

TOWN PLANNING BOARD

Minutes of 493rd Meeting of the Metro Planning Committee held at 9:00 a.m. on 19.7.2013

Present

Director of Planning
Mr. K. K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Mr. H.W. Cheung

Mr. Sunny L.K. Ho

Mr. Patrick H.T. Lau

Mr. Stephen H. B. Yau

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

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. H. M. 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. Maurice W.M. Lee

Mr. Laurence L.J. Li

Ms. Bonnie J.Y. Chan

Mr. Dominic K.K. Lam

In Attendance

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

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

Assistant Town Planner/Town Planning Board
Miss Floria Y.T. Tsang

Agenda Item 1

Confirmation of the Draft Minutes of the 492nd MPC Meeting held on 5.7.2013

[Open Meeting]

1. The draft minutes of the 492nd MPC meeting held on 5.7.2013 were confirmed subject to incorporation of the following amendment to the first sentence of paragraph 62 proposed by Mr. H.M. Wong, Assistant Director (Environmental Assessment), Environmental Protection Department:

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 70dB(A)) was ~~75~~76%.

Agenda Item 2

Matters Arising

[Open Meeting]

Amendment to Confirmed Minutes of 491st MPC meeting held on 21.6.2013

2. The Secretary reported that on 21.6.2013, the Committee deferred a decision on a section 16 application No. A/K14/684. The minutes were confirmed at the meeting on 5.7.2013 and sent to the applicant's agent on the same date. Subsequently, some typographical errors were found in paragraph 61 of the minutes. To avoid any confusion, the relevant sentences of the minutes should be revised to read as:

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

3. The secretary reported that a replacement page (page 45) was sent to Members

and the revised minutes would be sent to the applicant's agent after confirmation. Members confirmed the revised minutes.

4. Since some Members had not yet arrived, the Chairman suggested and Members agreed to discuss Agenda Items 5, 6 and 7 first.

Tsuen Wan and West Kowloon District

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/TW/5 Application for Amendment to the Draft Tsuen Wan Outline Zoning Plan No. S/TW/29 from "Comprehensive Development Area (3)" to "Commercial (7)", 368-370 Sha Tsui Road, Tsuen Wan (TWTL 126) (MPC Paper No. Y/TW/5)

5. The Secretary reported that the application was submitted by Luenmay Enterprise Co. Ltd., and Lawson David & Sung Surveyors Ltd. and BMT Asia Pacific Ltd. were the consultants of the applicant. The following Members had declared interests in this item:

Ms. Bonnie J.Y. Chan - had current business dealings with Lawson David & Sung Surveyors Ltd.

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

Mr. Dominic K.K. Lam - had current business dealings with BMT Asia Pacific Ltd.

6. Members noted that Mr. Dominic K.K. Lam and Ms. Bonnie J.Y. Chan had tendered apologies for being unable to attend the meeting and Mr. Patrick H.T. Lau had not yet arrived to join the meeting.

7. The Committee noted that on 11.7.2013, the applicant's representative requested the Board to further defer making a decision on the application for another one month so as to allow additional time to provide information on the difficulties in the implementation of the comprehensive development under the "Comprehensive Development Area (3)" ("CDA(3)") zone.

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

Agenda Item 6

Section 12A Application

[Open Meeting]

Y/TW/6

Application for Amendment to the Draft Tsuen Wan Outline Zoning Plan No. S/TW/29 from "Green Belt" to "Other Specified Uses" annotated "Columbarium", Lots 613 RP (Part), 614 and 1229 in D.D. 453 and adjoining Government land, Lo Wai, Tsuen Wan

(MPC Paper No. Y/TW/6)

9. The Secretary reported that the application was submitted by Longest Profit (Hong Kong) Ltd., and CKM Asia Ltd. and BMT Asia Pacific Ltd. were the consultants of the applicant. The following Members had declared interests in this item:

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| Professor S. C. Wong | - CKM Asia Ltd. had financially sponsored some activities of the Institute of Transport Studies of the University of Hong Kong, of which Professor S.C. Wong was the Director of the Institute |
| Professor P.P. Ho | - had current business dealings with CKM Asia Ltd. |
| Mr. Patrick H.T. Lau | - had current business dealings with BMT Asia Pacific Ltd. |
| Mr. Dominic K.K. Lam | - had current business dealings with BMT Asia Pacific Ltd. |

10. Members noted that Mr. Dominic K.K. Lam had tendered an apology for being unable to attend the meeting and Mr. Patrick H.T. Lau had not yet arrived to join the meeting. As the applicant had requested for a deferment of consideration of the application, Members agreed that Professor S. C. Wong and Professor P.P. Ho could stay in the meeting.

11. The Committee noted that on 20.6.2013, the applicant's representative requested the Board to further defer making a decision on the application for another one month so as to allow additional time to further address the comments from the Transport Department and the Hong Kong Police Force regarding the closure arrangements of the proposed columbarium during festival periods as well as concerns raised by the Environmental Protection Department with respect to the furnace operated in the application site.

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

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

15. Members noted that Mr. Dominic K.K. Lam had tendered an apology for being unable to attend the meeting and Mr. Patrick H.T. Lau had not yet arrived to join the meeting. As Professor S. C. Wong and Professor P.P. Ho had no direct involvement in the subject application, Members agreed that they could stay in the meeting.

Presentation and Question Sessions

16. With the aid of a powerpoint presentation, Mr. Tom C.K. Yip, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

(a) background to the application;

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

(b) the proposed composite residential, hotel and retail development – one 18-storey hotel block with not more than 299 hotel rooms fronting Nathan Road and one 23-storey residential block at the rear part of the Site, both standing on a common podium (3 storeys with a podium deck) and basement (3 levels), with a maximum building height of 100mPD;

(c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

(d) public comments –

(i) during the first 3 weeks of the statutory public inspection period, 28 comments were received. 26 of them objected to the application on the grounds that the proposed development would cause adverse traffic, air pollution and environmental impacts; it would affect the livelihood of the locals, users of Nathan Road, and local shop

tenants; Hong Kong did not need many hotels due to decrease in number of tourists from the Mainland; the consultation period of the application was too short; and the redevelopment would affect banquets to be held at the existing restaurant at the Site;

- (ii) one comment was in support of the application and expressed that a mixed use development would create a vibrant, business and community streetscape. Another comment requested for a visual assessment to assess the separation between the proposed development and Excelsior Building; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper, which were summarized below:
- (i) the proposed development was considered in line with planning objective of providing commercial uses along the Nathan Road commercial spine and residential use at inner street. It was considered not incompatible with the mixed commercial and residential nature of the surrounding area. Also, it would increase the supply of residential units in the main urban areas;
 - (ii) the total Plot Ratio (PR) of 12 in the proposed development did not exceed the restriction in the outline zoning plan (OZP) and a domestic PR of 6 was generally compatible with the permissible domestic PR of the "Residential (Group A)" zone in the vicinity;
 - (iii) the proposed development did not exceed the maximum building height restriction of 100mPD. The Chief Town Planner/ Urban Design and Landscape (CTP/UD&L), PlanD advised that the proposed development was considered not incompatible with the surrounding visual context. The submitted technical assessments indicated that the proposed development would not create or be subject to adverse traffic and environmental impact; and

- (iv) regarding the public comments received relating to the possible adverse traffic, air pollution, environmental and visual impacts, relevant government departments including Transport Department, Environmental Protection Department and CTP/UD&L, PlanD had no adverse comments on those aspects. In respect of the public comments on adverse impact on livelihood of locals, users of Nathan Road and shop tenants, since the proposed hotel and retail uses were similar to those in the existing development at the site, significant impact on these aspects was not anticipated. In respect of the query on the need for hotel development, hotel use was in line with the planning intention of the “Commercial” zone. On the views that the consultation period was too short, the application was published for public comments for 3 weeks in accordance with the provisions of the Town Planning Ordinance. Regarding the impact of the redevelopment on the planned wedding banquets at the restaurant of the existing building, it fell outside the ambit of the application and purview of the Board.

17. In response to two Members’ questions, Mr. Tom Yip said that the existing hotel was built in 1992 and had 396 hotel rooms. Mr. Tom Yip said that the Commissioner for Tourism generally supported hotel development in Hong Kong in support of the development of tourism industries, each application for hotel development would be considered taking into account comments of relevant government departments and relevant planning considerations. While the proposed hotel under application would provide not more than 299 hotel rooms, the Commissioner for Tourism did not raise any adverse comment on the slight reduction of hotel rooms as a result of the redevelopment in the subject application.

18. In response to a Member’s questions on the heights of the adjacent developments, Mr. Tom Yip said that the height of Chi Wo Commercial Building located to the east of the site was 54mPD in height (about 20 storeys) and the height of the other two buildings adjacent to the site was about 24mPD. As the height of the proposed residential block was 94.4mPD, it was expected that most of the residential units would not be blocked by the adjacent existing developments. In addition, as shown on the layout of the proposed

development, the residential tower would be set back along the eastern boundary of the site.

19. The Chairman said that the proposed development had to comply with requirements under the Buildings Ordinance. Mr. Tom Yip supplemented that all domestic units should meet the requirement for prescribed windows under Building (Planning) Regulations and this would be addressed in the building plans submission stage.

