

## **TOWN PLANNING BOARD**

### **Minutes of 491<sup>st</sup> Meeting of the Metro Planning Committee held at 9:00 a.m. on 21.6.2013**

#### **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. H.W. Cheung

Mr. Stephen H. B. Yau

Chief Traffic Engineer/Kowloon, Transport Department  
Mr. Wilson W.S. Pang

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

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

Deputy Director of Planning/District  
Mr. Wilson Y. L. So

Secretary

**Absent with Apologies**

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

Mr. Maurice W.M. Lee

Mr. Roger K.H. Luk

Mr. Sunny L.K. Ho

Mr. Dominic K.K. Lam

Mr. Patrick H.T. Lau

Ms. Bonnie J.Y. Chan

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Ms. Donna Y.P. Tam

Town Planner/Town Planning Board  
Ms. Karen K.W. Chan

**Agenda Item 1**

Confirmation of the Draft Minutes of the 490<sup>th</sup> MPC Meeting held on 7.6.2013

[Open Meeting]

1. The draft minutes of the 490<sup>th</sup> MPC meeting held on 7.6.2013 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**

[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 3**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/404                      Temporary Shop and Services (Real Estate Agency) for a Period of Two Years in “Other Specified Uses” annotated “Business” zone, Unit 1 (Part), G/F, Well Fung Industrial Centre, 68 Ta Chuen Ping Street, Kwai Chung  
(MPC Paper No. A/KC/404)

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Presentation and Question Sessions

3. With the aid of a powerpoint presentation, Ms. Fannie F.L. Hung, STP/TWK,

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of two years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment from a member of Kwai Tsing District Council indicating no comment on the application was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as set out in paragraph 11 of the Paper.

4. Members had no question on the application.

#### Deliberation Session

5. After deliberation, the Committee decided to approve the application on a temporary basis for a period of two years until 21.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

#### Approval conditions

- (a) the submission of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises within three months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.9.2013;

- (b) the implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises within six months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.12.2013; and
- (c) if any of the above planning conditions (a) or (b) 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.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development at the subject premises;
- (b) to note that shorter compliance periods were granted in order to monitor the fulfillment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (c) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (DLO/TW & KT, LandsD) that if the application was approved by the TPB, the owner should apply to DLO/TW & KT, LandsD for a temporary waiver. The temporary waiver application would be considered by the 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 and administrative fee as might be approved by the LandsD;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the compliance with the provisions of the Buildings Ordinance: (i) the premises should be separated from the

remainder of the building with fire resistance period of not less than 2 hours; and (ii) under Buildings Ordinance Section 4(1)(a), an Authorised Person should be appointed to coordinate building works except those exempted works as defined in Buildings Ordinance Section 41; and

- (e) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

[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 4**

##### Section 16 Application

[Open Meeting]

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

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6.            The Secretary said that the application was submitted by Ultramax Investment Ltd and Raymond Chan Surveyors Ltd. and CKM Asia Ltd. were the consultants of the applicant. The following Members had declared interests in this item:

Professor S. C. Wong            -    being the Director of the Institute of Transport Studies of the University of Hong Kong and CKM Asia Ltd. had financially sponsored some activities of the Institute

Professor P.P. Ho                -    had current business dealings with CKM Asia Ltd.

Mr. Dominic K.K. Lam - had current business dealings with Raymond Chan Surveyors Ltd.

7. Members noted that Mr. Dominic K.K. Lam had tendered an apology for being unable to attend the meeting. As the applicant had requested for a deferment of consideration of the application, Members agreed that Professor S.C. Wong and Professor P.P. Ho could stay in the meeting.

8. The Committee noted that on 3.6.2013, the applicant's representative requested the Board to further defer making a decision on the application for another two months so as to allow additional time to conduct site survey on car parking provision around the application site; revise the technical information of the Traffic Impact Assessment Report; and conduct swept path analysis in order to address the comments from the Transport Department.

9. 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 resulting in a total of four 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**

[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 5**

[Open Meeting]

Proposed Amendments to the Approved Aberdeen & Ap Lei Chau

Outline Zoning Plan No. S/H15/27

(MPC Paper No. 13/13)

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10. The Secretary said that the item involved the proposed amendments to the Aberdeen & Ap Lei Chau Outline Zoning Plan. A site under Amendment Item B was to rezone a residential site from “Government, Institution or Community” (“G/IC”) to “Residential (Group A)” (“R(A)”) to reflect an existing Home Ownership Scheme the Hong Kong Housing Authority (HKHA). The following Members have declared interest for this item:

- |   |   |   |
|---|---|---|
| Mr. K.K. Ling<br>Director of Planning                                 | - | being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA   |
| Mr. Frankie Chou<br>Chief Engineer (Works)<br>Home Affairs Department | - | being an alternate member for the Director of Home Affairs who was a member of the SPC and Subsidized Housing Committee of HKHA |
| Ms. Doris Chow<br>Assistant Director of Lands                         | - | as the Director of Lands was a member of HKHA   |
| Mr. Dominic K.K. Lam  | - | had current business dealings with HKHA   |
| Ms. Julia M.K. Lau  | - | being a member of HKHA and Commercial Properties Committee and Tender Committee of HKHA   |

11. Members noted that Mr. Dominic K.K. Lam and Mr. Frankie Chou had tendered apologies for being unable to attend the meeting. As the proposed rezoning was to reflect the as-built situation of the site, Members agreed that Mr. K.K. Ling, Ms. Doris Chow and Ms. Julia M.K. Lau could stay in the meeting.

12. The Secretary said that the Secretary for Home Affairs (SHA) had provided additional comments on the proposed amendments to the approved Aberdeen & Ap Lei Chau OZP which was tabled at the meeting for Members’ information. The replacement pages

(pages 8 and 9 of the Paper) incorporated the responses of the PlanD to the additional comments of the SHA had also been tabled at the meeting for Members' consideration.

### Presentation and Question Sessions

13. With the aid of a powerpoint presentation, Miss Isabel Y. Yiu, STP/HK, presented the proposed amendments to the approved Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) as detailed in the Paper :

Amendment Items A1 and A2: to rezone a site at the junction of Wong Chuk Hang Road and Yip Kan Street from "Government, Institution or Community (1)" to "Other Specified Uses" annotated "Business(2)" and an area shown as 'Road' on the OZP

#### *Proposed Amendments*

- (a) Item A1: rezoning of a site at the junction of Wong Chuk Hang Road and Yip Kan Street from "Government, Institution or Community(1)" ("G/IC(1)") to "Other Specified Uses" annotated "Business(2)" ("OU(B)2"); and
- (b) Item A2: rezoning of a site at the junction of Wong Chuk Hang Road and Tong Bin Lane from "G/IC(1)" to an area shown as 'Road';

#### *Background*

- (a) Item A1: the site (about 0.259 hectare) was a piece of government land located at the junction of Wong Chuk Hang Road and Yip Kan Street, which was zoned "G/IC(1)" on the approved Aberdeen & Ap Lei Chau OZP No. S/H15/27. It was occupied by the former Aberdeen Fire Station which had already been relocated to the new premises at Nam Fung Road in September 2012;
- (b) Item A2: in association with the construction of the South Island Line (East), the southeast corner of the former Aberdeen Fire Station site (0.023ha) (at the junction of Wong Chuk Hang Road and Tong Bin Lane) was under road junction improvement works of the South Island Line

