

TOWN PLANNING BOARD

Minutes of 498th Meeting of the Metro Planning Committee held at 9:00 a.m. on 11.10.2013

Present

Director of Planning
Mr K. K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Roger K.H. Luk

Mr H.W. Cheung

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

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

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

Acting Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mr K.H. To

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

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

Secretary

Absent with Apologies

Mr Maurice W.M. Lee

Professor P.P. Ho

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Mr Stephen H. B. Yau

In Attendance

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

Town Planner/Town Planning Board
Mr William W.L. Chan

Agenda Item 1

Matters Arising

Section 16 Application

[Closed Meeting]

A/H14/76 Proposed Minor Relaxation of Plot Ratio Restriction from 0.5 to 0.548
for a Proposed Heritage Conservation-cum-House Development
in “Residential (Group C)3” Zone, 8 Pollock’s Path, The Peak
(MPC Paper No. A/H14/76)

Deliberation

1. The Secretary reported that WSP Hong Kong Ltd. was the consultant of the applicant. Mr Dominic K.K. Lam, who had current business dealings with WSP Hong Kong Ltd., had declared an interest in this item. As Mr Lam had no direct involvement in the subject application, the Committee agreed that Mr Lam could stay in the meeting.

2. The Secretary continued to report that in considering the subject application for minor relaxation of the plot ratio restriction for a proposed redevelopment of a Grade 2 historic building on 27.9.2013, Members considered that the additional gross floor area (GFA) granted was to provide incentive for preserving the two façades of the existing historic building. Therefore, the approval for minor relaxation should only be applicable to the current scheme. If the site was further redeveloped in future, the additional GFA should not be allowed as of right. Since the additional GFA would form part of the ‘existing building’ upon completion of the proposed development, advice from Department of Justice (D of J) had been sought on how to bring forward the Committee’s decision on the planning permission to be granted. As advised by D of J, the planning permission granted for minor relaxation could be one-off only should the Committee consider that such decision was well justified on the individual merits of the case. As the granting of the minor relaxation of the PR restriction under the subject application was mainly based on the consideration that the proposed development demonstrated a clear commitment by the applicant to preserve the two façades of the historic building, a covering statement and an approval condition as stated in paragraphs 18 and 18(a) of the draft minutes of the 497th MPC Meeting held on 27.9.2013

and highlighted as follows were proposed :

“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) for the life-time of the proposed buildings as approved. The permission should be valid until 27.9.2017, 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 minor relaxation of plot ratio (PR) restriction is only applicable to the proposed buildings under the approved scheme. The additional PR granted shall not be taken as forming part of the ‘existing buildings’ upon future redevelopment of the site;”

3. After deliberation, Members agreed the aforesaid proposed covering statement and approval condition for the subject application.

4. The Secretary said that D of J would be further consulted whether there was also a need to amend the Notes of the Outline Zoning Plan which allowed redevelopment up to the bulk of the ‘existing building’ in respect of this site in future in order to reflect the Committee’s intention that the additional GFA was to provide incentive for the preservation of the façades.

Agenda Item 2

Confirmation of the Draft Minutes of the 497th MPC Meeting held on 27.9.2013

[Open Meeting]

5. The draft minutes of the 497th MPC meeting held on 27.9.2013 were confirmed without amendments.

[Mr K.S. Ng, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Hong Kong District

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H1/97 Proposed Public Utility Installation (Mobile Radio Base Station) in
 ‘Road’ Zone, Lamp Post No. 39658 and Adjacent Pavement, Victoria
 Road, Mount Davis
 (MPC Paper No. A/H1/97)

Presentation and Question Sessions

6. With the aid of a PowerPoint, Mr K.S. Ng, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (mobile radio base station);
- (c) departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 7 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment agreeing to the application was received. The commenter opined that the facility should be installed close to one side of the pavement as far as possible, so as to avoid causing obstruction to pedestrians;
- (e) no local objection/view was received by the District Officer (Central and Western); and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 9 of the Paper.

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

7. Noting that the proposed mobile radio base station was small in size, a Member asked if it was a better alternative to place it on a constructed platform on the slope adjacent to the pavement so as to avoid any obstruction to users of the pavements. In response, Mr KS Ng said that a platform built on the slope might affect the existing vegetation and trees on the slope. Besides, according to the pedestrian survey conducted by the applicant, there were only a few pedestrians using this section of pavement.

8. In response to a Member's question, Mr K.S. Ng said that should the Board approve the application, the applicant would have to apply short term tenancy with Lands Department who would consult departments including Highways Department to ensure no impacts on the nearby lampposts.

9. A Member said that the underground cables of the proposed use were close to some trees and the associated excavation work might adversely affect the tree roots. The applicant should consult the Tree Management Office of Development Bureau on this aspect, and should follow relevant guidelines to protect those trees. In response, the Chairman suggested to add an appropriate advisory clause to remind the applicant to protect the trees. The Committee agreed.

