

TOWN PLANNING BOARD

**Minutes of 495th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 16.8.2013**

Present

Director of Planning
Mr. K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Mr. Dominic K.K. Lam

Mr. Patrick H.T. Lau

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

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

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

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

Assistant Director (Hong Kong),

Lands Department
Mr. Simon S.W. Wang

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

Secretary

Absent with Apologies

Ms. Bonnie J.Y. Chan

Mr. H. W. Cheung

Mr. Sunny L.K. Ho

Professor P.P. Ho

Mr. Maurice W.M. Lee

Mr. Laurence L.J. Li

Mr. Stephen H.B. Yau

In Attendance

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

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

Town Planner/Town Planning Board
Miss Anny P.K. Tang

Agenda Item 1

Confirmation of the Draft Minutes of the 494th MPC Meeting held on 2.8.2013

[Open Meeting]

1. The draft minutes of the 494th MPC meeting held on 2.8.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that on 2.8.2013, the Committee agreed to the proposed amendments to the Approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning (OZP) Plan No. S/K15/19. Upon detailed checking, some minor technical amendment to the Notes of the OZP was necessary.

3. It was agreed at the last Committee meeting that the site at Lei Yue Mun Path was to be rezoned to “Residential (Group A)6” (“R(A)6”) subject to the plot ratio restrictions as in the “R(A)” zone. As such, Remarks (1) and (3) of the Notes of the “R(A)” zone would also need to be amended to indicate that both clauses were applicable to “R(A)” and “R(A)6” zones.

4. The amendments were marked on the amendment pages tabled at the meeting for Members’ consideration. Members noted the amendments to the OZP.

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/K1/239

Proposed Minor Relaxation of Building Height Restriction (from 30mPD to 37.5mPD) for the Proposed Renovation of Hong Kong Museum of Art in “Other Specified Uses” annotated “Ferry Concourse, Public Pier and Cultural Complex including Space Museum, Auditoria, Museum of Arts, Open Space and Car Park”, “Other Specified Uses” annotated “Cultural Square and Public Open Space with Underground Commercial Complex & Car Park” and “Open Space” zones, 10 Salisbury Road, Tsim Sha Tsui, Kowloon (MPC Paper No. A/K1/239)

5. The Secretary reported that the application was submitted by the Leisure and Cultural Services Department with the Architectural Services Department (ArchSD), PlanArch Consultants Ltd. and Environ Hong Kong Ltd. as consultants. The following Members had declared interests in this item :

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

Mr. Patrick H.T. Lau)
Professor P.P. Ho) had current business dealings with ArchSD

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

7. The Secretary reported that on 2.8.2013, the applicant's representative requested for deferment of a decision on the application for one month as the applicant required additional time to prepare supplementary information to address departmental comments.

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 two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 4

Section 16 Application

[Open Meeting]

A/KC/405 Shop and Services in "Industrial" zone, Unit B6 on G/F, Mai Wah Industrial Building, 1-7 Wah Sing Street, Kwai Chung, New Territories (MPC Paper No. A/KC/405)

9. The Secretary reported that on 13.8.2013, the applicant requested for deferment of a decision on the application for one month in order to allow sufficient time to prepare necessary information in response to departmental and public comments.

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

[Mr. Wilson W.S. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK) and Mr. K.T. Ng, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/451 Proposed Comprehensive Residential Development (Home Ownership Scheme Development with Social Welfare Facility (Day Care Centre for the Elderly)), and Minor Relaxation of the Total Maximum Plot Ratio and Building Height Restrictions (Amendments to an Approved Scheme) in “Comprehensive Development Area (2)” zone, Ex-Tai Wo Hau Factory Estate, Sha Tsui Road, Tsuen Wan, New Territories
(MPC Paper No. A/TW/451)

11. The Secretary reported that as the application was submitted by the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item :

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| Mr. K.K. Ling
(Chairman)
as the Director of Planning | - being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA |
| Mr. Frankie W.P. Chou
as the Chief Engineer (Works),
Home Affairs Department | - being an alternate member for the Director of Home Affairs who was a member of the SPC and Subsidized Housing Committee of HKHA |
| Mr. Simon S.W. Wang
as the Assistant Director (Atg.)
of the Lands Department | - as the Director of Lands was a member of HKHA |
| Mr. Dominic K.K. Lam | - had current business dealings with HKHA |

Ms. Julia M.K. Lau - being a member of HKHA and Commercial Properties Committee and Tender Committee of HKHA

12. Members noted that Ms. Julia M.K. Lau had not yet arrived at the meeting. Members also considered that the interests of Mr. K.K. Ling, Mr. Frankie W.P. Chou, Mr. Simon S.W. Wang and Mr. Dominic K.K. Lam were direct, they should leave the meeting temporarily for this item. As the Chairman had to withdraw from the meeting, Members agreed that the Vice-chairman should take over and chair the meeting for this item. The Vice-chairman chaired the meeting at this point.

[Mr. K.K. Ling, Mr. Frankie W.P. Chou, Mr. Simon S.W. Wang and Mr. Dominic K.K. Lam left the meeting temporarily at this point.]

Presentation and Question Sessions

13. With the aid of a PowerPoint presentation, Mr. K.T. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed amendments to the approved Master Layout Plan (Application No. A/TW/440) for comprehensive residential development (New Home Ownership Scheme development with social welfare facility (day care centre for the elderly)), as well as minor relaxation of the total maximum plot ratio (PR) restriction from 5 to 5.5 and minor relaxation of the building height (BH) restriction from 100mPD to 118mPD;
- (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, two public comments were received. The first commenter, who was a private individual, did not oppose to the proposed relaxation of PR to increase flat

production. However, he suggested considering the installation of noise barriers to minimize the potential noise nuisance to Block 3. The second comment was submitted by the Hong Kong and China Gas Company Limited (Towngas). Towngas stated that the proposed development was in close vicinity of an existing intermediate pressure pipeline and a risk assessment was required. The applicant was suggested to consult Towngas at design stage and closely coordinate with it during the construction stage and with regard to the provision of protective measures;

(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, which were summarized below :