(East) Essential Public Infrastructure Works;

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

*The Sites and the Surrounding Areas*

- (a) the former Aberdeen Fire Station site was located in the Wong Chuk Hang Business Area zoned “OU(B)” and was surrounded by industrial/office buildings on all sides, except Bennet’s Hill to the north. To the immediate west was a staircase and a piece of sloping land within the same “G/IC(1)” zone which was reserved for the development of social welfare facilities;

*Provision of Government, Institution and Community (GIC) Facilities*

- (a) based on the planned population for the area, there was generally no deficit of GIC facilities in the area except for a post office. Since post office was a premises-based facility, it could be easily incorporated in private and/or government buildings. The Postmaster General confirmed that the establishment of an additional post office in the area was not required. The scope for incorporating other GIC facilities within the site would be limited given its small size. Relevant government departments had confirmed that the site was not required for other GIC uses;
- (b) adequate open space was planned and reserved within the Aberdeen & Ap Lei Chau area in accordance with the Hong Kong Planning Standards and Guidelines. Based on the planned population for the area, a total of 33.3 hectares of open space was required. Taking into account the existing and planned open space provision, there was about 35 hectares of land reserved for open space, which was more than adequate to meet the requirement. The Director of Leisure and Cultural Services (DLCS) considered that there was no pressing need for more open space to cater for the community need. The DLCS had no comment on rezoning the site for other uses;

*Planning Intention/Land Use Compatibility*

- (a) the Wong Chuk Hang industrial area had been designated as “OU(B)” zone

since 2001 to encourage the conversion or redevelopment of the existing industrial buildings and sites into commercial and non-polluting industrial use. Rezoning the site for business use was in line with the planning intention and would help facilitate the transformation of the Wong Chuk Hang area into a business area. The proposed business use was compatible with the surrounding land uses;

*Visual, Air Ventilation and Landscape Aspects*

- (a) areas to the north and south of Wong Chuk Hang Road were restricted to a building height of 140mPD and 120mPD respectively to achieve a stepped height profile and a more discernible townscape stepping down towards the waterfront. Since the site was located at the northern part of Wong Chuk Hang Business Area, it was proposed to be rezoned to “OU(B)2” with the same height band as neighbouring sites, i.e. 140mPD. With a maximum height of 140mPD, the proposed development would still be shielded off by the neighbouring developments when viewed from key public vantage points including the Aberdeen Country Park and Aberdeen Channel;
- (b) the subject sites lay clear of the air path and was shielded on the eastern, western and southern sides by buildings. The proposed development was not expected to have adverse air ventilation impacts on the surrounding area;
- (c) there were existing trees of significant sizes in the site, particularly along the northern and eastern boundaries. The future development on the site would likely affect those trees. Tree preservation and landscaping clauses should be included in the lease conditions;

*Traffic and Environmental Infrastructural Aspects*

- (a) the Commissioner for Transport (C for T) advised that the proposed rezoning of the site from “G/IC(1)” to “OU(B)2” would not cause adverse cumulative traffic impacts on the Wong Chuk Hang area and a Traffic Impact Assessment was not required for the rezoning. The C for T would carry out a traffic review to formulate junction improvement works,

if needed;

- (b) the Director of Environmental Protection (DEP) had no in-principle objection to the proposed rezoning taking into account that the proposed rezoning was to help facilitate the transformation of the area for the purpose of general business uses. From the sewerage infrastructure point of view, the DEP suggested imposing a clause in the lease conditions regarding the submission of Sewage Impact Assessment under the lease. The Drainage Services Department and Water Supplies Department had no comment on the proposed rezoning;

*Public Consultation*

- (a) the District Officer (Southern) (DO(S)) advised that the Southern District Council (SDC) was concerned about the short-term and long-term uses of the former Aberdeen Fire Station site. The issue “Inclusion of Ex-Aberdeen Fire Station Site in Land Sale Programme” was discussed in the meeting of the District Development and Environment Committee (DDEC) of the SDC, Members of DDEC were concerned about whether there would be compensation of GIC site in the Southern District, and whether some floor spaces would be reserved in the future commercial building for GIC uses. Members also had opinions about SDC’s role and involvement in district planning procedures. The DDEC of SDC had put forward the following proposals: (i) to retain the site for GIC uses, such as government offices and civic centre; (ii) to rezone the site for open space; and (iii) to reserve certain percentage of gross floor area in the future development for GIC uses, such as for art organizations, non-profit making organizations or creative industries;
- (b) as regards DDEC’s suggestions, the Government Property Administrator (GPA) had not received any bids for government offices at the site being occupied by the former Aberdeen Fire Station in the coming few years and advised that there was no plan for development of the site for a joint user building. The SHA and DLCS confirmed that there was no plan to provide a civic centre at the site. As the provision and operation of civic

centres involved heavy capital investment and long-term commitment of resources, the Government had to prudently take into consideration various factors in the planning of new facilities to ensure the effective use of resources. The SHA and DLCS would continue to monitor the demand for cultural performance venues in the Southern District, which would be taken into consideration in the overall planning of future cultural facilities. The DLCS considered that there was no pressing need for more open space in the district. However, the SHA supported reserving certain percentage of gross floor area in the future development for GIC uses, including space for art organizations from the arts and cultural angle. According to the Notes of the “OU(B)” zone, ‘Place of Recreation, Sports or Culture’ and ‘Research, Design and Development Centre’ were uses always permitted for new developments. Detailed arrangements could be determined in drafting the lease conditions for the future development; and

*Designation of Road Area*

- (c) the southern corner of the former Aberdeen Fire Station site, which was under road junction improvements, would be designated as an area shown as ‘Road’ to reflect the intended road uses;

Amendment Item B: to rezone part of Yue Fai Court from “G/IC” to “Residential (Group A)” (“R(A)”)

- (a) the site was currently zoned “G/IC”. It was the subject of a planning permission for residential development submitted by the Director of Housing to facilitate the Home Ownership Scheme Phase 2A development, which was approved by the Board on 16.12.1977. The development of Yue Fai Court was completed in 1980. According to the District Lands Officer/Hong Kong West & South, Lands Department, the site was granted to the HKHA under Aberdeen Inland Lot No. 393 section A for residential purpose. Opportunity was taken to rezone this part of Yue Fai Court from “G/IC” to “R(A)” (about 0.311 hectare) to reflect the as-built situation. The rezoned area would follow the same building height restriction under the “R(A)” zone, i.e. 120mPD;

Proposed Amendments to the Notes and Explanatory Statement (ES) of the OZP

- (a) to increase flexibility and in line with the policy on revitalization of old industrial buildings, the Board on 10.6.2011 agreed to amend the Master Schedule of Notes (MSN) to include 'Eating Place', 'Institutional Use (not elsewhere specified)', 'Public Clinic' and 'Training Centre' uses (in wholesale conversion of an existing industrial building only) in Column 2 of the user schedule of the "Industrial" ("I") zone. The Notes of the "I" zone of the OZP were proposed to be amended to accord with the revised MSN;
- (b) amendments to the exemption clause in the Remarks on maximum gross floor area for the "Comprehensive Development Area" and "R(A)" zones, on maximum plot ratio and site coverage for the "R(C)" zone and on maximum plot ratio for the "R(E)" zone to clarify that exemption of caretaker's quarters and recreational facilities was 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; and
- (c) opportunity had also been taken to update the general information for the various land use zones to reflect the latest status and planning circumstances of the OZP; and

Public Consultation

- (a) the SDC would be consulted on the amendments to the OZP during the exhibition period of the draft Aberdeen & Ap Lei Chau OZP No. S/H15/27A (to be renumbered to S/H15/28 upon exhibition) for public inspection under section 5 of the Town Planning Ordinance, which was a statutory consultation procedure to solicit public views.

