

TOWN PLANNING BOARD

Minutes of 502nd Meeting of the Metro Planning Committee held at 9:00 a.m. on 13.12.2013

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Mr Maurice W.M. Lee

Professor Eddie C.M. Hui

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Mr Roger K.H. Luk

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

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

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr Ken Y.K. Wong

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

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

Secretary

Absent with Apologies

Professor P.P. Ho

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
Mr K.K. Lee

Agenda Item 1

Confirmation of the Draft Minutes of the 501st MPC Meeting held on 22.11.2013

[Open Meeting]

1. The draft minutes of the 501st MPC meeting held on 22.11.2013 were confirmed without amendments.

[Mr Laurence L.J. Li arrived to join the meeting at this point.]

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) Amendments to the Approved South West Kowloon Outline Zoning Plan No. S/K20/28

2. The Secretary reported that as the amendments to the approved South West Kowloon Outline Zoning Plan (OZP) involved a site for public housing development by the Housing Department, which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item :

Mr K.K. Ling – being a member of the Strategic Planning
(the Chairman) Committee and the Building Committee of
as the Director of Planning HKHA

Mr Frankie W.P. Chou – 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

Mr Edwin W.K. Chan – being an alternate member for the Director of
Lands who was a member of HKHA

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

Mr Dominic K.K. Lam – had current business dealings with HKHA

3. As this item was to report an amendment in the Explanatory Statement (ES) of the draft South West Kowloon OZP for Member's information, the Committee agreed that the Chairman and the above Members could stay at the meeting.

4. The Secretary reported that at the last MPC meeting held on 22.11.2013, the Committee considered the proposed amendments to the approved South West Kowloon OZP No. S/K20/28. One of the amendments (i.e. Item J) was the designation of six strips of land within the "Government, Institution or Community", "Comprehensive Development Area" and "Residential (Group A) 12" ("R(A)12") zones at Hing Wah Street West and Lin Cheung Road as 'non-building areas' (NBAs). In order to clearly reflect the planning intention to allow flexibility for minor structures for providing footbridge connection within the NBAs was only for the public housing site zoned "R(A)12", paragraph 7.2 of the ES was amended. The amendment to the ES was tabled at the meeting.

5. Members noted the amendment to the ES and that the draft South West Kowloon OZP No. S/K20/29 was gazetted on 13.12.2013.

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

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/KC/3 Application for Amendment to the Draft Kwai Chung Outline Zoning Plan No. S/KC/26 from “Industrial” to “Other Specified Uses” annotated “Columbarium”, No. 2-6 Wing Lap Street, Kwai Chung
(MPC Paper No. Y/KC/3A)

6. The Secretary reported that the application was submitted by Wing Kwong Leather Factory Ltd. and Wing Loi Tannery Ltd. Urbis Ltd., CKM Asia Ltd., Environ Hong Kong Ltd. and AECOM Asia Co. Ltd. were four of the consultants of the applicants. The following Members had declared interests in this item :

Mr Laurence L.J. Li – having current business dealings with the applicants

Professor S.C. Wong – being the Director of the Institute of Transport Studies of the University of Hong Kong and CKM Asia Ltd. had sponsored some activities of the Institute; also having current business dealings with AECOM Asia Co. Ltd.

Professor P.P. Ho – having current business dealings with CKM Asia Ltd.

Ms Julia M.K. Lau – having current business dealings with Environ Hong Kong Ltd. and CKM Asia Ltd.

Mr Dominic K.K. Lam – having current business dealings with Urbis Ltd., Environ Hong Kong Ltd. and AECOM Asia Co. Ltd.

Mr Patrick H.T. Lau – having current business dealings with AECOM Asia Co. Ltd.

7. Members noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting. The Committee considered that the interest of Mr Laurence L.J. Li was direct and he should leave the meeting temporarily for this item. As Professor S.C. Wong, Ms Julia M.K. Lau, Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had no direct involvement in this application, the Committee agreed that they could stay in the meeting.

[Mr Laurence L.J. Li left the meeting temporarily at this point.]