- (i) the proposal was generally in line with the planning intention of the “CDA(2)” zone which was for comprehensive development/redevelopment of the area primarily for residential use with the provision of commercial facilities, open space and other supporting facilities. The proposed minor relaxation was to facilitate the flat production to address the public aspiration for home ownership and achieve the policy objective of increasing subsidized flat supply to meet the community's imminent demand for housing, which was in the public interest. The application was in line with Government policy and had planning merits;
- (ii) the proposed increase in total PR from 5 to 5.5 and BH from 100mPD to 118mPD was considered to be minor. There was no change to the layout design and disposition of building blocks from the approved scheme;
- (iii) the BHs of the three residential blocks of the proposed development had taken into consideration the key design framework of the stepped height profile and provided variation in building profile to create greater visual interests. The Visual Impact Assessment concluded that there was negligible difference in terms of visual

obstruction, effect on public viewers and effect on visual resources. In addition, according to the Air Ventilation Assessment (AVA) (Expert Evaluation) submitted, the current scheme had inherited wholly the urban design proposals for ventilation benefits with all the air paths, ventilation corridors and building separations. The AVA also revealed that additional air ventilation impacts resulted from the additional storeys at Blocks 2 and 3 were insignificant;

- (iv) the area of greenery coverage of not less than 20% would be maintained. Provision of open space remained the same as in the approved scheme;
- (v) according to the Environmental Assessment (EA) and Sewerage Impact Assessment conducted by the applicant, the traffic noise from Sha Tsui Road was identified as the major traffic noise source to the proposed development. However, noise mitigation measures were recommended in the EA report and the Director of Environmental Protection (DEP) had no objection to the proposal; and
- (vi) regarding the commenter's concern on potential noise nuisance, noise mitigation measures were recommended in the EA report and DEP did not anticipate any adverse environment impact associated with the proposal. As for Towngas' comments, the applicant responded that Towngas was consulted and there was no existing gas pipe within the Site. The applicant would further coordinate with Towngas during the construction stage.

14. A Member enquired on how the proposed PR and BH were derived and whether there was scope for further increasing the PR and BH of the site. Mr. Wilson W.S. Chan, DPO/TWK, replied that PlanD had worked with the Housing Department (HD) in formulating the appropriate PR for the site, and relevant factors, including provision of infrastructure as well as the potential visual and environmental impacts of the proposal, had been taken into account. Further assessment would be required if the PR and BH of the site were to be further increased and it might result in adverse visual impact. The current proposed BH of

118mPD was considered acceptable and was generally in line with the stepped BH profile in the area as stipulated in the Tsuen Wan and Kwai Chung Outline Zoning Plans.

Deliberation Session

15. A Member considered that the proposed development parameters were acceptable. However, in view of the strong demand for housing, this Member enquired if PlanD would further liaise with relevant government departments to explore the possibility of further increasing the development intensity. Mr. Wilson W.S. Chan explained that under the proposed scheme, the height of Blocks 2 and 3 had already been increased to accommodate the increase in GFA. As for Block 1, a single-aspect design was adopted to mitigate against the traffic noise. An additional lift would be required if BH of Block 1 was to increase which was considered by HD to be not cost-effective. Further increase in development intensity would involve a substantial change in the development layout and further increase in BH for Blocks 2 and 3. Detailed study on the visual impact and BH profile would be required. Besides, it would set a precedent for private developers to follow and that would jeopardise the coherence of the overall stepped BH profile of the area. The proposed PR of 5.5 was considered appropriate by the relevant government departments after balancing all relevant factors.

16. A Member said that the proposed increase in PR was acceptable as it had not involved substantial change to the layout of the scheme. HD had already taken into account all relevant considerations in coming up with the proposed scheme which helped meet the short-term demand for flat supply. Any further increase in development intensity would however require detailed studies on the potential visual and environmental impact. In this regard, the proposed relaxation in PR and BH had struck a proper balance in meeting the policy objective to increase flat supply while at the same time minimizing the change to the original scheme and any adverse impact on the surrounding area.

17. The Vice-chairman concluded that Members had no in-principle objection to the application. Members also noted that relevant factors, including preservation of the overall BH profile of the area, compliance with the planning intention of the site and other planning requirements, had been taken into consideration in drawing up the revised scheme. The extent of increase in development intensity and BH under the current scheme was considered

a suitable balance and was acceptable.

18. 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 16.8.2017, 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) to take into account the approval conditions (b), (c), (d), (e), (f) and (g) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of a Day Care Centre for the Elderly to the satisfaction of the Director of Social Welfare or of the TPB;
- (c) the provision of a 15m wide visual corridor at grade in between the proposed Block 2 and Block 3 to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of car parking spaces and loading and unloading facilities to the satisfaction of the Commissioner of Transport or of the TPB;
- (e) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the design and construction of the landscaped walkway at the Non-Building Area within the application site and the Public Open Space at the adjacent “Open Space” zone, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
and
- (g) the submission and implementation of Landscape Master Plan and Tree Preservation Proposal to the satisfaction of the Director of Planning or of the TPB.

19. 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 Town Planning Board and deposited in the Land Registry (LR) in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the LR as soon as possible;
- (b) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with the Code of Practice for Fire Safety in Buildings 2011 which was administered by the Building Authority;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the applicant should bear the cost of any diversion works affected by the proposed development;
- (d) to note the comments of the Director of Electrical and Mechanical Services that the applicant should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipes routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipelines if any excavation works were required during the design and construction stages of the proposed development; and
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant should note the requirements of the Electrical and Mechanical Services Department's Code of Practice on "Avoiding Danger from Gas Pipes".

[Mr. K.K. Ling, Mr. Frankie W.P. Chou, Mr. Simon S.W. Wang and Mr. Dominic K.K. Lam returned to the meeting at this point.]

Members agreed that Professor S.C. Wong, Mr. Dominic K.K. Lam, Mr. Patrick H.T. Lau and Ms. Julia M.K. Lau could stay in the meeting.

22. The Secretary reported that on 30.7.2013, the applicant's representative requested for deferment of a decision on the application for two months in order to allow time for the applicant to prepare further information to address the comments of relevant government departments.

