

## **TOWN PLANNING BOARD**

### **Minutes of 492<sup>nd</sup> Meeting of the Metro Planning Committee held at 9:00 a.m. on 5.7.2013**

#### **Present**

Director of Planning  
Mr. K. K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

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

Mr. H.W. Cheung

Mr. Patrick H.T. Lau

Mr. Stephen H. B. Yau

Chief Traffic Engineer/Hong Kong,  
Transport Department  
Mr. C.Y. Chan

Principal Environmental Protection Officer (Metro Assessment),  
Environmental Protection Department

Mr. Ken Y.K. Wong

Assistant Director (Kowloon), Lands Department  
Mr. Edwin W.K. Chan

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

Secretary

**Absent with Apologies**

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

Mr. Maurice W.M. Lee

Mr. Dominic K.K. Lam

Professor P.P. Ho

Ms. Bonnie J.Y. Chan

Mr. Sunny L.K. Ho

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Mr. Edward W. M. Lo

Town Planner/Town Planning Board  
Mr. Terence Leung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 491<sup>st</sup> MPC Meeting held on 21.6.2013

[Open Meeting]

1. The draft minutes of the 491<sup>st</sup> MPC meeting held on 21.6.2013 were confirmed subject to the following amendments to first sentence of paragraph 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**.

**Agenda Item 2**

Matters Arising

[Open Meeting]

2. The secretary reported that there were no matters arising.

**Hong Kong District**

**Agenda Item 3**

Section 12A Application

[Open Meeting]

Y/H20/1                      Application for Amendment to the Approved Chai Wan Outline Zoning Plan No. S/H20/21, To rezone the application site from “Comprehensive Development Area (1)” to “Open Space”, Chai Wan Road Bus Terminus, Chai Wan (**Open Meeting**)  
(MPC Paper No. Y/H20/1)

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Presentation and Question Sessions

3. Ms. April Kun, Senior Town Planner/Hong Kong (STP/HK), as representative of Planning Department, and Mr. Chris Chung, as representative of the applicant, were invited

to the meeting at this point.

4. The Vice-Chairman extended a welcome and explained the procedures of the hearing. Ms. Kun was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Ms. Kun presented the application as detailed in the Paper and made the following main points:

The Proposed Amendment

- (a) the application was submitted by Chai Wan Areas Kaifong Welfare Association Limited. The applicant proposed to rezone the application site from “Comprehensive Development Area(1)” (“CDA(1)”) to “Open Space” (“O”) on the Chai Wan Outline Zoning Plan (OZP);
- (b) the applicant considered that the application site should be developed as open space so that it could be combined with the adjoining Sheung On Street Playground to its west to form a larger open space. As the site was close to the surrounding housing estates, the enlarged open space could attract more visitors;

Background of the Application Site

- (c) the application site covered the Chai Wan Road Bus Terminus and a section of Sheung On Street and was located at the western part of a “CDA(1)” site;
- (d) the applicant site was previously zoned as “Government, Institution or Community” (“G/IC”). In 2000, the China Motor Bus Company Limited (CMBCL), the owner of the bus depot located to the immediate east of the application site, submitted a request for rezoning the application site, the bus depot site, and the section of Sheung On Street from “Industrial” (“I”), “G/IC” and an area shown as ‘Road’ to “CDA” and “O” for a comprehensive residential development and an open space development. On 12.1.2001, the Committee partially agreed to the request, taking into

account the appropriateness of the proposed land uses and the contribution to the housing supply. The relevant zoning amendments were exhibited on 20.4.2001 under the draft Chai Wan OZP No. S/H20/11;

- (e) in 2002, the CMBCL submitted an application (No. A/H20/119) for a proposed residential development and a covered public transport terminus (PTT) at the entire “CDA(1)” site and a public open space (POS) at the “O” site. The application was approved but the planning permission had lapsed on 8 February 2011;
- (f) in 2008, the CMBCL submitted another application (No. A/H20/159) for a proposed residential development comprising three residential blocks with the maximum building height at 205.65mPD and a covered PTT at the entire “CDA(1)” site and a POS at the “O” site. In 2009, the Committee rejected the application mainly for the reason that the building heights were excessive;
- (g) in 2012, amendments mainly related to the imposition of building height restrictions for various zones were incorporated on the draft Chai Wan OZP No. S/H20/20. A building height restriction of 140mPD was imposed for the “CDA(1)” site;
- (h) in August 2012, the CMBCL submitted another application (No. A/H20/177) for a proposed residential development comprising three residential blocks with the maximum building height at 140mPD and a covered PTT at the entire “CDA(1)” site and a POS at the “O” site. In April 2013, the Committee rejected the application for reasons related to traffic and pedestrian arrangement, building design and the problems associated with the realization of the POS. The CMBCL had already applied for a review of the decision of the Committee and the application for review was scheduled for consideration by the Board on 23.8.2013;

Departmental Comments

- (i) the Commissioner for Transport (C for T) objected to the application. The existing Chai Wan (East) Bus Terminus served as the sole terminal in Chai Wan East area for three franchised bus routes and en-route stop for one franchised bus route. The deletion of the proposed PTT would jeopardize the operation of the concerned bus routes as well as the provision of public transport services to the public. The proposed conversion of a section of Sheung On Street to open space would also affect the operation of existing public transport services and the overall traffic conditions;
  
- (j) the Director of Leisure and Cultural Services (DLCS) had no particular comment on the application. She considered that the provision of open space in the Eastern District had met the minimum requirement stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). While the provision of open space would be welcomed from the public's perspective, it should be considered from a planning perspective whether there were other better uses of the concerned government land. Even if the site was rezoned to "O", the development of open space at the site would be subject to availability of funding;
  
- (k) the District Officer (Eastern) reported that he had consulted the concerned Eastern District Council (EDC) Members, the Chairmen and Vice-Chairmen of Wan Tai Area Committee and Yee Wan Area Committee, as well as nearby Owners' Incorporations and residents' associations. Most of the respondents either supported or had no comment on the application. However, two respondents including one District Council Member raised objection to the application for the reasons that more residential development, in particular public rental housing, should be developed and the transport facilities should be retained;

#### Public Comments

- (l) during the first three weeks of the statutory public inspection period, a total of 8 public comments were received. Four of them were in support of the application. They mainly considered that approval of the application

would provide a high-quality open space for the enjoyment of the public;

- (m) three commenters, including CMBCL, objected to the application. CMBCL commented that the site had a long planning history and the Board had decided that the existing “CDA” zoning was appropriate. As there was not much change in planning circumstances, there was no apparent planning merit to amend the permissible land uses at the site. Furthermore, the proposed rezoning would create uncertainty for the developer to invest in the area. The proposed rezoning would also have a negative impact on the provision of flats and would lead to the removal of the existing bus terminus. The other two commenters considered that the bus depot and the PTT should be retained at their current location. As there was already a large park (Chai Wan Park) in the area, provision of more open space in Chai Wan was not required;
- (n) the remaining commenter considered that there was no detailed information on the development proposal, including the relocation of the PTT and the facilities to be provided in the proposed open space;

#### Planning Department’s (PlanD) Views

- (o) PlanD did not support the application based on the assessment set out in paragraph 11 of the Paper which was summarized below:
  - (i) in 2001, the Committee agreed that the application site and part of the bus depot should be zoned to “CDA(1)” while the remaining part of the bus depot should be zoned “O”, taking into account the need for optimization of use of land, appropriateness of the proposed residential use for the site and the potential benefits to the community including the contribution to the housing supply. As the application site only formed part of the “CDA(1)” zone and the applicant had not provided any information and proposal regarding the remaining portion of the “CDA(1)” zone, it was considered that the applicant’s request would defeat the planning intention of the “CDA(1)” zone and the comprehensive redevelopment of this area;

- (ii) DLCS had confirmed that the provision of existing open space in the Eastern District had already met the requirement stipulated in HKPSG. These open spaces were all within a short walking distance from the residential developments. An additional piece of land to the immediate north and east of the application site had been reserved for open space and rezoned to “O” together with the “CDA(1)” zone. Having regard that different varieties of active and passive amenity facilities had already been provided, and adequate open space had been provided and planned for in the area, it was considered not necessary to reserve the subject site as an additional site for open space use;
  
- (iii) in view of the pressing housing demand, the Chief Executive’s 2013 Policy Address pursued a multi-pronged approach for increasing housing land supply. Given that the “CDA(1)” site was a piece of formed land with good accessibility, it was readily available for redevelopment. According to the latest development scheme for the “CDA(1)” site proposed by CMBCL, the “CDA(1)” site as a whole would be developed into three residential blocks providing a total of 780 flats. The proposal to rezone the bus terminus site to “O” would result in a reduction of housing land supply. There was no strong justification to rezone a site planned for residential use for open space development, particularly in view of the current acute shortage of housing land and there was adequate existing/planned open space provision in the area; and
  
- (iv) the site covered the Chai Wan (East) Bus Terminus. The re-provisioning of a covered PTT was one of the considerations when the rezoning request was agreed by the Committee in 2001. According to the latest development scheme for the “CDA(1)” site proposed by CMBCL, there would be a covered PTT underneath a residential block and it would incorporate the existing four franchised bus bays and additional green minibus/taxi bays. In this

application, however, no information had been provided on the re-provisioning of the existing bus terminus. In this regard, C for T objected to the application as it would jeopardize the operation of the existing bus routes and the provision of public transport services. Besides, the application site also included the rezoning of a portion of Sheung On Street to “O”. C for T objected to the proposed closure of Sheung On Street as it was a vital vehicular traffic route and was the sole entry/exit route of the Chai Wan (East) Bus Terminus.