Presentation and Question Sessions

8. Mr Wilson W.S. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Ms Fannie F.L. Hung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), Mr Eddy K.K. Wu, Senior Engineer/Kwai Tsing (SE/KT), Transport Department (TD), Mr Lai Chin Keung, Chief Inspector, Hong Kong Police Force (HKPF), Mr Wong Kin Yi, Sergeant, HKPF, and the following representatives of the applicants were invited to the meeting at this point :

Ms Margaret Zee

Mr Yeung Ka Shing

Ms Anna Kwong

Mr Francis Cheung

Ms Anna Suen

Mr Albert So

Mr Stanley Chan

Mr Adams Au

Ms Winona Ip

Ms Joyce Mok

9. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Ms Fannie F.L. Hung, STP/TWK, to brief Members on the background of the application. Ms Hung did so with the aid of a PowerPoint presentation and covered the following aspects as detailed in the Paper :

The Proposal

- (a) the applicants proposed to amend the draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/26 by rezoning the application site from “Industrial” (“I”) to “Other Specified Uses” annotated “Columbarium” (“OU(Columbarium)”) with a set of Notes where ‘Columbarium’ would be a Column 1 use. Developments within the current “I” zone were subject to a maximum plot ratio of 9.5 and a maximum building height of 105mPD. The applicants proposed to stipulate development restrictions of maximum gross floor area (GFA) of 7,590m² (equivalent to a PR of 9.5 based on the site area of about 799m²), maximum BH of 100mPD and maximum number of niches of 50,000 for the proposed “OU(Columbarium)” zone;
- (b) the site was located at the southern tip of an existing industrial area (zoned “I”), with the Kwai Chung Crematorium and Columbarium (KCCC) (providing 9,276 niches) to its immediate west and the Tsuen Wan Chinese Permanent Cemetery (TWCPC) (providing 17,248 graves and 52,901 niches) to its further west. To its south was the planned Kwai Chung Park. The site was currently vacant;
- (c) there were 79,425 existing niches/graves at KCCC and TWCPC. The Government in the ‘Public Consultation on Review of Columbarium Policy’ issued in 2010 had proposed 3 columbarium sites in Kwai Chung. The 3 sites would provide a total of 71,000 niches (20,000 niches and 2,000 memorial plaques at the Tsing Tsuen Road site to the north, and 42,000 niches at the ex-incinerator site and 9,000 niches at the Kwai Tai Road site to the south). Traffic impact assessment (TIA) conducted for the 3 sites concluded that with proposed road improvement works, there would be no adverse traffic impact on the surrounding areas. Together

with a similar rezoning application (No. Y/KC/5 for 38,000 niches within the same “I” zone), there would be altogether a total of 240,425 graves, niches and memorial plaques in the Kwai Chung area if all the development proposals were approved and implemented;

- (d) the development proposal involved the construction of a 21-storey building for a columbarium with a total of 50,000 niches, of which 40,000 niches were to be accommodated on 8 low-zone floors (6/F to 13/F) (i.e. an average of 5,000 niches per floor) and 10,000 niches on 4 high-zone floors (16/F to 19/F) (i.e. an average of 2,500 niches per floor). The remaining 9 floors of the building (G/F, 1/F to 5/F, 14/F, 15/F and 20/F) would be for uses such as entrance hall, concourse, car park, memorial halls, office, library, electrical and mechanical rooms and refuge floor;
- (e) to address the traffic impact of the development, the applicants proposed to provide Operator Arranged Bus (OAB) service at two pick-up points (one at Tai Ho Road in Tsuen Wan and the other at Container Port Road in Kwai Chung) for the visitors during festive periods (i.e. Ching Ming Festival and Chung Yeung Festival), provide special traffic arrangements (including revised road markings and revised junction signal controls) at the junction of Wing Lap Street and Kwai Hei Street, and provide a lay-by of about 160m in length along Kwai Hei Street for OAB service and a lay-by of about 30m in length in front of the site for car/taxi pickup/drop off. Besides, the northern footpath adjacent to the OAB lay-by on Kwai Hei Street would be widened to 4m. Specialist crowd management contractor would also be employed to segregate the incoming and outgoing pedestrian movements at the road junction and footpath adjacent to the bus bays;
- (f) for vertical transportation within the building, there were 3 dedicated lifts to serve the 8 low-zone floors and 2 dedicated lifts to serve the 4 high-zone floors. There were also two staircases for circulation;