Deliberation Session

10. In response to a Member's question, the Secretary said that as a matter of principle, the Committee could reject an application if a better alternative site was available. However, in considering whether a better alternative site was available, the Committee should balance a number of relevant factors such as the impact on existing trees, programming implications and cost consideration. Although the suggested alternative site might keep the pavement intact for better pedestrian flow, it would be less favourable in terms of its adverse impacts on trees and higher cost involved. The applicant's proposed site, which could maintain the standard width of the pavement, would be more favourable

after balancing all relevant factors.

11. 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 11.10.2017, 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 :

“(a) the provision of a clear width of not less than 1.5m for the pedestrian pavement after the installation of the proposed equipment cabinet to the satisfaction of the Commissioner for Transport or of the TPB.”

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

“(a) to note the comments of District Lands Officer/Hong Kong West and South, Lands Department (LandsD) to obtain the necessary excavation permit and approvals from the Government for the proposed public utility installation before commencement of works;

(b) to note the comments of Chief Estate Surveyor/Estate Management, LandsD that if the application is approved, a fresh application for Block short term tenancy for the equipment cabinet and antenna to tally with the current scheme should be submitted for LandsD’s approval;

(c) to note the comments of Director of Health that installation of the mobile radio base station should comply with the relevant International Commission on Non-Ionizing Radiation Protection guidelines or other established international standards; and

(d) to take the necessary measure to ensure the excavation works for laying down the underground cables of the proposed development would not affect the roots of nearby trees.”

[The Chairman thanked Mr K.S. Ng, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting]

A/H12/28 Proposed Vehicular Access for Residential Development in "Green Belt" Zone, Government Land adjacent to 17 Bowen Road, Mid-Levels East
(MPC Paper No. A/H12/28)

13. The Secretary reported that Lanbase Surveyors Ltd., Ove Arup & Partners Hong Kong Ltd. (Ove Arup) and Earthasia Ltd. were the consultants of the applicant. The following Members had declared interests in this item :

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|---------------------|---|
| Professor S.C. Wong | - being the traffic consultant of Ove Arup. He was also the Director of the Institute of Transport Studies of the University of Hong Kong and Ove Arup had sponsored some activities of the Institute |
| Mr Patrick H.T. Lau | - being the Board Chairman of Earthasia Ltd., and having current business dealings with Lanbase Surveyors Ltd. and Ove Arup |
| Mr Dominic K.K. Lam | - had current business dealings with Ove Arup and Earthasia Ltd. |
| Mr Laurence L.J. Li | - Mr Li's spouse owned a flat at Kennedy Road |

14. As the item was for deferral of consideration of the application, the Committee agreed that Professor Wong, Mr Lau and Mr Lam could stay in the meeting. The Committee also noted that Mr Li had tendered apologies for being unable to attend the meeting.

15. The Secretary reported that this was the applicant's first request for deferment. On 26.9.2013, the applicant's representative requested the Board to defer making a decision on the application for two months in order to allow the applicant to have adequate time to provide further information in response to the departmental comments on the application.

16. 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 5

Section 16 Application

[Open Meeting]

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

17. The Secretary reported that the application was submitted by Kerry Property Management Services Ltd., Townland Consultants Ltd. and URS Hong Kong Ltd. were the consultants of the applicant. Mr Dominic K.K. Lam, who had current business dealings with the applicant and these two consultants, had declared an interest in this item. Professor S.C. Wong had also declared an interest in this item since Kerry Logistics, which was related to the applicant, had sponsored some activities of the Institute of Transport Studies of the University of Hong Kong, of which he was the Director. As the item was for deferral of consideration of the application, the Committee agreed that Mr Lam and Professor Wong could stay in the meeting.

18. The Secretary reported that this was the applicant's second request for deferment.

On 23.9.2013, the applicant's representative requested the Board to further defer making a decision on the application for two months to allow more time for the applicant to resolve the various issues raised by concerned Government departments and to arrange meetings with local stakeholders, including future boatyard operators on the application site, to discuss the application as suggested by the Southern District Council. Since the result of the Government tenders for short term tenancy of the various boatyard sites were yet to be released, the meeting with the future boatyard operators was yet to be fixed.

19. 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. Since this was the second deferment, the Committee had allowed a total of about four months of deferment including the previous one, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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 1168)
(MPC Paper No. A/H17/129C)

Presentation and Question Sessions

20. With the aid of a PowerPoint, Miss Isabel 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 building height (BH) restriction by one additional storey of mechanical floor to house the electrical and mechanical (E&M) facilities to facilitate the proposed house development which was always permitted within the “Residential (Group C)5” zone. Over half of the site was designated as a non-development area under the lease;
- (c) departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory publication periods, two public comments was received, both from Designing Hong Kong Limited. The commenter objected to the application on the following grounds :
 - (i) there was no public gain from the development;
 - (ii) there was no evidence that it was necessary to build one storey for ancillary E&M facilities. The additional storey might be for other uses. The bulk of the proposed podium was out of character with the environment; and
 - (iii) approval of the application would set an undesirable precedent for similar applications.
- (e) no local objection/view was received by the District Officer (Southern); and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper. As regards the public comments, the applicant had demonstrated that the proposed relaxation was to address the site constraint on the building design and to accommodate the required E&M facilities for the proposed development to meet the requirements and current standard.