5. The Chairman then invited the applicant’s representative to elaborate on the application. Mr. Chris Chung made the following main points:

- (a) prior to 2000, the application site was zoned as “G/IC” and was originally intended for the development of a school. The “G/IC” site was then swapped with the “O” site at Wing Ping Street, which was later developed into S.K.H. Chai Wan St. Michael’s Primary School. The application site was therefore originally intended to be developed into an open space;
- (b) in 2001, the CMBCL submitted an application to the Board to rezone the application site and the bus depot site to “CDA”, and to relocate the proposed open space at the application site to the eastern part of the bus depot. There was no consultation specifically on this particular amendment item with the EDC at that time, and the application was approved by the Committee. To facilitate the EDC members to comment on the OZP, he hoped that the Planning Department would consult the EDC on each amendment item in future;
- (c) the current proposal to rezone the “CDA(1)” site to “O” was intended to revert the site back to its original planning intention. Besides, the proposed open space could also complement the adjacent playground by providing additional ancillary facilities for the tennis courts in the playground and could attract more visitors. The proposed open space could also serve as a buffer for the residential developments at Yue Wan

Estate, Wing Ping Street and San Ha Street;

- (d) two applications submitted by the CMBCL were rejected by the Board as the proposed comprehensive residential developments would create wall effect. The applicant supported the Government's effort to increase housing supply. However, as the application site fell within a traffic bottleneck, an increase of a few hundred vehicles to and from the proposed residential development would paralyze the entire traffic network in Chai Wan. The application site was therefore not suitable for residential development. Compared with the application site, the temporary car parks at Wing Tai Road were more suitable to be used for residential development;
- (e) in terms of urban design, the proposed open space would offer a better view to the nearby residents as compared with the proposed comprehensive residential development. Besides, the bus depot had not been renovated since CMBCL lost its franchise in 1997. The proposed open space would improve the environment of the area;
- (f) the bus terminus currently served only four bus routes, and with the exception of Route No. 82, the concerned bus routes did not provide frequent bus services. Passengers would prefer to get on the bus en-route than at the bus terminus. With less than 50 users every day, the bus terminus looked more like a parking area than a real bus terminus. The Government should make better use of the bus terminus site by redeveloping it into an open space. The bus terminus could be relocated to Siu Sai Wan Estate to serve the residents there;
- (g) it should be clarified that the applicant had no intention to include a section of Sheung On Street into the application site;
- (h) with respect to risk assessment, the existing LPG filling station represented a greater risk to the proposed residential development than the proposed open space, as more residents would be affected if the application site was

used for residential development. Furthermore, the LPG filling station might be relocated elsewhere in the future. Therefore, the risk posed by the LPG filling station should not be a reason for rejecting the application;

- (i) there were 43 EDC members and only one EDC member objected to the application. The other EDC members consulted either supported or had no comment on the application;
- (j) the open space at the “O” zone proposed by CMBCL would likely become a private open space for the residents of the proposed comprehensive residential development as the other residents in Chai Wan might not realize that the open space proposed by CMBCL would be open to the public; and
- (k) if the application site was excluded from the “CDA(1)” site, the CMBCL could revise the “CDA(1)” boundary by incorporating the existing “O” zone to the east of the application site for comprehensive residential development. Considering that the application site and the existing “O” zone were about the same size, there would be no net change in the areas of the “CDA(1)” site as well as the “O” site. Therefore, the development of the “CDA(1)” site by CMBCL would not be affected by the proposed amendment in terms of the area of site available for development.

6. A Member asked the following questions:

- (a) whether there had been any change in the area of open space after the zoning amendment of the bus depot area; and
- (b) whether the applicant could provide any information on why the CMBCL wanted to develop the comprehensive residential development at the application site and the bus depot site to its east.

7. Mr. Chris Chung had the following responses:

- (a) according to his knowledge, the application site and the existing open space were roughly of the same size and therefore there was no major change in the total area of open space after the rezoning. He added that there would be a deficit of open space in Eastern District in the future as Victoria Park would be transferred from Eastern District to Wan Chai District; and
- (b) he did not know why CMBCL wanted to develop a comprehensive residential development at the application site and part of the bus depot site. He only knew that at that time, CMBCL had proposed to deck over Sheung On Street with residential development on top. As an EDC member, he considered that the proposed residential development was excessive. He had no objection for the developer to make a profit from the proposed development, as long as it was not at the expense of the community. It should be noted that the current proposal to develop an open space to the east of the “CDA(1)” site would take away the opportunity of the local residents to enjoy that open space as it would become a private open space for the residential development.

8. Ms. April Kun said that when the OZP was amended in 2001 to take into account the rezoning request agreed by the Committee, a comprehensive review on the land use zoning in the area was undertaken. Besides the existing “O” site, a site to the northeast of the application site across Sheung On Street had also been rezoned to “O”. Therefore, there was a net increase in the total area zoned as “O” in that round of OZP amendment.

9. The same Member asked the following questions:

- (a) whether the transfer of Victoria Park from Eastern District to Wan Chai District would have any impact on the open space provision in Chai Wan; and
- (b) what was PlanD’s response to the claim that the proposed POS would be turned into a private open space of the future residential development.

10. Ms. April Kun said that there was currently a surplus of open space provision in

Eastern District. The transfer of Victoria Park from Eastern District to Wan Chai District would only affect the calculation of open space provision for each district but the actual open space provision would not be affected. Regarding the issue of the POS, if the application submitted by CMBCL was approved, the future design and management of the POS would be monitored through the imposition of relevant approval conditions. The implementation of the POS would also be scrutinized by the relevant government departments during the land grant stage.

11. The Vice-Chairman asked the following questions:

- (a) whether the applicant would agree to allow the use of the existing “O” site to the east of the “CDA(1)” site for residential development if the application site was rezoned to “O”; and
- (b) whether the applicant had any suggestion on the re-provisioning of the bus terminus if the application site was rezoned to “O”.

12. Mr. Chris Chung had the following responses:

- (a) he had no objection for the CMBCL to use the existing “O” site for development, as long as the proposed development would comply with the relevant legal requirements. He had no intention to keep the two sites for “O” use; and
- (b) there was no need for the bus terminus at the application site as there was already a surplus of bus termini in Chai Wan. Siu Sai Wan Estate originally had its own bus terminus. However, it was relocated to Island Resort after the private residential development was completed. The residents of Siu Sai Wan Estate would welcome the relocation of Chai Wan (East) Bus Terminus to Siu Sai Wan Estate as it would be easier for them to board the bus. As the bus routes became shorter, the relocation of the bus terminus would also reduce emissions from buses.

13. A Member asked the following questions:

- (a) whether there were any proposed development scheme submitted by the CMBCL that had been approved by the Board; and
- (b) whether there was any plan to relocate the LPG filling station and the petrol filling station across Sheung On Street from the application site.

14. Ms. April Kun said that there was currently no development scheme submitted by CMBCL that had been approved by the Board. The CMBCL had submitted three applications to the Board. The first application (No. A/H20/119) was approved by the Board on 8.2.2002 but the planning permission had already lapsed. The second application (No. A/H20/159) was rejected on review by the Board and the applicant had applied to the Town Planning Appeal Board (TPAB) for an appeal against the decision of the Board. The third application (No. A/H20/177) was rejected by the Committee. The applicant had applied for a review and the hearing was scheduled for 23.8.2013.

15. Ms. April Kun continued to say that the petrol filling station was only a temporary facility. It would ultimately be relocated to make way for an open space. As regards the LPG filling station, risk assessments had been conducted which demonstrated that the planned land uses in the surroundings were acceptable.

16. In response to the Chairman's question, Ms. April Kun said that the "O" site to the east of the "CDA(1)" site, together with the "O" site to the immediate north of the "CDA(1)" site, were intended to serve as buffer between the industrial areas to its east and the residential areas mainly to its west. The two "O" sites would also serve as buffer between the LPG filling station and the residential developments.

17. Mr. Chris Chung said that if the LPG filling station was safe enough to be located near the proposed residential development, it would be safe enough near the proposed open space. He added that no one other than the residents of the proposed comprehensive residential development would visit the existing "O" site in future, as it would take about 10 to 15 minutes for the residents of Yue Wan Estate and Siu Sai Wan Estate to walk to the existing "O" site. In addition, the "O" site was intended to be developed as an open space for public enjoyment, and therefore it should not be used as buffer between incompatible land

uses. Besides, as the industrial area had already been transformed into a business area, there was no need to provide buffer areas for the neighbouring residential uses.

18. Ms. April Kun said that the Director of Electrical and Mechanical Services (DEMS) did not raise objection to the application. He only advised that a risk assessment should be conducted for the proposed “O” use at the application site to estimate the risk level posed by the LPG filling station to the open space development.

19. The Vice-Chairman asked the following questions:

- (a) whether the LPG filling station was a permanent facility; and
- (b) whether the results of the risk assessment for the LPG filling station would be different if it was located close to an open space rather than a residential development.

20. Ms. April Kun said that there was no information at hand about the tenancy of the LPG filling station. The HKPSG stipulated that a LPG filling station should be separated from a residential development and a commercial development by at least 55m and 15m respectively. The minimum distance between a LPG filling station and an open space had to be determined by a risk assessment. The risk level posed by a LPG filling station on an open space would likely be lower when compared with that on a residential development or a commercial development.

21. As the applicant’s representative had no more points to make and Members had no questions to raise, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant’s representative of the Committee’s decision in due course. The Chairman thanked the representatives of the applicant and PlanD for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

22. A Member said that there were merits in both the existing “CDA(1)” zoning and

the “O” zoning proposed by the applicant for the application site. The Member did not have a strong view on whether to support or reject the application.

23. A Member supported the application considering that the proposed “O” zone would be closer to the existing residential areas.

24. The Vice-Chairman did not support the application and said that the existing “O” site to the east of the “CDA(1)” zone would serve as a buffer separating the industrial uses and the proposed residential development, as well as a buffer between the LPG filling station and the proposed comprehensive residential development particularly as a minimum distance of 55m was required to separate the two uses. Rezoning the existing “O” site into “CDA(1)” for comprehensive residential development might create interface problem with the LPG filling station. He considered that the justifications provided by the applicant were not strong enough to overturn the decision of the Board made in 2001.

25. In response to a question from the Chairman, Mr. C.Y. Chan said that the bus terminus should either be retained at the application site or be re-provisioned to another suitable site of similar size. He agreed with the applicant’s representative that there were not many passengers who boarded the bus at the existing bus terminus. However, the main function of a bus terminus was not to facilitate passengers to get on a bus, but to meet the operational needs of the concerned bus routes. There was a need to maintain a bus terminus at either the existing site or in the surrounding area. In view of this, he had reservation on the applicant’s proposal to redevelop the existing bus terminus into an open space. Insufficient information had been provided by the applicant on the re-provisioning of the bus terminus.

26. The Secretary said that CMBCL had been pursuing the proposed comprehensive residential development at the “CDA(1)” site for more than a decade since the rezoning of the site in 2001. Although the recent application submitted by the CMBCL was rejected by the Committee due to the outstanding implementation issues, the development proposal generally complied with the requirements of the OZP. At the request of the Committee, PlanD had been liaising with the CMBCL regarding the implementation issues on the open space. CMBCL had already come up with a proposal on how the proposed development scheme was to be implemented, and the proposal would be submitted to the Board for consideration in the

s.17 review. As CMBCL had already put in significant amount of effort and investment in the proposed development scheme following the requirements of the OZP, any change to the OZP at this stage would require very strong justifications.