Deliberation Session

20. A Member said that the existing hotel was built in 1992 and was relatively new. It was noted that there was demand for hotel rooms and the proposed development would provide less hotel rooms than the existing hotel. This Member however had no objection to the application as the mix of the proposed development was a commercial decision of the developer and relevant government departments had no objection to the application.

21. The Chairman said that the proposed development was considered in line with the planning intention of the area and compatible with the character of the surrounding area which was mixed uses in nature. The reduction in hotel rooms was also not substantial. Members agreed.

22. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.7.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the design and provision of noise mitigation measures, as proposed by the applicants, to the satisfaction of the Director of Environmental Protection

or of the TPB.

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

- (a) the approval of the application did not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicants should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the TPB might be required;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that:
 - (i) the application for hotel concession including exemption of back-of-house from GFA calculation under Building (Planning) Regulation 23A would be considered upon formal submission of building plans subject to compliance with the criteria under Practice Notes for Authorized Persons and Registered Structural Engineers APP-40;
 - (ii) the applicants' attention was drawn to Practice Notes for Authorized Persons and Registered Structural Engineers APP-151 and APP-152; and
 - (iii) all domestic units, including those facing the existing lane, should be provided with prescribed windows under Building (Planning) Regulations 30 and 31.
- (c) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Section 6, Part D of the

Code of Practice for Fire Safety in Building 2011 which was administered by the Buildings Department;

- (d) to note the comments of the Commissioner for Transport that a minimum headroom of 4.7m should be provided for the loading/unloading bay for medium/heavy goods vehicles as stated in Hong Kong Planning Standard and Guideline. In case any part of the development would be occupied by services other than residential/hotel/retail uses, e.g. education institute, medical facilities, etc., the traffic impact assessment and the provision of internal transport facilities should be reviewed and resubmitted to the Transport Department for comment;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicants should consider providing greening, especially tree planting, at the ground level of the proposed development. Greening opportunities should be maximized at the 2/F podium with provision of sufficient soil depth and volume; and
- (f) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department that:
 - (i) the applicants should submit a copy of the occupation permit for the proposed hotel when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO);
 - (ii) the proposed licensed area should be physically connected;
 - (iii) the fire service installation provisions should comply with paragraph 4.28 of the Codes of Practice for Minimum Fire Services Installation and Equipment; and
 - (iv) the licensing requirements would be formulated after inspections by the Building Safety Unit and Fire Safety Unit of the Fire Services Department upon receipt of a licence application under HAGAO.

[The Chairman thanked Mr. Tom C.K. Yip, STP/TWK, for his attendance to answer Members' enquiries. Mr. Yip left the meeting at this point.]

Hong Kong District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H4/92 Proposed Minor Relaxation of Building Height Restriction and New Addition to the Building for Cultural/Leisure/Recreational/Food & Beverage/Retail Uses/Landscaped Area/Ancillary Support for the Central Market Revitalization Project in "Other Specified Uses" annotated "Building with Historical and Architectural Interests Preserved for Commercial, Cultural and/or Community Uses" zone, the Former Central Market, 80 Des Voeux Road, Central
(MPC Paper No. A/H4/92)

24. The Secretary reported that the application was submitted by the Urban Renewal Authority (URA) and the following Members had declared interests in this item:

Mr. K.K. Ling - being the non-executive director of the URA
as the Director of Planning

Mr. Laurence L.J. Li - being the non-executive director of the URA

Professor Eddie C.M. Hui - being the non-executive director of the URA

- Mr. H.W. Cheung - had been the co-opted Member of the Planning, Development and Conservation Committee of the URA up to 30.4.2013
- Mr. Stephen H.B. Yau - being a Member of the Wan Chai District Advisory Committee of the URA
- Professor P.P. Ho - being a conservation consultant of a URA project
- Mr. Edwin W.K. Chan - the Director of Lands was a non-executive as the Assistant Director of Lands Department director of the URA
- Mr. Frankie W.P. Chou - being the alternate Member of the Director of Home Affairs who was a non-executive as the Assistant Director of Home Affairs Department director of the URA; and
- Mr. Patrick H.T. Lau - had current business dealings with the URA

25. Members noted that Mr. Laurence L.J. Li had tendered an apology for being unable to attend the meeting and Mr. Patrick H.T. Lau had not yet arrived to join the meeting. As the interest of Mr. Stephen H.B. Yau was remote, Members agreed that he could stay in the meeting. Members agreed that the interests of Mr. K.K. Ling, Professor Eddie C.M. Hui, Mr. H.W. Cheung, Professor P.P. Ho, Mr. Edwin W.K. Chan, and Mr. Frankie W.P. Chou were direct and should leave the meeting temporarily for the item. As the Chairman had to withdraw from the meeting, the Committee agreed that the Vice-chairman should take over to chair the meeting for this item.

[Mr. K.K. Ling, Professor Eddie C.M. Hui, Mr. H.W. Cheung, Professor P.P. Ho, Mr. Edwin W.K. Chan and Mr. Frankie W.P. Chou left the meeting temporarily at this point.]

26. The Secretary reported that 4 emails from Ms. Katty Law of the Central and Western Concern Group (C&WCG), Mr. John Batten of the C&WCG, Mr. Roy Tam of

Green Sense and Mr. Ernest Wong expressing their views on the application were received before the meeting. The Secretary said that Ms. Katty Law of the C&WCG expressed strong objection against the application on the grounds that the increase in building height was out-of-scale to the existing building and unrelated to the prime planning intention of preserving the heritage building, and it was unreasonable to consider the relaxation as minor in nature. The letter also questioned the proposal of adding a huge structure on top of the Central Market, and the approval of the application would set a bad precedent to the town planning process and would have serious legal and administrative consequences. Mr. John Batten of the C&WCG wrote to request the Committee to reject the application on the grounds that the increase of height and bulk of the Central Market by about 75% was against the planning parameters of the approved Outline Zoning Plan (OZP). Mr. Roy Tam of Green Sense requested the Planning Department to persuade URA to submit an application for amendment of plan under s.12A and to avoid the abuse of the minor relaxation clause. Mr. Ernest Wong who was a member of the public supported the application as the proposed development would improve the environment and suggested some uses on the rooftop of the proposed development. The Secretary said that copies of the emails were tabled at the meeting for Members' information.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed new additions to the building for cultural/ leisure/ recreational / food & beverage (F&B)/ retail uses/ landscaped area/ ancillary support and minor relaxation of building height restriction for the central market revitalization project – the new building would be 6-storey in height (including basement and the covered landscaped area at 3/F but excluding the Structural Zone at 4/F), with a building height (BH) of 40.5mPD. A 'Landscape Atrium' with no permanent structures other than landscape and architectural features was proposed at G/F. The lower part of the external walls fronting Jubilee Street and Queen Victoria Street would be partially

opened up without interventions to the upper part of the external façade to be preserved. The new additions to the building included:

- (i) an Urban Floating Oasis (UFO) at 4/F to accommodate diversified cultural, recreational, leisure, F&B and retail uses for public enjoyment, as well as to support another layer of Public Open Space (POS) on top of the UFO. The upper part of the UFO would also accommodate other E&M services that could not be allocated at basement and required direct contact with external air, as well as soil depth for the POS at the roof level. The transparent UFO would be detached from the existing building such that the 'old' and 'new' could be easily distinguished but harmonious which at the same time retaining the integrity and architectural significance of the existing building. Meandering ramps would be provided connecting the existing building and the new UFO as an architectural feature for the new façade facing Des Voeux Road Central;
- (ii) not less than 1,000m² POS to be provided on the roof above the UFO. The roof would be paved with an extensive layer of lawn and provided with outdoor seating and natural shades for users to enjoy. It would be solely for leisure and recreational purpose and would provide a green visual relief to the surrounding high-rise commercial buildings;
- (iii) covered Landscaped Area at 3/F below the UFO, with the provision of leisure and recreation spaces, indoor and outdoor F&B facilities, and other soft landscape features. Sufficient headroom (8.5m) for tree growth was required to ensure sustainable development of trees to be planted on this floor;
- (iv) new basement floor to accommodate the major building services and other essential E&M facilities required and to provide a multi-purpose hall that could be used as a 'black-box theatre' for arts and cultural uses;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) public comments –
 - (i) during the first 3 weeks of the statutory public inspection period, 102 comments were received. 42 of them supported the application on the grounds that the height relaxation was minor and reasonable; the proposal could enhance the enrichment with more green areas for leisure and cultural purposes; the concept and design were innovative and could enhance Hong Kong's image as an international city;

 - (ii) 32 commenters objected to the application on the grounds that the new structure was not compatible with the building and would destroy the spatial and visual relief provided by the existing market building; the existing historic building/ façade/ market stalls should be preserved as far as possible; the height relaxation was not minor in nature and should not be processed through s.16 planning application; non-provision of on-site goods delivery facilities would cause major traffic congestion; the proposal would affect the existing tenants;

 - (iii) 28 commenters provided comments on the application. They expressed that more greenery should be provided; the heavy pedestrian flow should be used to create a multi-level multi-climate network; the development should be built higher with additional levels given the height of the surrounding buildings; the building was too old and dirty which should be demolished; the Central Market was of little or no architectural merits and should be replaced with a public park instead; the proposed garden would be lack of substantial greenery to save cost for the structural design; and

suggested to provide swimming pool/ library/ market/ urban farm/ performance venue/ space for cultural or recreational activities, etc. within the development;

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper, which were summarized below:
 - (i) the proposal was in line with the planning intention to preserve the building facades and special architectural features of the existing Central Market building and in line with the preservation principles accepted by the Antiquities and Monuments Office (AMO). Although the external walls fronting Jubilee Street and Queen Victoria Street would be partially opened up to enhance the permeability of the building, there would be no interventions to the portion of the external façade to be preserved as agreed with AMO;

[Mr. Sunny Ho arrived to join the meeting at this point.]