- (g) the applicants also proposed to adopt a number of crowd control measures on festival days, including e-worship system to reduce visitor number, promotion of offering-light worship culture where no flame would be allowed within the building and flower decoration services would be provided, discourage of non-OAB usage and use of taxis and private cars, and implementation of visit-by-appointment scheme where reservation should be made prior to any visit;

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

- (h) the applicants would unconditionally donate the net sale proceeds of certain number of niches to Po Leung Kuk for charity purpose. A charity fund would be set up to allow the less well-off people to apply for niches at a concessionary price through the subsidy from the charity fund;
- (i) the justifications put forth by the applicants in support of the application were detailed in paragraph 2 of the Paper;

Departmental Comments

- (j) the departmental comments were detailed in paragraph 9 of the Paper and highlighted as follows :
 - (i) the Secretary for Food and Health (SFH) and the Director of Food and Environmental Hygiene indicated that in the interest of increasing the overall supply of niches in Hong Kong, they generally would not object to proposals that would help boost the availability of niches on the condition that the columbarium concerned would comply with all statutory and Government requirements such as those on town planning, building and fire safety, as well as land lease. For the subject application, the applicants should take into account the cumulated traffic impact of the Government's proposed public columbarium development near TWCPD and the proposed columbarium building. Mitigation measures, such as prohibition

of/centralisation of burning of joss paper and offering within the site boundary of the columbarium, and provision of greening, etc. could be considered. They also advised that the Administration was drafting the Bill to implement a statutory licensing scheme for private columbaria and it was aimed to introduce the Bill into the Legislative Council (LegCo) in the second quarter of 2014;

- (ii) the District Lands Officer/Tsuen Wan & Kwai Tsing of Lands Department (DLO/KW&KT of LandsD) advised that should the application be approved, the applicants were required to apply for a lease modification. However, the proposed “visit-by-appointment” arrangement was not enforceable under lease and should not be imposed under the land lease. The proposed traffic and crowd management plan (TCMP), house rules, e-booking system concerning daily operation and management plan of the columbarium were also difficult to be enforced through lease conditions as it was not an effective mean to monitor the proper implementation of such proposals;
- (iii) the Commissioner for Transport (C for T) had no in-principle objection to the application and no comment on the revised TIA. He had no comment on the proposed OAB services but reminded the applicants that the proposed OAB service would need to share use the loading/unloading bay on Tai Ho Road with other bus services and that the applicants were required to notify TD about the specific operation dates of the OAB during each festival period at least one month in advance for necessary traffic arrangements. He also had no adverse comment on the proposed special traffic management during Ching Ming/Chung Yeung festival periods. To ensure that the submitted traffic and crowd management measures would be properly and effectively implemented, he considered that the applicants should be required, as approval conditions through the planning application mechanism, to submit relevant TCMP before the two festive periods (i.e. Ching Ming and Chung Yeung) for his

approval annually;

- (iv) the Commissioner of Police (C of P) had no in-principle objection to the application. He agreed that the proposed e-booking system could manage and control the number of visitors provided that the dedicated crowd management team could strictly enforce the e-booking system and, in case of any unexpected overcrowding, the visitors were completely housed at the 9 non-columbarium floors as undertaken by the applicants. He has no objection to/comment on the revised OAB arrangement. If the visitor-by-appointment system did function effectively and properly as expected and proposed, he did not foresee any major problems on this aspect. He did not expect any major conflicts between the applicants' proposed special traffic arrangement and the Government's traffic arrangement for the nearby TWCPC. Whether the letter of undertaking addressed to C of P was enforceable to ensure the implementation of the TCMP depended on whether the applicants' dedicated crowd management team was capable of carrying out the e-booking system conscientiously to control the number of visitors at different time slots and to maintain a tight control on those visitors coming to columbarium without prior booking. However, the number of visitors using private cars or other means of transport such as taxi instead of OAB service to the site would greatly affect the effectiveness of the traffic arrangement as well as the traffic flow in the vicinity. To ensure that the submitted traffic and crowd management measures would be properly and effectively implemented, he also considered that the applicants should be required, as approval conditions through the planning application mechanism, to submit relevant TCMP before the two festive periods (i.e. Ching Ming and Chung Yeung) for his approval annually;