14. A Member asked about the future use of the "G/IC(1)" site to the north of the proposed "OU(B)2" site (Amendment Item A1) which was covered with vegetation. In response, Ms. Ginger Kiang said that the "G/IC(1)" site was on an existing vegetated slope which was previously designated for the use of the Water Supplies Department (WSD). The WSD had later advised that the site was not required and hence it was left vacant and covered

with some vegetation. It was currently reserved for the development of social welfare facilities by the Social Welfare Department.

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

15. Noting that there were still existing industrial buildings along Wong Chuk Hang Road under the “OU(B)” zoning, the same Member asked what would likely be developed at the subject site after the proposed rezoning to “OU(B)2”. In response, Ms. Ginger Kiang said that in 2001, the PlanD had conducted a review on the industrial sites in Wong Chuk Hang area. Noting that the area was undergoing transformation, the Board agreed to rezone it to “OU(B)” so as to encourage transformation of industrial buildings into commercial and non-polluting industrial uses. The planning intention of the “OU(B)” zone was primarily for general business uses and office and commercial uses would be permitted as of right in new commercial building. Since the rezoning to “OU(B)”, there had been gradual transformation of the area with redevelopment of individual sites to business or other commercial uses including hotel. As the subject site was located at the end of this strip of “OU(B)” zone, it was considered appropriate to rezone it to “OU(B)2” so as to be compatible with the planned use of the surrounding area. The Chairman added that the planning intention of the “OU(B)” zone was to encourage transformation of the obsolete industrial sites for commercial/business uses. This would be achieved through in-situ conversion of the existing industrial buildings or redevelopment to new business/ commercial uses. As the transformation process would take time, there would be a mix of old industrial buildings as well as new office/commercial buildings in the same area before the transformation was completed.

16. In response to the same Member’s enquiry about the exclusion of a public road in site area calculation as stated in paragraph 4.7 of the Paper, Ms. Ginger Kiang said that Yip Kan Street was a public road gazetted under the Roads (Works, Use and Compensation) Ordinance. Although a section of Yip Kan Street was included within the “OU(B)2” zone, it was an established practice that the area of the road would be excluded for plot ratio and site coverage calculation for the future development or the “OU(B)” zone. The Chairman supplemented that since the OZP was to indicate a broad-brush zoning, there would be situation when small strips of land not intended for development purposes and carried no development right under the lease, such as areas for access road purpose, were included in the

broad zoning. It was the general practice that such areas should not be taken into account in the plot ratio and site coverage calculation. Such requirement was incorporated in the Explanatory Statement of the OZP.

17. A Member said that under the Buildings Ordinance, area of public road would be excluded from the site area calculation for the purpose of plot ratio and site coverage calculation for development.

18. In response to a Member's question, Ms. Ginger Kiang said that the site under Amendment Item B was at present zoned "G/IC". The site was the subject of a planning application for the HOS development (i.e. Phase 2 of Yue Fai Court) approved by the Board in 1977. The proposed rezoning of this part of Yue Fai Court from "G/IC" to "R(A)" was to reflect the as-built situation.

19. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) and that the draft Aberdeen & Ap Lei Chau OZP No. S/H15/27A at Attachment II of the Paper (to be renumbered to S/H15/28 upon exhibition) and its Notes at Attachment III of the Paper were suitable for exhibition under section 5 of the Town Planning Ordinance; and
- (b) adopt the revised Explanatory Statement at Attachment IV of the Paper for the draft Aberdeen & Ap Lei Chau OZP as an expression of the planning intention and objectives of the Town Planning Board for the various land use zones of the OZP, and was suitable for exhibition together with the OZP and its Notes.

[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 6**

**Section 16 Application**

[Open Meeting]

A/H14/74                      Proposed Heritage Hotel with Minor Relaxation of Plot Ratio Restriction from 0.5 to 0.68 in “Residential (Group C) 2” zone, 27 Lugard Road, The Peak Area  
(MPC Paper No. A/H14/74)

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20.            The Secretary reported that the application was submitted by Crown Empire Ltd. and AGC Design Ltd., MVA Hong Kong Ltd., and Adrian L. Norman Ltd. were the consultants of the applicant.    The following Members had declared interests in this item:

Mr. Patrick H.T. Lau            -    had current business dealings with AGC Design Ltd. and MVA Hong Kong Ltd.

Ms. Julia M.K. Lau            -    had current business dealings with MVA Hong Kong Ltd.

Mr. Dominic K.K. Lam        -    had current business dealings with Adrian L. Norman Ltd.

21.            Members noted that Mr. Dominic K.K. Lam and Mr. Patrick H.T. Lau had tendered apologies for being unable to attend the meeting.    As the applicant has requested for a deferment of consideration of the application, Members agreed that Ms. Julia M.K. Lau could stay in the meeting.

22.            The Committee noted that on 31.5.2013, the applicant’s representative requested the Board to defer making a decision on the application for a period of two months so as to allow sufficient time for the applicant to address the comments from concerned government departments.

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 two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting]

A/H15/256                      Proposed Yacht Centre-led Mixed Development (including Yacht Centre, Marine Exhibit, Shop and Services and Boat-yards) in “Industrial” zone, Government Land to the East of Ap Lei Chau Praya Road, Ap Lei Chau  
(MPC Paper No. A/H15/256)

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24.            The Secretary reported that the application was submitted by Kerry Property Management Services Ltd. and Townland Consultants Ltd. was the consultant of the applicant. Mr. Dominic K.K. Lam had declared an interest in this item as he had current business dealings with the consultant. Members noted that Mr. Lam had tendered an apology for being unable to attend the meeting.

25.            The Committee noted that on 5.6.2013, the applicant’s representative requested the Board to defer making a decision on the application for two months in order to allow additional time for the applicant to resolve various issues raised by the concerned government departments.

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

**Agenda Item 8**

**Section 16 Application**

[Open Meeting]

A/H17/129                      Proposed Minor Relaxation of Building Height Restriction for Permitted House Development in “Residential (Group C) 5” zone, 35 South Bay Road, Hong Kong (Rural Building Lot 1168)  
(MPC Paper No. A/H17/129A)

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27.                      The Committee noted that on 3.6.2013, the applicant’s representative requested the Board to further defer the consideration of the application by two months in order to allow sufficient time for the applicant to review and revise the on-site tree preservation proposals within the non-development area and prepare additional mitigation measures to enhance the visual amenity of the development to address the concerns raised by the Chief Town Planner/Urban Design and Landscape, Planning Department.