- (ii) regarding the BH, the new basement was proposed to house mainly the E&M facilities underground and hence would not add to the physical bulk of the Central Market to be preserved above ground and would not generate any visual impact. In terms of BH above ground, there was an increase of only 1 storey to the existing building. In terms of the absolute height, there was an increase of 17.1m resulting from the demolition of the 3.4m high staff quarters on the existing roof top, the UFO of 12m and a covered landscape area of 8.5m in between the existing roof and the UFO;
 - (iii) the UFO was intended to form a recreational landmark in Central. The 12m high UFO was the optimal scheme deriving from a series of structural design options, which achieved a good balance between minimizing the structural depth and achieving a comparatively low carbon footprint. The design of the UFO had taken into account

the necessary loading bearing capacity and the required soil depth for tree planting on the roof, as well as allowing opportunities to provide cultural, recreational, leisure, F&B and retail uses for public enjoyment. Besides, the UFO hovering above the existing building was an exemplification of harmony between 'old' and 'new'. The proposed transparent and hovering design of the UFO would improve visual permeability of the building. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD considered that the new UFO would create visual interest in this older part of Central;

- (iv) for the 8.5m clear headroom covered landscaped area at 3/F, the applicant demonstrated that this was the most optimal height for improving the local wind environment and microclimate at pedestrian level and would enhance the air ventilation in the area. The 8.5m clear headroom would also improve the visual permeability and was the optimum headroom for planting of vegetation and sunlight penetration;
- (v) some public comments pointed out that the proposed increase in BH could not be considered as minor. There was no fixed percentage as to what constituted 'minor'. Consideration would be given as to whether a proposed minor relaxation of BH restriction would have any adverse impacts and planning implications. That had to be considered in terms of impacts, consequences and implications. The application for minor relaxation of BH restriction was intended to preserve and revitalize the Central Market building into a leisure landmark. The relaxation was considered justifiable by functional, design and architectural merits;
- (vi) the project was designed to serve as an important green oasis for people to congregate, socialize and relax. The proposal had accommodated landscaped spaces at different levels of the building. The roof of the building with a gross floor area (GFA) of 2,076m²,

including 1,829m² of uncovered area was to be developed into a POS. The size of this POS was significantly more than the requirement of not less than 1,000m² POS under the OZP. Besides, various landscape spaces were proposed at G/F (the landscaped atrium), 1/F (small entrance plaza) and 3/F (covered landscaped area) and the proposed landscape spaces would provide a very important visual and air relief in the core area of Central where high density developments were concentrated. Director of Leisure and Cultural Services (DLCS) and CTP/UD&L, PlanD had no objection to the application and approval conditions requiring the applicant to submit and implement landscape proposal and to provide POS were also recommended;

- (vii) regarding the concern of District Lands Officer/Hong Kong West & South (DLO/HKW&S), Lands Department (LandsD) on the implementation of the POS, URA proposed to take up the responsibility for the construction, funding, operation, maintenance of the proposed POS;
- (viii) the traffic assessment carried out by the applicant concluded that kerb-side lay-bys at Jubilee Street and Queen Victoria Street would be adequate to meet future demand of loading/ unloading activities. The Commissioner for Transport (C for T) had no objection to the application subject to the applicant requiring its future tenants to carry out loading/ unloading activities during non-peak hours;
- (ix) regarding pedestrian access, all the current connection between the Mid-levels Escalator and the elevated walkway networks at the harbourfront would be maintained. The proposal had further committed to maintain and provide the 24 hours pedestrian passageway at 2/F within the building during both the construction and operation stages. It would follow the width of the existing passageway. As advised by C for T, an approval condition requiring the applicant to submit the design of the pedestrian

passageway for consideration was recommended; and

- (x) regarding the public comments that the BH relaxation was not minor in nature, the proposed BH relaxation would not have any adverse impacts, consequence and planning implications and thus could be considered as minor. As regards the comment on preservation of the whole building, the revitalization project was one of the innovative projects under the Conserving Central and in line with the preservation principles accepted by AMO. Regarding the comments on traffic and landscape design concerns, the responses above were relevant. With regard to the comments on existing tenants, DLO/HKW&S, LandsD commented that he would at appropriate time serve notice to terminate the existing shop tenancies according to the respective tenancy agreements before handing over the application site to URA.

28. In response to the Vice-chairman's question on the consultation undertaken by URA on the proposal, Ms. April Kun said that URA had gone through a long consultation process. To steer the 'Central Oasis' project, an independent advisory committee known as the Central Oasis Community Advisory Committee (COCAC) comprising members of the Central and Western District Council, building professionals, conservation experts etc. had been formed. URA and COCAC had engaged the public since December 2009 and stakeholders' views were collected on the project. A roving exhibition of the four design proposals had been held and a visit and briefing had been conducted with the Antiquities Advisory Board (AAB).

29. In response to a Member's question on whether there was any precedent case having similar extent of minor relaxation, Ms. Ginger Kiang said that there were previous cases for minor relaxation of BH from 2 storeys to 3 storeys, representing 50% increase. In considering such application, the Board's consideration was on whether the increase in BH would have any adverse impacts, and not the percentage increase in BH. Ms. Ginger Kiang said that at the meeting on 21.1.2011, in considering the representation submitted by the COCAC on the BH restriction in the Notes of the subject "Other Specified Uses" annotated "Building with Historical and Architectural Interests Preserved for Commercial, Cultural

and/or Community Uses” zone, the Board had deliberated on the subject of minor relaxation and concluded that there was no fixed percentage as to what constituted ‘minor’. Consideration would be given as to whether a proposed minor relaxation of BH restriction would have any adverse impacts, consequences and planning implications.

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

30. A Member said that the cultural/ recreational/ commercial uses to be provided in the scheme would generate additional pedestrian flow to the area. This Member asked if URA had undertaken any assessment on the impact of the pedestrian flow on the existing public passageway through the Central Market building.

31. In response, Ms. April Kun said that URA had discussed with the Transport Department (TD) on measures to address the increase in pedestrian flow. According to URA, the existing public passageway on 2/F of the Central Market building connecting the Mid-Levels Escalator and the elevated walkway systems to the harbourfront would remain open for 24 hours during both the construction and operation stages. As advised by C for T, an approval condition requiring the applicant to submit the design of the pedestrian passageway for consideration of TD was recommended, should the Committee approve the application. In order to further improve the pedestrian circulation in the area, URA proposed to widen some portions of the pavements of Queen Victoria Street and Jubilee Street and to set back the G/F frontage along Des Voeux Road Central to allow a wider pedestrian passageway.

Deliberation Session

32. A Member said that the proposed scheme was an innovative design which justified the minor relaxation of BH restriction. This Member said that to achieve the planning intention of creating a Central Oasis, the designers/ architects of the project should be advised to consider using a special design and materials to create a quiet ambience within the UFO.

33. The Vice-chairman agreed that the proposal for minor relaxation of BH should not be considered in terms of the percentage of increase. It was noted that the proposed scheme involved demolition of one storey from the existing building, and the addition of a

new basement and a floating structure on top of the building. The proposed scheme should be assessed in the context of the overall landscape and visual impacts on the surrounding area. The Vice-chairman asked if any assessment had been undertaken on this aspect.

34. Ms. Ginger Kiang explained that the existing top storey (3.4m) of the market building would be demolished and the UFO with a height of 12m hovering above the existing building would be provided. Together with the 8.5m high covered landscape area between the UFO and the existing market building, the net increase in building height above ground would be 17.1m. In terms of number of storey, there was an increase in one storey above ground. Ms. Ginger Kiang said that with the addition of the UFO on top of the existing market building, a covered landscape area above third floors and a POS on the top of the UFO would be provided. The provision of green space would be significantly more than the requirement of not more than 1,000m² under the OZP. The landscaped spaces provided a very important visual relief and air ventilation space in the core area of Central where high density developments were concentrated. In terms of visual impact, the applicant indicated that the proposed transparent and hovering design of the UFO, which was 12m in height, was an exemplification of harmony between 'old' and 'new' and would improve visual permeability of the building. Besides, the covered landscape area with a headroom of 8.5m would also improve visual permeability.

35. A Member said that the URA had gone through a long public engagement process in working out the current proposal and there was public support as reflected in the comments received on the application. Regarding the concerns raised by some commenters that the increase in BH was not minor, this Member was of the view that what constituted minor should not be considered only based on the percentage increase in BH.

36. Another Member said that although the public in general supported the proposal, there was still concern on whether the increase in BH should be considered as minor and hence could be processed through the s.16 application system. The Committee had to demonstrate to the public why the proposed increase in BH could be regarded as a minor relaxation in the BH restriction of the subject zoning.