Regarding the building bulk issue, the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) stated that while the proposed development would create a façade wall along South Bay Road, the applicant had demonstrated effort to provide additional setback for landscape/tree planting along South Bay Road with vertical greening and special façade design to break the potential ‘blank wall effect’ facing South Bay Road, and CTP/UD&L, PlanD had no adverse comments on the application from visual point of view. While there was scope for further reducing the BH for the LG/F and mechanical floor through making full use of the two unexcavated areas and re-organizing the E&M facilities, the applicant undertook to further reduce the total height of the two floors by 1m to 8.5 to 9m (Appendix Ih of the Paper). An approval condition was recommended to this effect.

21. In response to a Member’s questions, Miss Isabel Yiu said that the area of the non-development area was included for plot ratio calculation, and further excavation below the level of South Bay Road to accommodate the E&M facilities would involve more extensive excavation works which would be environmentally undesirable.

Deliberation Session

22. 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 11.10.2017, 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 layout of the proposed development with a view to reducing the total height of the lower ground floor and mechanical floor to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and

- (c) the submission and implementation of tree preservation and landscape proposals, and provision of quarterly tree monitoring reports to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approval of the application does 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) concessions for the proposed development will 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 concessions are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;
- (b) to note the comments of the District Lands Officer/Hong Kong West and South, Lands Department in paragraph 8.1.1 of the Paper regarding the separate consent requirement under lease conditions;
- (c) to note the comments of the Director of Fire Services in paragraph 8.1.5 of the Paper regarding the compliance of the Code of Practice for Fire Safety in Building 2011;
- (d) to note the comment of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department in paragraph 8.1.9 of the Paper regarding the site formation submission for the acceptance by the Building Authority and separate consent from the District Lands Officer/Hong Kong West and South, Lands Department before commencement of works; and

- (e) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department in paragraph 8.1.10 of the Paper regarding the operation and maintenance of the existing sewers and storm drains.”

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H17/131 Proposed School (Kindergarten) in “Commercial” Zone, 1/F, No. 35
Beach Road, Repulse Bay
(MPC Paper No. A/H17/131)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed school (kindergarten);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport (C for T) objected to the application. Beach Road was a one-lane, one-way carriageway leading to a famous tourist spot. The applicant had not provided operation details and how its internal transport facilities/school policy could handle the anticipated school traffic, especially the possible queuing problem of parent vehicles on Beach Road. As the proposed development might have adverse traffic impact on Beach Road, C for T could not support the proposal. Traffic Impact Assessment (TIA) was not acceptable. The applicant had failed to demonstrate that there would be effective traffic measures to mitigate the impact. No approval condition could solve the future traffic problem;

- (d) during the first three weeks of the statutory publication period, a total of 34 public comments were received, including Maxwell Industrial Building Management Company Limited and a proforma with 82 signatures. 32 public comments opposed the application. Another public comment expressed concern on the necessity of a new kindergarten at Beach Road and the aggravation of traffic problem in the area by the additional traffic. The remaining one suggested the school should provide school bus or carpool services for students. The main grounds of the 32 opposing public comments were summarised below:
- (i) Repulse Bay was a world known tourist sightseeing area and the beach provided recreational facilities for Hong Kong people. Repulse Bay was served by Beach Road which was currently very busy having a lot of tourist buses and coaches stopped at the road throughout the year. Repulse Bay Road was the only way to other parts of Hong Kong. There was already a Hong Kong International School at South Bay Close attracting many school buses or private cars, which created much noise and serious traffic jam at the roundabout at Repulse Bay Road. The existing traffic problem was very serious. It was impossible to have another school in the area;
 - (ii) the shopping centre was serving the neighbourhood community and tourists. The proposed school use would deprive local residents and visitors of much needed commercial amenities. The proposed school was incompatible with the general ambience of the immediate neighbourhood;
 - (iii) a new shopping arcade “The Lido” would open shortly on Beach Road. The proposed kindergarten would worsen the traffic. With three kindergartens serving Repulse Bay, it was not necessary to have another kindergarten in the area;
 - (iv) the public carpark was always full and there were no space for loading/unloading. The area was overloaded with traffic and could