- (v) the Director-General of Trade and Industry (DG of TI) noted that the application site was not one of the sites identified as having potential for rezoning in the "Area Assessments 2009 of Industrial Land in the

Territory” undertaken by the Planning Department (PlanD). He also noted that while the Town Planning Board (the Board) had endorsed the recommendations of the said Area Assessment in principle, a Board member had stressed concerns, in particular on the two “I” sites in Tsing Tsuen Road, Kwai Chung and Sha Tin Area 65 identified for potential columbarium development. Meanwhile, when deliberating on another rezoning application (No. Y/KC/1) within the “I” zone in the same district on 26.11.2010, a Board member considered that there was strong demand for land for port back-up uses and the logistics industry, and approval of the rezoning application would represent a loss of industrial land for such purposes. He advised that the above-mentioned considerations should be taken into account in this application;

- (vi) the Chief Architect/CMD2 of Architectural Services Department (CA/CMD2 of ArshSD) commented that that when comparing with other Government columbaria, the proposed columbarium layout had a much higher GFA/niche density, the circulation space was not well defined and much narrower, the worshipping space for niche bays was inadequate, and there was an overlapping of circulation space and worshipping space. Furthermore, the space in front of escalators was rather small and might not be adequate to accommodate large crowd of visitors during festival days. He also considered that the building form and façade of the proposed development was very different from the existing surrounding industrial buildings and it might not be compatible in the context of the existing environment;
- (vii) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of PlanD had reservation on the application from the urban design and landscape points of view. Given the sensitive nature of the proposed use, the built form and design of the proposed columbarium building stood out in great contrast with the surrounding area which mainly comprised industrial buildings of

subtle design. In terms of quantity, the landscape opportunity within the site was very limited, in particular for at-grade planting. In terms of quality, all proposed plant species were either shrubs or climbers but no trees. The overall greening effect of the landscape design was considered to be minimal and inadequate;

(viii) the District Officer (Kwai Tsing) did not receive any comments on the application. He advised that the application was briefly discussed in the meeting of the Kwai Tsing District Management Committee (KT DMC) under the Kwai Tsing District Council (K&TDC) on 17.2.2012 and members asked for more detailed information on the application to facilitate their consideration of the application. At the KT DMC meeting held on 11.9.2012, a motion on “Kwai Tsing District Council objected to the proposal of changing the industrial building at 2-6 Wing Lap Street, Kwai Chung, for columbarium development” was passed. At the meeting of the District Facilities Management Committee under K&TDC held on 18.12.2012, the applicants and their representatives were invited to brief members the details of the proposed columbarium at the site. K&TDC members at the meeting of the Community Affairs Committee on 30.7.2013 raised concern about the lack of monitoring system for private columbaria and the progress of the licensing scheme; and

(ix) other concerned departments had no adverse comments on the application;

Public Comments

(k) the application and its further information were published for public comments for 10 times since 10.2.2012, each time for a statutory publication period of three weeks. A total of 9,014 public comments were received, of which 8,972 supported the application, 17 objected to the application, 4 had no objection, 3 had no comment and the remaining 7 had

concerns on the application;

- (l) the supporting views mainly considered that the well-designed columbarium was visually appealing, eco-friendly, equipped with comprehensive operational mode (i.e. e-booking system and other modern technologies), all-rounded facilities (i.e. memorial hall, museum, library and clubhouse) and well-organised traffic arrangements (i.e. with convenient public transport and OAB operated by the applicants); and the proposed development would provide an alternative choice for the public;

- (m) the objections were mainly on the grounds that there was currently no control or enforcement regulation by the Government on columbarium development; the technical assessments submitted were inadequate; the proposed development would result in adverse traffic, drainage, air pollution and other environmental impacts on the surrounding areas and cause psychological impact on and inconvenience to the local people; there was no immediate need for columbarium niches; and there were concerns on the financial aspect of the proposed development;