37. In response to the above Member's comment, the Secretary explained the background to the subject case and said that COCAC was one of the representers against the

draft Central District OZP with regard to the BH restriction imposed on the Central Market site. COCAC raised objection against the BH restriction imposed on the subject site as it would constrain the design flexibility of the revitalization scheme. Although a minor relaxation provision had been allowed, the addition of one storey would constitute a 25% increase in the BH. It was doubtful as to whether such increase would be considered as 'minor'. To facilitate the revitalization of the Central Market to meet the public aspiration, COCAC requested to delete the BH restriction or the word 'minor' from the minor relaxation clause from BH restriction so that application for 'relaxation of building height restriction' could be submitted to the Board for consideration. In considering COCAC's representation, Members had deliberated on the relevant considerations of minor relaxation. Members noted that the Board had previously approved application for relaxing the BH restriction from 2 storeys to 3 storeys, representing a 50% increase in BH, and concluded that there was no fixed percentage as to what constituted 'minor'. Consideration would be given as to whether a proposed minor relaxation of BH restriction would have any adverse impacts, consequences and planning implications. Hence, the Board did not consider it necessary to delete the BH restriction and or to amend the minor relaxation clause. The OZP had been approved by the Chief Executive in Council. Members in considering the subject application should take into account such background.

38. The Secretary continued to say that the Committee should consider the proper provision under the Town Planning Ordinance under which the current proposed increase in BH would be processed, i.e. whether the proposed increase in BH under the current application could be processed under s.16 planning application or through amendment to the Notes of the OZP. In considering what constituted 'minor', considerations should be given to the impacts, consequences and implications of the proposal. Whether the application could be approved should be based on merits of the case. For the subject case, excluding the basement level which would not create any visual impact above ground, the current structure would involve an increase of only one level of the UFO. If the Committee considered that the increase in BH was not minor, the BH restriction on the subject zoning had to be amended. This inevitably would delay the implementation of the Central Oasis project.

39. A Member said that the proposal should be considered in terms of its design and planning merits. The Member noted that there would be substantial improvement on the

provision of landscape spaces within the development and the planting of more trees would also improve the surrounding congested environment. The increase in height was also required to accommodate the essential E&M facilities and provision of soil level for tree planning. In addition, the proposed height of the subject development would not create any adverse visual impact to the area which was surrounded by existing high-rise developments.

40. Two Members concurred with the view that the proposal under application had planning gains and should be supported. Another Member also shared the view that the proposed increase in BH would not create any adverse impact to the area which was surrounded by existing high-rise developments. This Member also considered that the proposal was in line with the planning intention to revitalize the Central Market for public uses.

41. The Vice-chairman summed up Members' views that the proposed scheme with an innovative design should be supported. The scheme was worked out after going through a long public engagement process and public views had been taken into account. As regards the concern on whether the proposed increase in BH was considered as minor and whether the proposal could be processed under the s.16 application system, Members should not only take into account the percentage of increase, but the overall impacts and implications of the proposal. On that, Members generally considered that the scheme had planning and design merits and the addition of the UFO and the increase in BH would not create any adverse impacts to the surrounding area which was surrounded by existing high-rise developments. The revitalization project with the provision of cultural and leisure uses and substantial amount of open spaces in the congested Central District would also achieve planning gains. The proposal should be supported.

42. The Vice-chairman said that the applicant should be advised to note Members' concern on the increase in pedestrian flow and the suggestion to use special design and building materials to help create a quiet ambience in the UFO. Mr. H.M. Wong, Assistant Director (Environmental Assessment), Environmental Protection Department said that the applicant should also be requested to consider providing more cultural and leisure facilities instead of F&B and retail uses to facilitate the provision of a quiet ambience. The Secretary asked if the uses on each floor of the development had been determined at this stage. Ms. April Kun said that in the proposal under application, the total GFA of the proposed

development was about 22,687m². After deducting the floor area of ancillary facilities, less than half of the total floor area would be used for retail and F&B uses. Except the proposed Multi-purpose Hall on the basement floor which would be used as a 'black-box theatre' for arts and cultural uses, the uses on each floor had not been determined at this stage. However, different uses including cultural use, leisure use and recreational use were proposed to be accommodated in different floors of the proposed development. Members agreed to request the applicant to consider adopting special building design and materials, and providing more cultural and leisure facilities instead of F&B and retail uses in the proposed UFO with a view to creating a quiet ambience.

43. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.7.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission of a Conservation Management Plan prior to commencement of any major works to the satisfaction of the Antiquities and Monuments Office, Leisure and Cultural Services Department or of the TPB;
- (b) the submission and implementation of a landscape master plan including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a sewerage impact assessment to the satisfaction of the Director of Environmental Protection or the TPB;
- (d) the implementation of sewerage upgrading/ connection works as identified in the sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the setting back of the building frontage at ground level from Des Voeux Road Central to the satisfaction of the Director of Planning or of the TPB;

- (f) the design and provision of the 24 hours pedestrian passageway to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the design and provision of the public open space, at no cost to the Government, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB;
- (h) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (i) the arrangement of loading/ unloading activities to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) the approval of the application did not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development would be approved/ granted by the Building Authority. The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/ granted by the Building Authority and the Lands Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (b) to note the comments of the District Lands Officer/Hong Kong West & South, Lands Department regarding the land grant application;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department regarding the compliance of PNAP APP-151 and APP-152;

- (d) to note the comments of the Director of Environmental Protection on the requirement to provide adequate horizontal buffer distance in accordance with Hong Kong Planning Standard and Guideline's requirements for avoiding adverse vehicular emission impacts to the air sensitive receivers and air takes;
- (e) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department with regard to the applicant's responsibility to bear the costs and undertake improvement and upgrading works to the existing public sewerage systems;
- (f) to note the comments of the Director of the Food and Environmental Hygiene with regard to the re-provision of the toilet facilities;
- (g) to note the comments of the Director of Fire Services regarding the compliance of the Code of Practice for Fire Safety in Buildings 2011;
- (h) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department on the need to submit a detailed program showing the master construction sequences for interfacing work to BD for approval; and
- (i) to consider adopting special building design and materials, and providing more cultural and leisure facilities instead of food and beverage (F&B) and retail uses in the proposed Urban Floating Oasis (UFO) with a view to creating a quiet ambience.

[The Vice-chairman thanked Ms. Ginger K.Y. Kiang, DPO/HK and Ms. April K.Y. Kun, STP/HK, for their attendance to answer Members' enquiries. Ms. Kiang and Ms. Kun left the meeting at this point.]

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

[Professor S.C. Wong left the meeting at this point.]

[Mr. K.K. Ling, Professor Eddie C.M. Hui, Mr. H.W. Cheung, Professor P.P. Ho, Mr. Edwin W.K. Chan and, Mr. Frankie W.P. Chou returned to the meeting at this point.]

[Mr. Patrick H.T. Lau arrived to join the meeting at this point.]

[The Chairman resumed the chairmanship at this point.]

[Ms. Ginger K.Y. Kiang, DPO/HK and Ms. Irene W.S. Lai, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

45. The Secretary reported that the application was submitted by French International School "Victor Segalen" Association Ltd., and Llewelyn Davies Hong Kong Ltd., Scott Wilson Ltd. and URS Hong Kong Ltd. were the consultants of the applicant. Mr. Patrick H.T. Lau had declared an interest in this application as he had current business dealings with Llewelyn Davies Hong Kong Ltd. Mr. Dominic K.K Lam had declared an interest in this application as he had current business dealings with Scott Wilson Ltd. and URS Hong Kong Ltd.

46. Members noted that Mr. Dominic K.K. Lam had tendered an apology for being unable to attend the meeting. As Mr. Patrick H.T. Lau had no direct involvement in the subject application, Members agreed that he could stay in the meeting.

Presentation and Question Sessions

47. 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 school (expansion of French International School (FIS)):
 - (i) a 8-storey school building in a terracing form on a slope between Blue Pool Road and Wong Nai Chung Gap Road. The proposed building had 2 separate wings connected by a covered link bridge. The 2 wings had a separation distance of 15m, which helped breaking up the overall building bulk and facilitating air ventilation and visual permeability through the gap in-between;
 - (ii) a green zone along Wong Nai Chung Gap Road acting as a visual and sound buffer; edge plantings and vertical greening surface along the façade facing Blue Pool Road to soften the building mass; and greening on various outdoor terraces, landscape decks and rooftops;
 - (iii) a new main entrance at Wong Nai Chung Gap Road southbound and a new service road and 11 lay-bys within the site for taxis and private cars to minimise traffic impact on Wong Nai Chung Gap Road;
 - (iv) an existing staircase connecting Blue Pool Road and Wong Nai Chung Gap Road at the southern part of the application site would be re-provided at the northern part of the application site for public use;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Secretary for Education (SED) confirmed

that policy support was given for the proposed school extension subject to prevailing technical requirements and related issues of the proposal to be satisfactorily sort out. The Chief Town Planner/ Urban Design and Landscape (CTP/UD&L) had some reservation on the application from the landscape planning point of view as the site was located on a densely vegetated hill slope mostly within the “Green Belt” (“GB”) zone. The proposed development on the wooded slope within the “GB” zone would inevitably have significant landscape impact on the “GB” zone. Other concerned departments had no objection to or no adverse comment on the application;

(d) public comments –

- (i) during the first 3 weeks of the statutory public inspection period and the publication of the further information (FI), a total of 276 public comments were received, of which 33 supported the application, 203 raised objection, with the remaining 40 did not indicate whether they supported or objected to the application;