27. A Member agreed with the views of the Vice-Chairman and added that as the CMBCL had applied for a review and an appeal to the Board and the TPAB respectively, very strong justifications had to be provided by the current applicant to demonstrate the merits of the proposed amendment. Should both the review application and the appeal be rejected by the Board and the TPAB, there might be an opportunity to reconsider the planning of the subject area if very strong justifications could be put forward.

28. The Chairman summed up the discussion and said that Members generally did not support the application.

29. Members went through the reasons for rejection as stated in paragraph 12.1 of the Paper and agreed that they should be suitably amended. After further deliberation, the Committee decided to reject the application for the following reasons:

- (a) the applicant's proposal would defeat the planning intention for comprehensive development/redevelopment of the area for commercial/residential uses with the provision of open space and other supporting facilities. There was insufficient justification to support the proposed amendment; and
- (b) the applicant had not demonstrated that the proposed deletion of the existing bus terminus would not create adverse traffic impact on the surrounding areas.

### **Kowloon District**

#### **Agenda Item 4**

#### **Section 12A Application**

[Open Meeting]

Y/K7/8                      Application for Amendment to the Approved Ho Man Tin Outline Zoning Plan No. S/K7/22, to amend the Notes of the OZP for “R(A)” zone to restrict the application site “For Public Housing or Home Ownership Scheme only”, At the junction of Fat Kwong Street and Sheung Foo Street, Ho Man Tin, Kowloon  
(MPC Paper No. Y/K7/8)

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30.            The Secretary reported that the applicant proposed to amend the Notes of the OZP for “R(A)” zone to restrict the development of the application site, which had been acquired by Easy Merit Holdings Limited (a subsidiary of Wheelock Properties Limited), to public housing or Home Ownership Scheme (HOS) development only. The following Members who had connections with Hong Kong Housing Authority and Wheelock Properties Limited had declared interests in this item:

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

31.            Members noted that Mr. Dominic Lam and Mr. Frankie Chou had tendered apologies for being unable to attend the meeting. As the interests of the other Members were direct, Members agreed that they should be invited to leave the meeting temporarily.

As the Chairman needed to leave the meeting, Members agreed that the Vice-chairman should take over and chair the meeting for the item.

[Mr. K.K. Ling, Mr. Edwin Chan and Mr. Roger Luk left the meeting temporarily at this point. Ms. Julia Lau left the meeting at this point.]

### Presentation and Question Sessions

32. Miss Fiona Lung, District Planning Officer/Kowloon (DPO/K), and Miss S. H. Lam, Senior Town Planner/Kowloon (STP/K), as representatives of Planning Department, and the following applicant's representatives, were invited to the meeting at this point:

Mr. Roy Tam  
Ms. Stellar Hui  
Ms. Stacey Tsui  
Mr. Wong Kai Nang  
Miss Yu Hin Pik

33. The Vice-Chairman extended a welcome and explained the procedures of the hearing. Miss S.H. Lam was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Miss Lam presented the application as detailed in the Paper and made the following main points:

#### The Proposed Amendment

- (a) the application site fell within the "Residential (Group A)" ("R(A)") zone on the Ho Man Tin Outline Zoning Plan (OZP) and was about 7,714m<sup>2</sup> in size;
- (b) the applicant sought to amend the Notes of the OZP for the "R(A)" zone to restrict the development of the application site to "public housing or HOS development only";

#### The Application Site and the Surrounding Areas

- (c) the application site was currently vacant and was accessible from Sheung Foo Street;
- (d) the site was mainly surrounded by residential and GIC uses, including Ho Man Tin Estate, Open University of Hong Kong, Hong Kong Housing Authority Headquarters and schools. To its northeast was a vacant site recently sold for private residential development;

Justifications submitted by the applicant

- (e) the public had difficulties buying a flat as the Government had sold quite a number of sites to private developers for developing luxurious housing which could not be afforded by middle-income families;
- (f) for many years, the Government had been allowing private housing in the urban area and building public housing in the remote area. This was not beneficial to the community. Public housing in the urban area was important to the grassroots workers who were working in the urban area and the residents who were affected by Urban Renewal Authority projects and were forced to seek alternative accommodations;
- (g) the vacant site located to the northeast of the application site was sold in mid-March at a price equivalent to \$10,233 per square foot. It was estimated that the final selling price of the flats would exceed \$18,000 per square foot. These kinds of luxurious residential flats could not alleviate the housing problem. The site could have been used for public housing or HOS development rather than luxurious residential development;
- (h) the Government had stopped building HOS developments since 2003 and this had resulted in an acute shortage of HOS developments and many middle-income families could not afford to buy their first flat in the private market;

- (i) for the application site, the Government had not imposed any restrictions on flat size or the number of flats to be provided and had not incorporated "Hong Kong property for Hong Kong people" clauses in the Conditions of Sale. There was no shortage of luxurious flats in Hong Kong but affordable public housing for the grassroots was in short supply;
- (j) if the average flat size of the proposed private residential development was 1,000 square feet, only 388 flats could be provided at the application site. However, if small-to-medium HOS flats (e.g. 500 square feet) were built, 775 flats could be provided at the application site. The incorporation of a restriction to limit the development of the application site to "public housing or HOS development only" in the Notes for the "R(A)" zone would facilitate a better utilization of the land resources;

#### Background

- (k) the application site had been zoned as "R(A)" since 1985. It was part of the former Ho Man Tin Estate which underwent redevelopment in early 2000s. In 2005, the Government considered that the remaining housing land in the Ho Man Tin Estate redevelopment including the application site and the site to its north-east (i.e. KIL 11227) were suitable for private housing development to meet the private housing demand;
- (l) on 14.6.2013, Lands Department (LandsD) announced that the tender for the application site, KIL 11228, had been awarded to Easy Merit Holdings Limited;

#### Departmental Comments

- (m) the Development Bureau (DEVB) did not support the application and commented that the Government would continue to adopt a multi-pronged approach to increase land supply in the short, medium and long term through the optimal use of developed land and identification of new land for development. Suitable land would be allocated to the Housing

Authority for subsidized housing development. In the meantime, the Government needed to maintain a certain amount of housing land in the Land Sale Programme and provide the market with a steady land supply for private housing development. The determination of housing type was done through an established mechanism based on factors which were not confined to planning considerations. It would be overly prescriptive for the Board to specify the housing type in planning terms;

- (n) the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD) objected to the application. The tender for KIL 11228 (the application site) had been awarded. The Conditions of Sale restricted the lot to private residential purposes. If the subject application was agreed, the application site could not be developed for private residential purposes according to the Conditions of Sale of KIL 11228 and the successful tenderer of the lot might claim for loss against the Government;
- (o) other government departments including Housing Department, Transport Department, Environmental Protection Department and the Chief Town Planner/Urban Design and Landscape, Planning Department had no adverse comment on the application;

#### Public Comments

- (p) during the first three weeks of the statutory public inspection period, one public comment was received. The comment was made on behalf of the Open University of Hong Kong. The commenter objected to the application for the reasons that high density public/HOS housing development on the site was not compatible with the adjacent planned private residential development; it would cause congestion to the already congested traffic in the vicinity, block the natural air ventilation of the whole Ho Man Tin area and impose a greater loading to the already aging drainage and sewerage systems in the area;

#### Planning Considerations and Assessments

- (q) PlanD did not support the application based on the assessment set out in paragraph 11 of the Paper which was summarized below:
- (i) the existing “R(A)” zoning was primarily intended for high density residential development and ‘flat’ use was always permitted under the “R(A)” zone. The development restrictions for the subject “R(A)” site were applicable to all housing types in “R(A)” zone. There would be no significant implications on traffic, environment and visual aspects no matter whether the site was developed for private housing or public housing/HOS development;
  - (ii) within Ho Man Tin, about 18.4ha of land had been developed for public housing/HOS development, while 12.3ha had been used for private housing. The application site was located in a predominant residential area with some GIC facilities in the vicinity. Ho Man Tin Estate was located in the close proximity to the site and a site to its immediate north-east (KIL 11227) was sold in March this year for private housing development. A site at Sheung Lok Street was being planned for HOS development. The application site was considered suitable for residential development, be it private or public housing/HOS development; and
  - (iii) the “R(A)” zone did not restrict the development of the application site to private or public housing. This allowed land use flexibility in meeting the needs of the community for different types of housing at different times. The Notes for “R(A)” zone was considered appropriate, and there was no strong justification to restrict the development of the site to public housing or HOS development only. Whether the site should be developed for private housing or public housing/HOS was a matter of housing policy. It might not be appropriate for the Board to impose restriction on the type of housing to be developed at the application site.

34. The Vice-Chairman then invited the applicant's representative to elaborate on the application. With the aid of a powerpoint presentation, Mr. Roy Tam made the following main points:

- (a) according to the information provided by Rating and Valuation Department, the overall vacancy rate of the private residential flats by the end of 2012 was 4.3%, which was relatively high compared with that of public housing or HOS flats. Furthermore, the vacancy rate of luxurious residential flats recently reached a record high at 14.1%. In the past two years, the vacancy rates of larger flats (over 1,000 square feet or more) were generally higher than smaller flats;
- (b) as there was no restriction on flat size, the number of flats and the price of flats, the proposed private residential development at the application site might become a luxurious residential development;
- (c) the vacant site located to the northeast of the application site was sold in March at a price equivalent to \$10,233 per square foot. It was estimated that the final sales price of the flats would exceed \$18,000 per square foot. It was not a price that could be afforded by the post-80s generation or the lower-middle class families. Similarly, the application site, which was recently acquired by Wheelock Properties Ltd. at a price equivalent to \$9,875 per square foot, might also be developed into luxurious residential development. The continuous rise in housing prices would not be dampened if these housing sites were used for luxurious residential developments;
- (d) there were contradictions in the Government policies. While the Government was trying to develop the Northeast New Territories and reclaim new land from the sea, valuable sites such as the application site were developed into luxurious residential developments which was considered a misuse of the housing sites; and
- (e) common problems associated with private residential developments

included a serious time lag between the acquisition of a housing site and the sale of residential flats, a selling price that was not affordable even for the middle class, the excessively large residential flats, and a design that would often create wall effect. The proposed residential development at the former Valley Road Estate site acquired by Sun Hung Kai Properties a few years ago was an example of these private residential developments. Another example was The Long Beach in West Kowloon where some of the flats remained unsold even though the development had been completed for about ten years.

