

TOWN PLANNING BOARD

Minutes of 500th Meeting of the Metro Planning Committee held at 9:00 a.m. on 8.11.2013

Present

Director of Planning
Mr K. K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor P.P. Ho

Professor Eddie C.M. Hui

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

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

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

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

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

Secretary

Absent with Apologies

Mr Maurice W.M. Lee

Ms Julia M.K. Lau

Ms Bonnie J.Y. Chan

Mr Stephen H. B. Yau

Mr Frankie Chou, Chief Engineer (Works) HAD

In Attendance

Assistant Director of Planning/Board
Ms Brenda K.Y. Au

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

Town Planner/Town Planning Board
Miss Hannah H.N. Yick

Agenda Item 1

Confirmation of the Draft Minutes of the 499th MPC Meeting held on 25.10.2013

[Open Meeting]

1. The draft minutes of the 499th MPC meeting held on 25.10.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) Amendment to Confirmed Minutes of 489th MPC meeting held on 24.5.2013

2. The Secretary reported that on 24.5.2013, the Committee decided to approve a section 16 application No. A/K15/111. The English version of the minutes was confirmed at the meeting on 7.6.2013 and sent to the applicant's representative on the same day. The Chinese version of the minutes was sent to the commenters on 23.10.2013.

3. On 5.11.2013, the Town Planning Board Secretariat received an email from the Hong Kong Society for Rehabilitation, which was a commenter on the aforementioned application. The Hong Kong Society for Rehabilitation requested that the minutes be amended to state clearly that they had no objection to the application but only raised concerns on the application. To take account of their request, the second sentence of paragraph 109(d) of the minutes was proposed to be revised as follows:

“One comment was submitted by the adjacent Hong Kong Society for Rehabilitation, *stating no objection but* raising concerns about the road safety arising from construction vehicles and requested the applicant to take appropriate measures to protect the road surface and control the noise level during the construction period.”

Members agreed to the proposed amendments and that the revised minutes should be sent to relevant parties including the concerned commenter accordingly.

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H17/1 Application for Amendment to the Draft Shouson Hill & Repulse Bay Outline Zoning Plan No. S/H17/12 from “Residential (Group C) 3” to “Residential (Group C) 10” with a Maximum Building Height of 187.82mPD and 3 storeys including Carports, 3 Deep Water Bay Road, Hong Kong
(MPC Paper No. Y/H17/1)

4. Mr H.W. Cheung declared an interest in this application as he was involved in approving the building plans of the Lynx Hill development at the subject site which had already been demolished. Members considered Mr Cheung’s interest was indirect and agreed that he could stay in the meeting.

Applicant’s Request for Deferment

5. The Secretary reported that after the issue of MPC Paper on 5.11.2013, the applicant wrote to the Secretary and requested the Board to defer the consideration of the application for three months and requested the Committee to instruct PlanD to release detailed information associated with the planning assessment in the Paper. This was the second deferment request submitted by the applicant. The applicant’s letter dated 5.11.2013 was tabled at the meeting.

6. The Secretary said that according to the Town Planning Board (TPB) Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance, the applicant’s deferral request should be considered against the criteria of whether the request for deferment was supported by reasonable grounds, whether the right or interest of other concerned parties would be affected and whether the period of deferment was indefinite. Members were requested to note that a copy of the MPC paper was issued to the applicant seven days before the

scheduled meeting in accordance with the Procedure and Practice of TPB; the applicant was living in the vicinity of the application site and was not the owner of the site; and as a general practice, should the Board accede to the request, a two-month instead of three-month deferment period would be granted. The Secretary further explained that as the deferral request was received after the issue of Paper, the Committee would normally invite the applicant to explain the reasons for deferral request before the Committee. After considering the applicant's explanation, the Committee would then decide whether to accede to the deferral request or not.

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

Presentation and Question Sessions

7. The following representatives from Planning Department (PlanD) were invited to the meeting at this point:

- Ms Ginger Kiang - District Planning Officer/Hong Kong (DPO/HK)
- Ms Isabel Y. Yiu - Senior Town Planner/Hong Kong (STP/HK)

8. The following applicant's representatives were invited to the meeting at this point:

- Mr Kenneth To
- Mr David Fok

9. The Chairman extended a welcome and explained that as the applicant's deferral request was received after the issue of the Paper, the Committee would invite the applicant's representatives to explain the reasons of asking for a deferral of the consideration of the application prior to making a decision on the deferral request. Upon the Chairman's invitation, Mr Kenneth To explained the applicant's reasons for the deferral request as followed:

- (a) when the applicant received the MPC Paper last week, it was noted that the application site fell within a Special Control Area (SCA) No. SCA/H16/1.

In the previous correspondence with PlanD to receive comments from government departments and the public, this SCA had not been mentioned. Although the Explanatory Statement (ES) of the Outline Zoning Plan (OZP) mentioned about the intention of the SCA was to preserve the existing amenities and character of the area as well as significant public views, the applicant considered that his application was in line with the intention. However, it was noted in the Paper that the application site should not be singled out from other sites zoned “Residential (Group C)” (“R(C)”) within the SCA in respect of building height (BH) restriction. The applicant would like to have more time to study the history of the SCA and the rationale of no differential treatment within the SCA which actually covered an extensive area extending to Deep Water Bay and Repulse Bay;

- (b) the Paper mentioned the Practice Note for Authorised Persons, Surveyors and Registered Structural Engineers (PNAP) issued by the Lands Administration Office, Lands Department (LandsD) on Design, Disposition and Height (DDH) clause. The Paper indicated that there would be sufficient control on BH restriction of the site under the PNAP and hence there was no need to amend the OZP restriction. The applicant would like to research on examples to demonstrate whether the concerned PNAP was effective to control the BH of a development; and
- (c) the Paper mentioned that a set of building plans (BP) with a BH of 191.56mPD was approved by the Buildings Department (BD). However, the public had no access to the approved BP. The applicant would like to know more about the details of this set of BP and how it would not adversely affect the landscape character of the area.

10. In response to a Member’s question, Ms Ginger Kiang, DPO/HK, replied that the facts that the restrictions of “Residential (Group C)” (“R(C)”) zone were based on those imposed administratively by the Government in the SCA as well as the intentions of the SCA were stated in the ES of the OZP, and a copy of the Final Report of a Comprehensive Review of Special Control Areas was available for public inspection at the Planning Enquiry Counters of PlanD. The concerned PNAP of LandsD on DDH was available for public

viewing on LandsD's website. For BPs, only approved BPs of completed developments with occupation permits issued would be available for public inspection as BPs involved private information.

11. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed the applicant's representatives and PlanD's representatives that the Committee would deliberate on the deferral request in their absence. They left the meeting at this point.

Deliberation

12. The Chairman said that the applicant treated some background information provided in the Paper as 'new information' and considered more time was required to study the information as a justification for his request for a deferral of the consideration of the application. Such arguments were not convincing and were not acceptable. Should the Committee agree to this deferral request, it would set an undesirable precedent for future cases.

13. A Member considered that the justifications of the applicant were unfounded as the first two documents mentioned by the applicant were public documents available for public inspection. The set of approved BPs was not directly relevant to the consideration of the application. The applicant should demonstrate the visual impact of the redeveloped house on the area if his proposed BH restriction for the application site was not adopted. Another Member shared this view and considered the applicant's request for more time to study these documents as a reason for the deferral request not convincing.