not tolerate any additional traffic; and

- (v) there were concerns on the noise level created by the students and air pollution caused by additional traffic flow;
- (e) no local objection/view was received by the District Officer (Southern); and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 10 of the Paper. The proposed conversion of the application premises into school use was considered not incompatible with the planning intention of the “Commercial” zone and the surrounding land uses including a kindergarten with children centre operating on 2/F of the same building. As advised by C for T, Beach Road was a one-lane, one-way carriageway leading to the Repulse Bay Beach which was one of the famous tourist attractions. There were many picking-up and dropping-off of coaches along Beach Road, which was the only vehicular access to and from the shopping centre via Repulse Bay Road. Although the applicant claimed by a TIA that the traffic attracted by the proposed school would not be more than the use of the premises as a supermarket and would not generate noticeable impact to the road network with the provision of adequate parking spaces on G/F, C for T considered that the applicant had not provided operation details on how its internal transport facilities/school policy could handle the anticipated school traffic, especially the possible queuing problem of parent vehicles on Beach Road. Without effective traffic measures to mitigate the impact, the TIA was not acceptable. C for T stated that no approval condition could solve the future traffic problem. The approval of the application without adequately addressing the traffic problem would set an undesirable precedent for similar applications in the area and the cumulative effect of approving such applications would aggravate the traffic condition of Repulse Bay. There were 32 out of 34 public comments received against the application mainly on adverse traffic impact. There was also concern that the proposed school was incompatible with the immediate

neighbourhood.

25. Members had no question on the application.

Deliberation Session

26. In response to a Member's question, Miss Isabel Yiu said that the Education Bureau (EDB) did not provide information on whether there was adequate provision of kindergarten places in the area. The Chairman said that there was public comment stating that there were enough places of kindergarten in the area and another new kindergarten was not needed at Beach Road.

27. As a general issue, a Member asked whether EDB had conducted assessment on the adequacy of kindergarten places at territorial and district levels, the results of which could be a useful reference for the Committee to consider future planning applications for kindergartens, thus the Committee could be more sympathetic in consideration of such applications in areas where there were inadequate kindergarten places. Some Members shared the same view that in areas of inadequate kindergarten places, the Committee might consider to be more flexible in addressing the technical problems such as traffic concerns upon consideration of applications for kindergartens. In response, the Chairman commented that kindergartens in Hong Kong were privately run and EDB did not normally comment on planning applications for kindergartens from the angle of provision adequacy. The Secretary said that Members' suggestion would be conveyed to EDB for their consideration.

28. A Member commented that the traffic generated by the proposed kindergarten, which would concentrate at peak hours, was in conflict with that generated by the shopping centre. It was also expected that many students of the proposed kindergarten could come from other districts rather than from the neighbourhood. The Member did not support the application and asked the general approach in assessing the traffic impacts of kindergartens. In response, Mr W.B. Lee (Transport Department) said that the traffic impacts of a proposed kindergarten should be assessed on its individual circumstance in particular its site context, character and traffic situations. Given the existing traffic congestion in Beach Road due to traffic generated by tourist coaches and frequent loading/unloading activities, the applicant failed to demonstrate in the submitted TIA that there could be effective traffic measures to

mitigate the additional traffic impacts generated by the proposed kindergarten accommodated in a commercial shopping centre.

29. 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 proposed school is located at a shopping centre accessible via Beach Road with busy traffic. Adverse traffic impact arising from the proposed use is anticipated. The applicant has failed to demonstrate that there would be effective traffic measures to mitigate the impact; and
- (b) approval of the application without adequately addressing the traffic problem will set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications will aggravate the traffic condition of Repulse Bay.”

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

Agenda Item 8

Section 16 Application

[Open Meeting]

A/H19/66 Proposed Holiday Camp Redevelopment and Proposed Emergency Vehicular Access for the Related Redevelopment in “Government, Institution or Community” Zone, Government Land at Stanley Bay, Stanley (The Hong Kong Federation of Youth Groups Stanley Outdoor Activities Centre)

(MPC Paper No. A/H19/66A)

30. The Secretary reported that the application was submitted by the Hong Kong Federation of Youth Groups (HKFYG). Mr Dominic K.K. Lam, who had current business

dealings with the HKFYG, had declared an interest in this item. As the item was for deferral of consideration of the application, the Committee agreed that Mr Lam could stay in the meeting.

31. The Secretary reported that this was the applicant's second request for deferment. On 30.9.2013, the applicant's representative requested the Board to further defer making a decision on the application to the Committee's meeting held on 22.11.2013 to allow sufficient time for the applicant to resolve departmental comments from the Director of Leisure and Cultural Services and the Chief Town Planner/Urban Design and Landscape, Planning Department regarding the re-provision arrangement of Leisure and Cultural Services Department's facilities, the impact of the emergency vehicular access and the landscaping proposals.

32. After deliberation, the Committee decided to defer a decision on the application and the application would be submitted to the Committee for consideration on 22.11.2013 as requested by the applicant subject to the nature of further information to be submitted. Since this was the second deferment, the applicant should be advised that the Committee had allowed a total of about 3 months and 2 weeks of deferment including the previous one, and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/H3/415 Proposed Minor Relaxation of Building Height Restriction for Permitted Flat Use in "Residential (Group A)" Zone, Nos. 73-73E, Caine Road, Mid-Levels
(MPC Paper No. A/H3/415)

33. The Secretary reported that Mr Laurence L.J. Li had declared an interest in this item as his company owned a flat at Seymour Road. The Committee noted that Mr Li had tendered apologies for being unable to attend the meeting.