35. A Member said that the applicant's presentation mainly focused on issues relating to the allocation of housing sites for various types of housing development which was not relevant to the subject application. He suggested that the applicant should focus his arguments with respect to the land use planning of the application site so as to allow Members to consider the application. The Vice-Chairman shared the same view. Mr. Roy Tam noted the advice of the Vice-Chairman and the Member and indicated that he intended to present the materials relating to the application site shortly.

36. Mr. Roy Tam continued and made the following main points:

- (a) there was a need for public housing developments to be located in the urban areas as they allowed the residents to live closer to their jobs which could reduce their traffic expenses;
- (b) the application site was considered suitable to be developed for public housing as there were supporting facilities such as a neighbourhood shopping mall near the application site. It was suggested that a block of public housing development and a block of HOS development be developed at the site;
- (c) it was considered that housing development should not be regarded as a commodity. As shown by Singapore's experience, if more HOS developments were built, the overall housing prices could be lowered and fewer young people would need to apply for a public housing flat;

- (d) it was agreed that land resource allocation for public and private housing was a matter of housing policy. However, besides the Board, there were no other channels that could allow members of the public to express their views. Furthermore, the Board should safeguard against the unreasonable town planning policies of the Government; and
- (e) there was a need to rethink the current practice of reserving prime vacant housing sites in the urban areas for private housing development. For example, an increase in the ratio of public housing and HOS developments at the housing sites at the Anderson Road Quarry site would help solve the housing problem.

37. In response to a question of the Vice-Chairman, Miss Fiona Lung said that there was no precedent in incorporating restrictions to limit the development of a housing site to public housing or HOS development under the Notes of the OZP, although it was sometimes stated in the Explanatory Statement of an OZP that a housing site would be used for public housing/HOS development.

38. As the applicant's representatives had no more points to make and Members had no questions to raise, the Vice-Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant's representatives of the Committee's decision in due course. The Vice-Chairman thanked the representatives of the applicant and PlanD for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

39. A Member said that the views expressed by the applicant could not be agreed as they were not related to the subject application. As there was no plan by the Housing Authority or other relevant organizations to take up the application site for public housing or HOS development, the proposed amendment to restrict the development of the application site to public housing or HOS development was meaningless.

40. A Member said that as the role of the Board was not to allocate the different types of housing at the application site, there was no need to amend the Notes for the “R(A)” zone as proposed by the applicant.

41. A Member said that although the applicant did not focus his presentation on the proposed amendment, the co-operative manner of the applicant in responding to the comments of the Members was appreciated. It was hoped that the applicant would continue to be co-operative when presenting to the Board/Committee in the future.

42. A Member said that the application site was relatively small in size as compared with Oi Man Estate and Ho Man Tin Estate, and therefore a public housing development at the application site might not have the same economy of scale as the other larger public housing estates. The Member further said that whether the site should be developed for private housing or public housing/HOS was a matter of housing policy. It was therefore not appropriate for the Board to impose restriction on the type of housing to be developed at the application site. Approval of the application would set an undesirable precedent for similar applications in the future. The Member suggested that the proposed rejection reason (a) be amended by deleting the sentence “there is no strong justification to restrict the site for public housing and HOS use only”. Another Member agreed.

43. The Vice-Chairman said that the presentation of the applicant was not particularly relevant to the proposed amendment. The applicant should have made a presentation to the Committee on the relevant planning justifications as to why public housing/HOS development was more suitable than private housing development at the application site, and how public housing/HOS development was compatible with the environment of the area. However, no such planning justifications had been presented by the applicant. The proposed rejection reason (a) concerning the lack of strong justifications to restrict the site for public housing and HOS development was therefore appropriate.

44. The Secretary said that the applicant failed to provide relevant planning justifications to support the application. The Board was duty-bound to execute the housing policy. Nevertheless, there were also planning considerations in determining whether a site was suitable for public or private housing development, and social mix was one of the relevant planning considerations as demonstrated in the planning of Northeast New

Territories where the ratio of public and private housing was specified. However, the policy on restrictions of flat size and number was not under the purview of the Board. As already explained by DPO/K, the Board would not specify the type of housing to be developed in a residential zone in the Notes of the OZP. Instead, relevant information on the types of housing might be included in the Explanatory Statement of the OZP. The proposed rejection reasons as stated in the Paper were considered by PlanD to be an appropriate response to the applicant, given there was no strong planning justification provided by the applicant.

45. The Vice-Chairman summed up the discussion and said that the Members did not support the application. Members also generally considered that the reasons for rejection as stated in paragraph 12.1 of the Paper were appropriate.

46. After further deliberation, the Committee decided to reject the application. The reasons were :

- (a) the application site was suitable for both private housing and public housing/HOS. There was no strong justification to restrict the site for public housing and HOS use only. The current Notes for “R(A)” zone was appropriate; and
- (b) the decision of developing private housing or public housing/HOS at a site was a matter of housing policy.

[The meeting was adjourned for a short break of 5 minutes and resumed at 10:50a.m.]

[Mr. K.K. Ling, Mr. Edwin Chan and Mr. Roger Luk returned to join the meeting at this point.]

### **Hong Kong District**

[Mr. C.K. Soh, Chief Town Planner/Urban Design and Landscape (CTP/UD&L), and Ms. Irene W.S. Lai, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

## **Agenda Item 5**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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/H8/419)

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47.                      The application was submitted by Choice Win (HK) Ltd, which was a subsidiary of Sun Hung Kai Properties Ltd (SHKP). Mr. Dominic Lam, Mr. Patrick Lau and Ms. Julia Lau had declared interests in this application as they had current business dealings with SHKP. Members noted that Mr. Dominic Lam had tendered apologies for being unable to attend the meeting and Ms. Julia Lau had already left the meeting.

[Mr. Patrick Lau left the meeting at this point.]

48.                      The Secretary reported that the Secretariat had received five submissions objecting to the application the day before the meeting and on the day of the meeting. They were submitted by a concern group on wall buildings in North Point (with about 1,216 signatures), a North Point resident, Green Sense (included a letter and a drawing), the Eastern Branch of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) and Legislative Council member Dr. Kenneth Chan Ka Lok. All five submissions had been tabled at the meeting. The Secretary also reported that a replacement page of the Paper (page 38) had been tabled at the meeting.

### **Presentation and Question Sessions**

49.                      Ms. Irene W.S. Lai, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application –
- (i) in 2007, the Hong Kong Housing Authority agreed to surrender the ex-North Point Estate (ex-NPE) site to the Government;
  - (ii) in 2008, a planning scheme for development of the ex-NPE site (including the adjacent bus terminus, sitting-out area and sections of road between them) was prepared. The application site, which formed part of the ex-NPE site, was proposed for residential development with commercial uses, public transport terminus (PTT), public coach park and government, institution or community (GIC) facilities. A total of 15,000m<sup>2</sup> at-grade public open space (POS) including a 20m-wide promenade was also proposed at the ex-NPE site to address the district shortfall, of which a total of 12,680m<sup>2</sup> would be provided at the application site. An initial design scheme was also agreed by the Committee as the basis for an Air Ventilation Assessment (AVA) Study;
  - (iii) in January 2009, the Committee considered the findings of the AVA Study together with a draft planning brief (PB) incorporating the recommendations of the AVA Study, and agreed that the draft PB was suitable for submission to the then Harbour-front Enhancement Committee (HEC) and the Eastern District Council (EDC) for consultation;
  - (iv) in July 2009, after taking into account of the HEC and the EDC, the revised draft PB was endorsed by the Committee;
  - (v) in 2010, amendments to the approved North Point OZP No. S/H8/22, including the rezoning of the application site from “R(A)”, “G/IC”, “O” and ‘Road’ to “CDA(3)” to facilitate comprehensive development of the application site, were exhibited for public inspection under section 5 of the Town Planning Ordinance. A total of six representations were received. On 3.9.2010, the Board

considered the representations and comments and decided not to uphold the representations. However, the Board considered that the PB should be strengthened to include additional guidelines to avoid bulky podium development on the ex-NPE site;

(vi) in 2011, the revised PB was endorsed. The amendments included the requirement for a permeable and terraced podium design, a more stringent control of the site coverage, revised GIC requirements, revised PTT location, and the specification that the Government would construct a pedestrian subway linking up the ex-NPE site and North Point MTR Station;

- (b) the proposed comprehensive residential, commercial (eating place, shop and services), public open space, GIC uses, public coach park and PTT development;
- (c) departmental comments – no objection from concerned government departments was received. However, the District Officer (Eastern) reported that the public were concerned about the building height (BH), air ventilation and the adverse effects caused by the proposed development;
- (d) views of the Harbourfront Commission - on 21.2.2013, the applicant briefed the Harbourfront Commission's Task Force on Harbourfront Developments on Hong Kong Island (HC Task Force) on the proposed development. The HC Task Force recognized that the proposed scheme in general was a significant improvement as compared to the Development Concept Plan of the PB. The applicant was also asked to take into account members' comments on the widening of building separation; the enhancement of pedestrian connectivity; and the provision of retail facilities at the perimeter of the PTT and along the promenade;
- (e) views of the EDC - on 25.4.2013, the applicant briefed the District Facilities Management Committee (DFMC) of EDC on the proposed community hall. DFMC passed a motion requesting for the provision of

at least 650 seats in the proposed community hall. On 9.5.2013, the applicant briefed the Planning, Works and Housing Committee (PWHC) of EDC on the proposed comprehensive development. PWHC members raised concerns on the noise, air and construction impacts on the surrounding areas, the retention of the existing trees, the traffic improvement measures associated with the PTT, the provision of GIC facilities, the design and management of the waterfront promenade and POS, the arrangement of the existing pet garden, the provision of public coach park, and the location of taxi lay-by. Some PWHC members suggested that the applicant should provide outdoor seating for food and drinks along waterfront promenade, introduce the history of existing trees to be transplanted to waterfront promenade, and consult relevant parties on the location of taxi lay-by;

- (f) during the first three weeks of the statutory publication period, a total of 16 public comments were received on the application. The public comments were summarized as follows:
  - (i) a Legislative Council member was concerned about the building separation and the BH of the proposed development, the adverse air ventilation impact on the surrounding areas, and the provision of public loading/unloading facilities at the application site. The Legislative Council member also considered that the implementation of the enhancement proposal at North Point Ferry Piers under the Hong Kong Island East Harbour-front Study – Feasibility Study (HKIEHS) should be expedited so as to integrate with the planning for the ex-NPE site; and
  - (ii) Island Lodge (Management) Limited was concerned about the BH and building disposition of the proposed development and adverse impacts on wall effect, air ventilation and sunlight of the surrounding areas. It also considered that the exhaust outlets, public coach parking spaces and clubhouse should be minimized. The provision of car parking spaces should be based on relevant

guidelines and traffic condition of the area. Furthermore, access to POS and waterfront promenade should not be restricted. The ratio of recreation and POS could be increased and green roof could be provided to improve the appearance of the community;