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/TWW/106 Proposed Minor Relaxation of Maximum Plot Ratio Restriction (from 0.4 to 0.75) for Permitted House Development in "Residential (Group C)" zone, Lots No. 210, 212, 213, 214, 215RP, 215s.A, 230, 231RP, 234, 235 and 427 and adjoining Government Land in D.D. 399, Ting Kau, Tsuen Wan, New Territories
(MPC Paper No. A/TWW/106)

24. The Secretary reported that on 31.7.2013, the applicant's representative requested for deferment of a decision on the application for two months as the applicant required additional time to address the comments from the Transport Department and Urban Design & Landscape Section of Planning Department.

25. After deliberation, the Committee decided to defer a decision on the application as

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/107 Proposed Minor Relaxation of Plot Ratio and Site Coverage Restrictions for Permitted “Residential (Group B)” Development in “Residential (Group B)” zone, Government Land in D.D. 388, Castle Peak Road, Tsing Lung Tau, Tsuen Wan, New Territories (to be known as TLTL70)

(MPC Paper No. A/TWW/107)

26. The Secretary reported that the application was submitted by the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD). Mr. Simon S.W. Wang, the Assistant Director (Atg.) of the LandsD, had declared an interest in this item. Members agreed that Mr. Simon S.W. Wang’s interest was direct and should leave the meeting temporarily for this item.

[Mr. Simon S.W. Wang left the meeting temporarily at this point.]

Presentation and Question Sessions

27. With the aid of a PowerPoint presentation, Mr. K.T. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed minor relaxation of plot ratio (PR) restriction from 2.1 to 2.52 and site coverage (SC) restriction from 17.5% and 20.2% with no change to the maximum building height (BH) restriction. The proposed increase in the development parameters would allow for an increase in gross floor area (GFA) up to 12,267.4m² and number of flats from 146 to 175 as compared to that under the current PR and SC restrictions of the “Residential Group (B)” (“R(B)”) zone;
- (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) during the first three weeks of the statutory publication period, 46 public comments from private individuals, residents of Hong Kong Garden, The Incorporated Owners of Hong Kong Garden, T.L.60 Management Limited and Designing Hong Kong Limited were received. 45 commenters objected to the application while 1 commenter indicated no comment on the application. The comments objecting to the application were summarized below :
 - (i) the proposed relaxation of PR and SC restrictions were not minor with no provision of overriding justifications including public gains. The objective of the application to meet the housing demand was not justifiable. The proposed BH would also affect the existing residents in the area and jeopardise the stepped height concept for the area. The application would cause adverse traffic, environmental, lighting, visual, landscape and air ventilation impacts on Hong Kong Garden/the local area. Approval of the application would set an undesirable precedent for similar applications;
 - (ii) recreational and community facilities in the area were lacking to accommodate more population and the Site should be developed for community facilities and open space or be retained for low density residential development;

- (iii) the application would impose risk of speculation and collusion between business and the Government/transfer of interests. The residents were misled to make the wrong investment decision and affected residents should be compensated; and
 - (iv) notification to the residents of Hong Kong Garden on the application and time for consultation were inadequate. District Council's agreement with the application was required. One commenter asked whether consultation had been undertaken for the rezoning of the site to "R(B)" and relevant consultation document and meeting minutes should be provided to local residents.
- (e) the District Officer (Tsuen Wan), Home Affairs Department (DO/TW, HAD) advised that residential organisations including the Incorporated Owners of Hong Kong Garden and Visa Cliff and Visa Cove Management Office had been consulted and there were comments objecting to the application on various grounds including land use, development intensity, BH, visual, air ventilation, landscape, environmental, lighting, traffic, geotechnical, compensation and consultation aspects as well as collusion between business and the Government/transfer of interest and justifications of the application to meet housing demand;
- (f) 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 minor relaxation was to optimise the utilisation of scarce land resources and meet the general housing demand in the Territory. The proposed development restrictions were based on a layout testing, which had taken account of various factors including urban fringe character, the waterfront setting, the existing stepped building height profile of Tsing Lung Tau area, the existing BH restrictions of 60mPD of the site, building setback and requirements

of the Sustainable Building Design Guidelines. There was no change to the BH. The difference in the indicative block layouts under the proposed and current restrictions was negligible. The proposed increase in PR and SC could be regarded as minor;

- (ii) the applicant demonstrated that there would be no significant difference in the resultant visual effect under the current and proposed development restrictions. The proposed increase in development intensity was considered compatible with the visual context of the surrounding area. On air ventilation aspect, based on the Expert Evaluation on Air Ventilation Assessment for the Tsuen Wan West area, the application would not cause air ventilation problem to the surrounding area;
- (iii) according to the Chief Executive's 2013 Policy Address, the Government was committed to increasing flat production to meet the housing demand. Development intensity of unleased and unallocated residential sites should be increased as far as allowable in planning terms. The application to increase development intensity through minor relaxation of the development restrictions would achieve the policy objective of increasing flat supply to meet the public demand for housing, which was in the public interest. The proposed minor relaxation to increase flat supply was in line with Government policy and had planning merits;
- (iv) regarding the public comments on the land use, development intensity, BH and justifications, the current application only applied for minor relaxation of the PR and SC restrictions for the existing "R(B)" zone, so as to facilitate an increase in flat supply in accordance with the Government's housing supply policy. Since the Committee would consider each case on its individual merits, approval of the application would not set an undesirable precedent for similar applications. Besides, based on the planned population of Tsuen Wan West area, there were sufficient recreational and

community facilities as per the Hong Kong Planning Standards and Guidelines. Since the BH would remain unchanged, the planned stepped height concept for the area could be maintained. With regard to the public comments on traffic, environmental, lighting, visual, air ventilation, landscape and infrastructural aspects, all the concerned departments consulted had no objection to or no adverse comments on the application; and

- (v) as for the public comment on collusion between business and the Government, the Site would be put for sale as per the prevailing land disposal policy. With respect to the public comment on inadequate consultation, the established practice of notification/consultation procedures under s.16 applications had been followed. DO/TW, HAD had also conducted the local consultation.