28.                      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 resulting in a total of four months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 9**

**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  
(MPC Paper No. A/H13/28A)

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29.                      The Secretary said that the application was submitted by the French International

School “Victor Segalen” Association Ltd. and LD Asia Ltd., Scott Wilson Ltd. and URS Hong Kong Ltd. were the consultants of the applicant. The following Members had declared interests in this item:

Mr. Patrick H.T. Lau - had current business dealings with LD Asia Ltd.

Mr. Dominic K.K. Lam - had current business dealings with Scott Wilson Ltd. and URS Hong Kong Ltd.

30. Members noted that Mr. Dominic K.K. Lam and Mr. Patrick H.T. Lau had tendered an apology for being unable to attend the meeting.

31. The Committee noted that on 17.6.2013, the applicant’s representative wrote to the Secretary of the Board and requested the Board to further defer making a decision on the application for two meetings i.e. 19.7.2013 in order to allow additional time for the applicant to prepare supplementary information to address the comments of relevant government departments.

32. 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 one month resulting in a total of two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

## **Agenda Item 10**

### **Section 16 Application**

[Open Meeting]

A/H8/419                      Proposed Comprehensive Residential, Commercial (Eating Place, Shop and Services), Public Open Space, Government, Institution or Community Uses, Public Coach Park and Public Transport Terminus Development in “Comprehensive Development Area (3)” zone, Inland Lot No. 9027 and Adjoining Government Land, Java Road and Tin Chiu Street, North Point  
(MPC Paper No. A/H8/419A)

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33.                      The Secretary said that the application was submitted by Choice Win (H.K.) Ltd. which was a subsidiary of Sun Hung Kai Properties Ltd. Mr. Patrick H.T. Lau and Ms. Julia M.K. Lau had declared interests in this item as they had current business dealings with the applicant. Members noted that Mr. Patrick H.T. Lau had tendered an apology for being unable to attend the meeting. As the applicant had requested for a deferment of consideration of the application, Members agreed that Ms. Julia M.K. Lau could stay in the meeting.

34.                      The Committee noted that on 20.6.2013, the applicant’s representative requested the Board to defer making a decision on the application for one meeting (i.e. 5.7.2013) in order to allow additional time for the applicant to prepare clarifications and responses to address the comments of relevant government departments on technical aspects.

35.                      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 weeks were 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 11**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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**Presentation and Question Sessions**

36.                With the aid of a powerpoint presentation, Ms. April K.Y. Kun, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
  
- (b)    the proposed hotel (a 17-storey hotel with 60 guestrooms at a plot ratio of 12);
  
- (c)    departmental comments – the Commissioner of Police (C of P) commented that the hotel development would inevitably increase both the pedestrian and traffic flow in the vicinity and the increase would cause safety problems to other road users. Other government departments had no objection to or adverse comments on the application;
  
- (d)    during the first three weeks of the statutory publication periods of the application and the further information, seven public comments were received. The comments were submitted by a member of Central & Western District Council, Designing Hong Kong Limited, Central and Western Development Concern Association and members of the public raising objections to or having concern on the application. The seven commenters mainly raised concerns on that the proposed hotel development would generate adverse/cumulative traffic impacts to the district as Des Voeux Road West and Eastern Street which were both narrow and not suitable for parking of vehicles. The additional traffic caused by the proposed hotel development would also pose danger to

pedestrian safety. The proposed hotel development would cause fire risk, pollution and noise impact on the nearby residential developments. The commenter suggested that as there were many hotels in Sai Ying Pun area, the overall impacts brought by the hotel developments on the community should be carefully assessed; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 10 of the Paper. The application site fell within the “Residential (Group A)” zone which was intended primarily for high-density residential development. The cumulative effect of changing residential land for non-residential uses would result in a reduction of sites for residential developments. In view of the current acute shortage of housing land, there was no strong justification to redevelop a site planned for residential use for hotel development. The Board had recently rejected hotel applications in residential zones at various locations for the same reasons. The C of P also pointed out that the proposed hotel would inevitably increase both the pedestrian and traffic flows in the vicinity which would have safety concern to other road users. Besides, despite the applicant's claim that the proposed hotel was not expected to generate significant amount of additional traffic and there were adequate kerb space available for the hotel pick-up/drop-off and loading/unloading activities, the Commissioner for Transport stated that there was no guarantee of loading/unloading space on public roads in vicinity of the frontage of the subject location. Seven public comments were received raising objection or having concern on the application on adverse traffic impact, fire hazard, pollution and noise impacts caused by the proposed hotel development.

37. Members had no question on the application.

Deliberation Session

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

- (a) the application site was located in a predominant residential neighbourhood. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory; and
- (b) there were no planning merits to justify the proposed hotel development.

**Agenda Item 12**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/412                      Proposed Hotel with Eating Place in “Residential (Group A) 12” zone,  
20, 22, 24 and 26 Staunton Street, Central  
(MPC Paper No. A/H3/412)

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39. The Secretary said that the application was submitted by King Century Limited and CKM Asia Ltd. and Chau Ku & Leung Architects & Engineers Ltd. were the consultants of the applicant. The following Members had declared interests in this item:

Professor S. C. Wong            -    being the Director of the Institute of Transport Studies of the University of Hong Kong and CKM Asia Ltd. had financially sponsored some activities of the Institute

- Professor P.P. Ho - had current business dealings with CKM Asia Ltd.
- Mr. Patrick H.T. Lau - had current business dealings with Chau Ku & Leung Architects & Engineers Ltd.

40. Members noted that Mr. Patrick H.T. Lau had tendered an apology for being unable to attend the meeting. As Professor S.C. Wong and Professor P.P. Ho's business dealings with the applicant's consultants were not related to the subject application, Members agreed that their interests were indirect and they could stay in the meeting for the item.

#### Presentation and Question Sessions

41. With the aid of a powerpoint presentation, Ms. April K.Y. Kun, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel development with eating place/shop and services (a 25-storey hotel accommodating 90 guestrooms at a plot ratio of not more than 12);
- (c) departmental comments – the Commissioner for Transport (C for T) had reservation on the application from the traffic point of view. He had some comments on the Traffic Impact Assessment (TIA) submitted by the applicant, with regard to the footpath level of service, lay-by utilization surveys, accessibility by large vehicles and peak hours lay-by demand analysis. The C for T considered that the application, if approved, might set a precedent for similar applications, the cumulative effect of which would have adverse traffic impacts on the on-street communal transport facilities. The Commissioner of Police (C of P) objected to the application and commented that the noise nuisance and illegal parking arising from patrons of the restaurants and bars found on the ground floor of old low-rise buildings had posed long-term disturbance to the local residents. Staunton Street was a narrow street with only one-way traffic

from the west to Aberdeen Street. The pavements on both sides of the street were also narrow. The proposed hotel would increase the crowd and traffic flow which could not be accommodated by this small street. As no parking facilities were provided in the hotel, coaches and other vehicles conveying guests and patrons of the hotel would stop outside the hotel for picking up/dropping off passengers. This would further affect the vehicular and pedestrian traffic flow in the area, in particular during the evening peak hours and at weekends. Any obstruction at the portion of Staunton Street would affect emergency vehicle access to the cul-de-sac of 62-76 Peel Street and Elgin Street;

- (d) during the first three weeks of the statutory publication periods of the application and the further information, a total of 98 public comments were received. The comments were submitted by the Central & Western Caucus of the Democratic Party, a member of Central & Western District Council, Designing Hong Kong Limited, the Central & Western Concern Group, residents of Million City and members of the public. The comments as detailed in paragraph 9 of the Paper was summarized below:

*Support/Positive Comments*

- (a) there was acute shortage of hotel rooms in Hong Kong and the Government should encourage hotel development. The site was located within the SOHO area/ Central, it was suitable for hotel and commercial developments;
- (b) the proposed hotel would improve the dilapidated Staunton Street and enhance the fabric of the neighbourhood. Besides, it would not generate adverse impacts;
- (c) there were several commercial and hotel developments in the surrounding "Residential (Group A)" ("R(A)") zone and the proposed hotel was considered not incompatible with the surrounding;

*Objection*

- (d) the proposed hotel development was not in line with the “R(A)” zone, which was primarily intended for residential use. It was also incompatible with the surrounding residential area. The low-rise character of the area should also be maintained. Approval of the application would set an undesirable precedent for other similar applications;
  - (e) Hong Kong was lacking of land for housing supply and there were enough hotels/eating places in the area. The site should be redeveloped for residential use, instead of hotel or other commercial use;
  - (f) SOHO was a unique and vibrant residential area located adjacent to heritage sites. The proposed hotel development would destroy the character/ambience of the area/ ‘Central Old City’; and
  - (g) there were no car parking and loading/unloading facilities at the proposed hotel development. It would affect the safety of the local residents and visitors. The proposed hotel development with eating place would generate significant environmental, air ventilation, visual, traffic, health and security impacts on the surrounding area and local residents; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as set out in paragraph 10 of the Paper. The application fell within the “R(A)” zone which was intended primarily for high-density residential development. The cumulative effect of changing residential land for non-residential uses would result in a reduction of sites for residential developments. In view of the current acute shortage of housing land, there was no strong justification to redevelop a site planned for residential use for hotel development. The Board had recently rejected hotel applications in residential zones at various locations for the same reasons. The existing streets and footpaths

in the SOHO area were narrow and there were vehicular and pedestrian conflicts, the C for T and C of P had reservation on/objection to the application. It was considered that the proposed hotel would attract more vehicular and pedestrian traffic and greater demand for on-street loading/unloading facilities. As no parking and loading/unloading facilities were to be provided, on-street picking up/dropping off activities were foreseen. It would adversely affect the traffic flow of the area. The TIA submitted by the applicant was not satisfactory as it failed to demonstrate that the proposed hotel development would not aggravate the traffic conditions on the roads. Approval of the application might set an undesirable precedent and the cumulative effect of approving similar applications would have adverse traffic impacts on the on-street communal transport facilities. As regards the public comments on traffic concern, both C for T and C of P had raised similar concern. Regarding the public comments relating to environmental, visual and air ventilation and impacts, relevant government departments including the Environmental Protection Department, Drainage Services Department, Architectural Services Department and Planning Department had no adverse comments on the those aspects.

42. Members had no question on the application.

#### Deliberation Session

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

- (a) the application site was located in a predominant residential neighbourhood. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory;

- (b) the proposed development would attract more vehicular and pedestrian traffic and greater demand for on-street loading/unloading facilities. The Traffic Impact Assessment submitted by the applicant failed to address the traffic impacts generated by the proposed development on the area; and
- (c) approval of the application might set an undesirable precedent, and the cumulative effect of approving similar applications would adversely affect the traffic condition of the area.

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

[A short break of 5 minutes was taken at this point.]

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

### **Kowloon District**

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

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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44.                      The Secretary reported that the application was submitted by Cycle Co. Limited,

Gunnell Properties Limited and New Hung Property Limited and Kenneth To & Associates Ltd. was the consultant of the applicants. Mr. Dominic K.K. Lam and Mr. Patrick H.T. Lau had declared interests in this item as they had current business dealings with the consultant of the applicants. Members noted that Mr. Dominic K.K. Lam and Mr. Patrick H.T. Lau had tendered apologies for being unable to attend the meeting.

45. The Secretary said that the replacement pages (pages 11, 21 and 23), which incorporated the latest comments provided by the Lands Department (LandsD), were tabled at the meeting for Members' consideration.

#### Presentation and Question Sessions

46. With the aid of a powerpoint presentation, Ms. Karen F.Y. Wong, STP/K, presented the application and covered the following aspects as detailed in the Paper :

##### Background to the application

- (a) the application site consisted of two existing industrial-office (I-O) buildings i.e. Paul Y. Centre and Spectrum Tower;
- (b) the application site was located in the centre of the Kwun Tong Business Area. To the immediate northeast of the subject buildings was an existing back lane connecting Tsun Yip Street and How Ming Street. There were a few parking and loading/unloading parking spaces at the rear portions of some of the industrial buildings along the back lane. The back lane served as a one-way public carriageway/road where traffic would enter from Tsun Yip Street and exit at How Ming Street;
- (c) to the further northeast across the back lane was the Tsun Yip Street Playground. It was currently the only major piece of public open space at the central part of Kwun Tong Business Area and would be transformed into an 'Industrial Heritage Park' under the Energizing Kowloon East initiative;

### The Proposal

- (a) the proposal was for wholesale conversion of two existing I-O buildings at 51 and 53 Hung To Road respectively for commercial and hotel uses. The existing building at 51 Hung To Road (i.e. Paul Y Centre) was proposed to be converted into a commercial development (including 'Eating Place', 'Office' and 'Shop and Services' uses); while the building at 53 Hung To Road (i.e. Spectrum Tower) would be converted into a hotel development (a 22-storey hotel accommodating 360 guestrooms at a plot ratio of not more than 12);

### *Design of the Podia*

- (b) part of the G/F, 1/F and 2/F of the proposed hotel and the proposed commercial development fronting onto the Tsun Yip Street Playground was proposed to be opened up by demolishing the existing concrete façade walls and setting back the building facades. Active uses such as shop/food & beverage (F&B) would be provided in this area. These features and uses would enhance street vibrancy and pedestrian environment, which echoed with one of the planning and urban design intention of the Conceptual Master Plan for Energizing Kowloon East promulgated by the Government i.e. face-lifting of the Tsun Yip Street Playground by converting it into the 'Kwun Tong Industrial Heritage Park' ("the Heritage Park");
- (c) within the G/F open-up area, a setback area (about 60m<sup>2</sup>) and a covered communal landscaped garden (about 150m<sup>2</sup>) would be provided with the provision of amenity and pedestrian way for passers-by, which would improve visual and pedestrian permeability to the Tsun Yip Street Playground. The opening hours of the two areas would align with those of the future Heritage Park. The applicants proposed to retain ownership of the open-up of an area for the long-term management and maintenance by the applicants;
- (d) covered landscaped gardens would be provided on the whole level of

2/F and on the flat roof of 3/F of the proposed hotel to enhance urban greening for the area and to allow the greenery of the future Heritage Park to extend visually to the corner of Hung To Road and Tsun Yip Street;

*Transport Facilities Provision*

- (e) no parking spaces and ingress/egress facility were to be provided at the proposed hotel. All the required transport facilities for both the proposed hotel and commercial developments would be provided at the proposed commercial development, with the ingress/egress provided at Hung To Road. The required parking provision for the proposed commercial and hotel developments and the proposed provision were summarized as follows :

