C for T and C of P's concern on the traffic aspect. However, both departments still maintained their views of not supporting the application. The applicant therefore requested for the third deferment and was preparing further information to address the concerns of these two departments.

68. 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 a further period of two months were allowed for preparation of the submission of the further information, and since this was the third deferment of the application and a total period of six months had been allowed, this should be the last deferment and no further deferment would be granted.

Agenda Item 11

Any Other Business

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