14. The Secretary said that as the applicant was not the land owner of the application site, there would be implication on third party interest if the deferral request was acceded to. Moreover, the 'new information' as claimed by the applicant was largely the planning assessment made by PlanD and should not be treated as 'new information'. According to the Board's practice, a paper would be issued to the applicant seven days before the meeting. It was intended to give reasonable time for the applicant and his representatives to respond to PlanD's planning assessment in the Paper. Approval of this deferral request would have implication on future cases with similar reasons for deferral request.

15. Members generally did not support the deferral request as the relevant MPC Paper had been issued to the applicant seven days before the meeting in accordance with the Procedure and Practice of the Board. The planning assessment in the Paper should not be treated as ‘new information’, particularly because information on the SCA and the relevant LandsD’s PNAP on DDH clause were public documents. The deferral of the consideration of the application would also affect third party interest.

16. After deliberation, the Committee decided not to agree to the deferral request as submitted by the applicant and agreed that the application should be considered at the meeting. The applicant’s representatives and PlanD’s representatives were then informed of the decision and they were invited back to attend the meeting.

Consideration of the Application

17. The Chairman extended a welcome and explained the procedure of the hearing of the application. He then invited Ms Isabel Y. Yiu, STP/HK to brief Members on the background to the application.

Presentation and Question Sessions

18. With the aid of a powerpoint, Ms Yiu presented the application and covered the following aspects as detailed in the Paper :

The Proposal

- (a) the applicant proposed to rezone the application site from “Residential (Group C)3” (“R(C)3”) with a maximum building height (BH) of 3 storeys in addition to 1 storey of carports, maximum plot ratio (PR) of 0.75 and maximum site coverage (SC) of 25% to a new “Residential (Group C)10” (“R(C)10”) subzone subject to a maximum BH of 3 storeys including carports (i.e. maximum 3 storeys) and not exceeding 187.82mPD while the maximum PR and SC remained unchanged;

Applicant’s Justifications

- (b) the applicant considered that the application site was physically attached to the Black's Link residential cluster. The existing BH restriction of the application site failed to preserve the existing character of the area. BH restriction in terms of mPD should be imposed to prevent out-of-context development. The proposed BH restriction could ensure a consistent stepped development profile in the area;

Departmental Comments

- (c) departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the existing BHs in the surroundings ranged mainly from 2 to 4 storeys. The current BH restriction under the OZP was consistent and commensurate with the character of the locality and, together with the restrictions in PR and SC, was considered appropriate and effective to preserve the amenity and character of the area. There was no strong reason for imposing the proposed BH restriction of 187.82mPD and 3 storeys including carports on the application site as proposed by the applicant;
- (d) the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD) advised that under the current practice, BPs with floor-to-floor height not more than 4.5m for G/F and 3.5m for upper floors in a domestic house were always accepted without referral to the Building Committee (BC) for decision. A set of general building plans for a single family house development at the application site had been approved under the same criterion on 2.1.2013, in which the level of the main roof was at 191.56mPD;
- (e) other concerned government departments had no objection to or no adverse comment on the application;

Public Comments

- (f) during the first three weeks of the respective statutory public inspection periods of the application and the further information, a total of 230

comments were received. 228 comments supported the application on the grounds that the proposal could limit the height and reduce the bulk of podium of the development and also maintain the existing height profile; the house redevelopment took advantage of social benefit and beautiful environment for owner's benefit and created visual impact; the additional carpark floor was for the purpose of increasing BH and the site was large enough for locating carport beside the house; and more restrictive BH control should be imposed. Two comments from the registered owner of the application site objected to the application on the grounds that the rezoning application was unreasonable and unfair; the visual impact assessment was flawed and unfounded; the current zoning could fully reflect the unique site characteristics, preserve the existing character of the area, and ensuring a stepped height profile; and there were no major changes to the area since the first Outline Zoning Plan (OZP) in 1987 with development restrictions imposed on the application site and hence reasonable expectation of the land owner should be respected. The District Officer (Southern) had not received any comment on the application;

PlanD's Views

- (g) PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The application site fell within the SCA No. SCA/H16/1 which was an administrative measure by the Government to impose development restrictions to preserve the existing amenities and character of the Area and significant public views, and to avoid overburdening the access road system and excessive development. The SCA restriction relevant to the site was first endorsed in 1967, which was "maximum 3 storeys including carports" and intended to preserve public views. The restriction was subsequently reviewed in the 1980s and the BH was revised to "maximum 3 storeys over 1 storey of carports" to allow design flexibility in providing car-parking spaces without adversely affecting public view. Such BH restriction had been incorporated in the "R(C)3" zone for the application site since the gazetting of the first OZP in 1987. The Explanatory Statement of the OZP had included a brief

account of the intention of the SCA;

- (h) the BH restriction (i.e. 3 storeys including carports) for the Black's Link development cluster in the Peak Area was more restrictive so as to preserve the Peak skyline. Since the application site was at a level much lower than Black's Link (175mPD to 181mPD at the application site and 182mPD to 265mPD for Black's Link), a development with 3 storeys in addition to 1 storey of carports at the application site would not affect the Peak skyline. The consideration for Black's Link developments was not applicable to the application site. There was no planning justification for differential treatment to single out the application site from other sites within the same SCA in respect of BH restriction;
- (i) the current BH restriction for "R(C)3" zone could maintain a stepped height profile from the north to the south of Deep Water Bay Road. CTP/UD&L also advised that the current BH restriction on the OZP was consistent and commensurate with the character of the locality and there was no strong reason for imposing the proposed BH restriction of 187.82mPD and 3 storeys including carports on the application site as proposed by the applicant;
- (j) while there was no requirement to preserve any specific or significant public viewing point along Repulse Bay Road, the existing BH restriction in terms of number of storeys was considered adequate. Further BH restriction as proposed by the applicant would further limit design flexibility and was not supported from planning viewpoint; and
- (k) apart from the statutory planning control, there were other administrative controls, such as DDH clause under the lease and the floor height requirement of BD to ensure a reasonable design to avoid abuse. Under the control of DDH clause, floor area/spaces with excessive headroom would be rejected and stiltings were not permitted unless with strong justifications while under the current practice of BD, the acceptable floor-to-floor height of a domestic house development should not exceed 4.5m for G/F and 3.5m

for upper floors.

19. Upon the invitation of the Chairman, Mr Kenneth To presented the application with the aid of a powerpoint presentation and covered the following main points:

- (a) this application was not intended to affect the development right of the land owner of the application site. The applicant and his supporters were land owners in the vicinity and hikers in the area. They worried that the redevelopment at the application site would affect the amenities and character of the area. They considered that the development potential of the site could be realised even at the proposed BH restriction;

Attached to Black's Link Residential Cluster

- (b) the application site was separated from the residential cluster at Black's Link by Deep Water Bay Road. The site together with the residential developments at Black's Link was one integrated cluster, particularly when viewed from Deep Water Bay and Repulse Bay Road. The application site was located at the northern fringe of the Shouson Hill & Repulse Bay OZP. The area to its north fell within the Peak Area OZP while the area to its east was within the Jardine's Lookout & Wong Nai Chung Gap OZP. The application site was subject to the BH control of the "R(C)3" zone of the Shouson Hill & Repulse Bay OZP, even though it was more attached to the residential developments at Black's Link;

Extensive Special Control Area

- (c) the application site was within SCA No. SCA/H16/1 which covered an extensive area including those high density developments at Deep Bay and Repulse Bay;