<b>Transport Facilities Provision</b>	<b>Commercial Development (Minimum HKPSG requirement)</b>	<b>Hotel Development (Minimum HKPSG requirement)</b>	<b>Proposed Provision All be provided at 51 Hung To Road (Paul Y Centre)</b>
Private Car Parking Space	138	8	146
Motorcycle Parking Space	14	1	15
Loading/Unloading (L/UL) Bay	13	3	16
Taxi/Private Car Lay-by	-	3	3
Single-deck Tour Bus Lay-by	-	2	2
Container Parking Space	-	-	-
<b>Total</b>	<b>165</b>	<b>17</b>	<b>182</b>

- (f) all the car parking spaces and loading/unloading bays for the proposed hotel development were to be located on 2/F except one hotel taxi lay-by to be located on G/F of the proposed commercial development. It was proposed that hotel users and goods delivered on 2/F of the proposed commercial development could enter the proposed hotel via two connection points leading to the lobby and service lifts on 2/F of the proposed hotel. Hotel users dropping off at G/F of proposed commercial building could get into the hotel lobby via the lifts at the proposed commercial development. The

applicants also proposed to erect suitable internal signage to direct the taxi to the 2/F of the proposed commercial development for picking up/ dropping-off of the hotel users;

- (g) according to the applicants, the proposed arrangement would allow the removal of the existing vehicular ingress/egress, ramp, and car parking and loading/unloading areas at G/F to 3/F of Spectrum Tower upon conversion for hotel use. The G/F of the proposed hotel would be opened up with setback area, which would resolve the pedestrian-vehicular conflict at the pavement of Tsun Yip Street. Such arrangement would also allow conversion of the podium for more compatible uses as well as redesigning the building frontage facing the Tsun Yip Street Playground;
- (h) according to the applicants, the possibility of a compromised scheme had been explored such that some of the existing car parking and loading/unloading spaces currently provided at 1/F of Spectrum Tower could be maintained for the hotel use, whilst the proposed setback and open-up area on G/F could still be provided in the proposed hotel development. The applicants indicated that such scheme would involve the relocation of the existing ingress/egress and ramp of the hotel closer to Hung To Road which was not desirable from traffic engineering point of view. The applicants also indicated that such proposal would involve complicated lease modification exercise which they were not prepared to get into for a wholesale conversion project;

*Proposed Enforcement Mechanism*

- (i) the applicants, who were also the owners of both lots, proposed that the transport facilities arrangement could be enforced through the separate special waivers to be applied for the two developments. The applicants also stated that such transport facilities arrangement could be implemented through the proposed 'Deed of Grant', the established enforcement procedures of application/renewal of hotel

licence, and the general building plans. The owner of the hotel development could also purchase the respective transport facilities provided in the commercial development to ensure the provision;

#### Departmental Comments

- (a) concerned government departments including the District Lands Officer/Kowloon East, LandsD (DLO/KE, LandsD), the Commissioner for Transport (C for T), Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD& L, PlanD), the Chief Officer (Licensing Authority), Home Affairs Department (CO (LA), HAD) and the Head of Energizing Kowloon East (Head/EKEO) had the following comments:

#### *Comments from DLO/KE, LandsD*

- (b) the DLO/KE, LandsD noted that if the planning application was approved by the Board, it was the intention of the applicants to apply for two Special Waivers for the “Conversion of an Entire Existing Industrial Building” in accordance with the Lands Administration Office Practice Note Issue No. 1/2010 and 1/2010A. The LandsD acting in its capacity as private landlord may, at its sole and absolute discretion, approve or reject any Special Waiver applications individually for each of the lots concerned. The Special Waiver (if approved) would primarily waive the Government’s right to enforce the user restriction in the lease conditions for the existing building. However, any provisions of parking and loading/unloading facilities outside the concerned lot were not appropriate and therefore could not be imposed in the Special Waivers;
- (c) the proposed special transport arrangement, i.e. the car parking provision for the proposed hotel development to be provided in the adjacent commercial development would not be implemented through the Special Waivers. It was also noted that the applicants had proposed to deal with this matter by way of a ‘Deed of Grant’ which would be a private agreement between the owners of the two

lots and the Government would not be a party in the agreement. On this basis, it was up to the Board to consider the relevancy of the proposed 'Deed of Grant' to the special transport arrangement;

*Comments from C for T*

- (d) the C for T had reservation on the application and commented that if the applicants insisted on providing the transport facilities for the proposed hotel in the commercial development, the applicants should satisfy the concerned departments and the Board that the land issue arising from putting all transport facilities in the proposed commercial development could be resolved in the Special Waiver conditions or other legal documents;
- (e) the C for T considered that should the proposed connection points between the hotel and the commercial developments be closed for some security or other reasons, the purpose of providing off-street loading/unloading facilities would be defeated even if the proposed 'Deed of Grant' or 'Sale of Facilities' was considered practicable. Thus, the connection between the two buildings was still an issue to be sorted out;
- (f) it was noted that Spectrum Tower was currently providing eight loading/unloading spaces and 43 private car parking spaces. The required transport facilities for hotel use were less than that for industrial use. There was no reason why the applicants could not provide the transport facilities in the proposed hotel to meet the requirements as set out in the HKPSG. The applicants' claim that it was infeasible to include the transport facilities in the proposed hotel was not convincing;
- (g) the back lane connecting Tsun Yip Street and How Ming Street was a 3m wide one-way public access road/carriageway serving mainly the nearby lots. The entry/exit points had to be on Tsun Yip Street/How Ming Street. Regarding the possible closure of the

back lane for a vehicular-free area, if access to the loading/unloading facilities of the nearby lots was required to be maintained, closure of this lane was not appropriate as the junction of Hung To Street/Tsun Yip Street had heavy vehicular and pedestrian traffic with frequent roadside parking and loading/unloading activities. Besides, if the public road was to be permanently closed, it was required to de-gazette the road. In addition, partial closure of the back lane would require changing the road to two ways. However, the back lane might not be wide enough to allow 2-way traffic;

*Comments from the CO (LA), HAD*

- (h) there was no provision under the Hotel and Guesthouse Accommodation Ordinance (HAGAO) that mandatorily governed what areas should be included in the hotel licensed area when an applicant made an application for hotel licence. Thus, the applicants were not bound by the HAGAO to include the transport facilities located in the adjoining building in the application for hotel licence;
- (i) as the proposed licensed area should be physically connected, the applicants had yet to demonstrate how the transport facilities located in the adjoining building could be physically connected and integrated with the proposed licensed area of the hotel block;

*Comments from the CTP/UD&L, PlanD*

- (j) the proposed development was a wholesale conversion of two existing I-O buildings for hotel and commercial uses without any increase of the existing development intensity or building height/bulk. The CTP/UD&L, PlanD did not have any comment on the proposal from the urban design perspective;
- (k) regarding the proposed opening up of the existing blank facades (G/F to 2/F) fronting the Tsun Yip Street Playground and Tsun Yip Street for shop/F&B uses, the setting back of G/F of the hotel for a

communal landscaped garden, and the provision of communal landscaped areas at 2/F and 3/F of the hotel, the design features were supported from urban design perspective for they could create a more pleasant and vibrant pedestrian environment and enhance the interface and visual connection between the proposed development and the adjoining public open space;

- (l) the CTP/UD&L, PlanD had no objection to the application from the landscape planning perspective. Moreover, adverse landscape impacts caused by the proposed hotel and commercial developments was not anticipated;