28. Members had no question on the application.

Deliberation Session

29. 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 16.8.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the departments' technical requirements and incorporate them in the lease conditions of the site as appropriate; and
- (b) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and the emergency vehicular access in the site should comply with the Code of Practice for Fire Safety in Buildings which was administered by the Building Authority.

[The Chairman thanked Mr. Wilson W.S. Chan, DPO/TWK and Mr. K.T. Ng, STP/TWK, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Mr. Simon S.W. Wang returned to the meeting at this point.]

Hong Kong District

Agenda Item 9

Section 16 Application

[Open Meeting]

A/H14/75 Proposed Heritage Hotel in "Residential (Group C)2" zone, 27 Lugard Road, The Peak Area, Hong Kong
(MPC Paper No. A/H14/75)

31. The Secretary reported that AGC Design Ltd., Adrian L. Norman Ltd. and MVA Hong Kong Ltd. were the consultants of the applicant. The following Members had declared interests in this item :

Mr. Dominic K.K. Lam - had current business dealings with Adrian L. Norman Ltd. and MVA Hong Kong Ltd.

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

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

32. As the applicant had requested for a deferment of consideration of the application, the Members agreed that Mr. Dominic K.K. Lam, Mr. Patrick H.T. Lau and Ms. Julia M.K. Lau could stay in the meeting.

33. The Secretary reported that an email was received from Alliance for a Beautiful Hong Kong (ABHK), who was a commenter of the application, expressed its strong objection against the application. The commenter requested the Committee to reject the application outright; reject the applicant's request to defer consideration of the application until a later date; and prohibit the applicant from repeatedly submitting and withdrawing applications indefinitely. The email was tabled at the meeting for Members' information. The Secretary said that there was a previous application, which was submitted by the same applicant but was subsequently withdrawn.

34. The Secretary reported that on 2.8.2013, the applicant's representative requested for deferment of a decision on the current application for one meeting to 6.9.2013 as the applicant required additional time to follow up with the concerns of relevant government departments. The Secretary pointed out that this was the first deferral request by the applicant in connection with this application. The deferral request was in line with the Town Planning Board Guidelines No. 33 in that the applicant needed additional time to address the comments raised by government departments, the deferment period was not indefinite, and that the deferment would not affect the right or interest of other relevant parties.

35. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant. The Committee agreed that the application should be submitted for its consideration on 6.9.2013 subject to submission of all the further information by 26.8.2013 to allow adequate time for departmental circulation. The Committee also agreed to advise the applicant that time had been allowed for the preparation of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 10

Section 16 Application

[Open Meeting]

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

36. The Secretary reported that on 31.7.2013, the applicant’s representative requested for further deferment of a decision on the application for two months in order to allow sufficient time for the applicant to further review and refine the proposed development scheme to address the outstanding concerns raised by the Chief Town Planner/Urban Design and Landscape, Planning Department and the District Lands Officer/Hong Kong West and South, Lands Department.

37. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since this was the third deferment and a total of six months had been allowed, this should be the last deferment of the application.

[Miss Isabel Y. Yiu, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H17/130 Proposed Minor Relaxation of Site Coverage to 29.83% for Permitted
3-storey House Development in “Residential (Group C)3” zone, 36
Repulse Bay Road, Hong Kong
(MPC Paper No. A/H17/130)

38. The Secretary reported that the application was submitted by HSBC International Trustee Limited with Townland Consultants Limited as the consultant. Mr. Dominic K.K. Lam had declared an interest in this item as he had current business dealings with both the applicant and the consultant. As Mr. Dominic K.K. Lam’s interest was direct, Members agreed that he should leave the meeting temporarily for this item.

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

39. The Secretary also drew Members’ attention that replacement pages (pages 7 and 8) of the Paper were tabled at the meeting for Members’ reference.

Presentation and Question Sessions

40. With the aid of a PowerPoint, Miss Isabel Y. Yiu, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of site coverage restriction from 25% to 29.83% to allow conversion of part of the void underneath the existing 3-storey housing to a new utility room;
- (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) during the first three weeks of the statutory publication period, two public comments including one from Designing Hong Kong Limited were received. Designing Hong Kong Limited objected to the application as no landscape or geotechnical impact assessment had been provided; there was no public gain or justification on the need for a new utility room, it might increase the risk of illegal structures; and would set an undesirable precedent for similar applications. The other comment had concern about the slope safety arising from the proposed A&A works;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Regarding the public comments on the geotechnical impact assessment and slope safety arising from the A&A works, the applicant indicated that no excavation or slope works would be required for the proposed A&A works. Since the proposed utility room was located in the basement and ground space would not be affected, no significant adverse impact on the existing landscape was anticipated. As to the query that the A&A works would prone to adding illegal structures, it should be noted that any A&A works proposed should comply with the Buildings Ordinance. The proposed A&A works were minor in nature and would not set an undesirable precedent for other similar applications.

41. Members had no question on the application.

Deliberation Session

42. 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 16.8.2017, 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 condition :

the provision of water supplies for firefighting and fire service installations to the

satisfaction of the Director of Fire Services or of the TPB.

43. 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; and
- (b) to note the comments of the Director of Fire Services in paragraph 9.1.3 of the Paper that the arrangement of emergency vehicular access should comply with the Code of Practice for Fire Safety in Buildings.

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/72 Proposed House in “Green Belt” zone, 53 (Portion), Tai Tam Tuk Village, Tai Tam, Hong Kong
(MPC Paper No. A/H18/72)