- (iii) Designing Hong Kong Limited considered that the design for proposed development and the existing ferry piers should be integrated. Adequate public coach parking facilities should be provided for a cross-border public transport interchange. Retail facilities should be provided at the northern perimeter of the PTT. Outdoor seating for food and drinks should also be provided. The connectivity of the PTT with other transport facilities and linkage to the North Point MTR Station should be improved;
- (iv) other commenters were concerned about the wall effect and the adverse air quality and environmental impacts on the surrounding areas. Some of them suggested the BH, development intensity and the number of building blocks should be reduced. The BH should be redistributed to take into account the visual context of the surrounding areas. There were also suggestions to retain the pet garden, and to provide more POS, shopping centre and green roofs. The ventilation system of the PTT should be designed to avoid air pollution. Sufficient transport facilities should be provided to serve the proposed residential and commercial development. Some commenters also called for the extension of the public consultation period;
- (g) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 13 of the Paper. They were summarized as follows:

Planning Intention and Development Parameters

- (i) the proposed comprehensive development for residential, commercial (eating place, shop and services), POS, GIC uses, public

coach park and PTT uses was in line with the planning intention of the zone. The major development parameters, including the overall GFA, maximum BH and maximum site coverage above ground complied with the OZP restrictions and the endorsed PB;

#### Development Concept of the PB

- (ii) under the Development Concept Plan of the PB, a 2-tier development layout was proposed. Residential blocks should be set back 50m from Island Eastern Corridor (IEC), and commercial and GIC facilities were proposed at the northern part of the site as a buffer. To allow for a more interesting profile, BH should descend towards the harbourfront with a level difference of at least 30m between the seaward and landward portions. Varying BH in east-west direction should be adopted. Apart from providing a large open space, Shu Kuk Street and Kam Hong Street were designated as non-building areas (NBAs). Adequate building gaps should be provided, and bulky podium structure should be avoided. A lower podium height with greater permeability was also encouraged. The car park and public coach park should be provided at the basement floors. The covered PTT should be open on two sides to enhance air flow towards Java Road;

#### Proposed Layout

- (iii) in the current application, a linear layout design was proposed. Instead of having the commercial/GIC facilities to serve as buffer between the IEC and the residential development, the proposed GIC block and commercial/retail podium were located on the western portion of the site with 4 residential towers above the podium. The remaining 6 residential towers were proposed in the eastern portion on top of a covered PTT with retail frontage along Java Road. The 10 residential towers were aligned in a curvilinear manner in an east-west direction. The shorter residential towers were at the two ends near the waterfront and the taller ones were in the middle at the landward side of the site;

### Height Profile

- (iv) the proposed scheme was different from the Development Concept of the PB as it did not adopt a stepped height concept with a level difference of 30m descending towards the harbourfront. However, it had adopted a curvilinear layout with east-west BH variations which was a distinct and interesting built form. In addition, no GIC or commercial block was proposed next to the waterfront promenade, as in the Development Concept Plan of the PB. This would not only enhance greatly the visual openness along the waterfront, but also enable the creation of a spacious POS which would also be integrated with the waterfront promenade. The GIC block with community hall in the proposed scheme was located right next to the primary civic plaza in front of the ferry pier. This would help increase the sense of place, making this new POS particularly meaningful for this densely populated part of North Point. As the residential towers in the proposed scheme were at a relatively central location within the application, there was a larger separation (about 20m to 60m) from the existing developments on the opposite side of Java Road;

[Prof. C.M. Hui left the meeting at this point.]

### Building Gaps

- (v) the proposed scheme had maintained the two key visual corridors along Kam Hong Street (17m wide) and Shu Kuk Street (27m wide) as required under the PB. In addition, it had two building gaps which were at least 5.2m in width. It should be noted that there was no specification on the number of blocks under the PB. The initial design scheme drawn up by PlanD in 2008 was for AVA testing purpose and was indicative only. The applicant needed to demonstrate that the proposed layout was an optimal design taking into account all the requirements and constraints. In this regard, the applicant explained that a 10-residential tower design was

adopted because (i) as non-openable windows had been adopted for the building façade facing IEC due to the stringent requirement on road traffic noise, the number of units on each residential floor had been substantially reduced; (ii) 700 units were required to be provided under the lease. As for the provision of building gaps, the applicant stated that the further widening of the building gaps was not preferable as this would likely result in an exceedance in the noise level of the noise-sensitive receivers (NSRs) located right next to the building gaps and thus a drop of noise compliance rate by 4%. However, the drop of compliance rate was only based on the applicant's preliminary checking. It had yet been demonstrated to the satisfaction of EPD that all noise mitigations measures had been considered and exhausted under such a scenario. To further enhance the visual permeability, it was recommended that the applicant be requested to improve the provision of building gaps as far as practicable, through alternative design if necessary, during the detailed design stage by imposing a relevant approval condition;

#### Podium design

- (vi) the PB had specified that large podium structure should be avoided and a lower podium height with a permeable and terrace design should be adopted. In the proposed scheme, 2 podium structures were proposed instead of one podium design as illustrated in the PB. The PTT podium on the eastern portion of the site was of a lower height of 16mPD (about 11m above ground), with a permeable design opened on 2 sides along Tin Chiu Street and Kam Hong Street, a high-headroom of 5m for the podium garden and further setback from the junction of Tin Chiu Street and Java Road. This complied with the requirement of the PB;
  
- (vii) the commercial/retail podium on the western portion of the site was an alternative design for a free-standing GIC block/community hall along the waterfront as illustrated in the PB. With a BH of 19.9mPD (15.5m above ground) and a site coverage of 43% (based

on the portion of the site to the west of Kam Hong Street), it had freed up land for a large and integrated POS. It had also adopted a terraced design with a high headroom of 5m for the podium garden, which could help break down the visual mass and enhance the visual quality at lower levels, particularly from the waterfront promenade and the POS. In addition, the proposed alfresco dining / retail frontage of this podium would enable continuation of activities into the POS. The current design, which had adopted the features as specified in the PB, was a trade-off between a “no-podium” design and a design with a better and integrated POS;

#### Air Ventilation

- (viii) the proposed scheme followed the requirement of PB by including 2 wind corridors at Shu Kuk Street (27m wide) and Kam Hong Street (17m wide), putting a car park and a public coach park at basement, providing an open-sided PTT and a building setback to facilitate air ventilation. According to the applicant’s AVA, the podium with a moderate height and the podium garden design with a high headroom would facilitate wind penetration and it would be easier for the wind to reach the pedestrian level when compared with the initial design scheme. The proposed scheme provided more setback from Java Road to further allow the northeasterly and easterly wind to penetrate through the street. The curved building alignment would also help divert more wind back to promenade area. The wind environment with regard to the proposed scheme was slightly better than PlanD’s initial design scheme under annual, summer and winter scenarios. Improvement could be observed along the promenade, Java Road, Tin Chiu Street and Kam Hong Street. In this regard, CTP/UD&L had no objection to the application from an air ventilation perspective;

#### Noise Mitigation

- (ix) although the minimum distance between the residential tower T2 and IEC of 42m was less than the 50m buffer distance proposed in

the PB, there was further setback at T6 and T7 with buffer distance from IEC increased to 74m. According to the applicant, the disposition of the residential towers in the middle portion of the site was to maintain a setback from both IEC and Java Road. With measures including having non-openable windows of habitable room at the northern façade of T2 to T9 facing IEC, having windows of habitable rooms nearest to Java Road facing eastward or westward to minimise exposure to Java Road, and the extensive use of acoustic balconies with ceilings provided with sound absorptive materials, a noise-compliance rate of 80% could be achieved. DEP had no adverse comment on the applicant's road traffic noise assessment but suggested to impose an approval condition on noise mitigation measures;

#### Open Space Network and Landscape

- (x) in the subject application, a 20m-wide waterfront promenade of not less than 5,880m<sup>2</sup> and a POS of not less than 6,800m<sup>2</sup> including plazas, landscaped walkways and amenity planting strips were proposed. Within the waterfront promenade, there would be recreational facilities including fitness stations, pet garden, seating benches and rain shelters. The integrated design of the waterfront promenade, POS and public landscaped walkways provided an open space network for public enjoyment. In line with the PB, the proposed development had achieved a green coverage of 30% with minimum of 20% at ground level. According to the tree survey and tree preservation report submitted by the applicant, among the 73 existing trees within the site, two-third would be retained (14 trees) or transplanted (32 trees), including transplanting of 3 mature trees which had specific character and were of sentimental value to a more central location on both sides of Kam Hong Street near the waterfront promenade. Although the remaining 27 trees would be felled due to poor health/form or in direct conflict with the proposed development, 78 compensatory trees would be planted at the site by the applicant with a compensation ratio of nearly 3. CTP/UD&L

has no objection to the application;

Provision of GIC Facilities

- (xi) the applicant had provided a total GFA of not less than 5,225m<sup>2</sup> for the GIC facilities (including a public toilet within the PTT, integrated family service centre, special child care centre cum early education and training centre, district support centre for persons with disabilities, day care centre for the elderly and community hall) as required in the PB. Although there was no GFA breakdown for individual GIC facility in the submission, the applicant had provided the net operational floor area (NOFA) for each facility as required under the lease;
  
- (xii) according to the PB, the community hall should be accommodated in a free-standing building which could also accommodate other GIC facilities. Instead of a free-standing block, the GIC block proposed in the current application was attached to the western podium with a separate entrance. The applicant had sought to achieve design integration amongst the GIC block, the POS and the landscaped walkway along Shu Kuk Street. Moreover, the applicant stated that there was design flexibility in the proposed scheme to allow access to the GIC facilities from the retail/commercial portion of the podium subject to detailed design and agreement with relevant Government departments. CTP/UD&L considered that the proposed community hall could form a focal point near the promenade and attract more people to the waterfront. Concerned departments had no adverse comments on the provision of GIC facilities. The comments of DHA on the partitions, stage, and audio-visual and lighting systems for proposed community hall would be addressed at the detailed design stage;