PlanD's Views

- (n) PlanD partially agreed to the application for rezoning the site from "I" to "OU(Columbarium)" but considered that 'Columbarium' use should be put under Column 2 of the Notes so that appropriate planning conditions could be imposed through the planning application mechanism to address relevant government departments' concerns, based on the assessments made in paragraph 11 of the Paper as summarised below :

The Development Proposal

- (i) the rezoning application was to facilitate the development of a 21-storey columbarium building for 50,000 niches. The development scale was close to the existing TWCPC which provided 52,901 niches and 17,248 graves. Unlike other existing columbaria

in the territory which were usually located in low-rise structures with a larger site area, the proposed columbarium would be the first high-rise and high-density (50,000 niches) development in Hong Kong. The decision of the Committee would have bearings on other similar applications in future, e.g. Application No. Y/KC/5 (within the same “T” zone) to be considered by the Committee;

Land Use Compatibility

- (ii) the proposed development was considered not incompatible with the surrounding land uses, including the existing industrial area to its north, the planned Kwai Chung Park to its east, and KCCC and TWPCPC to its west. The nearest residential development, Kwai Shing West Estate, was at about 400m away to the northeast. However, the site was not well served by public transport;

Traffic Impact and Crowd Management

- (iii) based on the submitted TIA, there would be a maximum of 5,450 person trips/hour coming in and 5,750 person trips/hour leaving the site on festive days. To address the traffic impact brought by the proposed development, the applicants proposed a number of measures in the TIA, including e-booking system, OAB service with two pick-up points at Tsuen Wan and Kwai Chung, revised road markings and revised junction signal controls, road improvement at Kwai Hei Street for the provision of a footpath, a 160m lay-by for coaches and a 30m lay-by for taxis and private cars outside the site as well as a dedicated crowd management team (the dedicated CM team) to control the crowd situation inside and outside the building. C for T had no objection to the TIA submitted;
- (iv) to address the circulation issue within the building, a vertical transportation analysis (VTA) on the use of lifts, escalators, staircases and the dedicated CM team for controlling visitor

movements was submitted. Concerned departments including C of P and the Director of Fire Services had no comment on the submitted VTA, but CA/CMD2 of ArchSD had concern on the circulation space near the escalators and on the columbarium floors;

- (v) C of P was of the view that the number of visitors could be controlled if the proposed e-booking system and TCMP could effectively function. However, since the effectiveness of the e-booking system and the applicants' other proposed traffic and crowd management measures had not been tested, both C for T and C of P consider that the applicants should submit relevant TCMP before the two festive periods (i.e. Ching Ming and Chung Yeung) for their approval annually;

Visual and Architectural Aspects

- (vi) both CTP/UD&L of PlanD and CA/CMD2 of ArchSD raised concerns on the built form and architectural design of the proposed building. CTP/UD&L of PlanD also considered the greening initiative for the building minimal. CA/CMD2 of ArchSD considered that the proposed columbarium layout had a much higher GFA/niche density and the circulation spaces within the building were much narrower than Government columbaria;

Need for Control through Planning Application

- (vii) while the proposed columbarium use was acceptable in terms of land use compatibility, whether 50,000 niches could be accommodated within the proposed columbarium building with adequate worshipping space and horizontal/vertical circulation space should be further demonstrated. Putting 'Columbarium' use under Column 1 of the proposed "OU(Columbarium)" zone where no subsequent planning permission would be required was considered inappropriate as building design and other technical details, including the proposed

transport/traffic/crowd management measures, would need to be further considered by the concerned departments and the Committee. Through the planning application mechanism (i.e. with ‘Columbarium’ included as a Column 2 use), the Committee could impose approval conditions on the proposed transport/traffic/crowd management measures, building design and landscaping so as to ensure proper control and monitoring of the scale of the proposed columbarium development; and

Public Comments

(viii) the major reasons of objection were related to concerns on columbarium policy, traffic, environmental and drainage impact on the surrounding area. Regarding the concern on columbarium policy, SFH advised that the Private Columbarium Bill was scheduled to be introduced into LegCo in the second quarter of 2014. Concerned bureau/departments, including SFH, DFEH, C for T, C of P, DEP and the Director of Drainage Services had no objection to the application from the columbarium policy, traffic, environmental and drainage points of view.