Presentation and Question Sessions

44. With the aid of a PowerPoint, Miss Isabel Y. Yiu, STP/HK, presented the

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

- (a) background to the application;
- (b) to use part of an existing one-storey structure for house use;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper and highlighted below :
 - (i) the District Lands Officer/Hong Kong West and South, Lands Department (DLO/HKW&S, LandsD) advised that the Squatter Control Unit of Lands Department did not support the application. The application premises fell within unleased and unallocated government land. According to the survey record of Squatter Control Unit of LandsD in 1982, part of the existing structure under application was surveyed structure for non-domestic use (i.e. kitchen and washroom) tolerated under the Squatter Control Policy, while the remaining part of the structure had no record of uses. The proposed conversion of the existing structure to ‘House’ use did not in line with the recorded use of the said structure; and
 - (ii) the Director of Environmental Protection could not lend support to the application. The application site was located in “Green Belt” (“GB”) area adjoining “Site of Special Scientific Interest” (“SSSI”). While it fell within an unsewered area, the applicant did not propose any practicable measures to treat the sewage generated from the proposed ‘House’ use nor any feasible disposal method so as to comply with the relevant requirements stipulated in the Water Pollution Control Ordinance Technical Memorandum and ProPECC Notes PN 5/93;
- (d) during the first three weeks of the statutory public inspection periods of the application and further information, a total of 6 public comments, from Tai Tam Tuk Foundation, Tai Tam Tuk Dragon Boat Association (with 38

members' signatures), Designing Hong Kong Limited and a member of the public, were received,. They objected to the application mainly on the following grounds :

- (i) the applied use was not in line with the planning intention and was incompatible with the surrounding land uses, particularly the "SSSI" zone. The proposed use would cause adverse environmental, traffic and drainage impact to the area and cause hygienic problem;
 - (ii) the proposed use did not provide sewerage system which would induce adverse impact to the high biodiversity area in Tai Tam Harbour "SSSI". Besides, there was no public road access or emergency access to the application premises. Unlawful occupation and destruction of current green land was foreseeable; and
 - (iii) the approval of this application would encourage private residential use and discourage public enjoyment within the "SSSI" zone, and had negative impact on village harmony. The area occupied by the kitchen and patio was not part of the original structure but an extended portion;
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper, which were summarized below :
- (i) the applicant had not provided any evidence to prove that the application premises were used as domestic purpose before the publication of the first Tai Tam & Shek O Outline Zoning Plan in 1988. The application would be considered based on the extant "GB" zoning. The application was not in line with the planning intention of the "GB" zone. There was a general presumption against development within this zone. The application premises fell within government land and the proposed use was not for public

enjoyment and would not bring about any benefit to the public at large. According to the Town Planning Board Guidelines No.10, development within “GB” zone would only be considered in exceptional circumstances and must be justified with very strong planning grounds. Although the proposed conversion was relatively small in scale, the applicant had not provided strong justification to warrant a departure from the planning intention of the “GB” zone;

- (ii) the proposed use was not compatible with the surrounding uses. No information had been provided to demonstrate that the proposed use would not have adverse environmental impacts on the sensitive natural environment;
- (iii) the applicant claimed that only the application premises (i.e. part of the entire existing structure) would be used for the proposed ‘House’ use and the remaining part of the existing structure, which fell within “SSSI” zone, would retain as storage purpose. Since the entire structure was one unit, it was impossible to separate the application premises from the remaining part of the structure; and
- (iv) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would result in the encroachment on the “GB” zone by developments and a general degradation of the natural environment.

45. In response to a Member’s question on the Squatter Control Policy, Mr. Simon S.W. Wang, Assistant Director (Hong Kong), LandsD explained that the squatter structure would only be tolerated if the use, bulk and height were the same as those surveyed in 1982. It was noted that the structure under application had exceeded the dimension of the surveyed structure in terms of size and building height. The Squatter Control Unit of LandsD would take follow-up actions in accordance with the policy which might require the concerned party to reinstate the structure as recorded. If the concerned party failed to comply with the

requirement, depending on individual circumstances, LandsD might cancel the squatter control number and the structure on the government land might have to be removed.

Deliberation Session

46. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejecting the application as stated in paragraph 12.1 of the Paper and agreed that they should be suitably amended. The reasons were :

- (a) the proposed 'House' use was not in line with the planning intention of the "Green Belt" ("GB") zone which was primarily for 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 "GB" zone. There was no strong justification for a departure from the planning intention;
- (b) there was no strong justification in the submission to use the application site, which was a piece of government land on "GB" zone, for private house use;
- (c) the proposed residential development did not meet the Town Planning Board Guidelines No. 10 for 'Application for Development within GB Zone' in that there were no exceptional circumstances to justify the application;
- (d) no information had been provided to demonstrate that the proposed 'House' use would not have adverse environmental impacts on the sensitive natural environment; and
- (e) the approval of the application would set an undesirable precedent for other similar development applications within the "GB" zone. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area.

[The Chairman thanked Miss Isabel Y. Yiu, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/178 Proposed Conservation and Conversion of the Chai Wan Factory Estate to Public Rental Housing in "Comprehensive Development Area" zone, Chai Wan Factory Estate, 2 Kut Shing Street, Chai Wan, Hong Kong
(MPC Paper No. A/H20/178)

47. The Secretary reported that as the application was submitted by the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item :

- | | |
|--|---|
| Mr. K.K. Ling
(Chairman)
as the Director of Planning | - being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA |
| Mr. Frankie W.P. Chou
as the Chief Engineer (Works),
Home Affairs Department | - being an alternate member for the Director of Home Affairs who was a member of the SPC and Subsidized Housing Committee of HKHA |
| Mr. Simon S.W. Wang
as the Assistant Director (Atg.)
of the Lands Department | - as the Director of Lands was a member of HKHA |

Mr. Dominic K.K. Lam - had current business dealings with HKHA and his company owned a workshop in Chai Wan

Ms. Julia M.K. Lau - being a member of HKHA and Commercial Properties Committee and Tender Committee of HKHA

48. Members considered that the interests of Mr. K.K. Ling, Mr. Frankie W.P. Chou, Mr. Simon S.W. Wang, Mr. Dominic K.K. Lam and Ms. Julia M.K. Lau were direct, they should leave the meeting temporarily for this item. As the Chairman had to withdraw from the meeting, Members agreed that the Vice-chairman should take over and chair the meeting for this item. The Vice-chairman chaired the meeting at this point.

[Mr. K.K. Ling, Mr. Frankie W.P. Chou, Mr. Simon S.W. Wang, Mr. Dominic K.K. Lam and Mr. Clarence W.C. Leung left the meeting temporarily at this point. Ms. Julia M.K. Lau left the meeting at this point.]