Supporting Comments

- (ii) 33 commenters supported the application on the grounds that the proposal had minimized environmental and traffic impact; there was urgent need for international school places; the expansion project provided space for FIS to accommodate the projected student population and adequate facilities to support its education; and FIS would share new facilities with local community;

Opposing Comments

- (iii) 203 commenters objected to the application on the grounds that the proposed development would affect gas pipelines; would cause adverse traffic impact in terms of road traffic capability, public transport facilities and pedestrian flow; adverse environmental

impact, in terms of nuisance and air quality; adverse landscape and air ventilation impact; and adverse drainage and geotechnical impacts; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper, which were summarized below:
 - (i) the proposed development on a well-vegetated slope within the “GB” zone was not in line with the planning intention of the “GB” zone. Assessment should be on whether there were exception circumstances and very strong planning grounds to allow the proposed school use on this particular “GB” zone;
 - (ii) there was an imminent need for school expansion as the FIS had already reached its maximum capacity and started rejected eligible students. The proposed expansion was to facilitate the upgrading of the existing Blue Pool Road campus and to provide additional international school places at the same time. The applicant explained that it was logical to expand the existing secondary school campus to accommodate the demand for more secondary school spaces. SED had given policy support to the application as he considered that there was a genuine need for FIS to expand the current campus at Blue Pool Road to the subject site to upgrade its school facilities to the current and future students, the proposed expansion was essential to meet the projected shortfall of secondary school places, and that in-situ expansion was a more effective and efficient way of utilising land resources and the additional international school places would be available within a shorter period when compared to reprovisioning the whole school to another site;
 - (iii) the proposed school building was not incompatible with the existing school building of FIS and other schools and developments within

the “Residential (Group C)” (“R(C)”) zone in the surrounding area in terms of land use and height. The proposed building was in a terracing form respecting the topography and comprising two wings connected by a covered link bridge which helped break up the overall bulk and facilitate air ventilation and visual permeability. Also, by virtue of its low BH, linear built form with orientation in a southeast-northwest direction, the proposed development was not expected to result in adverse air ventilation impact;

- (iv) to mitigate the landscape impact and loss of greenery including the felling of 169 trees, the applicant had proposed compensatory planting of 365 trees, and maximising the greening on the rooftops and different terrace levels of the school building, with a green buffer along Wong Nai Chung Gap Road and vertical greening on the façade walls facing Blue Pool Road to soften the architectural form of the building. CTP/UD&L, PlanD considered that street tree planting along Blue Pool Road should be taken as a major consideration in the building design as effective landscape buffer, and an approval condition was recommended to ensure that should the application be approved by the Committee;
- (v) according to the traffic impact assessment (TIA) submitted by the applicant, the proposed development would not result in significant adverse traffic impact on the surrounding road network and pedestrian conditions;
- (vi) the proposal was acceptable from technical aspects and relevant departments had no objection to the application;
- (vii) the expansion project was generally supported by Wan Chai District Council members and supporting comments were also received from the public during the publication of the application; and
- (viii) regarding the public concern on opening of school facilities, the

proposed development could improve the provision of community facilities in its nearby area by sharing the new facilities with the local community during non-school hours through an undertaking letter to Education Bureau (EDB). Regarding the public comment on the interface of the proposed development with the gas pipelines, the applicant indicated that it had liaised with Hong Kong and China Gas Limited (HKCG) and technical issues such as diversion of gas pipelines would be worked out at detailed design stage and would be carried out by FIS if necessary. As regards the commenters' concerns on the development impacts on traffic, environmental, visual, landscape, air ventilation, drainage, and geotechnical aspects, the assessments in paragraphs above were relevant. Regarding the possible environmental nuisances to the students of the adjacent special school during construction stage, the construction would be controlled under relevant pollution control legislation. The applicant had also responded that FIS was more concerned than any other parties as their existing FIS campus would also be operating during construction of the proposed expansion block, noisy construction method would be avoided and mitigation measures such as noise absorption canvas and noise barrier could be adopted. On the need for the proposed school expansion. Policy support for the proposed school expansion had been given by SED. SED confirmed that the proposed facilities like swimming pool and sports hall were reasonable from the educational perspective. As for the student mix of the expanded FIS, it was not a land use consideration of the Committee. Regarding the previous school expansion proposal of Hong Chi Lions Morninghill School (HCLMS), it was on a separate site not relevant to the subject application.

48. In response to a Member's question on whether there was any precedent case that planning permission was granted for development of similar scale in "GB" zone, the Secretary said that planning application for development within "GB" zone should be considered with reference to the Town Planning Board (TPB) Guidelines No.10 for "Application for Development within "GB" Zone under s.16 of the Ordinance". According

to the Guidelines, there was a presumption against development under “GB” zone and application for new development would only be considered in exceptional circumstances. The Board had previously approved certain cases under the s.16 application system where the application sites fell within a larger “GB” zone and had building status. The Secretary said that in general the Board would only be prepared to consider development in a “GB” zone through an application for rezoning to an appropriate use. Similar practice was adopted for the “Government, Institution or Community” (“G/IC”) zone. Under the TPB Guidelines No.16 for “Application for Development/ Redevelopment within "G/IC" zone for Uses other than Government, Institution or Community uses under s.16 of the Town Planning Ordinance”, if the development was for predominantly non-GIC uses (e.g. more than 50% of the total site area or gross floor area of the development were for non-GIC uses), the Board might consider rezoning the site to an appropriate zoning if the proponent could demonstrate that all the planning criteria had been met. In the subject case, apart from the technical concern on the proposed school use, Members should consider whether there was any exceptional circumstances with strong planning grounds that justified a departure from the planning intention of the “GB” zone.

49. In response to the questions of a Member on whether FIS offered French curriculum and whether there was any standard in the Hong Kong Planning Standards and Guidelines (HKPSG) on the provision of international school, Ms. Ginger Kiang said that there was no standard on the provision of international school in the HKPSG. According to EDB, the FIS at present had 31 classrooms but operated 44 classes. The “floating class” arrangement was not satisfactory for the benefits of the students. The reference made to the standards of local school was only a reference to indicate the inadequate spaces in FIS and the urgent need for expansion. Direct comparison on the development requirements between a local school and an international school could not be made as their curriculum and operation/ teaching methods were different. Ms. Ginger Kiang said that she had no information on whether FIS was offering French curriculum.

50. In response to a Member’s question on car parking and loading/ unloading arrangement, Ms. Ginger Kiang said that the existing campus had a main entrance at Blue Pool Road leading to the car park at LG/F. A second entrance was provided at Wong Nai Chung Gap Road for school bus and coach parking on the 6/F of the existing school building. The area on the 6/F would be for other uses when it was not required for picking up and

dropping off of students. With the proposed school expansion, a new main entrance would be provided at Wong Nai Chung Gap Road where a new service road and 11 lay-bys would be provided for picking up/ dropping off of students. Only staff would be allowed to use the entrance at Blue Pool Road. The Transport Department (TD) considered that with such an arrangement, the traffic impact to Wong Nai Chung Gap Road would be acceptable. In addition, the applicant proposed to adopt traffic management measures including staggered school hours and to sign an undertaking with the Police and TD to ensure implementation of the proposed transport and traffic management measures.

51. A Member had some concerns on the bulk of the proposed extension of the school building and asked whether the site area requirement of a local secondary school could be met after the school expansion. Ms. Ginger Kiang said that the GFA and building height of the proposed school extension were 9,000m² and 8 storeys, whereas those of the existing campus were 12,500m² and 9 storeys. According to EDB, the FIS after expansion (with a site area of 9,228m² accommodating 53 classrooms) would still be sub-standard in terms of site area as the prevailing standard for a standard 30-classroom local secondary school was 6,950m², and the site area calculated for 53 classrooms on a pro-rata basis should be 12,278m². Ms. Kiang said that the proposed expansion scheme consisted of an 8-storey building with two wings connected by a covered link bridge. There would be a gap of 15m in width between the two wings which helped break up the overall building bulk and facilitating air ventilation and visual permeability.

Deliberation Session

52. The Chairman said that Members might wish to consider the application on three aspects, namely, whether the proposed development had any technical problems which were yet to be addressed; whether the bulk of the proposed extension building was considered excessive and would create adverse visual impact; and whether it was appropriate to process the proposed development through the s.16 planning application or rezoning application system.

53. A Member noted the EDB had given policy support to the proposed school expansion and relevant government departments had no objection to the application from technical aspects.

54. A Member said that the existing building within the “G/IC” zone was considered acceptable and did not create significant visual impact along Wong Nai Chung Road. This Member did not intend to question about the demand of international school places but considered that the scale of the proposed extension building within the “GB” zone was quite substantial. This Member considered that there were insufficient justifications to support the approval of the scheme under the s.16 application system.

55. A Member said that there was no information on whether FIS was offering French curriculum and it was difficult to conclude whether the proposed school expansion was justified. In response, Ms. Ginger Kiang said that according to EDB, 70% of the students enrolled were non-local students. However, there was no information on the curriculum provided for both the non-local and local students.

56. A Member said that even though the EDB had given policy support to the proposed school expansion, and the technical aspects of the school extension proposal were considered acceptable by relevant departments, there was no exceptional circumstance that justified a departure from the planning intention of the “GB” zone. Three other Members concurred with this view and had reservation on approving the scheme under the s.16 application system. These Members suggested that the applicant should submit a s.12A application and if approved, the subsequent amendment to the outline zoning plan would allow the public to submit representation and comments under the statutory plan making process.