Traffic

- (xiii) the applicant would provide a new covered PTT on ground level for the re-provisioning of the existing bus terminus at the application

site. A public coach park, public L/UL facilities, associated transport facilities for the GIC uses would be provided at the basement of the proposed development in accordance with the PB. According to the applicant's TIA, the proposed development would have no adverse impact on the surrounding road network. C for T had no in-principle objection to the application from the traffic engineering point of view. The applicant also proposed to add a taxi stand in the new PTT and C for T had no in-principle objection to it;

#### Other Technical Aspects

- (xiv) the applicant had submitted impact assessments on the air quality, sewerage and drainage of the proposed development. They demonstrated that there would be no unacceptable impacts. Both DEP and DSD had no objection to the application;

#### Views of HC Task Force, EDC and Public Comments

- (xv) for the concerns relating to BH, building separation and disposition, air ventilation, wall effect, sun light, environmental impacts, provision of POS/recreational facilities, pet garden, greenery/tree preservation, parking provisions and GIC facilities, the assessments in paragraphs 13.1 to 13.7 of the Paper were relevant;
- (xvi) regarding the suggestion on provision of retail facilities at the perimeter of the PTT and along the promenade, the applicant pointed out that commercial/retail activity was already proposed along Java Road at the eastern portion of the site. The provision of additional retail facilities at the promenade side might lead to a failure to meet the minimum area requirement of the PTT;
- (xvii) DFMC's request for an increase of the seating capacity of the community hall from 450 to 650 could be addressed at the detailed design stage;

- (xviii) regarding the public commenters' concern on air quality and noise issues of the proposed PTT, the applicant had responded that adequate mechanical ventilation and pollution control measures would be designed to avoid accumulation of emission, and noise nuisances generated from the proposed covered PTT should be much reduced. EPD had no objection to the application;
  
- (xix) regarding the connectivity amongst various transport facilities, the applicant had responded that the PTT, ferry pier and MTR station were within walking distance. The public could access the transport facilities via the at-grade landscaped walkways and amenity strips around the site. The public could also have weather protection on rainy days through the commercial/retail podium. Besides, the applicant would make provision at the basement level to connect to a pedestrian subway leading to the North Point MTR Station to be constructed by the Government;
  
- (xx) with respect to the implementation of the enhancement proposal under HKIEHS, the proposed waterfront promenade was in line with the enhancement recommendations of HKIEHS. Regarding the design integration with the ferry piers, civic plazas had been proposed in front of the ferry piers as a focal point of vibrancy, and the public coach park was intended to serve the visitors for the harbour cruise;
  
- (xxi) regarding the public coach parking facilities for cross boundary coach services, TD advised that the existing cross-boundary coach stopping points along Java Road could be maintained as there would be sufficient space for the queuing of cross-boundary coach services taking account of the width of the existing footpath (3m) and the 3m setback required under the PB;
  
- (xxii) regarding provision of outdoor seating for food and drinks, alfresco dining and retail frontage were proposed along the podium edge on

the western part of the site; and

(xxiii) regarding the concern on public consultation, the planning application and the applicant's further information dated 24.4.2013 had been published for public inspection according to the provisions of the Town Planning Ordinance.

Initial Design Scheme for the AVA

50. In response to a question from the Chairman, Ms. Irene Lai said that as the ex-NPE site was an elongated site with about 400m of frontage along the waterfront of North Point, it was necessary to conduct an AVA to assess the impacts of the proposed development on air ventilation. An initial design scheme comprising four residential blocks was then drawn up by PlanD for AVA testing purpose. There was no requirement in the PB that the Master Layout Plan had to follow the initial design scheme.

51. In response to a question from the Secretary, Mr. C.K. Soh said that when PlanD developed the initial design scheme for AVA testing, the constraints of the application site had been taken into account. One of the major constraints of the application site was the traffic noise coming from the IEC. To reduce the traffic noise impact, a GIC block was proposed to be located between the IEC and two residential towers at the eastern portion of the application site. In addition, a podium structure of 35mPD in height with two residential towers on top was proposed to cover almost the entire western portion of the application site. The GIC block and the podium structure were designed to serve as noise barriers to help reduce the impacts of traffic noise from the IEC. However, no noise impact assessment had been conducted at that time to assess their effectiveness.

52. A Member asked whether the initial design scheme could be inspected by the public and whether the purpose of the initial design scheme was made known to the public. Ms. Irene Lai said that the initial design scheme was attached to the Paper submitted to the Committee for consideration at that time which could be inspected by the public. It should be noted that the AVA study subsequently concluded that the podium structure at the western portion of the site would be a significant obstacle to the prevailing winds. As a result, the PB was subsequently amended to specify that large podium structure should be avoided at the application site and a lower podium height with permeable and terrace design should be

adopted. The fact that the PB had been amended to reflect the results of the AVA study clearly indicated that the initial design scheme served only as a basis for AVA testing. It was not intended to be a guiding design to be followed by the applicant.

53. A Member asked the following questions:

- (a) given that the proposed layout was a crucial consideration in the assessment of the proposed scheme, why the applicant was only requested to provide additional justifications on the proposed layout two days before the meeting;
- (b) whether there was any standard practice in the preparation of photomontages such as those shown at Drawing A-19 of the Paper;
- (c) other than the proposal under the subject application, whether there were any other physical models or layout plans concerning the application site that had been exhibited for public inspection since the initial design scheme was considered by the Committee;
- (d) whether there was any requirement for the applicant to conduct an AVA study and whether the AVA study had to be conducted using wind tunnel modelling; and
- (e) referring to Appendix Io where the applicant stated that “if residential blocks are aligned in two rows, most of the open spaces would end up being proposed at areas in between these two rows of residential blocks and are segregated from the promenade”, whether the open spaces were intended for public use and how these public open spaces should be assessed.

54. Ms. Irene Lai had the following responses:

- (a) although there had been two rounds of public inspection periods to allow members of the public to comment on the application and the further

information, relatively few public comments had been received on the application. It was not until the past week that the layout design and disposition of the building blocks of the proposed development had attracted the attention of the media and members of the public. The applicant was therefore urgently requested to provide more information on the rationale of the proposed layout and the disposition of the building blocks with a view to facilitating the Committee's consideration of the application;

- (b) the photomontages in Drawing A-19 were taken at the Hung Hom Promenade which was a popular viewing point from the Kowloon side;
- (c) since the initial design scheme was considered by the Committee in 2008, the PB had been amended a few times. The most recent amendment took place in 2011 when the initial design scheme was deleted from the PB for the reason that planning approval had already been granted for the hotel site at the western part of the ex-NPE site with approval conditions governing the building frontage and separation requirements of the future hotel development. The amendment was attached to the relevant MPC Paper which was open for public inspection;
- (d) it was stated in the PB that if the proposed development was different from the Development Concept Plan of the PB in terms of layout or design, another AVA had to be conducted;
- (e) the applicant was required to provide a POS of not less than 6,800m<sup>2</sup> within the application site. In the current scheme, the POS would mostly be located outside the retail/commercial podium at the western portion of the application site and Leisure and Cultural Services Department had no adverse comment on the proposal. With regard to the possibility that there would be open spaces in between the residential towers if the towers were aligned in two rows, the applicant had not submitted any proposal that would demonstrate such a design. However, if the Development Concept Plan of the PB was used as a reference, it was reasonable to expect that

there would be open spaces in between the residential towers.

55. Mr. C.K. Soh had the following responses:

- (a) there were guidelines on the preparation of photomontages to ensure their quality. A photomontage that was taken from an unreasonably long distance away from the application site or with an unusually large field of view would not be acceptable by PlanD. However, as each geographical location was different, the acceptability of each photomontage had to be assessed individually. Camera lenses of 28mm to 35mm should be used so as to ensure that the field of view were similar to that of a human eye;
- (b) according to the technical circular issued by the Government, both wind tunnel modelling and computational fluid dynamics (CFD) modelling could be used in AVA studies. While wind tunnel modelling was used in the consultancy study on AVA for the ex-NPE site completed in 2008, the AVA study prepared by the applicant was based on CFD modelling. It was considered that the findings of the previous wind tunnel modelling and the current CFD modelling for the initial design scheme were comparable. When the results of the CFD modelling of the proposed development scheme were compared with those of the initial design scheme, it was found that the proposed development scheme was generally better than the initial design scheme in terms of the overall air ventilation performance, especially in improving the wind environment in the area near the intersection of Java Road and Shu Kuk Street. For areas further inland such as the inner streets of North Point, both the initial design scheme and the proposed development scheme would have little impact on the wind environment, as the tall buildings to the immediate south of the application site had blocked off the wind coming in from the north. In this connection, the north-south oriented streets played a more important role in air ventilation.

56. With regard to the requirements of photomontages, the Secretary said that the Board had published a set of guidelines on the submission of visual impact assessment for

planning applications to the Board. The guidelines had listed out the criteria for choosing viewing points and other considerations when taking photomontages.

#### Air Ventilation

57. The same Member asked whether the applicant had addressed the air ventilation problems only at the pedestrian level but not at the higher altitude. Mr. C.K. Soh said that it appeared that the applicant had studied a number of design options before settling for the proposed development which had been shown to bring about an overall improvement to the wind environment to the surrounding area. According to the technical circulate on AVA, the focus of an AVA study was on the pedestrian level rather than at the higher altitude, as it was considered that the wind environment at the pedestrian level where people would congregate and take part in various activities was of greater concern.

#### Noise compliance rate

58. Referring to Appendix Im of the Paper, a Member asked how the noise-compliance rate of 80% was calculated and whether the self-protecting building design of the proposed development was better than the Development Concept Plan in the PB in terms of traffic noise reduction. Mr. Ken Wong said that the noise-compliance rate was calculated based on the proportion of the number of residential units that complied with the relevant road traffic noise criterion (i.e. 70 dB(A)) in relation to the total number of residential units in the proposed development. According to a practice note on road traffic noise issued by the Environmental Protection Department (EPD), whether a noise compliance rate was acceptable would depend on the size of the site. Mr. Ken Wong further said that according to the experience of the EPD, the self-protecting building design including non-openable windows and acoustic balconies would be effective in mitigating traffic noise. For this application, an approval condition had been recommended by EPD on the submission and implementation of noise mitigation measures so as to ensure that the applicant would submit and implement the noise mitigation measures as proposed in the application.