Presentation and Question Sessions

49. 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;

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

(b) the proposed in-situ conversion of the Chai Wan Factory Estate (CWFE) to public rental housing (PRH) providing about 187 flats;

(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) during the first three weeks of the statutory public inspection period, 208

public comments were received with one supporting, one raising no objection to, 203 opposing, and three providing comments to the proposal. These comments were submitted by Eastern District Council (EDC) Members, Chairman of the Chai Wan Area Kai-Fong Welfare Association, Mass Transit Railway Corporation Limited (MTRCL), local residents and members of the public. Amongst those opposing comments, one of them was submitted with collection of 166 signatures from New Jade Garden, 115 of them involved two standard formats. For those opposing comments, though they were opposing the proposal for various reasons, most of them also pointed out the support of conservation of the existing building. The major views were summarized as follows :

Support/Positive Comments

- (i) supported conservation of the last “H” type factory building in Hong Kong;

Opposing/Reservation Comments

- (ii) objected to using substantial public money to convert the building as PRH. Traffic and waste disposal were also matters of concern;
- (iii) the building should be preserved as far as possible. The conversion would accelerate deterioration of the building. The central toilet block could be maintained as common toilets or lift facilities;
- (iv) the building should be converted for creative industries for Non-Government Organisation (NGO)’s management and development; or for youth hostel/interim housing. There were also suggestions for office use, exhibition centre, art gallery, civic centre and elderly care services;

Other Comments

- (v) objected to the building height (BH) restriction of 120mPD and it should be restricted to the existing height; and
 - (vi) MTRCL pointed out that the rail operation noise would be a concern to future occupants of the proposed development. The presence of railway operation should be duly considered in the development during the early building design stage. After reviewing the Environmental Assessment Study (EAS) and the recommendations on railway operation prepared by the applicant, it was concluded that MTRCL would not be able to comply with the Environmental Protection Department (EPD)'s requirements for railway operation, the MTR Customer Service Pledges and the Operation Agreement with HKSAR Government if the recommendations were adopted;
- (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 current application was to facilitate the implementation of the in-situ conversion of the CWFE for PRH development. The scheme was generally in line with the planning intention of the “Comprehensive Development Area” zone while the proposed development parameters and open space provision of the PRH development generally complied with the requirements of the Planning Brief (PB) endorsed by the Committee on 24.5.2013;
 - (ii) the overall green coverage would not be less than 20%. However, since the project was a conversion scheme, there were limitations in achieving at-grade green coverage and only 8% green coverage could be achieved on the ground level, which was less than the targeted 10% as stated in the PB. According to the applicant, they would consider to further increase the greening opportunities upon

detailed design. In this regard, Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the application and recommended to impose a condition on the submission and implementation of a revised Landscape Master Plan including tree preservation proposal should the application be approved;

- (iii) to ensure the important building features of the CWFE would not be adversely affected, a Heritage Impact Assessment had been prepared and was endorsed by Antiquities Advisory Board on 17.4.2013. Although the existing central toilet block would be demolished for its very poor structural condition, the rebuilt domestic block would be hidden behind the two long wings and present no significant difference to the existing CWFE so as to maintain a design harmony for the heritage building. Moreover, exhibits on the history of CWFE would be displayed in the heritage courtyard as well as along the access routes to the main entrance of the building at the G/F;
- (iv) according to the technical assessments, including Traffic Impact Assessment, submitted by the applicant, the proposed development would not generate any significant adverse impacts on the surrounding areas. Relevant government departments consulted had no objection to nor adverse comments on the application;
- (v) in response to MTRCL's comments on the rail operation noise, the applicant had been liaising with MTRCL on the approaches to alleviate potential railway noise. The applicant had clarified that noise mitigation measures would be carried out and they were exploring other possible railway noise mitigation measures with funding to be provided by the HKHA subject to approval by HKHA's Committees. Appropriate noise mitigation measures could be worked out at detailed design stage in consultation with MTRCL and EPD. In this regard, the Director of Environmental Protection (DEP) had no objection to the application; and

- (vi) regarding the objection to convert the building for PRH development, the proposal was to address the strong demand for PRH and Housing Department (HD) need to make the best use of every site. The current conversion scheme had already struck a balance between the need to meet the strong PRH demand and the need for preserving the Grade 2 building. Regarding the concern on cost effectiveness of the proposed development, HD pointed out that the cost for conversion was similar to new construction. Besides, interested parties could approach HD to explore the development of creative industries in the commercial premises on the ground floor. Regarding the comment on BH restriction, it should be noted that although the BH restriction as shown on the OZP was 120mPD, the Committee had endorsed a maximum BH of 25mPD (i.e. the existing BH) in the PB to guide the proposed conversion of the CWFE to PRH.

50. Members had no question on the application.

Deliberation Session

51. A Member shared the concern on the potential railway noise impact on the future occupants of the proposed development. Appropriate mitigation measures should be properly implemented. This Member also enquired on the noise compliance rate.

52. Another Member pointed out that the applicant should be reminded to exercise due care and take appropriate measures to minimise the noise impact on the residents.

53. In response, Ms. April K.Y. Kun said that according to the EAS submitted by the applicant, the railway noise acceptable level was 55dB(A) while the worst affected unit would be subject to noise level of 60.4dB(A). EPD noted that even without the use of at-source mitigation measures at the Mass Transit Railway Chai Wan Station, the railway noise impact would be mitigated to an acceptable level with the adoption of noise absorption materials and other measures. According to the applicant, appropriate noise mitigation measures would be worked out at the detailed design stage.

54. Mr. K.F. Tang, Assistant Director (Environmental Assessment), EPD, said that according to the applicant's EAS, 21 units would be subject to noise level higher than 55dB(A). Mr. Tang said that the dominant noise event was generated from the operation of train's air-conditioning units when the train stopped and opened the doors. EPD had suggested the applicant to carry out noise mitigation measures within the development. EPD would continue to work with the applicant and MTRCL at detailed design stage so that the residual railway noise impact would be mitigated to an acceptable level.

55. The Vice-chairman concluded that Members generally had no in-principle objection to the application. Regarding Members' concern on the noise impact on the future residents, EPD confirmed that the noise impact could be mitigated and an approval condition on the submission and implementation of the noise mitigation measures had been recommended in this aspect.