57. The Chairman said that if the proposed expansion scheme was considered acceptable in both technical and visual terms, the Board might consider initiating a zoning amendment to the OZP to facilitate the implementation of the school expansion.

58. Another Member said that the proposed extension building looked quite massive, especially when viewed from Blue Pool Road. The facilities to be provided in the extension building including sports hall, assembly hall and swimming pool which required substantial floor area. The need of these facilities should be justified by the applicant. Even if the facilities were all considered essential by the EDB, the proposal should be processed through the rezoning mechanism as there was no exceptional circumstance to justify a departure from

the planning intention of the “GB” zone.

59. In response to the questions of the Chairman on the application site boundary and feasibility of relocating the swimming pool to the rooftop such that the bulk of the extension building could be reduced, Ms. Ginger Kiang said that the northern part of the application site would not be occupied by building structure and could be excluded from the development site. As for the relocation of the swimming pool, according to the applicant’s submission, the rooftop would be used as a landscape recreation area. Some trees would be planted in that area to compensate for the felling of trees within the site for the proposed school extension scheme.

60. A Member said that the applicant should consider redeveloping the existing campus together with the adjacent area which was zoned “G/IC”, without encroaching onto the “GB” area.

61. In response, Ms. Ginger Kiang said that the “G/IC” portion of the application site was about 800m² in area. If only this portion of the site was to be included for in-situ redevelopment of the school, the area of the whole school site was still below the standard of a conventional local school. In addition, if all the required facilities were to be provided within a smaller site, the bulk of the school extension building would be even larger. Ms. Kiang said that as FIS at present provided 44 classes, if the existing campus was to be redeveloped in-situ, two temporary sites for decanting would be required. It would be very ineffective and inconvenient for the school to operate in two separate campuses.

62. A Member said that EDB should provide more information on the demand of school places of FIS and the justifications for providing the amount of facilities at the site, so as to derive the minimum site area required for the school expansion.

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

63. The Chairman concluded Members’ views and said that given the scale of the proposed development on the “GB” zone, Members agreed that there was no exceptional circumstance that justified the approval of the application under the s.16 application system. Members also had concerns on the scale and details of the scheme, which included the site boundary, the building bulk, facilities to be provided and the school operation. In this

connection, the applicant should be advised to consider revising the scheme to take into account Members' concerns and submitting an application for amendment under s.12A with sufficient information to support its proposal. The subject planning application should be rejected. Members agreed.

64. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.4 of the Paper and argued that they should be suitably amended. The reasons were:

- (a) the proposed development was not in line with the planning intention of the "Green Belt" ("GB") zone, which 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. There was a general presumption against development within this zone. The application did not provide sufficient planning justifications for a departure from the planning intention;
- (b) the proposed development was not in line with the Town Planning Board Guidelines No.10 on Application for Development within "GB" Zone under section 16 of the Town Planning Ordinance in that there was a presumption against development in the "GB" zone and the applicant did not provide very strong planning grounds to justify that there was exceptional circumstance to allow the proposed development in the "GB" zone;
- (c) the proposed development would result in significant adverse landscape impact; and
- (d) 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.

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received objecting to the application on grounds that the proposed hotel, with the drop-off and pick-up of travellers by private cars, taxis and coaches, would worsen the traffic congestion in Mong Kok and had adverse impact on the safety of children and elderly pedestrians using the nearby pavements.; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. Regarding the concerns of the commenter on the possible adverse impacts on traffic and pedestrian safety, the application did not involve any increase in the plot ratio of the existing hotel building, and the proposed increase in the number of guestrooms was not significant. Commissioner for Transport had no objection to the application and the nil provision of internal transport facilities within the site.

66. Members had no question on the application.

Deliberation Session

67. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.7.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the implementation of the local sewerage upgrading/sewerage connection

works identified in the Sewerage Impact Assessment in planning condition (a) above to the satisfaction of the Director of Drainage Services or of the TPB; and

- (c) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of the Fire Services or of the TPB.

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

- (a) the approval of the application did not imply that any proposal on gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (b) to note the comments of the Director of Environmental Protection to prepare and submit the Sewerage Impact Assessment as early as possible in view of the time required for the implementation of any required sewerage works;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the applicant was required to appoint an Authorized Person to submit building (alterations and additions) plans to demonstrate compliance with the Buildings Ordinance for the proposed works including:
 - (i) compliance with Building (Planning) Regulations (B(P)R) 20 and 21 in respect of the proposal. The application for hotel concession including any exemption of back-of-house areas from GFA calculation under B(P)R 23A would be considered upon formal submission of building plans subject to compliance with the criteria under PNAP APP-40 and favourable comments from concerned

departments;

- (ii) provision of natural lighting and ventilation to the guestrooms in accordance with B(P)R 30, 31 and 32;
- (d) to note the comments of the Commissioner for Transport that he had the rights to impose, alter or cancel any parking, loading/unloading facilities and/or any no-stopping restrictions on all local roads to cope with changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the proposed development; and
- (e) to note the comments of the Chief Officer/Licensing Authority, Home Affairs Department that:
- (i) the applicant should submit a copy of the occupation permit or acknowledge letter on completion of the proposed addition and alteration works issued by the Building Authority when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO);
 - (ii) the licensed area in one application should be physically connected;
 - (iii) the applicant should be advised to observe the Codes of Practice for Minimum Fire Services Installations and Equipment;
 - (iv) as a hotel licence had been issued to the subject hotel building, the applicant was required to submit an application for a new licence upon the completion of the proposed alteration and addition works which would result in an increase in the total number of guestrooms; and
 - (v) the licensing requirements would be formulated after inspections by the Building Safety Unit and Fire Safety Unit upon receipt of a licence application under HAGAO.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/551 Proposed Hotel in “Residential (Group A)” zone, No. 5-7 Ki Lung Street,
Mong Kok, Kowloon
(MPC Paper No. A/K3/551)

69. The Secretary reported that the application was submitted by Seven Treasure International Ltd. and Hover House Investment Ltd., and MVA Hong Kong Ltd. was the consultant of the applicant. Mr. Patrick H.T. Lau, Ms. M.K. Julia Lau and Mr. Dominic K.K. Lam had declared interests in this item as they had current business dealings with MVA Hong Kong Ltd. Members noted that Mr. Dominic K.K. Lam had tendered an apology for being unable to attend the meeting. As Mr. Patrick H.T. Lau and Ms. Julia M.K. Lau had no direct involvement in the subject application, Members agreed that they could stay in the meeting.

Presentation and Question Sessions

70. Mr. Tom C.K. Yip, STP/TWK, informed Members that replacement page (p.10) of the Paper was tabled at the meeting to rectify typographical errors. With the aid of a powerpoint presentation, Mr. Yip presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (a 20-story hotel with 50 guestrooms at a plot ratio of 9);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public

comment was received objecting to the application on grounds that the proposed development would trigger traffic congestion and land zoned “Residential (Group A)” (“R(A)”) should be reserved for housing development to avoid shortfall of housing land.; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. Although the proposed hotel was considered not incompatible with the surrounding developments, given the shortfall in housing supply, residential sites should be developed for its zoned use unless the site was very conducive for hotel development, or development for hotel would meet a specific planning objective. The commenter’s view that the proposed hotel would affect the housing land supply was consistent with the planning assessment.

71. Members had no question on the application.

Deliberation Session

72. 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 reasons were :

- (a) the application site was located in a predominant residential neighbourhood. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory; and
- (b) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land.

[The Chairman thanked Mr. Tom C.K. Yip, STP/TWK, for his attendance to answer Members' enquiries. Mr. Yip left the meeting at this point.]

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K4/62 Eating Place in "Residential (Group C) 6" zone, Flat A-2, G/F, 15 Fa Po Street, Yau Yat Chuen, Kowloon
(MPC Paper No. A/K4/62)

73. Mr. H.W. Cheung declared an interest in this item as he lived in Yau Yat Chuen. As the interest of Mr. H.W. Cheung was direct, Members agreed that he should leave the meeting temporarily for the item.

[Mr. H.W. Cheung left the meeting temporarily at this point.]

Presentation and Question Sessions

74. Mr. Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the eating place;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The District Officer (Sham Shui Po), Home Affairs Department (DO(SSP), HAD) noted that the existing usage of the application premises had already been mainly an eating place. That said,

the premises was located in a traditionally serene environment, residents in the vicinity might easily have concerns if there was environmental or noise nuisance from the eating place. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment from a local resident, who supported the development and considered that eating place was badly needed in the district, was received, and no local objection was received by the DO (SSP); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. Should the Committee decide to approve the application, no time clause on commencement was proposed as the eating place use under application was already in operation.

75. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire service installations in the subject premises within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.1.2014; 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 date be revoked without further notice.

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

- (a) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that:
- (i) all building works were subject to compliance with the Buildings Ordinance;
 - (ii) adequate means of escape should be provided for the premises and the remaining portion of ground floor shop in accordance with Building (Planning) Regulation 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (the FS Code);
 - (iii) the 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 (UBW) on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all UBW 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 alteration and additions/change of use proposal to the Building Authority to demonstrate the compliance with the Buildings Ordinance; and
 - (viii) the applicant's attention was 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; and

- (b) to note the comment of the Director of Food and Environmental Hygiene that relevant food licence or permit must be obtained if the premises were intended for conducting food business and any person who intended to carry on at the premises other trade or business requiring a licence from the Food and Environmental Hygiene Department should also first obtain such licence.