Responsive Design of the Demolished Lynx Hill

- (d) the application site was situated at a headland, to the south of which was Deep Water Bay, to the north of it was Deep Water Bay Road. The entrance of the site from Deep Water Bay Road was at a site level of 183.7mPD. The access road to the demolished Lynx Hill was short and

steep, with a length of 20m and running from a level of 183.7mPD to 181.4mPD at which the garage was located. The 3-storey Lynx Hill was built at a lower platform at about 178.22mPD and hence the main roof of Lynx Hill was about 187.82mPD. Lynx Hill had adopted a sympathetic design that was compatible with the surrounding area and topography. It formed a stepped height with Black's Link developments at a site level of about 189.6mPD. Hence, there would be no blockage of view from Black's Link. Moreover, Lynx Hill was well-screened by the small hill at the entrance of the site when viewed from Deep Water Bay Road towards the sea. The low-key and hidden design of the demolished Lynx Hill would not block any sea view;

Four Redevelopment Scenarios

- (e) the land owner had applied for lease modification to allow 3 storeys over 1 storey of carports with no BH restriction in mPD. The land owner could achieve the same plot ratio at a BH of about 187.82mPD which would not have any blockage of seaview towards Deep Water Bay and could maintain a harmonious relationship with the surrounding area. For the existing BH restriction of 3 storeys over 1 storey of carports, the possible scenarios for rebuilding the house were as follows:

	<u>Garage level</u>	<u>Main roof level</u>
Scenario 1	175.4mPD	191.4mPD
Scenario 2	178.22mPD	194.22mPD
Scenario 3	181.4mPD	197.4mPD
Scenario 4	183.7mPD	199.7mPD

For a garage level at 175.4mPD in scenario 1, the house could reach 191.4mPD for a 3-storey house over 1 storey of carports (excluding roof top feature). It would block views from Black's Link and also affect view along Deep Water Bay Road. Since the access road to the application site could only be from 183mPD to 181mPD, the carport level could be at 181.4mPD as in scenario 3 and the main roof of a 4-storey house (including a storey of carports) would be up to 197.4mPD excluding rooftop feature. Then view from Black's Link and Deep Water Bay Road would be

significantly affected. The worst case scenario was scenario 4 in which the garage would be at 183.7mPD, which was the same as the level of Deep Water Bay Road, and the main roof of a 4-storey house would be at about 199.7mPD. In that case, the view from Repulse Bay Road, Black's Link and Deep Water Bay Beach would be significantly affected as shown in the photomontage;

- (f) within the same "R(C)" zone of same BH restriction under the same OZP, there were redevelopments at 16 Repulse Bay Road, 76 Deep Water Bay Road and 9 Shouson Hill Road (Block 13) that had adopted a raised platform design. The absolute height of these three developments were 16.33m, 17.3m and 18m with stilting or backfilling of 5.7m, 5m and 6.7m respectively. Their building plans were respectively approved in 1998, 2006 and 2008;

Administrative Tools in Controlling BH

- (g) the administrative controls such as DDH clause under lease and the storey height requirements of BD to ensure a reasonable design of the house were not public procedures. Only the statutory planning control was a public procedure;
- (h) PlanD stated in the Paper that under the DDH clause, floor area/spaces with excessive headroom would be rejected and stiltings were not permitted unless with strong justifications. According to the Practice Note for Authorised Persons, Surveyors and Registered Structural Engineers (PNAP), high ceilings might be permitted with justifications such as arising from design constraints, from a desire to create a design effect and to provide entrance lobbies and mall atriums. That implied there were ways to apply for relaxation. Although stilt structures were not encouraged, justifications could be submitted for consideration;
- (i) according to the comments made by BD, BPs with floor-to-floor height of not more than 4.5m for G/F and 3.5m for upper floors in a domestic house were always accepted without referral to Building Committee (BC) for

decision. For BPs proposing higher floor height, it could still be approved by BC, through a procedure with no public participation. In fact, the excessive floor height and stilt structures of the above-quoted three examples were approved by BD not long ago, in 1998, 2006 and 2008;

Recommendations by PlanD

- (j) PlanD considered that the development restriction of 3 storeys over 1 storey of carports was appropriate and could ensure compatible development with the surroundings. However, as demonstrated, the restriction of 3 storeys over 1 storey of carports could result in various development options with main roof levels from 191.4mPD to 199.7mPD. The approval of a set of BPs with main roof at 191.56mPD would not imply that BD would not approve other BPs with higher BH. The rationale of what was meant by “appropriate and compatible” should be clearly stated. Lynx Hill at 187.82mPD could achieve the intention of the SCA which was to preserve the existing amenities and character of the area and to preserve significant public views. If the redeveloped house adopted the worst case scenario, i.e. with a BH at 199.7mPD, it would not be compatible with the surrounding area;

- (k) the 228 supporting comments received on the application had demonstrated that many people in the vicinity worried about the visual impact of the proposed development at the application site. Design flexibility of the house design should not override the consideration of impact on public view. The photomontages in the presentation had shown the adverse impact of the redeveloped house from various important public viewing points such as Black’s Link and Deep Water Bay. The public view would be significantly compromised by allowing design flexibility for providing car parking spaces for a private development; and

- (l) PlanD considered that the approval of the rezoning application would create inconsistency in terms of planning control for other sites in the “R(C)3” zone within the same SCA. However, it was not clear why the SCA covered an extensive area from Repulse Bay and extending to about 1

to 2 km to the north up to the application site. Given such an extensive area of different character, it was not justified why the application site could not be treated differently from other sites within the same SCA.

20. A Member asked what the cost would be and what was the purpose of having a raised platform design at the application site, given that a raised platform design might not significantly enhance the view of the house overlooking Deep Water Bay taking into account the topography of the application site. This Member also considered that the architect of the previous Lynx Hill had adopted a smart design by using the small hill at the entrance of the house as a buffer against the traffic noise from Deep Water Bay Road, instead of adopting a raised platform design which would expose the habitable floors to Deep Water Bay Road.

21. In response, Mr Kenneth To said that the previous Lynx Hill was built in accordance with the BH requirement of 35 feet under the lease and had adopted a design to complement the surrounding environment. However, the Lands Department had advised that the applicant had applied for a lease modification. The construction cost of a raised platform should not be an important consideration as the subject development was a private house. Moreover, backfilling for a raised platform would not be very costly. As regards noise nuisance from Deep Water Bay Road, the house could be designed with all habitable rooms facing the seaward side and only non-habitable rooms such as kitchen and toilets would face Deep Water Bay Road. Given the level of the vehicular access of the application site at Deep Water Bay Road was at 183.7mPD, the internal access road from this entrance to the house would reach a site level of about 181mPD. If adopting the current site level of the house, i.e. about 175mPD, as G/F for car park, it would be technically difficult for vehicle to access the car park and might require costly technical solutions. Therefore, the most direct way was to raise the platform of the house to a level similar to Deep Water Bay Road to about 183mPD to allow an easy and direct vehicular access to a car park at the same level. From traffic perspective, raising the access road to about 183mPD would also improve sightline at the junction of the access road and Deep Water Bay Road.

22. A Member asked whether there was any planning control on the scale and height of podium design. Ms Ginger Kiang, DPO/HK, responded that under the OZP, the BH restriction was 3 storeys over 1 storey of carport for the subject "R(C)3" zone. Detailed design of the house, including any raised platform design, should be in accordance with the

requirements of the Buildings Ordinance. The three examples adopting raised platform design quoted by the applicant were previously approved cases, as advised by BD. Under the current practice of BD, the G/F of a domestic house should not exceed 4.5m while the upper floors should not exceed 3.5m. Such requirements would not be relaxed unless under very special circumstances.