56. 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 16.8.2017, 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 to incorporate where appropriate the approval conditions as stated in paragraphs (b) to (e) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan including tree preservation proposal to the satisfaction of Director of Planning or of the TPB;
- (c) the submission of a Contamination Assessment Report (CAR) and Remediation Action Plan (RAP), the implementation of agreed remedial actions according to the CAR and RAP, and the submission of a Remediation Report after implementation of the agreed remedial actions,

all prior to commencement of construction for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;

- (d) the submission and implementation of the noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (e) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approved Master Layout Plan (MLP), together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry (LR) in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the LR as soon as possible;
- (b) to note the comments of the Head of Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) that the mitigation measures as recommended in the Heritage Impact Assessment report should be properly implemented. In case of any changes and variations, the revised design should be submitted to AMO for comments and to Antiquities Advisory Board for information;
- (c) to note the comments of the Director of Fire Service that the arrangement of emergency vehicular access should comply with the Code of Practice for Fire Safety in Building; and
- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that as the site lied within the Mass Transit Railway Protection Zone, Mass Transit Railway

Corporation Limited should be consulted as early as possible.

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

[Mr. K.K. Ling, Mr. Frankie W.P. Chou, Mr. Simon S.W. Wang and Mr. Dominic K.K. Lam returned to the meeting at this point.]

[The Chairman resumed the chairmanship at this point.]

Kowloon District

Agenda Item 14

Section 12A Application

[Open Meeting]

Y/K22/2

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

58. Mr. Patrick H.T. Lau had declared an interest in this item as he was a Member of the Kai Tak Development Taskforce of the Harbourfront Commission. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr. Patrick H.T. Lau could be allowed to stay in the meeting.

59. The Secretary reported that on 5.8.2013, the applicant’s representative requested for deferment of a decision on the application for two months in order to allow time for the applicant to fine-tune the proposed scheme to address departmental comments.

60. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant.

The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since this was the second deferment and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

[Mr. Stephen C.Y. Chan, 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/K10/245 Proposed Hotel in “Residential (Group A)” zone, 8-12A Ha Heung Road, To Kwa Wan, Kowloon
(MPC Paper No. A/K10/245A)

61. The Secretary reported that CKM Asia Ltd. was one of the consultants of the applicant. The following Members had declared interests in this item :

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

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

Mr. Maurice W.M. Lee - owned a shop on Ma Tau Wai Road

62. Members noted that Professor P.P. Ho and Mr. Maurice W.M. Lee had tendered apologies for being unable to attend the meeting. As Professor S.C. Wong had no direct involvement in this application, Members agreed that he could stay in the meeting.

Presentation and Question Sessions

63. With the aid of a PowerPoint, Mr. Stephen C.Y. Chan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the application site was the subject of a previous application No. A/K10/244 submitted by the same applicant approved with conditions by the Committee on 19.10.2012;
- (b) the proposed hotel. Compared with the previously approved scheme, the current scheme mainly involved an increase in site coverage (SC) for the podium, podium garden, hotel back-of-house (BOH)/E&M facilities and guestroom floors;
- (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 public inspection periods of the application and further information, a total of 15 public comments were received. 12 commenters supported the application mainly on the grounds that the proposed hotel could stimulate the retail and food businesses. The enlarged landscaped area at the podium roof could beautify the urban fabric and serve as a small green lung in the vicinity of congested environment. The proposed hotel could also improve the dilapidated environment and expedite urban revitalization in the locality. The remaining three comments (submitted by the Incorporated Owners of Hill Main Mansion, Legislative Councillor Hon. Starry Lee Wai King, and a local resident) objected to the application on the grounds that the development would worsen the traffic condition in the surrounding area due to the inadequacy of road capacity. Adequate coach parking spaces and loading/unloading bays should be provided in the proposed hotel development. Traffic Impact Assessment on the To Kwa Wan area should

also be provided by Transport Department. Besides, the proposed hotel would cause inconvenience to local residents due to the lack of local facilities and businesses to cope with the increase tourist flow;

- (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, which were summarized below :
 - (i) the proposed hotel development would result in reduction of sites for residential development within “Residential (Group A)” zone, however, the current application was the subject of a previous approval for hotel development, which might warrant special consideration by the Committee. The proposed building height and plot ratio also complied with the restrictions stipulated on the Outline Zoning Plan;
 - (ii) the proposed increase in SC was to satisfy the functional/technical requirements of the E&M facilities. Although the height of the podium had been increased, the storey height of guestrooms floors had been reduced and there was a minor decrease in the overall building height. In terms of visual impact, the proposed increase was considered acceptable in view of the small scale of the proposed hotel. Besides, an approval condition was recommended to restrict the maximum site coverage under the application;
 - (iii) regarding the Buildings Department (BD)'s concern that the storey heights might be excessive and application for modification to allow higher headroom/storey height would be considered upon formal submission of building plans, an advisory clause was recommended advising that a fresh planning application might be required in the circumstances that the proposed storey heights were not approved by the Building Authority and major changes to the current scheme were required. Regarding the application for inclusion of the existing right-of-way (ROW) in the site area, it would be considered

by the BD at the building plan submission stage;

- (iv) he proposed hotel development would not create adverse traffic, environmental, sewerage and drainage impacts on the surrounding areas. Relevant government departments had no adverse comments/objections to the application; and
- (v) regarding the public concern on adverse traffic impact and inadequate road capacity, Commissioner for Transport and Commissioner of Police had no adverse comment on the application. The current application mainly involved an increase in the SC and height at the podium portion of the proposed hotel development as compared with the previously approved scheme. Regarding the comment on the inconvenience caused to the local residents, the proposed hotel development could serve as a catalyst for revitalizing the locality by providing jobs in the hotel and attract business opportunities for the area.

64. A Member enquired about the location of the existing ROW. By referring to Drawing A-2, Mr. Stephen C.Y. Chan showed the location and explained that the inclusion of the ROW into site area calculation was subject to Building Authority (BA)'s approval at the building plan submission stage. A fresh planning application might be required in the circumstances that the inclusion of the ROW into site area calculation was not accepted by the BA.