34. The Secretary reported that this was the applicant's first request for deferment.

On 7.10.2013, the applicant's representative requested the Board to defer making a decision on the application for two months in order to allow more time to address comments raised by the concerned Government departments.

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

Kowloon District

Agenda Item 10

Section 12A Application

[Open Meeting]

Y/K13/1 Application for Amendment to the Approved Ngau Tau Kok and Kowloon Bay Outline Zoning Plan No. S/K13/25 from "Residential (Group A)" to "Residential (Group A)1", Nos. 53, 53A, 55 and 55A Kwun Tong Road, Kowloon
(MPC Paper No. Y/K13/1E)

36. The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Ove Arup) and the University of Hong Kong (HKU) were the consultants of the applicant. The following Members had declared interests in this item :

Professor S.C. Wong - being the traffic consultant of Ove Arup. He was also the Director of the Institute of Transport Studies of the HKU and Ove Arup has sponsored some activities of the Institute.

He was also the Professor of Department of Civil Engineering of the HKU

Mr Patrick H.T. Lau - having current business dealings with Ove Arup

Mr Dominic K.K. Lam - having current business dealings with Ove Arup and the HKU

37. As the item was for deferral of consideration of the application, the Committee agreed that Professor Wong, Mr Lau and Mr Lam could stay in the meeting.

38. The Secretary reported that this was the applicant's sixth request for deferment. On 30.9.2013, the applicant's representative requested the Board to defer making a decision on the application until the Court reached a final decision of the Judicial Reviews (JRs) regarding the site. As stated in paragraph 2.2 of the Paper, the applicant's representative stated that the result of the JRs would have a direct implication on the current section 12A application. The JRs related to the draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plans (OZP) No. S/K13/26 and S/K13/27. Under section 12A(24) of the Town Planning Ordinance (the Ordinance), if the Board accepted in whole or in part the current section 12A application, the Board should make amendments to the "relevant draft plan" under section 7 of the Ordinance. However, the JR precisely challenged the Board's powers to make amendments to draft plans under section 7 of the Ordinance. Further, since OZP No. S/K13/27 was gazetted while OZP No. S/K13/26's public consultation was still ongoing, the JR would also affect what was meant by the "relevant draft plan" under section 12A(24) of the Ordinance and how the Board's amendments made under that section would take effect. There was legal uncertainty as to whether the Board's amendments under section 12A(24) would be in relation to OZP No. S/K13/26 and/or OZP No. S/K13/27 and how these changes would take effect.

39. The Secretary continued to say that one of the reasons put forward by the applicant in support of the request for deferment was that there was legal uncertainty as to what was meant by the "relevant draft plan" under section 12A(24) of the Ordinance, and how the Board's amendments made under that section would take effect, if the Board

accepted in whole or in part the subject 12A application. Regardless of whether the “relevant draft plan” issue was the subject of the appeals, which was to be considered by the court, the Planning Department had no objection to the request for deferment. The site was subject to three JRs pending appeal scheduled for hearing in March 2014. There were uncertainties about the outcome of the appeal and the judgment of the Court of Appeal (CA) might have direct implications on the current section 12A application. Besides, the deferment met the criteria for deferment as set out in TPB PG-No. 33 in that the deferment period was not indefinite and would not affect the interest of other relevant parties.

40. In response to a Member’s question, the Secretary said that according to the Ordinance, the Board should consider a section 12A application within three months after the receipt of the application. The applicant had the right to request the Board to defer making a decision on the application, though the Board had the prerogative to defer making a decision on the application.

41. A Member said that given the application was a 6th deferment, the repeated deferment of the application for so many times was undesirable and the Board should consider not to accede to the deferment request and to consider the application. Or alternatively, the applicant should be advised to withdraw the application and to resubmit the application when the relevant legal issues had been resolved. Another Member supplemented that the legal uncertainty in connection with the “relevant draft plan” issue was not relevant and convincing for the deferment request.

42. In response, the Secretary said that upon considering a deferment request, the Committee should take account of three general principles as set out in the TPB Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications Made under the Town Planning Ordinance (TPB PG-No. 33) including reasonable grounds should be provided; the proposed deferment period should not be indefinite; and the right or interest of other concerned parties should not be affected. Regarding the subject deferment request, the deferment period of the subject application until the Court reached a final decision of the JRs was not indefinite. Given the private properties within the application site were largely purchased by the applicant, the right or interest of other concerned parties would not be affected. The crux of the matter was whether there were reasonable grounds for the deferment of the subject application. The applicant’s

reason for deferment on the grounds of legal uncertainty as to which would be the relevant draft plan for proposed amendments under s.12A(24) of TPO was not accepted by PlanD as a valid ground. However, it was noted that the substance of the JRs and that of the subject section 12A application were related to each other. In view of these JRs pending the court's judgment on the appeal lodged both by the applicant and the Board, PlanD had no objection to the deferment request until the Court reached a final decision of the JRs.