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

Deliberation Session

24. A Member opined that a raised platform design might be costly and should be only one of the possible design options. Moreover, every design option had a purpose to achieve and a raised platform design would be used to maximise the view from a development. In the subject application site, the adoption of a raised platform design would not cause much difference in terms of view from the house towards Deep Water Bay. The single-aspect building design for minimising noise impact from Deep Water Bay Road to complement a raised platform design might not be a good design for the house. It would be undesirable for adopting a higher BH but exposing more domestic floors to a vehicular traffic road. The design of the previous Lynx Hill at the application site was such that the house would be secluded from Deep Water Bay Road. This Member considered that it was not necessary to impose more stringent planning control on this application site given its small site area, and the current restrictions under the OZP for this site were sufficient and appropriate. There was no strong justification to support the subject rezoning application.

25. A Member considered that the current OZP restriction for the application site was appropriate and was a balanced planning control. The reasonable expectation of the current land owner of the site to redevelop his house under the current OZP restrictions should not be deprived of. There could be many design options for the redeveloped house at the application site, including those scenarios presented by the applicant. However, it would

not be appropriate for TPB to consider every design option as it would be up to the owner to decide. The current BH restriction of 3 storeys over 1 storey of carports was a reasonable and appropriate restriction in the locality. The right of the current land owner to redevelop his site in accordance with the current OZP restrictions should be respected. This Member did not support the rezoning application.

26. Another Member opined that the right of the current land owner to redevelop his house under the current restrictions of the OZP should be respected unless there was an overriding concern from planning and urban design perspectives that would require the imposition of more stringent restrictions. Even though there might be a possibility for the land owner to adopt a raised platform design, for the reason submitted by the applicant (e.g. vehicular access), the single house development at the application site would not have significant impact (including visual impact) on the character of the whole area that would warrant a stringent control of this particular site. Hence, there was no strong reason to support this rezoning application.

27. A Member said that even though a carpark at the same level of Deep Water Bay Road could not be ruled out, there would be prevailing administrative controls including the DDH clause to ensure no unjustified raised platform or stilted structure design at the application site. The major consideration of the application should not be the visual impact on the people living behind the application site, but whether the current BH restriction of 3 storeys over 1 storey of carports under the OZP would cause intrusive visual impact on the whole area. Only under such circumstances, there would be planning justification for the Board to amend the current OZP restrictions. Due consideration would also need to be given to the undesirable implication of imposing a stringent BH control merely because of the claim of possible blocking of views of the people living behind the site.

28. With reference to Plan Z-4 of the Paper, the Chairman said that SCA No. SCA/H16/1 covered building lots on the seaward side of the upper section of Deep Water Bay Road and Repulse Bay Road at site levels lower than the roads. Therefore, the BH restriction of 3 storeys over 1 storey of carports would ensure developments with no excessive BH at seaward side.

29. A Member considered that from the public perception, a raised platform design at

the subject application site would have visual impact given that the application site was located at a scenic hilly area. If the owner of the house adopted this design to redevelop his house, the public might have concern. This Member suggested that the Committee's concern on the undesirable raised platform or stilt structure design of the subject house redevelopment should be relayed to relevant government departments. Members agreed. The Secretary said that the Secretariat would relay Members' concern to relevant government departments including PlanD. PlanD was one of the departments that would be consulted when the applicant made a submission to comply with the DDH clause under the lease. In general, PlanD would not support stilt structure.

30. A Member noted from the applicant's presentation that the residents in Black's Link worried about the visual impact of the house redevelopment and the public visiting Black's Link shared the same concern of a possible eyesore at the location. However, to impose more stringent control on the subject application site had to be justified on planning grounds. Even taking into account the confined visual impact on the subject site under the scenarios as demonstrated by the applicant's representative, the possible resulting visual impact on the area as a whole would not be significant. There was no strong planning ground to support the subject rezoning application.

31. In response to a Member's enquiry, the Secretary said that the applicant of the subject s.12A application had complied with the requirement by giving notification to the relevant land owner of the application site and the current land owner's consent was not required.

32. The Chairman concluded that Members generally did not support the subject s.12A application but some Members had concern on the potential raised platform design and stilt structure of the house at the application site. Under the current development control regime, excessive stilt structure would normally not be accepted. The Committee agreed that Members' concerns on the undesirable raised platform design or stilt structure of the house at the application site should be relayed to concerned government departments for consideration.

33. After deliberation, the Committee decided not to agree to the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper

and considered that they were appropriate. The reasons were:

- “(a) the current “Residential (Group C)3” (“R(C)3”) zoning with building height (BH) restriction of 3 storeys in addition to 1 storey of carports is appropriate and is compatible with the surrounding land uses. There is no strong planning justification to support the proposed rezoning from “R(C)3” to “Residential (Group C)10”;
- (b) the proposed rezoning with BH restriction of 3 storey including carports and 187.82mPD will limit the design flexibility of the development/redevelopment on the site; and
- (c) the approval of the rezoning application would create inconsistency in terms of planning control for other sites in the “R(C)3” zone within the same Special Control Area.”

[The meeting had a five-minute break. Mr Patrick Lau left the meeting at this point.]

[Mr Tom C.K. Yip, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Tsuen Wan & West Kowloon District

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K1/241 Proposed Commercial Bathhouse/Massage Establishment in
“Commercial” Zone, 1/F - 3/F, Hilton Towers, 96 Granville Road,
Tsim Sha Tsui
(MPC Paper No. A/K1/241)

34. The Committee noted that a replacement page 7 of the Paper correcting the validity date of the planning permission was tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed commercial bathhouse/massage establishment;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment which had not stated any view or comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper.

36. Members had no question on the application.

Deliberation Session

37. 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 8.11.2017, 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 fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

“(a) to note the comments of the Commissioner of Police that the applicant should submit a formal application for the proposed use to the appropriate licensing authority;

(b) to note the comments of the Director of Environmental Protection that the operator of the proposed use shall ensure compliance with the requirements under relevant environmental pollution control ordinances;

(c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that:

(i) all proposed building works/change of use should be in compliance with the Buildings Ordinance;

(ii) the applicant should be advised to appoint an Authorized Person to assess the feasibility of the proposed alterations and additions works/change of use and ensure that the proposed alterations and additions works/change of use are implemented in compliance with the Buildings Ordinance including, inter alia, the provisions of means of escape, fire resisting constructions and access and facilities for persons with a disability, etc;

- (iii) according to clause B8.2 of the Code of Practice for Fire Safety in Buildings 2011, people using one required staircase should be able to gain access to at least one other required staircase at any time, without having to pass through other person's private premises. Such access should be provided in the following manners: (a) at each floor; (b) in case of domestic building or composite building not exceeding 15 storeys in height above the lowest ground storey, at least every 5 storeys; or (c) in case of refuge floor(s) are provided evenly between floors of the building, at the refuge floor(s) and the roof. Security measures that prevent access to a required staircase must be automatically deactivated upon actuation of a fire alarm or in power failure situation; and
- (iv) the applicant is required to observe the licensing requirements imposed by the relevant licensing authority.
- (d) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department that in the event that the mode of operation of the proposed establishment falls within the definition of "club" under the Clubs (Safety of Premises) Ordinance, the licensing requirements will be formulated by the Office of the Licensing Authority upon receipt of an application under the Clubs (Safety of Premises) Ordinance; and
- (e) to note the comments of the Director of Food and Environmental Hygiene that the applicant may have to apply for a bathhouse licence from him."