*Comments from the Head/EKEO*

- (m) the application site was located adjacent to the Tsun Yip Street Playground. In the Conceptual Master Plan version 2.0 of 'Energizing Kowloon East', the Tsun Yip Street Playground would be converted into the "Kwun Tong Industrial Heritage Park" as an inviting place for activities bringing liveliness to the business area. It was noted that the applicant proposed to provide F&B facilities and communal landscape setback to replace the existing vehicular ramp and E&M plant rooms fronting the Tsun Yip Street Playground which would tie in with the planning objective of 'Energizing Kowloon East' and benefit to enhancing diversity, vibrancy and pedestrian connectivity to the Tsun Yip Street Playground;
- (n) it was noted that the applicants proposed a vehicular-free zone/an open-up area facing the Tsun Yip Street Playground. However, the back lane connecting How Ming Street and Tsun Yip Street comprised a continuous strip of government land that served as public vehicular access. Therefore the area fronting the Tsun Yip Street Playground would not be vehicular-free as such;
- (o) it was the long-term vision of Energizing Kowloon East to enhance pedestrian walking environment. Synergy effect between the

public spaces and developments in the vicinity to enhance diversity, vibrancy and pedestrian connectivity would benefit the community in the long run;

Public Consultation

- (a) during the first three weeks of the statutory publication periods of the application and the further information, a total of three public comments were received. Two comments from the Chairman of Kwun Tong Central Area Committee supported the application. The other public comment expressed concern that the proposed hotel use would bring more coaches to the area and would therefore further aggravate the traffic congestion and air pollution problems; and

The Planning Department (PlanD)'s views

- (a) the Planning Department (PlanD)'s views – PlanD had the following assessments as set out in paragraph 12 of the Paper, which was summarized as below:

*The proposed hotel and commercial development was in line with the planning intention of “OU(B)” zones*

- (b) the application was for wholesale conversion of two existing I-O buildings for proposed commercial and hotel uses, which was generally in line with the planning intention of the “OU(B)” zone. The planning intention of the “OU(B)” zone was primarily to encourage development of new buildings or redevelopment/conversion of the whole building for commercial and clean industrial uses;
- (c) the proposed conversion did not involve any increase in development bulk and building height of the subject buildings. The proposed plot ratios and building heights of the commercial and hotel developments complied with the plot ratio restrictions of 12.0 and building height restriction of 160mPD as stipulated on the OZP;

- (d) the proposed commercial and hotel developments were also in line with the Town Planning Board Guidelines No. 22D for “Development within “OU(B)” Zone” in that they were compatible with the surrounding land uses. The proposal would help improve the existing urban environment and serve as a catalyst in phasing out the current industrial uses within the “OU(B)” zone. The proposed uses would unlikely have significant adverse impacts on the environment and provisions of infrastructure;

*Urban Design Consideration*

- (e) the proposed opening up of the existing blank facades and other design features would create synergy with the future Heritage Park. The proposed setback area of 60m<sup>2</sup> and a covered communal landscaped area of about 150m<sup>2</sup>, helped create a wider pedestrian way for more comfortable pedestrian walking environment and thus improving the visual permeability from the future Heritage Park to the area. The Head/EKEO considered that the proposed design features tied in with the planning objective of Energizing Kowloon East. The CTP/UD&L, PlanD also supported the design features from the urban design perspective;

*Transport Facilities*

- (f) at present, 51 car parking and loading/unloading spaces were provided in Spectrum Tower. Such provisions were more than the 17 spaces required for the hotel development. The applicants claimed that the provision of coach loading/unloading spaces on G/F of the hotel development was technically not feasible due to headroom constraint;
- (g) the applicants proposed to delete the existing vehicular ingress/egress, internal driveway and parking facilities in the proposed hotel development in order to realize the urban design features and a vehicular-free zone concept adjoining the future Heritage Park. While the Head/EKEO considered that synergy effect

between public spaces and developments in the vicinity to enhance diversity, vibrancy and pedestrian connectivity would benefit the community in the long run, the C for T advised that full or partial closure of the back lane from vehicle traffic might not be feasible, as some vehicles needed to use the back lane for access to the parking and loading/unloading bays of some industrial buildings along the back lane. In all, although the concept of creating a vehicular-free zone adjoining the future Heritage Park as suggested by the applicants could not be fully realized at this stage, the pedestrian could still be benefited from the removal of vehicular-pedestrian conflict at the present ingress/egress of Spectrum Tower along Tsun Yip Street under the proposed scheme;

*Implementation Mechanism for the Proposed Transport Arrangement*

- (h) the applicants proposed to realize the transport arrangement between the two buildings through the Special Waivers, the 'Deed of Grant' and the enforcement procedures of application/renewal of hotel licence. In this regard, the C for T had reservation on the proposed transport facilities arrangement and considered that the applicants should satisfy concerned departments and the Committee that the land issue arising from such arrangement could be resolved. The C for T considered that should the proposed connection points between the hotel and the commercial developments be closed for some security or other reasons, the purpose of providing off-street loading/unloading facilities would be defeated. The DLO/KE, LandsD advised that any provision of parking and loading/unloading /lay-by facilities outside the hotel lot could not be imposed via the Special Waivers. The applicants' proposed 'Deed of Grant' was a private agreement between the owners of the two lots and the Government would not be a part in the agreement. The CO(LA), HAD also advised that the hotel licence would not impose control on the provision of intended transport facilities both inside and outside the hotel licensed area. In this regard, an effective mechanism considered acceptable in land administrative terms, which would be

essential to ensure that the transport arrangements as proposed could be implemented for the life time of the hotel development, could not be identified at this stage; and

- (i) in the absence of an effective mechanism to ensure the implementation of the transport arrangement as proposed, PlanD did not support the planning application.

47. A Member said that as compared with the existing I-O buildings, there were design merits in the proposed commercial and hotel developments in opening up the area and improving visual connection between the proposed developments and the adjoining Tsun Yip Street Playground. However, there was an outstanding problem related to the transport facilities arrangement which needed to be resolved. In response to this Member's question, Ms. Karen Wong said that the applicants claimed that the proposed transport facilities arrangement between the two developments could be realized through incorporation of conditions in the Special Waivers, the proposed 'Deed of Grant' or the established enforcement procedures under the hotel license. Regarding the proposed 'Deed of Grant', the applicants indicated that there would be conditions clearly specifying the exclusive right of the hotel users to use the assigned transport facilities within the commercial development and such 'Deed of Grant' would be legally binding for both existing owners and future owners of the developments.

48. Ms. Karen Wong continued to say that concerned government departments had concerns on the transport facilities arrangement. The C for T considered that if the proposed connection points between the two developments were closed for some reasons, the purpose of providing off-street loading/unloading facilities would be defeated. The DLO/KE, LandsD advised that any provision of parking and loading/unloading facilities outside the concerned lot were not appropriate and therefore could not be imposed in the Special Waivers; the CO(LA), HAD advised that there was no provision under the HAGAO that mandatorily governed what areas should be included in the hotel licensed area when an applicant made an application for hotel licence. Hence, the applicants were not bounded by HAGAO to include the transport facilities located in the adjoining building in the application for hotel licence. In this connection, there was no effective mechanism to ensure the provision of car parking and loading/unloading facilities for the proposed hotel development.