43. At this juncture, the Secretary suggested and Members agreed that the deliberation on the deferment request should be conducted in closed meeting as some legal issues were involved.

[Closed Meeting]

Deliberation

44. A Member said that acceding to the subject deferment request on grounds of the uncertainties caused by the JRs might create an undesirable precedent for similar deferment requests in future. This might affect the smooth operation and effectiveness of the Board in discharging its functions. The Board should proceed to consider the subject application based on the prevailing planning circumstances.

45. In response, the Secretary said that in the court judgment of the JRs delivered on 3.5.2012, the three development restrictions imposed on the site including a building height restriction were quashed. Both the Board and the applicant lodged appeal against the judgment. On the other hand, the subject application was to propose amendments to the OZP with the effect of removing the BH restriction of the application site by amending the remarks of the Notes of the OZP. As such, the substances of the JRs and the subject application were directly related to each other as the outcome of the CA's judgment would have direct implications on the subject planning application. The deferment of the subject application by the Board would not form an undesirable precedent since the application was deferred not merely because of being subject to JRs, but the substances of the JRs and the subject application were directly related and the deferment met the criteria as set out in TPB PG-No. 33.

46. The Chairman shared the view of the Secretary and said that the deferment of the application was a pragmatic approach. A Member concurred that it would be a reasonable and practical way to defer the application at the moment given the uncertainties as explained.

47. After deliberation, the Committee decided to defer a decision on the application, and the application would be submitted to the Committee for consideration after the Court reached a final decision of the three JRs on the site. The applicant would be notified of the meeting date for the consideration of the application.

Agenda Item 11

Section 12A Application

[Open Meeting]

Y/K7/7

Application for Amendment to the Approved Ho Man Tin Outline Zoning Plan No. S/K7/22 from “Open Space” to “Government, Institution or Community”, Chung Hau Street/Oi Sen Path, Ho Man Tin

(MPC Paper No. Y/K7/7)

48. The Secretary reported that the application was submitted by the Hong Kong Polytechnic University. Kenneth To & Associates Ltd. (KTA), ADI Ltd., MVA Hong Kong Ltd. and Environ Hong Kong Ltd. were the consultants of the applicant. The following Members had declared interests in this item :

Professor Eddie C.M. Hui - being the Professor of the Hong Kong Polytechnic University

Mr Dominic K.K. Lam - having current business dealings with KTA, ADI Ltd., MVA Hong Kong Ltd. and Environ Hong Kong Ltd.

Mr Patrick H.T. Lau - having current business dealings with KTA and MVA Hong Kong Ltd.

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

49. As the item was for deferral of consideration of the application, the Committee agreed that Professor Hui, Mr Lam, Mr Lau and Ms Lau could stay in the meeting.

50. The Secretary reported that this was the applicant's first request for deferment. On 27.9.2013, the applicant's representative requested the Board to defer making a decision on the application for one month in order to allow more time for the applicant to address the concerns of various government departments.

51. 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 one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Ms Fannie F.L. Hung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Tsuen Wan and West Kowloon District

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/407 Proposed Public Rental Housing with Minor Relaxation of Plot Ratio Restriction from 5 to 5.5 and Proposed Public Transport Interchange in “Residential (Group E)1”, “Other Specified Uses” annotated “Container Related Uses”, “Industrial” and ‘Road’ Zones, Ex-Kwai Chung Police Married Quarters at Kwai Yi Road and Government Land at Container Port Road, Kwai Chung
(MPC Paper No. A/KC/407)

Presentation and Question Sessions

52. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA). Ove Arup & Partners Hong Kong Ltd. (Ove Arup) and Kenneth To & Associates Ltd. (KTA) were the consultants of the applicant. 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 the Building Committee (BC) of HKHA |
| Mr Frankie W.P. Chou
as the Chief Engineer of the Home Affairs Department | - being an alternate member for the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA |
| Ms Doris M.Y. Chow
as the Assistant Director of the Lands Department | - as the Director of Lands who was a member of HKHA |
| Ms Julia M.K. Lau | - being a member of HKHA and Commercial Properties Committee and Tender Committee of HKHA |

- Mr Dominic K.K. Lam - having current business dealings with HKHA
- having current business dealings with Ove Arup and KTA
- Professor S.C. Wong (Vice Chairman) - being the traffic consultant of Ove Arup. He was also the Director of the Institute of Transport Studies of the University of Hong Kong and Ove Arup had sponsored some activities of the Institute
- Mr Patrick H.T. Lau - having current business dealings with Ove Arup and KTA

53. As Professor S.C. Wong (the Vice-Chairman) and Mr Patrick H.T. Lau had no direct involvement in the subject application, the Committee agreed that they could stay in the meeting. As the interests of Mr Ling (the Chairman), Ms Chow, Mr Chou, Ms Lau and Mr Lam were direct, the Committee agreed that they should leave the meeting temporarily during the discussion of and deliberation on this item. As the Chairman had to withdraw from the meeting, the Committee 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, Ms Doris M.Y. Chow, Mr Frankie W.P. Chou, Ms Julia M.K. Lau and Mr Dominic K.K. Lam left the meeting at this point.]