#### Deliberation Session

##### Major elements of the proposed scheme

59. The Secretary said that besides the issue of wall effect which was a major public concern, there were a few other elements in the proposed development scheme that should

also be considered by the Committee. They included the provision of POS, the impact on air ventilation arising from the proposed development and the layout of the proposed development. According to the assessment of PlanD, the proposed development would bring about improvements in air ventilation and in the provision and distribution of POS. With respect to the proposed layout, there remained a concern whether it was the optimal design. An important element in the proposed layout that should be considered by the Committee was the design of the podium. During the consideration of the draft PB, Members were concerned about the height and size of the podium in the Development Concept Plan in the PB. Some Members even suggested that no podium should be included in the proposed development. However, such a design would not be feasible due to the presence of the PTT. The Committee subsequently agreed to revise the draft PB by specifying that large podium structure should be avoided and a lower podium height with permeable and terrace design should be adopted. With respect to the current application, it was considered that the proposed podium design was in line with the requirement of the PB.

60. The Secretary continued to say that Members should also consider whether the proposed layout design of the proposed development was an optimal design vis-à-vis the 2-tier design in the Development Concept Plan of the PB.

61. The Secretary said that another element that should be considered by the Committee was the building gaps of 5.2m. It was considered that the building gaps could be widened by modifying the design of the proposed development, for example, by reducing the number of residential towers. However, to maintain the same number of residential flats, the applicant might need to increase the building height of the shorter residential towers, which might lead to a decrease in the variation in the building height profile. Alternatively, the applicant could modify the layout (for example, by shifting the orientation of the residential towers) so that the building gaps could be slightly widened. The Committee should consider whether the increase in building gaps and the associated amendments to the proposed layout represented an overall improvement to the proposed scheme. In light of this, an approval condition on the improvement to the width of the building gaps was recommended in the Paper for Members' consideration.

The issue of traffic noise

62. Mr. Ken Wong said that based on EPD's practice note, for the subject application

site which was 2.93ha in size, the acceptable noise compliance rate (i.e. the percentage of the number of residential units that complied with the road traffic noise criterion of 70 dB(A)) was 76%. However, if there was room for improvement in the noise compliance rate, the EPD would further liaise with the applicant so that a better noise compliance rate could be achieved. The purpose of the approval condition on noise mitigation measures as suggested by EPD was to monitor the implementation of the proposed mitigation measures and to consider whether the noise compliance rate could be further improved. There might not be a correlation between the noise compliance rate and the width of the building gaps. However, the applicant had to demonstrate that the noise mitigation measures had been considered and exhausted to the satisfaction of EPD if the building gaps were widened.

The 700 flat requirement

63. A Member asked whether the requirement to provide at least 700 flats in the lease had affected the proposed layout. Ms. Irene Lai said that there was no requirement on the number of flats in the PB. However, when the site was sold, it was stipulated in the lease that the landowner had to provide at least 700 flats at the site. The applicant was therefore required to provide at least 700 flats while complying with the various requirements in the PB.

64. In response to a further question from the same Member, Ms. Irene Lai said that the PB only stipulated the major development parameters such as GFAs. The requirement on the number of flats was not stated in the PB as it was not an essential development parameter at the planning stage.

The AVA study

65. Noting that the focus of the AVA study for the proposed development was mainly on the wind environment at the street level, a Member asked whether another AVA study should be conducted specifically with respect to air ventilation problems at the higher altitude so as to address the public perception that the proposed development would create wall effect. The Member further considered that as the PB required the provision of building gaps with adequate width and encouraged the applicant to provide creative building design and to pay special regard to the treatment of building façade and mass, the applicant should also be asked to further improve the proposed development to address the public perception regarding the wall effect.

66. In response, Mr. C.K. Soh said that it might not be necessary to conduct another AVA study for the higher altitude. Although the main concern of the AVA study was on the wind environment at the street level, the results could to some extent reflect the wind environment at the higher altitude. Furthermore, there were other existing mechanisms such as the prescribed window requirements in the Building (Planning) Regulations which could also address the issues of natural lighting and air ventilation at the upper floors of a building. It was further considered that the proposed development had already complied with the requirements on creative building design and the treatment of building façade and mass. The remaining area in the proposed development that could be further improved was the building gaps for visual permeability. It should be noted that the Sustainable Building Design Guidelines stipulated that the maximum length of the building façade would depend on the width of the road and the distance of the building from the road, and it was not correct for some members of the public to say that the building façade could not be longer than 60m.

Compliance with the PB requirements

67. A Member asked whether the applicant had complied with the requirement in the PB that there should be a 30m difference in BH between buildings on the waterfront and the inland area. Mr. C.K. Soh said that as the residential towers in the proposed layout were not aligned in two rows, the requirements in the PB had not been strictly followed. For the proposed development, the applicant proposed that a curvilinear layout with the shorter buildings located close to the waterfront and the taller buildings in the inland area. Through this layout, the applicant had maintained some variations in BH between the residential towers. It was considered that there were conceptual similarities between the proposed layout and the requirement of the PB.

68. In response to a question from the Secretary, Ms. Irene Lai said that according to the PB, the applicant was required to address the traffic noise impacts on the proposed development. However, it was only a suggestion stated in the remarks of the PB that the residential blocks should be set back 50m from the IEC with the provision of a commercial/GIC block along the waterfront as a buffer. The applicant was required to comply with the technical requirements stated in the PB by addressing the traffic noise issue to EPD's satisfaction but they were not required to strictly follow the suggestions regarding the proposed layout. This same approach had been adopted in the processing of the

applications for other “CDA” sites, for example, the “CDA” site at Oil Street.

69. In response to a question from a Member, the Chairman said that the applicant had to comply with the quantitative requirements in the PB such as the size of open space and the technical requirements such as the traffic impact assessment and the AVA. In drawing up the layout design, the applicant should make reference to the Development Concept Plan in the PB. In case of deviation from the Development Concept Plan, an AVA needed to be conducted.

70. In response to a question from the Secretary, Ms. Irene Lai said that physical models showing a conforming scheme to the Development Concept Plan and the proposed scheme had not been submitted to the Board as part of the current application. The Secretary said that it was not stipulated in the Notes of the OZP that a comparison had to be made between the Development Concept Plan of the PB and the proposed development.

#### Wall effect

71. The Vice-Chairman said that whether a development would create wall effect depended on scientific evidence and not on public perception. In this regard, the AVA study had already scientifically demonstrated that the proposed development would lead to an improvement to the overall wind environment when compared with the conforming scheme. Besides air ventilation, the issue of building gaps was also related to wall effect. In the proposed development, there were virtually no building gaps between Towers T02 to T04, and this might have other impacts (e.g. a loss of natural lighting) on the residential developments across Java Road. Furthermore, it appeared that the applicant had tried to maximize the area of the building façade fronting Victoria Harbour to gain the maximum amount of sea view at the expense of the residents at the inland area. If the buildings were slenderer, the building gaps could be widened, and this would be beneficial to the residents in the area.

#### Stepped building height profile

72. The Chairman said that given that the maximum building height had been restricted to 80mPD and the proposed residential towers were not of uniform height, the proposed development did not look like other residential developments that had created wall effect. There was also a clear variation in the building height profile. However, whether

the building height profile was acceptable was subject to Members' view.

73. A Member said that the stepped building height profile might not be important considering that there were already a high density of high-rise developments in the inland area of North Point overshadowing the proposed development. The Member continued to say that there were elements in the proposed development which deserved commendation, such as the improvement to the overall wind environment and the provision of a contiguous open space. However, the Member was not satisfied that the applicant had not submitted other design options (e.g. an alternative layout with two rows of residential towers) for comparison purposes. As the site was zoned "CDA", the applicant was required to submit the optimal scheme for the consideration of the Committee. Considering that there were public concerns over the proposed development over the past few days, and there was still room to improve the proposed layout, the Member did not support the application. Another Member agreed and did not support the application.

74. The Chairman asked the Committee to note that although there were public concerns over past few days, the applicant had previously consulted the HC and the EDC and they had no major adverse comments on the application.

75. A Member said that air ventilation at the higher altitude remained a concern. However, compared with the nearby Provident Centre, the proposed development was already an improvement. The Member considered that the applicant should be able to find a way to widen the building gaps and to address the concerns of Members.

76. Noting that the application had already received support from the HC and there were no major adverse comments from the EDC, a Member supported the application and said that it would be difficult for the applicant to come up with a scheme that would be acceptable to all members of the public. Nevertheless, there should be room to improve the proposed layout. It was suggested that the application be deferred so that PlanD could liaise with the applicant on improving the proposed layout. The Member said that as there were strong merits in the proposed layout, only minor amendments based on the discussion of Members were necessary. By deferring the application, the applicant might be able to come up with further improvements to the scheme that would be beneficial to the local residents, and the proposed development could be moved forward as soon as possible once the

outstanding issues were resolved.

77. The Vice-Chairman agreed that the application should be deferred as this would give the applicant an opportunity to address the comments of Members and the concerns of the public, although it might not be necessary to introduce major amendments to the scheme.

78. The Secretary said that if the application be deferred, the Committee should provide a few guiding principles for the applicant to improve their proposal. After some discussions, Members generally agreed that the visual permeability of the proposed development should be improved, and in particular, the building gaps should be widened. The applicant should also try their best to maintain a varying building height profile as far as possible. Furthermore, the applicant should also be advised to submit an alternative scheme conforming to the Development Concept Plan of the PB to the Committee for comparison with the proposed development scheme, though it was reckoned that it was not a requirement that a 2-tier building design had to be adopted.

79. The Chairman concluded the discussion and said that Members generally agreed that the application should be deferred. The applicant was required to improve the proposed development based on the discussions and the guiding principles as agreed by Members. PlanD should continue to liaise with the applicant with a view to improving the proposed layout.

80. After further deliberation, the Committee decided to defer a decision on the application pending the submission of further information by the applicant on the improvements to the proposed development based the discussions and the guiding principles as agreed by Members.

[The Chairman thanked Mr. C.K. Soh, CTP/UD&L, for his attendance to answer Members' enquiries. He left the meeting at this point.]