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/K3/556 Proposed Hotel in “Residential (Group A)” zone, Nos. 1166 to 1168
Canton Road, Mong Kok
(MPC Paper No. A/K3/556)

39. The Secretary reported that the applicant, noting that the Antiquities Advisory Board had an intention to assess the heritage value of the existing buildings at the application site on 4.12.2013, requested on 30.10.2013 to defer making a decision on the application for three months so as to allow time for them to address comments from relevant Government departments and for preparation of submission of further information. While the applicant had requested for a deferment of three months, a deferment of two months was recommended in accordance with the general practice of the Board.

40. 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 6

Section 16 Application

[Open Meeting]

A/TW/452 Proposed Comprehensive Residential Development in “Comprehensive
Development Area (3)” Zone, Tsuen Wan Town Lots No. 126, 137, 160
and 363 and the adjoining Government Land, Tsuen Wan
(MPC Paper No. A/TW/452)

41. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Limited (SHK) with Llewelyn-Davies Hong Kong Ltd. (LD), AECOM and Environ Hong Kong Ltd. (Environ) as consultants. The following Members had declared interests in this item:

- | | |
|---------------------|---|
| Mr Patrick Lau | - having current business dealings with SHK, LD and AECOM |
| Mr Dominic Lam | - having current business dealings with SHK, AECOM and Environ |
| Ms Julia Lau | - having current business dealings with SHK, AECOM and Environ |
| Professor S.C. Wong | - having current business dealings with AECOM

- being the Director of the Institute of Transport Studies of the University of Hong Kong and AECOM had sponsored some activities of the Institute |

42. The Committee noted that Ms Lau had tendered apologies for being unable to attend the meeting and Mr Lau had left the meeting already. As the applicant had requested for deferral of consideration of the application, the Committee agreed that Mr Lam and Professor Wong could stay in the meeting.

43. The Committee noted that the applicant requested on 16.10.2013 for deferment of the consideration of the application for two months as the applicant required additional time to refine the Master Layout Plan and to update relevant technical assessments (including Visual Impact Assessment, Environmental Assessment, Air Ventilation Assessment, Traffic Impact Assessment and Sewerage Impact Assessment) to address the comments of various departments.

44. 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 a total of four months

had been allowed, no further deferment would be granted unless under very special circumstances.

[Ms Irene W.S. Lai, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Hong Kong District

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/H8/419

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

45. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Limited (SHK) with Llewelyn-Davies Hong Kong Ltd. (LD), AECOM, Environ Hong Kong Ltd. (Environ) and Urbis Ltd. (Urbis) as consultants. The following Members had declared interests in this item:

- | | |
|---------------------|---|
| Mr Patrick Lau | - having current business dealings with SHK, LD and AECOM |
| Mr Dominic Lam | - having current business dealings with SHK, AECOM, Environ and Urbis |
| Ms Julia Lau | - having current business dealings with SHK, AECOM and Environ |
| Professor S.C. Wong | - having current business dealings with AECOM |

- being the Director of the Institute of Transport Studies of the University of Hong Kong and AECOM had sponsored some activities of the Institute

46. The Committee noted that Ms Lau had tendered apologies for being unable to attend the meeting and Mr Lau had left the meeting already. As Professor Wong had no direct involvement in the subject application, the Committee agreed that he could stay in the meeting. For Mr Lam, as his interest was considered direct, the Committee agreed that he should leave the meeting temporarily.

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

47. The Committee noted that a letter submitted before this meeting by the Incorporated Owners of Ka Fu Building which was located to the south of the application site, expressing their preferences on the development schemes of this application was tabled at the meeting.

Presentation and Question Sessions

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

Background

- (a) on 5.2.2013, the applicant submitted the subject application for a proposed comprehensive development at the application site which was zoned “Comprehensive Development Area (3)” (“CDA(3)”) on the approved North Point Outline Zoning Plan (OZP) No. S/H8/24. The subject “CDA(3)” site had an area of about 2.9 ha. According to the requirements of the OZP, about 1.2 ha of public open space (POS) including a 20m wide waterfront promenade should be provided and the building height (BH) of the proposed development should not exceed 80mPD;
- (b) the application site formed part of the ex-North Point Estate (ex-NPE) site.

A Planning Brief (PB) for the proposed developments at the ex-NPE site (including the application site and the vacant site zoned “Residential (Group A)” (“R(A)”) to the west of Shu Kuk Street) was endorsed by the Committee on 21.1.2011. According to the PB, the application site was intended for residential, commercial, government, institution or community (GIC) uses with the provision of POS, public transport terminus and public coach park. Residential blocks should be located at the southern part of the site while commercial and GIC block should be located at the northern part of the site to screen the traffic noise from the Island Eastern Corridor from the residential blocks. Two non-building areas along Shu Kuk Street and Kam Hong Street serving as visual and wind corridors and also at-grade landscaped walkway for the public to access the waterfront should be provided. As regards the BH concept, there should be a 30m difference in BH between buildings on the waterfront and inland with a stepped height building profile descending towards the waterfront. There should also be BH variations in east-west direction;

- (c) on 5.7.2013, the Committee considered the application with a 10-Tower scheme. Members generally acknowledged the design merits of the scheme in terms of improving the wind environment as compared with the initial design scheme prepared by the Planning Department (PlanD), and the provision of an integrated POS for public enjoyment. However, the Committee noted the public concern over ‘wall effect’ and considered a few guiding principles for the applicant to improve the proposal. Members generally agreed that the visual permeability of the proposed development should be improved, and in particular, the building gaps should be widened. A varying BH profile should also be maintained as far as possible. The applicant should also submit an alternative scheme conforming to the Development Concept Plan of the endorsed PB for the site for comparison.

The Revised Schemes

- (d) to address the Committee’s comments, the applicant had submitted 2 additional schemes, i.e. 9-Tower Scheme and 8-Tower Scheme, with

improvement on visual permeability by widening the building gaps, to the Committee for consideration;

- (e) in the 9-Tower Scheme, the applicant proposed to delete the centrally located T4 in the eastern portion of the site. The building gaps in the eastern and western portions of the site were symmetrically increased from 5.2m to 10m at T3/T5 and T8/T9. The visual/wind corridor along Kam Hong Street would also be widened from 17m to 27m. To maintain the minimum number of 700 units as required under the lease, the original number of flats from the deleted T4 had to be re-distributed. This resulted in a less dynamic varying BH profile from a 30m difference (50mPD to 80mPD) in the original 10-Tower Scheme to 13.5m difference (66.5mPD to 80mPD) in the 9-Tower Scheme. After adjustment, 702 flats would be provided;
- (f) the 8-Tower Scheme was evolved from the deletion of T9 of the 9-Tower Scheme to further improve visual permeability. The building gaps in the eastern and western portions of the site were symmetrically widened to 12m at T3/T5 and T8/T9. The total number of flats was 702. There would be no more varying BH profile with all towers reaching the maximum BH of 80mPD for the “CDA(3)” zone;
- (g) the applicant had also submitted an alternative design option in two-tier arrangement for comparison purpose. In the alternative design option, most of the POS would be located between the 2 rows of residential towers and segregated from the promenade on the seaward side and Java Road on the inland side, resulting in a lack of linkages between the hinterland and the waterfront promenade. The GIC block would be located between the 2 rows of residential towers and thus losing its identity. All 3 schemes with a curvilinear design and an integrated POS were more desirable than a two-tier arrangement of building blocks;