54. With the aid of a PowerPoint, Ms Fannie Hung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public rental housing (PRH) development with retail and social welfare/community facilities with minor plot ratio (PR) relaxation from 5 to 5.5 at a site zoned “Residential (Group E)1”, as well as the

proposed public transport interchange (PTI) at another site zoned “Other Specified Uses” annotated “Container Related Uses”, “Industrial” and ‘Road’;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) had no objection to the proposed PRH development with provision of PTI and improvement works at two critical junctions at Kwai Chung Road. Also he had no comments on the traffic impact assessment (TIA) submitted by the applicant which revealed there were no insurmountable traffic problem. He suggested to impose approval conditions requiring the submission and implementation of the traffic improvement measures as proposed and requiring the design and provision of vehicular access and layout for the proposed PTI. Besides, the Director of Environmental Protection (DEP) had no objection to the application. The submitted environmental assessment study (EAS) had demonstrated that there was no insurmountable environmental problem for the proposed PRH and PTI with the implementation of appropriate environmental mitigation measures such as building setback, orientation and design. He suggested to impose approval condition requiring implementation of environmental mitigation measures as proposed. The District Officer (Kwai Tsing), Home Affairs Department noted that two residents’ meetings had been arranged by Kwai Tsing District Council (K&T DC) member Mr Ng Kim-sing, at which DC members and nearby residents expressed concerns on the proposed PRH development;

- (d) during the first three weeks of the two statutory public inspection periods, 1,188 and 126 public comments were received. While a few of the comments supported the application on grounds of the need to construct more PRH, most of the comments opposed to or had concern on the application which were submitted by Democratic Party, Democratic Alliance for the Betterment and Progress of Hong Kong, nearby incorporated owners/owners committees/building committees, a K&T DC member (Mr Ng Kim-sing), Kwai Chung South Residents Association and

private individuals. Their main grounds were summarised as follows:

- (i) Poor Traffic Condition: the proposed PRH development would lead to increase in population, and exacerbate the existing traffic problems in the area especially around Kwai Fong MTR Station. More transport facilities should be provided. The proposed PTI should be built first;
 - (ii) Poor Environmental Quality: the environmental quality, in particular air quality and noise pollution, of the area was very poor. The submitted environmental assessment had no mitigation measures on noise pollution, and therefore was not satisfactory and should be conducted again;
 - (iii) Lack of social welfare/community facilities in the area: there was insufficient district open space, community and recreational facilities which did not increase despite constant increase in population. More community facilities should be provided;
 - (iv) Too many PRH in Kwai Chung: there were already many PRH estates in Kwai Chung. The site should not be used for PRH. Nearby multi-storey carpark could be used for PRH instead;
 - (v) Provision of open space: there was a deficit of district open space in Kwai Chung. The PRH site should be rezoned to open space. The proposed local open space on podium level was not convenient for the neighbourhood; and
 - (vi) Failure to liaise with local stakeholders: Housing Department (HD) did not provide alternative development options after consulting the locals and ignored the local residents' opinions;
- (e) no local objection/view was received by the District Officer (Kwai Tsing);
and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper which were summarised below:
- (i) the submitted EAS with specific environmental mitigation measures demonstrated that the proposed PRH development had achieved a noise compliance rate of 100% and would not be subject to adverse air quality impact from the surrounding area. In this regard, DEP had no objection to the application but suggested an approval condition to safeguard the future implementation of environmental mitigation measures;
 - (ii) while additional population would be introduced into the area, the submitted TIA had demonstrated that the proposed PRH development, subject to the implementation of the proposed traffic mitigation measures including junction improvement works and the implementation of a proposed PTI at the PTI site, would have no adverse traffic impacts on the surrounding area. In this regard, C for T had no objection to the application; and
 - (iii) the responses to those adverse public comments were summarised as follows:
 - Poor Traffic Condition: the proposed new PTI and other traffic measures would redistribute the existing vehicular and pedestrian traffic and help alleviate the existing traffic problems in the area. C for T had no objection to the application;
 - Poor Environmental Quality: the EAS and air ventilation assessment concluded that the proposed development would not have adverse air quality and adverse air ventilation impacts on the surroundings. In this regard, DEP and Chief Town Planner/Urban Design & Landscape, PlanD had no objection to the application from the air quality and air ventilation point of

view;