49. In response to the Chairman's enquiry, Ms. Karen Wong said that Paul Y. Centre was jointly owned by two companies and Spectrum Tower was owned by another company. The applicants indicated that the owners of both buildings were held under the same company group.

50. Mr. Wilson W.S. Pang, the Chief Traffic Engineer, Transport Department clarified that TD agreed that adequate car parking and loading/unloading facilities had been provided for the proposed hotel and commercial development as a whole. However, TD had reservation on the proposed arrangement to provide the transport facilities of the hotel in the commercial building, as there was no effective mechanism to ensure the provision of such facilities in the long run.

51. A Member supported the application as there were merits in the proposal and the proposed setback and opening up of the area at Tsun Yip Street could enhance the pedestrian environment in the area. Noting that both lots were owned by the same parent company, this Member asked if it was feasible for the owners to enter into a legally binding agreement to ensure the provision of the transport facilities for the hotel development.

52. Another Member also supported the application as the proposed development had design and planning merits. Noting that the Special Waivers for in-situ conversion of industrial buildings could not incorporate conditions to require the provision of transport facilities outside the concerned lot, the Member asked if three other alternative mechanisms could be considered: (i) modification of the leases of the two lots to facilitate the transport facilities arrangement as proposed; (ii) stipulation of an appropriate approval condition to the planning permission with regard to the transport facilities arrangement and such approval conditions be incorporated in the hotel licence; and (iii) through private agreement among owners of the two developments.

53. In response to Members' question on the Special Waivers, Ms. Doris Chow, Assistant Director of Lands, explained that under the policy on revitalization of industrial buildings, the owners of an industrial building could apply for a special waiver at nil waiver fee ('Special Waiver') for wholesale conversion of an industrial building for non-industrial use. For the subject application, it was the applicants' intention to apply for two Special

Waivers for the conversion of the two existing I-O buildings. According to the Lands Administration Office Practice Note Issue No. 1/2010 and 1/2010A, LandsD acting in its capacity as private landlord might, at its sole and absolute discretion, approve or reject any Special Waiver applications individually for each of the lots concerned. The Special Waiver would primarily waive the Government's right to enforce the user restriction in the lease conditions for the existing building. As such, the provision of car parking and loading/unloading facilities outside the concerned lot could not be imposed under the Special Waivers to be granted under this specified policy.

### Deliberation Session

54. The Chairman said that the proposed conversion of the two existing industrial buildings for commercial and hotel use was in line with the Government policy to promote revitalization of industrial buildings through encouraging redevelopment and wholesale conversion of under-utilized industrial buildings. Some Members opined that the proposed development had planning and design merits. It was also in line with the objectives of 'Energizing Kowloon East' to transform Kwun Tong to non-polluting business uses. However, concerned government departments had reservation on the application as an effective mechanism to ensure the long term provision of car parking and loading/unloading facilities for the proposed hotel development was yet to be worked out, in particular if the proposed developments were sold to other owners in future.

55. A Member supported the application as the proposed development had planning and urban design merits. The provision of transport facilities was a technical issue which should be resolved through appropriate means. For example, the owners of the two developments might enter into some form of agreement or the hotel owner could pay for an exclusive right to use the transport facilities in the commercial building. Another Member suggested that the hotel operator could buy the car parking and loading/unloading spaces provided in the commercial development and reserved them for the hotel users.

56. A Member concurred that the proposed developments had planning and design merits. However, it was necessary to ensure that the proposed transport facilities arrangement for the two developments would be maintained in the long run. Normally, a development should be provided with its own ancillary and supporting facilities and even if it

was subsequently sold to individual owners, the provision of such facilities could be enforced through the Deed of Mutual Covenant (DMC). However, as the current proposal involved two separate developments, it was not sure if one DMC could be made for the two developments.

57. Two other Members were of the view that it was necessary to ensure the long-term provision of the transport facilities for the hotel development. It was considered undesirable for the hotel to have no supporting transport facilities as this would generate adverse traffic impact to the area. In this connection, the applicant should explore a feasible mechanism to ensure the long-term provision of such transport facilities.

58. Ms. Doris Chow said that it was the intention of the applicants to apply for two separate Special Waivers for the conversion of the two buildings under the revitalization policy. The Special Waiver, if granted, would only be applicable to one individual lot. Any provision of parking and loading/unloading facilities outside the concerned lot was not appropriate and therefore could not be imposed in the Special Waiver. In this regard, the proposed transport facilities arrangement could not be implemented or enforced through the Special Waivers to be granted for the two lots. It was also noted that the applicants had proposed to deal with this matter by way of 'Deed of Grant' which would be a private agreement between the owners of the two lots and the Government would not be a party in the agreement. On this basis, it was up to the Board to consider the relevancy of the proposed 'Deed of Grant' to ensure the provision of such transport facilities arrangement.

59. Ms. Doris Chow said that since there was no enforcement power against unauthorized development under the Town Planning Ordinance in the urban area, enforcement action would have to rely on the lease. However, the proposed transport facilities arrangement in the current application could not be imposed in the Special Waivers. There would be no control on the provision of the required transport facilities for the hotel, should planning permission be granted.

60. Ms. Doris Chow said that the two existing buildings were two separate developments and should be subject to two separate occupation permits. It was not sure if the proposed transport facilities provided in the commercial building of the hotel in the adjoining lot could be regarded as ancillary facilities of the commercial development and be

exempted from gross floor area calculation under the Buildings Ordinance.

61. In response to the Chairman's question, the Secretary said that while an approval condition could be imposed requiring the provision of car parking and loading/unloading facilities for the proposed hotel, the connection requirement between the two developments and any future change of the connection arrangement, which did not involve structural works might not be shown on the building plan submission, the approval condition on such connection arrangement could not be enforced through the building plan submission.

62. A Member said that the proposed developments might be effected through lease modification which allowed imposition of all the technical requirements on the developments by the Government. Another Member, however, considered that if the proposal was pursued via lease modification, it might defeat the Government policy to encourage revitalization of the industrial area through the granting of Special Waivers.

63. The Chairman summed up Members' views that the proposed developments had planning and design merits and the car parking and loading/unloading facilities had complied with the HKPSG requirement if the proposed conversion of the two separate existing I-O buildings were considered as one single scheme. The remaining key issue was how to ensure the transport arrangement could be implemented and maintained for the lifetime of the proposed development, particular the proposed hotel. Members might wish to consider the following ways: (i) defer making a decision on the application pending the submission of further information to resolve the problem; (ii) to reject the application or (iii) to approve the application and impose a condition requiring the applicants to identify a mechanism to ensure the provision of transport facilities to the satisfaction of the LandsD.

64. Noting that the proposed developments had planning and design merits, Members generally considered it was more appropriate for the Committee to defer making a decision on the application and asked the applicants to provide more information to demonstrate that there was an effective mechanism to ensure the provision of the transport facilities for the lifetime of the hotel development.

65. After further deliberation, the Committee decided to defer a decision on the application pending the submission of further information by the applicant to demonstrate

that there was an effective mechanism to ensure the long term provision of car parking and loading/unloading facilities for the proposed hotel development.

[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 14**

**Any Other Business**

66. There being no other business, the meeting closed at 11 a.m..