[Mr. H.W. Cheung returned to the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/736 Proposed Hotel in “Residential (Group A) 6” zone, 98-100 Apliu Street,
Sham Shui Po, Kowloon

(MPC Paper No. A/K5/736)

78. The Secretary reported that the application was submitted by Rich Asian Ltd. and Townland Consultants Ltd., CKM Asia Ltd., and Environ Hong Kong Ltd. were the consultants of the applicant.

79. The following Members had declared interests in this item:

Mr. Dominic K.K. Lam - had current business dealings with
Townland Consultants Ltd. and Environ
Hong Kong Ltd.

- Professor S. C. Wong - CKM Asia Ltd. had financially sponsored some activities of the Institute of Transport Studies of the University of Hong Kong of which Professor Wong was the Director of the Institute
- Professor P.P. Ho - had current business dealings with CKM Asia Ltd.

80. Members noted that Mr. Dominic K.K. Lam had tendered an apology for being unable to attend the meeting and Professor S. C. Wong had already left the meeting. As Professor P.P. Ho had no direct involvement in the subject application, Members agreed that he could stay in the meeting.

Presentation and Question Sessions

81. Mr. Philip Y.L. Chum, STP/TWK, informed Members that replacement pages of Appendix II-p.1 and p.3 of the Paper was tabled at the meeting to rectify typographical errors. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (a 19-storey hotel with not more than 60 guestrooms at a plot ratio of 9);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) public comments –
 - (i) during the first three weeks of the statutory publication period, 17 public comments were received. 12 commenters objected to the application, amongst which 10 were from residents of the

neighbouring Cheung Hong Building and objected to the application without reason. Others commenters objected to the application on the grounds that the subject building with balcony style architecture was just recently renovated which was in line with Government's policy to revitalise heritage assets, and raised concerns on demolition wastes, adverse impact on traffic and the environment, noise/air/light pollution, the possibilities of the operation of an hourly-rated hotel, the illicit activities associated with such operation, the problem of housing shortage and setting undesirable precedent if such application was approved;

- (ii) the other four commenters supported the application as they considered that the proposed hotel would provide tourists an authentic experience of Hong Kong culture, benefit the local economy of Sham Shui Po and serve as an impetus for revitalisation in the neighbourhood;
 - (iii) one commenter requested that there should be no adverse impacts such as noise and dust during construction of the hotel, and legitimacy of its operation should be assured;
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. Although the proposed hotel was considered not incompatible with the surrounding developments, given the shortfall in housing supply, residential sites should be developed for its zoned use unless the site was very conducive for hotel development, or development for hotel would meet a specific planning objective. Regarding the supporting comments, as the shortage of housing supply lay at the heart of the prevailing housing problem, the issue of whether there were strong justifications for the proposed hotel development within the “Residential (Group A)” zone should be considered.

Deliberation Session

83. 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 reasons were:

- (a) the application site was located in a predominant residential neighbourhood. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory; and
- (b) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land.

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

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

Kowloon District

Agenda Item 12

Section 12A Application

[Open Meeting]

Y/K11/4 Application for Amendment to the Approved Tsz Wan Shan, Diamond Hill & San Po Kong Outline Zoning Plan No. S/K11/25 from “Government, Institution or Community” to “Residential (Group C)”, No.99 Shatin Pass Road, Wong Tai Sin
(MPC Paper No. Y/K11/4)

84. The Secretary reported that the application was submitted by Forever Lucky Limited, and Lanbase Surveyors Ltd. and MVA Hong Kong Ltd. were the consultants of the applicant.

85. The following Members had declared interests in this item:

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

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

Mr. Dominic K.K. Lam - had current business dealings with MVA Hong Kong Ltd.

86. Members noted that Mr. Dominic K.K. Lam had tendered an apology for being unable to attend the meeting. As the applicant’s representative had requested for a deferment of consideration of the application, Members agreed that Mr. Patrick H.T. Lau and Ms. Julia M.K. Lau could stay in the meeting.

87. The Committee noted that on 2.7.2013, the applicant’s representative requested the Board to further defer a decision on the application for another two months so as to allow

more time for consultation with relevant government departments and preparation of further information for submission.

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

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/685 Shop and Services (Real Estate Agency) in “Other Specified Uses” annotated “Business” zone, Workshop No.2, G/F, Crown Industrial Building, No. 106 How Ming Street, Kwun Tong, Kowloon
(MPC Paper No. A/K14/685)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (real estate agency);

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;;
- (d) during the first three weeks of the statutory publication period, one public comment from the Chairman of Kwun Tong Central Area Committee supporting the application without giving reasons was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Should the Committee decide to approve the application, no time clause on commencement was proposed as the shop and services (real estate agency) use under application was already in existence.

90. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire safety measures, including the provision of means of escape completely separated from the industrial portion and fire service installations and equipment in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 19.1.2014; 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 date be revoked without further notice.

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

- (a) to apply to the District Lands Officer/Kowloon East for lease modification or temporary waiver for the 'Shop and Services (Real Estate Agency)' use at the application premises;
- (b) to note the comments of the Director of Fire Services to comply with the Code of Practice for Fire Safety in Buildings administrated by the Buildings Department, and to observe the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises; and
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the applicant should appoint an Authorized Person to submit building plans for the proposed change of use and/or alteration and addition works to the Building Authority (BA) to demonstrate compliance with the Buildings Ordinance, in particular:
 - (i) the provision of adequate means of escape to the premises in accordance with B(P)R 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
 - (ii) the application 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 Code of Practice for Fire Safety in Buildings 2011;
 - (iii) the provision of access and facilities for persons with a disability should be provided at the premises in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008; and
 - (iv) it was noted that there was an existing staircase inside the premises. Such staircase was not indicated on the plans approved by the BA on 13.10.1989. The applicant should note that unauthorized building works (UBW) should not be designated for any approved use under the application. For UBW erected on private buildings/leased land,

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

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/210 Proposed Columbarium in "Government, Institution or Community" zone, Level 4 (Part) and Level 5 (Part) of East Wing and West Wing of Fat Jong Temple, 175 Shatin Pass Road, Tsz Wan Shan, Kowloon
(MPC Paper No. A/K11/210)

93. Mr. K.K. Ling declared an interest that his relative's ashes were stored in the Fat Jong Temple. As Mr. Ling had declared an interest in this item and the Vice-chairman had already left the meeting, the Committee agreed that the Chairman should continue to chair the meeting,

94. The Secretary reported that the application was submitted by The Fat Jong Temple Ltd., and Knight Frank Petty Ltd. was the consultant of the applicant. Ms. Julia M.K. Lau had declared interests in this item as she had current business dealings with Knight Frank Petty Ltd. As the applicant had requested for a deferment of consideration of the application, Members agreed that Ms. Julia M.K. Lau could stay in the meeting.

95. The Committee noted that on 3.7.2013, the applicant's representative requested the Board to further defer making a decision on the application for another two months so as to allow sufficient time for preparing responses and information to address the further comments and concerns raised by the Transport Department.

96. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months resulting in a total of eight months, were allowed for preparation of submission of further information, and no further deferment would be granted.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/256 Proposed Hotel with Eating Place/Shop and Services, and Public Transport Interchange in “Comprehensive Development Area (1)” zone, Kowloon Inland Lot No. 11205, Junction of Hung Luen Road and Wa Shun Street, Hung Hom
(MPC Paper No. A/K9/256A)

97. The Secretary reported that the application was submitted by Shangri-La Hotel (Kowloon) Ltd., and Townland Consultants Ltd., Parsons Brinckerhoff (Asia) Ltd., Adrian L. Norman Ltd. and MVA Hong Kong Ltd. were the consultants of the applicant.

98. The following Members had declared interests in this item:

Mr. Dominic K.K. Lam - had current business dealings with Townland Consultants Ltd., Parsons Brinckerhoff (Asia) Ltd., Adrian L. Norman Ltd. and MVA Hong Kong Ltd.

- Mr. Patrick H.T. Lau - had current business dealings with MVA Hong Kong Ltd.
- Ms. Julia M.K. Lau - had current business dealings with MVA Hong Kong Ltd.
- Professor P.P. Ho - his spouse owned a flat in Harbour Place

99. Members noted that Mr. Dominic K.K. Lam had tendered an apology for being unable to attend the meeting. As Mr. Patrick H.T. Lau and Ms. Julia M.K. Lau had no direct involvement in the subject application, Members agreed that they could stay in the meeting. As the interest of Professor P.P. Ho was direct, Members agreed that he should leave the meeting temporarily from this item.

[Professor P.P. Ho left the meeting at this point.]