Departmental Comments

- (h) the Chief Town Planner/Urban Design and Landscape, Planning

Department (CTP/UD&L, PlanD) advised that both the 8-Tower and 9-Tower Schemes would widen the corridor at Kam Hong Street from 17m to 27m to improve visibility and provide wider building gaps. The 9-Tower Scheme could maintain a stepped height profile while the 8-Tower Scheme had no BH variation. Given the waterfront location, a stepped BH profile was preferred. Other concerned government departments had no objection to or no adverse comments on both the 8-Tower and 9-Tower Schemes and the application;

Public Comments

- (i) during the first three weeks of the statutory publication period, a total of 17 public comments were received. Two public comments preferred the 9-Tower Scheme while a Legislative Council and Eastern District Council (EDC) member, and three public comments preferred the 8-Tower Scheme. There were also concerns on the number of buildings, BH, building disposition, building gaps, wall effect, adverse impacts on air ventilation, sunlight and air quality, permeability of podiums, heritage value of the existing bus terminus, pedestrian connectivity from Java Road towards the promenade, access to POS and waterfront promenade, and the provision of green roof, swimming pool, exhaust outlets, public coach parking spaces, clubhouse and car parking spaces. The District Officer (Eastern) advised that the public raised concern that the development might cause adverse air ventilation impact;

Views of EDC and Harbourfront Commission (HC)

- (j) EDC in general supported the 9-Tower Scheme with distinct BH variation and relatively higher noise compliance rate, and requested for early implementation of the proposed development to improve the traffic condition and general environment of the North Point area. The applicant should also improve the proposed community hall and adopt traffic noise protection measures in the building design;
- (k) HC Task Force on Harbourfront Developments on Hong Kong Island unanimously preferred the 9-Tower Scheme which would increase the gaps

between buildings while maintaining a varying BH profile within the site;

Planning Department (PlanD)'s views

- (l) PlanD had no objection to the application based on the assessment made in paragraph 7 of the Paper which were summarised as follows:

Visual Permeability

- (i) the original 10-Tower Scheme provided two visual corridors along Shu Kuk Street (27m) and Kam Hong Street (17m) as required under the PB and two 5.2m wide building gaps for the residential towers in each of the eastern and western portions of the site. As compared with the original scheme, the 9-Tower Scheme widened the visual corridor along Kam Hong Street to 27m and the 2 building gaps to 10m, while the 2 building gaps were further widened to 12m in the 8-Tower Scheme. The total width of visual corridors plus building gaps within the site provided for the 10-Tower Scheme, 9-Tower Scheme and 8-Tower Scheme were 54.4m, 74m and 78m respectively. The 8-Tower Scheme provided the widest building gaps, but the improvement in permeability was not so significant when comparing with the 9-Tower Scheme;

Podium Design

- (ii) in both the 9-Tower and 8-Tower Schemes, as a trade-off for widening the building gaps, some portions of the two podia near Java Road had been raised by 7.3m (podium portion at T1 and T6 from 16mPD up to 23.3mPD and podium portion at T7 from 19.9mPD to 27.2mPD) to provide shielding for traffic noise. The visual impact of the raised podium portions was rather localized, and the overall design of the two podia remained broadly the same. Besides, the applicant had improved the private open space in both the 9-Tower and 8-Tower Schemes by providing more continuous green spaces at different layers and more areas for seating and informal gathering on the podium garden;

BH Variation

- (iii) both the 10-Tower and 9-Tower Schemes had BH variation in an east-west direction and stepped height profile with lower BHs at the two ends near the waterfront. The gradation effect of the 9-Tower Scheme with BH variation of 13.5m (80mPD to 66.5mPD) was less pronounced than that of the 10-Tower Scheme with a level difference of 30m (80mPD to 50mPD). For the 8-Tower Scheme, there was no BH variation at all. Taking into account the waterfront location of the site, a diversity of building form was more desirable;

Noise Mitigation

- (iv) all the 3 schemes could meet the acceptable noise compliance rate of 75%. In the original 10-Tower Scheme, a higher noise compliance rate of 80% could be achieved. The 9-Tower Scheme and 8-Tower Scheme could only achieve noise compliance rates of 78% and 76% respectively. The Environmental Protection Department (EPD) had no objection to all the three schemes, noting that all practical and effective noise mitigation measures had been exhausted and adopted;

Air Ventilation

- (v) despite slight improvements to the waterfront promenade and Java Road in the 8-Tower Scheme, the existing developments to the south of the site would impede inland penetration of wind. As a result, even with widened building gaps, the 8-Tower Scheme and 9-Tower Scheme did not have significant difference as compared to the 10-Tower Scheme in terms of air ventilation performance;

Other Aspects

- (vi) there was no change in the provision of POS, waterfront promenade, GIC facilities and public transport facilities (PTT and public coach park), vehicular access and pedestrian connections, as well as implementation phasing. Same as the 10-Tower Scheme, both 9-Tower and 8-Tower Schemes would not have unacceptable

impacts on traffic, air quality, sewerage and drainage aspects;

Public Comments and EDC's Views

- (vii) as for the concerns on the demolition of the existing bus terminus at the site, the Antiquities and Monuments Office advised that the bus terminus was neither a graded nor a proposed graded historic building. Transport Department (TD) also pointed out that the relocated PTT would not have any significant impact on the traffic of the Cross Harbour Tunnel;
- (viii) for pedestrian connectivity and provision of POS, these aspects remain broadly the same in all the 3 schemes;
- (ix) for the provision of car parking spaces and public coach park and concern on exhaust outlets, it should be noted that TD and EPD had no objection to the application. Regarding the size of clubhouse, the related gross floor area exemption was subject to approval by the Building Authority at building plan stage. For the provision of green roof and swimming pools on the roof-top of the proposed development, it could be considered by the applicant at detailed design stage;
- (x) regarding the view of EDC's on early implementation of the proposed development, according to the applicant, the proposed development would be implemented by phases with the early Phase 1A for the PTT, public toilet and basement on the eastern portion of the site anticipated for completion by mid-2015. The whole development was tentatively to be completed by 2018. EDC's request for improvement to the proposed community hall could be addressed at detailed design stage;

Conclusion

- (xi) for the alternative two-tier building layout conforming to the Development Concept Plan of the PB submitted for comparison, the

two rows of residential blocks would affect the distribution of POS, making the POS become fragmented and segregated from the waterfront promenade. Such a two-tier arrangement was less desirable as compared with the integrated POS of the 10-Tower, 9-Tower and 8-Tower Schemes in terms of spatial and visual openness; and

- (xii) amongst the three schemes, the 9-Tower Scheme was a more balanced scheme in bringing substantial improvement to the visual permeability as compared with the original 10-Tower Scheme, while maintaining some variations in the BH profile which added visual interest to the backdrop of the future POS on the waterfront and achieving a more satisfactory noise compliance rate than the 8-Tower Scheme. After balancing the considerations above, the 9-Tower Scheme was recommended for approval.

49. Members had no question on the application.

Deliberation Session

50. A Member considered that on balance the 9-Tower Scheme was preferable to the 10-Tower Scheme and the 8-Tower Scheme in terms of visual permeability and BH variation.

51. Another Member opined that the 9-Tower Scheme was preferred as it could maintain BH variation which was important in view of the waterfront location of the site.