Deliberation Session

65. 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 16.8.2017, 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. Members then went through the approval conditions as stated in paragraph 11.1 of the Paper and agreed that they should be suitably amended. The permission was subject to the following conditions :

- (a) the proposed development was subject to the maximum site coverage as proposed in the application;
- (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;
- (c) the submission of the public sewer upgrading works proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the implementation of the approved sewer upgrading works proposal and the associated temporary sewer diversion to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply that the non-domestic plot ratio of the proposed hotel development and the inclusion of the public right-of-way lane into the site area calculation would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approvals. In addition, if hotel concession for the non-domestic plot ratio of the development and inclusion of the public right-of-way lane into the site area calculation were not granted by the Building Authority, resulting in a non-domestic plot ratio exceeding 9.0 or major changes to the current scheme, a fresh planning application to the Board might be required;
- (b) the approval of the application did not imply that the proposed storey heights of the proposed hotel development would be approved by the Building Authority. The applicant should approach the Buildings

Department direct to obtain the necessary approvals. In addition, if the proposed storey heights were not approved by the Building Authority, and major changes to the current scheme were required, a fresh planning application to the Board might be required;

- (c) the approval of the application did not imply that the proposed building design elements could fulfill 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 Land Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that :
 - (i) the proposed hotel should in all aspects comply with the Buildings Ordinance and its allied regulations;
 - (ii) provision of service lane for domestic building should be in compliance with Building (Planning) Regulation 28;
 - (iii) granting of hotel concession under Building (Planning) Regulation 23A was subject to the compliance with the criteria under the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-40, and would be considered at the building plan submission stage;
 - (iv) granting of GFA concession under Building (Planning) Regulation 23(3)(b) in respect of car parking spaces and associated facilities was

subject to the compliance with the criteria under the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-2;

- (v) the inclusion of the existing right-of-way within the subject site, which should be excluded from site area and not be built over under Building (Planning) Regulation 23(2)(a) and Building Ordinance Section 31(1), into the site area calculation would be considered at the building plan submission stage;
- (vi) the Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-151 on “Building Design to Foster a Quality and Sustainable Built Environment” and APP-152 on “Sustainable Building Design Guidelines” were applicable to the redevelopment of the site;
- (vii) granting of GFA concessions for green/amenity features and non-mandatory/non-essential plant rooms and services, etc. was subject to the compliance with the criteria under the prevailing Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers, including APP-151 and APP-152;
- (viii) the storey heights of G/F (6.4m), 1/F (6.2m) and 2/F (5.4m) appeared to be excessive and Buildings Department’s position under Building (Planning) Regulation 23(3)(a) was reserved. Application for modification to Building (Planning) Regulation 23(3)(a) to allow higher headroom/storey height with justifications for the intended use would be considered upon formal submission of building plans;
- (ix) detailed comments on the proposal under the Buildings Ordinance, including any application for exemption/exclusion of area from GFA calculation, would be given at the building plan submission stage;

- (x) an Authorized Person should be appointed to coordinate all building works in accordance with the Buildings Ordinance;
 - (xi) provision of access and facilities for persons with disability should be in accordance with Building (Planning) Regulation 72; and
 - (xii) the proposed hotel would be subject to the licensing requirements under the Hotel and Guesthouse Accommodation Ordinance;
- (e) to note the comments of the District Lands Officer/Kowloon West, Lands Department that professional advice should be sought to ascertain the exact site area of the subject lot since the parent lot had been carved out into various sections;
- (f) to note the comments of the Director of Fire Services that arrangement on 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 Buildings Department;
- (g) to note the comments of the Chief Officer(Licensing Authority) of Home Affairs Department on the licensing requirements for the proposed hotel; and
- (h) to note the comments of Chief Engineer/Mainland South, Drainage Services Department that the applicant was required to check and ensure that any existing sewers/drains, located within the boundary of the subject private lot, which were also serving other premises in the vicinity would not be adversely affected due to the proposed development, or proper diversions of such existing sewers/drains, if any, by the applicant should be required.

[The Chairman thanked Mr. Stephen C.Y. Chan, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting]

A/K10/246 Proposed Hotel in “Residential (Group A)” zone, 105-107 Tam Kung Road, Ma Tau Wai, Kowloon
(MPC Paper No. A/K10/246)

67. The Secretary reported that Mr. Patrick H.T. Lau had declared an interest in this item as he had current business dealings with Lanbase Surveyors Ltd., the consultant of the application. Mr. Maurice W.M. Lee had also declared an interest in this item as he owned a shop on Ma Tau Wai Road. Members noted that Mr. Maurice W.M. Lee had tendered an apology for being unable to attend the meeting. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr. Patrick H.T. Lau could be allowed to stay in the meeting.

68. The Secretary also reported that on 2.8.2013, the applicant’s representative requested for deferment of a decision on the application for two months in order to allow time for preparing responses to departmental comments.

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

Agenda Item 17

Section 16 Application

[Open Meeting]

A/K18/302 Proposed Temporary School (Kindergarten and Child Care Centre) for a Period of 5 Years in “Residential (Group C)1” zone, 2 and 4 Dorset Crescent, Kowloon Tong, Kowloon
(MPC Paper No. A/K18/302A)

70. The Secretary reported that Lanbase Surveyors Ltd., Environ Hong Kong Ltd. and CKM Asia Ltd. were the consultants for this application. The following Members had declared interests in this item :

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

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

- Mr. Patrick H.T. Lau - had current business dealings with Lanbase Surveyors Ltd.

- Ms. Julia M.K. Lau - her family members lived in Kowloon Tong district

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

71. Members noted that Professor P.P. Ho had tendered an apology for being unable to attend the meeting and Ms. Julia M.K. Lau had left the meeting already. As the applicant had requested for a deferment of consideration of the application, the Members agreed that Professor S.C. Wong, Mr. Dominic K.K. Lam and Mr. Patrick H.T. Lau could stay in the meeting.

72. The Secretary reported that on 13.8.2013, the applicant’s representative requested

for deferment of a decision on the application for two months in order to allow time for the applicant to prepare response to departmental comments.

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

Agenda Item 18

Any Other Business

74. There being no other business, the meeting closed at 10:35 a.m..