## **Agenda Item 6**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H21/136 Proposed Religious Institution (Redevelopment of Temple) in “Green Belt” zone, Government Land, King's Road, Quarry Bay, Hong Kong  
(MPC Paper No.A/H21/136)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed religious institution (redevelopment of temple);
- (c) departmental comments –
  - (i) the Secretary for Home Affairs (SHA) commented that the proposed temple, joss paper furnace and storage area (for storing joss sticks) were prima facie for religious facilities. SHA was also satisfied that the applicant, Yee Bark Kung Tai Sing Temple Limited, was a charitable religious organisation. As such, he gave policy support to the religious facilities;
  - (ii) the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) commented that there was a steep natural terrain overlooking the site. The proposed location of the temple was in close proximity of/encroached into existing slope features; and there could be excavation/site formation works during demolition and reconstruction of the current temple. The submission of Geotechnical Planning Review Report (GPRR) was necessary to demonstrate the feasibility of the proposal and the applicant should submit a GPRR with their planning application (i.e. before the approval of the planning application);
  - (iii) the Director of Environmental Protection (DEP) did not support the application at present for the reason that the applicant's submission

did not provide any information/consideration to protect the Hong Kong Association of Youth Development Training Centre (YDTC), which was within 20m from the application site. The YDTC was an air sensitive receiver (ASR) and might be subject to smoke and odour nuisance of the burning activities of the proposed temple;

- (iv) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from a landscape planning point of view. The proposed temple, store room and incinerator (joss paper burner) sitting on top of a platform on the wooded hill slope and associated site formation works would likely be in conflict with the existing trees. However, there was no information of tree survey, tree preservation/protection scheme nor landscape proposal submitted under the application to preserve/protect the existing trees and mitigate the arising adverse landscape impact;
  - (v) the District Officer (Eastern) had no comment on the application. However, the temple/shrine under application had been in existence at the site for over 20 years and had a number of worshippers;
- (d) during the first three weeks of the statutory publication period, five public comments were received. A Eastern District Council member supported the application as the existing temple had a long history and many worshippers. The current temple had been rebuilt by the locals since 1985 and deteriorated. The temple needed to be rebuilt. As the application site was away from residential areas, the proposed temple redevelopment would not have adverse environmental impact on the surrounding areas. The remaining four commenters were concerned about the scale of the proposed development and location of the application site within the “GB” zone. The proposed redevelopment would have adverse impacts on the slope safety, noise, air quality, air nuisance and sewerage of the surrounding areas. Moreover, no environmental assessment had been conducted and there was no fire service installation for the proposed

development; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 12 of the Paper. The planning intention of the “GB” zone was primarily for the conservation of the existing natural environment amid the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. By virtue of its small scale and proximity to the YDTC, the proposed temple was considered not incompatible with the immediate surroundings. However, the application site was situated on a slope and there was steep natural terrain overlooking the site which might pose natural terrain hazards to the proposed development. CEDD considered that the applicant should submit a GPRR to demonstrate the feasibility of the proposal before the approval of the planning application. DEP did not support the application as the applicant had not provided information to protect the adjoining YDTC. CTP/UD&L had reservation on the application as no tree survey, tree preservation/protection scheme nor landscape proposal had been submitted. In view of the above, while the long local history of the temple may merit special consideration, the proposed development did not comply with TPB PG-No.10 in that it had not been demonstrated that the proposed development would not have adverse impact on the slope stability, environment and natural landscape of the surrounding area. Approval of the application would create an undesirable precedent for similar applications within the “GB” zone. The cumulative impact of approving such applications would result in a general degradation of the environment.

82. Members had no question on the application.

#### Deliberation Session

83. After 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

considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the Town Planning Board Guidelines for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that the submission had not demonstrated that the proposed development would not have adverse impacts on the slope stability, environment and natural landscape of the surrounding areas; and
- (b) the approval of the application would create an undesirable precedent for similar applications within the “GB” zone. The cumulative impact of approving such applications would result in a general degradation of the environment.

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

### **Kowloon District**

#### **Agenda Item 7**

#### **Section 12A Application**

[Open Meeting]

Y/K22/2

Application for Amendment to the Approved Kai Tak Outline Zoning Plan No. S/K22/4, To rezone the area at the North Apron from “Other Specified Uses” annotated “Stadium”, “Open Space”, “Open Space (2)”, “Other Specified Uses” annotated “Waterfront Related Commercial, Cultural and Leisure Uses”, “Road” to “Residential (Group B) 4”, “Residential (Group B) 5”, “Government, Institution or Community”, “Other Specified Uses” annotated “Stadium”, “Open Space” and rezone area at the Ex-Kai Tak Runway from “Commercial (4)”, “Road” to “Other Specified Uses” annotated “Integrated Elevated Green Space with Commercial/Community Space Underneath” and “Open Space”, Government Land at North Apron and Ex-Kai Tak Runway in Kai Tak Development  
(MPC Paper No. Y/K22/2)

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84. The Secretary reported that on 7.6.2013, the applicant’s representative requested a deferment of the consideration of the application for a period of two months from the date of his letter, i.e. to 7.8.2013, in order to allow more time for the applicants to prepare responses to departmental comments. This was the applicant’s first request for deferment.

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

[Miss S. H. Lam, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/258 Proposed Place of Recreation, Sports or Culture (Art Studio for the Indian Culture) in “Other Specified Uses” annotated “Business” zone, Unit 8, 11/F, Tower 1 Harbour Centre, 1 Hok Cheung Street, Hung Hom, Kowloon  
(MPC Paper No.A/K9/258)

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86. The Secretary reported that three submissions had been tabled at the meeting for Members’ reference. They were submitted by Kowloon City District Council member Siu Yuen Sheung, the Incorporated Owners of Harbour Centre Tower 1 and the Estate Owners’ Committee of Laguna Verde.

#### Presentation and Question Sessions

87. Miss S.H. Lam, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed place of recreation, sports or culture (art studio for the Indian culture);
- (c) departmental comments – the Director of Fire Services objected to the application and commented that the proposed use within industrial building was unacceptable as it would attract persons who could be exposed to risks which they would neither be aware of nor prepared to face. These persons would include the old, infirm, children and those whose nature of work was unrelated to the activities in the building. The Chief Officer (Licensing Authority), Home Affairs Department (HAD) commented that the Office of the Licensing Authority (OLA) would not normally issue Certificate of Compliance (CoC) for club-houses situated in an industrial building (except on the ground floor), unless such application was supported by evidence showing that the Building Authority had granted prior approval/acceptance of the change of use of the premises specifically from industrial to club use. The Chief Building Surveyor/Kowloon, Buildings

Department (CBS/K, BD) commented that having noted that D of FS did not support the application from the fire safety point of view, he had reservation on the application and the associated alteration and addition works under Section 16(1)(b) of the Buildings Ordinance (BO). The District Officer (Kowloon City) reported that Kowloon City District Council member Ms. SIU Yuen-sheung expressed to the Home Affairs Department that she had received quite a great number of objections from the Incorporated Owners and owners/occupiers of the subject building and the residents of Laguna Verde and she shared the same view and objected to the application;

- (d) during the first three weeks of the statutory publication period, 28 public comments were received. They were submitted by the representatives of the Owners' Committee (OC) of Laguna Verde and the Incorporated Owners and the owners/occupiers of the subject industrial building. They objected to the application for the reasons that the proposed art studio would have adverse impacts on traffic, fire safety, nuisance, security and hygiene;
- (e) there were three letters tabled at the meeting for Members' reference. They were mainly concerned that the proposed art studio would be incompatible with the existing offices, showrooms and workshops at the subject industrial building and would have adverse traffic and noise impacts and lead to fire hazards; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper. The proposed art studio was not compatible with the uses in the industrial building, which were mainly used for office, warehouse and showroom. D of FS objected to the application as the visitors would be exposed to risks which they would neither be aware of nor prepared to face. These persons included those whose nature of work was unrelated to the activities of the building. Noting that D of FS objected to the application, CBS/K, BD had raised concern on whether it was suitable and safe to allow

members of art studio to patron the industrial building and whether the proposed use would draw in members and guests unfamiliar with the industrial building. The Chief Officer (Licensing Authority), HAD had advised that if the mode of operation of art studio fell within the definition of “club” under the Clubs (Safety of Premises) Ordinance, a CoC for club-houses would have to be obtained from the OLA before its operation. However, the Licensing Authority would not normally issue a CoC for club-houses located in an industrial building except on the ground floor.

88. Members had no question on the application.

### Deliberation Session

89. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reason was :

- the proposed art studio was considered not acceptable in an industrial building from fire safety point of view.

### Agenda Item 9

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/259                      Proposed Shop and Services (Bakery and Cake Shop) in “Other Specified Uses” annotated “Business” zone, Workshop D1 (Portion), G/F, Hang Fung Industry Building, Phase 1, 2G Hok Yuen Street, Hung Hom, Kowloon  
(MPC Paper No.A/K9/259)

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#### Presentation and Question Sessions

90. Miss S.H. Lam, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (bakery and cake shop);
- (c) departmental comments – no objection from concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter had no objection to the application but raised concern on hygiene and air quality issues arising from the production of bread and cake. The commenter requested that adequate measures should be provided by the applicant to maintain hygiene and air quality in order to avoid causing ants and rats, etc., spreading of disease and affecting the environment; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed shop and services use (bakery and cake shop) at the application premises (about 72.87m<sup>2</sup>) was considered generally in line with this planning intention and generally complied with TPB PG-No. 22D in that it would not induce adverse safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. The aggregate commercial floor area on G/F of the subject building (i.e. the sum of total approved floor area and the floor area of the current application) did not exceed the maximum permissible limit of 460m<sup>2</sup> as laid down in TPB PG-No. 22D.

91. Members had no question on the application.

#### Deliberation Session

92. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission

was subject to the following conditions :

Approval Conditions

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the application premises, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 5.1.2014; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same day be revoked without further notice.

Advisory Clauses

- (a) to note the Director of Fire Services' comments that fire resisting construction of the application premises should comply with the requirements as stipulated in Code of Practice for Fire Safety in Buildings 2011 which was administered by the Buildings Department;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department as follows :
  - (i) all building works were subject to compliance with the Buildings Ordinance;
  - (ii) adequate means of escape should be provided for the application premises and the remaining portion of the ground floor workshop in accordance with Building (planning) Regulation 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (the FS Code);
  - (iii) the subject premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the FS Code;

- (iv) access and facilities for persons with a disability should be provided in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008;
- (v) granting of any planning permission should not be construed as an acceptance of any unauthorized building works on site under the Buildings Ordinance, Enforcement action might be taken to effect the removal of all unauthorized building works in the future;
- (vi) the applicant was required to observe the licensing requirements imposed by the relevant licensing authority;
- (vii) the applicant should appoint an Authorized Person to submit alterations and additions/change of use proposal to the Building Authority to demonstrate compliance with the Buildings Ordinance; and
- (viii) the applicant's attention was also drawn to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the Building Authority had no powers to give retrospective approval or consent for any unauthorized building works.

[The Chairman thanked Miss S.H. Lam, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

**Agenda Item 10**

Any Other Business

93. There being no other business, the meeting closed at 1:30p.m.