52. After deliberation, Members agreed that the 9-Tower Scheme was a more desirable option than the 10-Tower and 8-Tower Scheme. The Committee decided to approve the application and the Master Layout Plan (MLP) of the 9-Tower Scheme, under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.11.2017, 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 MLP to take into account the approval conditions (b) to (r) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and implementation of building height profile, with no exceedance to the building height, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of two wind/visual corridors through the application site along Shu Kuk Street and Kam Hong Street as proposed by the applicant;
- (d) the provision of setback of not less than 3m along Tin Chiu Street, Shu Kuk Street and Java Road;
- (e) the provision of building gaps as proposed by the applicant;
- (f) the design and provision of two at-grade public landscaped walkways of not less than 10m-wide along Shu Kuk Street and Kam Hong Street respectively to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (g) the design and provision of a waterfront promenade of not less than 5,880m² with a width of not less than 20m to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (h) the design and provision of a public open space of not less than 6,800m² to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (i) the submission and implementation of a Landscape Master Plan, including tree preservation scheme and quarterly tree monitoring reports, to the satisfaction of the Director of Planning or of the TPB;

- (j) the submission and implementation of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (k) the design and provision of ingress/egress point, run-in/run-out, pedestrian circulation system, parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (l) the design and provision of a connection to a proposed pedestrian subway connecting the proposed development with the North Point MTR Station exit on the other side of Java Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (m) the design and provision of a public coach park and public loading/unloading spaces to the satisfaction of the Commissioner for Transport or of the TPB;
- (n) the design and provision of a covered public transport terminus to the satisfaction of the Commissioner for Transport or of the TPB;
- (o) the design and provision of a public toilet to the satisfaction of the Director of Food and Environmental Hygiene or of the TPB;
- (p) the design and provision of an integrated family service centre, a special child care centre cum early education and training centre, a district support centre for persons with disabilities, and a day care centre for the elderly to the satisfaction of the Director of Social Welfare or of the TPB;
- (q) the design and provision of a community hall to the satisfaction of the Director of Home Affairs or of the TPB;
- (r) the design and provision of a public loading and unloading lay-by for the day care centre for the elderly to the satisfaction of the Director of Architectural Services or of the TPB;

- (s) the design and provision of sewerage discharge point to the satisfaction of the Director of Drainage Services or of the TPB; and
- (t) 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.”

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

- “(a) the approved MLP, together with the set of approval conditions, will be certified by the Chairman of the TPB and deposited in the Land Registry 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 Land Registry as soon as practicable;
- (b) the approval of the application does not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines and gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;
- (c) to note the comments of the District Lands Officer/Hong Kong East’s in paragraphs 9.1.1(a) to (c) in F-Appendix I of the Paper in respect of the public open space and tree felling;
- (d) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department in paragraphs 9.1.2(c) to (f) in F-Appendix I of the Paper in respect of Sustainable Building Design Guidelines, Emergency Vehicular Access (EVA), basement structure and development intensity for various phases;

- (e) to note the comments of the Director of Environmental Protection (DEP) in paragraph 9.1.5(c) in F-Appendix I of the Paper in respect of submission of a full set of final sewerage impact assessment report to DEP for record;
- (f) to note the comments of the Project Manager (Hong Kong Island & Islands), Civil Engineering and Development Department in paragraph 9.1.12(b) in F-Appendix I of the Paper in respect of the cycle track in the waterfront promenade;
- (g) to note the comments of the Director of Home Affairs in paragraph 9.1.15 in F-Appendix I of the Paper in respect of the community hall;
- (h) to note the comments of the Chief Engineer/Hong Kong & Islands Division, Drainage Services Department in paragraph 9.1.16(b)(ii) in F-Appendix I of the Paper on sewerage discharge point for the site;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in paragraph 9.1.17 in F-Appendix I of the Paper in respect of diversion of existing water mains;
- (j) to note the comments of the Director of Fire Services in paragraph 9.1.18(b) in F-Appendix I of the Paper in respect of EVA;
- (k) to note the detailed comments of the Hong Kong East Tree Team, the Landscape Sub-section, and the Eastern District Leisure Services Office of Leisure and Cultural Services Department at Appendix VIII in F-Appendix I and F-Appendix IV of the Paper; and
- (l) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department in paragraph 3.1.9 of the Paper in respect of the public loading/unloading lay-by for the Day Care Centre for the Elderly and the Government accommodation.”

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

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

[Mr Stephen C.Y. Chan, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Kowloon District

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/247 Eating Place in "Government Institution or Community" Zone, Shop 2,
G/F, One Elegance, No.15 Pak Tai Street, Kowloon
(MPC Paper No. A/K10/247)

Presentation and Question Sessions

54. 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;
- (b) the eating place;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection was received by the District Officer (Kowloon City); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper.

55. In response to a Member's enquiry, Mr Stephen Chan replied that the flats in the residential development where the subject application premises was located had been sold to various owners.

Deliberation Session

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

“the provision of fire service installations and water supplies for firefighting at the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2014.”

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

- “(a) all proposed building works/change in use in the application premises are subject to compliance with the Buildings Ordinance;
- (b) the applicant is advised to appoint an Authorized Person to submit building plans for the proposed change in use and/or alterations and additions works to demonstrate compliance with the Buildings Ordinance, including:
 - (i) adequate means of escape should be provided in accordance with Building (Planning) Regulation 41(1) and the Code of Practice for Fire Safety in Buildings 2011;
 - (ii) the application premises should be provided with fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the Code of Practice for Fire Safety in Buildings 2011;

- (iii) access and facilities for persons with a disability should be provided in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and
- (iv) adequate sanitary fitments should be provided in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations;
- (c) detailed comments under the Buildings Ordinance can only be provided at the building plan submission stage; and
- (d) the proposed ‘eating place’ should comply with the relevant licensing requirements.”

[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 9

Section 16 Application

[Open Meeting]

A/K14/690 Proposed Shop and Services (Retail) in “Other Specified Uses” annotated “Business” Zone, Ground Floor (Portion), East Sun Industrial Building, No. 20 Shing Yip Street, Kwun Tong
(MPC Paper No. A/K14/690)

58. The Committee noted that the applicant requested on 23.10.2013 for deferment of the consideration of the application for one month in order to allow time for preparation of further information to address departmental and public comments and it was the first deferment request from the applicant.

59. 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.

[Ms Emily P.W. Tong, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/306 Proposed Minor Relaxation of Building Height Restriction to allow for One Storey of Basement for Two Car Parking Spaces and Ancillary Plant Room for Proposed House Development in “Residential (Group C) 1” Zone, 1 Somerset Road, Kowloon Tong
(MPC Paper No.A/K18/306)

60. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was the consultant of the applicant. Mr Patrick Lau who had current business dealings with Lanbase had declared an interest in this item. Ms Julia Lau had also declared an interest in this item as her parents owned property and resided in Kowloon Tong. The Committee noted that Mr Lau had left the meeting already and Ms Lau had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

61. With the aid of a powerpoint presentation, Ms Emily P.W. Tong, (STP/K), 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 restriction to allow for one storey of basement for two car parking spaces and ancillary plant room for the residential development;

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government 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, one from a nearby resident and one from Designing Hong Kong Limited, both objecting to the application. They were concerned that the proposed basement was not justified and its size excessive and subject to abuse, and that approval of the application would set an undesirable precedent for similar applications. No local objection was received by the District Officer (Kowloon City); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. As regards the concern of the public comments, the Buildings Department advised that in assessing whether the underground car park layout was reasonable and not excessive for exemption from gross floor area (GFA) calculation under B(P)R 23(3)(b), the Hong Kong Planning Standards and Guidelines and the advice of the Transport Department would be made reference to. If excessive spaces and associated spaces were found during the building plan submission stage, the excessive GFA should be included in GFA calculation. In this regard, an advisory clause was suggested to advise the applicant that any excessive area in the basement would be GFA accountable. The resultant plot ratio of the proposed development should not exceed 0.6 as permitted under the OZP.