- Lack of social welfare/community facilities in the area: according to the standards set out in the Hong Kong Planning Standards and Guidelines (HKPSG), the provision of libraries, study rooms, swimming pool and sports centres in Kwai Chung were adequate to meet the need of existing and planned population. Lack of indoor swimming pool in Kwai Chung might be addressed by incorporating an indoor swimming pool in the planned sports centre. Although there was no set standard in the HKPSG for community hall, there were a total of 5 community halls in Kwai Chung;
- Too many PRH in Kwai Chung: the proposed development, which was supported by some of the public comments, was in line with Government's policy objectives to assist grassroots families to secure public housing to meet their basic housing needs;
- Provision of Open Space: according to the HKPSG requirement, there would be a surplus of about 38ha of local open space (LO) and a shortfall of about 6ha of district open space (DO) in Kwai Chung. The shortfall in DO could be absorbed in certain extent by the surplus of LO in Kwai Chung; and
- Failure to liaise with local stakeholders: HD had liaised with the stakeholders and locals to take forward the proposed PTI together with the associated road junction improvement works as well as proposed some social welfare/community facilities in the development in order to address the concerns from the public. Moreover, HD had attended two residents' meetings regarding the proposed PRH development.

55. The Secretary reported that a K&T DC member Mr Ng Kim-sing together with about 30 residents made a petition in the morning expressing their objection to the application. They submitted a building model expressing their objection to the proposed PRH at the application site. They suggested the site should be used for community facilities including Government complex, youth and elderly facilities, central library, indoor swimming pool as well as traffic, transport and leisure facilities as marked on the model. The model was deposited at the Secretariat of the Board.

56. In response to a Member's question, Miss Fannie F.L. Hung said that the Integrated Family Service Centre and Residential Home for the Elderly cum Day Care Unit provided in the proposed PRH was to meet the demand from nearby residents for more social welfare facilities in the area. The proposed PRH at the application site was compatible with the surrounding land use and it would not be appropriate for the entire site to be used for provision of social welfare and community facilities on effective land utilization consideration.

57. In response to a Member's questions, Miss Fannie F.L. Hung said that the proposed PTI would be completed about one year before the completion of the proposed PRH, and a relevant approval condition was imposed to ensure the timely completion of the PTI before the in-take of population of the PRH. A total of 4,500m² of open space would be provided at the G/F, 1/F and podium floor of the proposed PRH development.

Deliberation Session

58. A Member expressed support to the application which could provide the much needed PRH flats to alleviate the current housing shortage problem.

59. 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 11.10.2017, 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 :

For the Public Rental Housing (PRH) Site

- “(a) the submission and implementation of the traffic improvement measures, including the provision of two pick-up/drop-off bays within the application site for public transport services, improvement works for junction J1 and J2 and the proposed pedestrian passage linking Kwai Chung Road and Kwai Yi Road, as proposed by the applicant in the submitted Traffic Impact Assessment, to the satisfaction of the Commission for Transport or of the TPB;
- (b) the provision of fire service installations and water supply for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of environmental mitigation measures as identified in the submitted Environmental Assessment Study Report to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) no population in-take at the proposed public housing development at the PRH site before the operation of the proposed public transport interchange (PTI) at the Container Port Road; and
- (e) the submission and implementation of a tree felling and compensatory tree planting proposal, and a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

For the PTI Site

- “(a) the design and provision of a vehicular access and layout for the proposed public transport interchange at Container Port Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of fire service installations and water supply for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and

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

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

- “(a) to note the comment of District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department that the applicant should apply for short term tenancy (STT) for the construction and implementation of the proposed PRH development. In this regard, a new STT application has been submitted by the applicant for the construction of the PRH development, which is being processed by his office and pending for the planning approval. For the PTI site, the applicant should apply for a temporary Government land allocation (as the case may be) for the possession and construction of the proposed PTI, with the precise allocation boundary to be determined at the application stage;
- (b) to ensure that the proposed PTI should be in operation one year prior to population in-take of the proposed public housing development at the PRH site;
- (c) to note the comment of Commissioner for Transport to provide the expected completion date of the proposed PTI to the Transport Department (TD) as early as possible, so that TD can plan for public transport service(s) that will be arranged to use the PTI earlier;
- (d) to note the comment of Director of Fire Services that the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by Buildings Department;
- (e) to note the comment of Director of Water Supplies that existing water mains falling within the PRH site will be affected and no development which requires resiting of water mains will be allowed. Details of site formation work in the vicinity of the water mains shall be submitted to the Director of Water Supplies for approval prior to the commencement of

works. No structures shall be built or materials stored within the waterworks reserve or 1.5m from the centre lines of water mains below 600mm diameter or 3m from the centre lines of water mains of 600mm diameter and above. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works; and

- (f) to note the comment of Chief Town Planner/Urban Design and Landscape, Planning Department that opportunity of providing additional planting area and seating area at uncovered space outside the essential EVA area within the PRH site, in particular on the ground and podium levels, should be further explored. Since the PTI site is bounded by existing traffic routes, set-back for tree planting along the boundary of the PTI as buffer is highly recommended.”

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

Agenda Item 13

Any Other Business

61. There being no other business, the meeting closed at 10:30 a.m..