Presentation and Question Sessions

100. With the aid of a powerpoint presentation, Ms. 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 hotel with eating place/shop and services and Public Transport Interchange (PTI)
 - (i) a 18-storey hotel building with a basement level for ancillary car park, a PTI at G/F and retail/eating place uses at lower floors;
 - (ii) stepped building height profile was adopted with the highest main roof at +75mPD in the northern part of the site stepping down towards the sea. The terraced portion included a range of building heights from +39mPD to +11.75mPD. The building was designed in a 'wave-like' form;

- (iii) the terraces of 16.5mPD (for retail uses), 22mPD (to avoid an abrupt drop in building profile) and part of 27mPD (for a pool) fell within the area subject to building height restriction (BHR) of 15mPD;
 - (iv) the proposed hotel vehicular and PTI ingress/egress points were at the north-western and north-eastern corners of the site respectively;
 - (v) 10m-wide landscaped non-building area (NBA) along the southern boundary of the application site;
 - (vi) a proposed 24 hours pedestrian walkway with approximately 6m wide was proposed on the ground level along the western boundary of the site;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. District Officer (Kowloon City) (DO(KC)), Home Affairs Department (HAD) had reservation on the application in view of the strong community sentiment. The key stakeholders remained concerned about the application on the grounds that (i) it did not conform to the building height restrictions (BHRs); and (ii) the proposed development might adversely affect the air ventilation in the area and block the harbour view of residents living in Whampoa Garden and Harbour Place. Other concerned departments had no objection to or no adverse comment on the application;
- (d) public comments –
- (i) during the first 3 weeks of the statutory public inspection period, 150 comments objected to/ made adverse comments on the application mainly on grounds that the proposed development did not comply with the requirements set out in the Planning Brief (PB) as well as the recommendation formulated in the Hung Hom District Study; blocking of existing breezeway/ wind corridor/ sea view of

Whampoa Garden; affecting natural ventilation and blocking sunlight in the surrounding area; affecting the view of Harbour Place; affecting the existing transport network; lacking of details on pedestrian linkages to the PTI; and lacking of outdoor seating opportunities. One commenter supported the application and one suggested to shift the hotel tower to the eastern part of the site to widen the distance between the proposed hotel and the adjoining office development;

- (ii) during the publication of the Further Information 1 (FI-1) (the revised scheme), 7 comments objecting to/ making adverse comments on the application were received. The main grounds were: the height of the proposed development within the 15mPD BHR area should follow the BHR stipulated in the PB; the proposed development would affect sea view and seawind to Whampoa Garden; the development would create wall-effect thus blocking the wind corridor to the Harbour Place; burden on nearby road network; and the seawater system of the hotel would increase temperature of seawater in Hung Hom Bay;
 - (iii) during the publication of the Further Information 4 (FI-4) (the revised Air Ventilation Assessment (AVA)), 2 comments were received objecting to the application as the revised scheme still deviated from the requirements in the PB; and the proposed development would cause wall effect thus affecting air quality in the area. One commenter commented on the alfresco dinning and water fountain and the other commenter provided comments on the design of the PTI and G/F spaces, selection and specification of viewpoints, and planning of pedestrian network;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper, which were summarized below:

- (i) the applicant explained that the current scheme could meet the intention of the PB to ensure that the proposed hotel would contain sufficient commercial elements to make the waterfront more vibrant. There was limited space at G/F of the proposed development for provision of retail gross floor area (GFA). Some retail/eating place GFA would be provided in the adjoining office/retail development. A number of retail/eating space was provided in Whampoa Garden. This area was not planned as a district commercial centre;

- (ii) the proposed scheme largely followed the building height profile and the terraced podium design concept. The deviations of building heights from the PB requirements occurred only at the height band of 15mPD with some portions higher and some lower than 15mPD. It had created a stepped height/terraced podium which was visually more interesting and better integrated with the future urban park. The multiple height levels together with the curvilinear built form of the hotel building had also enriched the visual quality of the proposed development from the visual perspective. It was considered that the proposed building in the form of a 'wave-like' structure with the design features and merits as mentioned above had met the design guidelines under the PB. The Chief Town Planner/ Urban Design and Landscape (CTP/UD&L), PlanD had no objection to the proposed scheme. Also, the podium decks at 11.75mPD and 16.5mPD would be publicly accessible. This could provide more space for the public to enjoy harbour view at different levels and was considered as a planning gain;

- (iii) the landscaped non-building area (NBA) and the landscaped setback would generally enhance the pedestrian experience and could contribute to an integrated design in harmony with the promenade and the planned urban park. A pedestrian walkway of approximately 6m wide that was publicly accessible 24 hours daily was proposed on the ground level along the western boundary of the site. It connected to the waterfront promenade to the south and the

proposed walkway in the adjoining proposed office development to the west of the site which would further connect to the footbridge system towards the hinterland;

- (iv) hard/ soft landscape treatments were proposed at various floors. CTP/UD&L, PlanD had no objection to the application from landscape aspect as the proposed development was considered not incompatible with the planned and existing environment and significant landscape impact caused by the proposed development was not anticipated;
- (v) Commissioner for Transport and Chief Highway Engineer/ Kowloon, Highways Department had no in-principle objection to the current proposal subject to the detail design of the PTI meeting their requirements;
- (vi) the AVA submitted had concluded that the proposed scheme would result in an overall better pedestrian wind environment for the development itself and its surroundings. CTP/UD&L, PlanD considered that the proposed scheme was acceptable from air ventilation perspective;
- (vii) in view of the adverse comments, the applicant submitted a revised scheme to significantly revise the building height profile to minimize the deviation from the BHRs of the PB. As regards the concern on the building height, blocking views and visual impact, PlanD considered that the revised scheme submitted by the applicant would not have significant adverse visual impact. Though deviated from the BHR of the PB, the proposed scheme did have merits in terms of creation of a more interesting stepped height/terraced podium and built form, providing podium decks to the public for enjoyment, provision of more landscaping area along the planned urban park, etc. For air ventilation, the applicant had submitted a revised AVA which had concluded that the proposed scheme would

result in an overall better pedestrian wind environment to the development itself and its surroundings. For traffic aspect, C for T had no adverse comment on the proposed development and the proposed PTI. For pedestrian connection with the waterfront and adjoining developments, pedestrian walkway was proposed to connect to the adjoining hotel and waterfront promenade.

101. Members had no question on the application.

Deliberation Session

102. A Member said that flexibility should be allowed for innovative design. This Member considered that the deviation from the BHR in the PB was acceptable as the current proposal had design merits.

103. Another Member had the same comment and considered that the proposed scheme with stepped-platform design would be better than the notional scheme with a flat platform within the 15mPD building height area of the site.

104. A Member said that the applicant had made effort to revise the scheme to address the concern on building height. This Member considered that the proposed scheme could provide an innovative design, while at the same time could fulfill other requirements/restrictions of the site.

105. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.7.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of a revised Master Layout Plan (MLP), taking into account the approval conditions (e) to (i) below to the satisfaction of the Director of Planning or of the TPB;

- (b) the gross floor area for eating place and shop and services should be not less than 5,708m² as proposed by the applicant;
- (c) the proposed development were subject to the maximum building heights as proposed in the building height profile in the MLP;
- (d) the podium decks at 11.75mPD and 16.5mPD should be open to the public, as proposed by the applicant, at reasonable hours;
- (e) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB;
- (f) the submission and implementation of the design of the 24-hour pedestrian walkway to the satisfaction of the Director of Planning or of the TPB;
- (g) the submission and implementation of the design of the pedestrian connection between the public promenade and the proposed development to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (h) the submission and implementation of the design of the public transport interchange as well as vehicular access, parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (i) the submission of the drainage proposal for the proposed development and diversion of all existing drainage within the site to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in

accordance with section 4(A)(3) of the Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;

- (b) the approval of the application did not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;

- (c) to note the comments of the Chief Building Surveyor/Kowloon, Building Department (BD) that provision of service lane for domestic building should be in compliance with Building(Planning)Regulations (B(P)R) 28 of the Buildings Ordinance (BO); application for hotel concession under B(P)R23A of BO would only be considered upon formal submission of building plans subject to the compliance with the criteria under Practice Notes for Authorized Persons (PNAP) APP-40; pre-requisites for granting GFA concessions for green/ amenity features and non-mandatory/ non-essential plant rooms and services as laid down in PNAP APP-151 and PNAP APP-152 should be complied with; an Authorised Person should be appointed to coordinate all building works in accordance with the BO; the proposed operation of the hotel would be subject to the licensing requirements under the Hotel and Guesthouse Accommodation Ordinance, Cap. 349; BD's position under B(P)R23(3)(a) on the 7.1m high roof-top structure were reserved; provision of prescribed windows for the hotel guestrooms should be in compliance with B(P)Rs 30 and 31; and the applicant should justify the storey heights of B1, G/F, 2/F, 3/F, 4/F and 7/F, and BD reserved the comments under B(P)R23(3)(a);

- (d) to note the comments of the District Lands Officer/Kowloon West, Lands Department in paragraph 9.1.1 of the Paper relating to the requirements under the lease, which included but not limited to the length of the building façade that exceeded 60m and that the pedestrian walkway of KIL 11111 was still at the design stage and hence adjustment to the Pedestrian Walkway connecting the two lots might still be required in the future;
- (e) to note the comments of the Director of Fire Services that fire service installations and water supplies for firefighting should be provided in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment; and the arrangement of emergency vehicular access should comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which was administered by BD; and
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the provision of greening should be maximized, especially at-grade tree planting along the northeastern boundary to improve the landscape and visual amenity of the development.

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

Agenda Item 16

Any Other Business

107. There being no other business, the meeting closed at 12:55 p.m.