62. Members had no question on the application.

Deliberation Session

63. 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 8.11.2017, 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 design and provision of vehicular access and car parking spaces of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to maximize the at-grade greening opportunities, especially at the frontage of the development, and to improve the landscape and visual amenity of the proposed development;
- (b) to note the comments of the Buildings Department that the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) App-2 spells out the criteria on the application of B(P)R 23(3)(b) in respect of car parking spaces, associated ramps and facilities; in assessing whether the car parking space could be disregarded from gross floor area (GFA) calculation, the Building Authority (BA) will make reference to Hong Kong Planning Standards and Guidelines and the advice of the Commissioner for Transport and any excessive car parking spaces and associated spaces (i.e. ramp, driveways etc.) should be included in GFA calculation; the granting of GFA concessions for non-mandatory/ non-essential plant rooms and services, etc. are subject to compliance with relevant acceptance criteria, detailed requirements, prerequisites, overall GFA cap, etc. as set out in relevant PNAPs; and the applicant should appoint an Authorised Person, a Registered Structural Engineer and a Registered Geotechnical Engineer to

submit plans for BA's approval;

- (c) to note the comments of the 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 the Buildings Department;
- (d) to note the Director of Electrical and Mechanical Services' advice to 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 work area and the minimum set back distance away from the gas pipelines if any excavation works is required during the design and construction stages of the development; and to note the requirements of the Electrical and mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes"; and
- (e) to note the comment of the Commissioner for Transport that the provision of two parking spaces are only acceptable for a single-house residential development."

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/261 Proposed Hotel in "Residential (Group A) 4" Zone, No.84 and 86
 Wuhu Street, Hung Hom
 (MPC Paper No.A/K9/261)

65. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was the consultant of the applicant. Mr Patrick Lau who had current business dealings with Lanbase had declared an interest in this item. The Committee noted that Mr Lau had left the meeting already.

Presentation and Question Sessions

66. With the aid of a powerpoint presentation, Ms Emily P.W. Tong, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Tourism (C for Tourism) supported the proposed hotel development as it would increase the number of hotel rooms, broaden the range of accommodations for visitors, and support the rapid development of convention and exhibition, tourism and hotel industries. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the Incorporated Owners of the adjoining building. The commenter opined that the impact of the proposed development on traffic, air ventilation and natural daylight on the adjacent buildings should be taken into consideration. Moreover, as there were already hotel developments at adjacent sites, he doubted the need to increase hotel supply for visitors from China and suggested to preserve the existing building. No local objection was received by the District Officer (Kowloon City); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. Regarding the concerns raised in the public comment, the proposed hotel would not have significant impact on the local traffic. The Commissioner for Transport and the Commissioner of Police had no objection to the application and the proposed non-provision of vehicular access, carparking and loading/unloading facilities, as parking spaces and loading/unloading

bays would be provided under the phase 1 hotel development. There were also on-street parking spaces and loading/unloading bays nearby. The proposed hotel development would not create other adverse impacts on the surrounding area. All concerned departments including the Chief Building Surveyor/Kowloon, Buildings Department and the Chief Town Planner/Urban Design and Landscape, PlanD had no adverse comments on or no objection to the application. Besides, C for Tourism supported the current application as the proposed development would support the rapid development of tourism and hotel industries.

67. In response to a Member's enquiry, Ms Emily Tong replied that application No. A/K9/232 for a hotel development at 88-102 Wuhu Street to the west of the application site was approved by the Committee in 2009. Subsequently, another application (No. A/K9/242) for a hotel development at 84-102 Wuhu Street, covering both the application site of No. A/K9/232 and the subject application site (84 and 86 Wuhu Street) was approved by the Committee in 2010. As the applicant would like to develop the hotel under application No. A/K9/232 as the first phase of the hotel development and the hotel under the subject application as the second phase, he therefore submitted a separate application to apply for planning permission in respect of the application site. The proposed hotels under application No. A/K9/232 and the current application would likely be part of the hotel development of the existing Bridal Tea House Hotel to the immediate north of the subject application site.

68. In response to another Member's enquiry, Ms Emily Tong replied that the hotel under application No. A/K9/232 and the hotel under the subject application were independent building blocks with different hotel lobbies. As regards the nil carparking provision in the proposed hotel under the subject application, the applicant indicated that there were on-street parking spaces at Station Lane and Bulkeley Street and TD had no objection on this aspect.

Deliberation Session

69. The Secretary clarified that the fourth sentence in paragraph 10.1 of the Paper should read as follows:

“Due to the current acute shortage of housing land, sites planned for residential use should generally be retained for residential development, except where *the application site is located in an area* conducive for hotel use or the hotel development is to meet a specific planning objective.”

70. 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 8.11.2017, 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 fire service installations and water supplies for fire fighting to the satisfaction of the Director of the Fire Services or of the TPB;
- (b) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in planning condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

71. 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 fulfill the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area concession 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 gross floor area concession 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 Chief Building Surveyor/Kowloon, Buildings Department that:

- (i) the proposed hotel shall in all aspects comply with the Buildings Ordinance (BO) and its allied regulation;
- (ii) provision of service land for domestic building shall be in compliance with B(P)R 28;
- (iii) provision of open space for domestic building shall be in compliance with B(P)R 25;
- (iv) application for hotel concession under B(P)R 23A will be considered upon formal submission of building plans subject to the compliance with the criteria under the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-40;
- (v) an Authorized Person should be appointed to coordinate all building works in accordance with the BO;
- (vi) the granting of gross floor area (GFA) and/or site coverage concessions for green/amenity features and non-mandatory/non-essential plant rooms and services, etc. are subject to compliance with relevant acceptance criteria, detailed requirements, pre-requisites, overall cap, etc. as set out in PNAPs, including APP-151 and APP-152;
- (vii) where two or more required staircases are needed, people using one required staircase should be able to gain access to at least one other required staircase at any time, without having to pass through other person's private premises;

- (viii) provision of access and facilities for persons with a disability shall be in accordance with B(P)R 72;
 - (ix) detailed comments on the proposal under the BO, including any application for exemption/exclusion of areas from GFA calculation, will be given at the building plan submission stage; and
 - (x) the proposed hotel will be subject to the licensing requirements under the Hotel and Guesthouse Accommodation Ordinance, Cap. 349.
-
- (c) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access shall comply with the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department;
 - (d) to note the comments of the Director of Environmental Protection to prepare and submit the Sewerage Impact Assessment as early as possible;
 - (e) to note the comments of the Chief Officer/Licensing Authority of Home Affairs Department regarding application for hotel licence under the Hotel and Guesthouse Accommodation Ordinance;
 - (f) to note the comments of the District Lands Officer/Kowloon West, Lands Department to apply for a lease modification for the proposed hotel development;
 - (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to maximise the greening opportunities on the ground level, in particular the setback area and the flat roof areas of the building, to provide sufficient soil depth and volume for the proposed landscape planting and planting areas which should be accessible for maintenance, and to review the feasibility of providing tree planting between the proposed hotel development and the approved hotel

development; and;

- (h) to note the comments of the Chief Engineer/Development(2), Water Supplies Department regarding the on-going programme to replace/rehabilitate the existing water mains in the vicinity of the site under Replacement and Rehabilitation of Water Mains Stage 3 Project in Kowloon.”

[The Chairman thanked Ms. Emily P. W. Tong, STP/K, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

Agenda Item 12

Any Other Business

72. There being no other business, the meeting closed at 11:55 a.m..