10. The Chairman then invited the applicants’ representatives to elaborate on the application. Ms Margaret Zee made the following main points :

- (a) the columbarium proposal complied with all legislation and Government requirements. It had gained supports from all walks of life as well as the local people. The site was far away from residential uses but had good accessibility;
- (b) as pointed out by the Secretary for Home Affairs and SFH, Hong Kong was short of columbarium. The proposal was to make an optimum utilisation of the scarce land resource for an intensive columbarium development with the promotion of the offering-light worship culture; and

- (c) as the operator of another columbarium, Shan Yuan, in Tuen Mun, the applicants would continue to take a partnership approach in complying with the Government's requirements to provide the best service for their customers and to help address the community's pressing demand for columbarium niches.

11. Ms Anna Kwong said that the development proposal had already been covered in the presentation by PlanD. She then showed Members some overseas examples of high-rise columbarium buildings with PowerPoint slides.

12. A Member asked why the site, which was relatively small in size, could accommodate 50,000 niches but the 3 proposed columbarium sites of the Government in the vicinity, which were much larger, would only provide about 70,000 niches in total. In response, Mr Wilson W.S. Chan said that the difference in the number of niches between the proposed private columbarium and the Government's proposed columbaria was mainly because of the difference in layout design and design standards. The Government columbaria provided larger niches and much wider circulation space, with a horizontal mode of crowd dispersal. For the proposed high-rise columbarium development, it was designed in a vertical manner. The 3 proposed columbarium sites in the vicinity were identified by the Food and Health Bureau for the Kwai Tsing district under the Government's policy objective to develop at least one columbarium in each of the 18 districts. The site at Tsing Tsuen Road in the north for 20,000 niches and 2,000 memorial plaques would be the first one to be developed among these 3 sites.

13. The Vice-chairman enquired how the vertical transportation system within the columbarium building could be able to handle a large number of visitors noting that there would be a maximum of 5,750 visitors in the building during the festival peak hour as assessed. In response, Ms Anna Kwong said that the maximum of 5,750 person trips/hour represented the worst-case scenario, which was specifically referring to the visitor volume in the peak hour of 11:30 a.m. to 12:30 p.m. in the two days of Ching Ming Festival and Chung Yeung Festival. It was estimated that the visitors would stay in the building for 20 minutes for worshipping. The assessment concluded that the proposed vertical transportation system of the building could disperse the estimated number of visitors effectively.

14. Mr Adams Au supplemented that the design of the proposed building aimed to segregate visitors on the high-zone floors from the low-zone floors, with 2 dedicated express lifts to serve the 4 high-zone floors and 3 dedicated lifts to serve the 8 low-zone floors. There were also a cargo lift to serve the low-zone floors and a service (firemen) lift to serve all floors. Visitors would be arranged to use different lifts to gain access to their destination floors when arrived. The elderly, children and people with disabilities would be arranged to use the cargo lift and service lift. It was assessed that the proposed vertical transportation system of the building could handle the estimated maximum number of 5,750 visitors per hour.

15. A Member enquired about the mode of operation of the proposed columbarium and how the applicants could guarantee that the proposed management services which required input of large manpower could be maintained in the long term. In reply, Ms Margaret Zee said that they had experience in operating columbarium as they were the operator of Shan Yuan (with about 5,000 niches) in Tuen Mun. Their staff had maintained good relationship with their customers who were generally cooperative to follow the visit-by-appointment requirement. Their services were well received by the customers. She was confident that the mode of operation of Shan Yuan, which was of a smaller scale, could be effectively transferred to the operation of the proposed columbarium of a larger scale.

16. The Chairman said that in view of the high density of the proposed columbarium, more resources would be required for its operation and management when compared with a columbarium of lower density. He asked if the applicants could supplement how their input of management resources could be sustained after the niches were sold to the customers. In reply, Ms Margaret Zee said that the operation of the proposed columbarium aimed mainly to serve and benefit the community. A charity fund had been established to help the community and sponsor charitable organisations. The fund had already been accumulated to a substantial amount for the implementation and future maintenance of the proposed columbarium development.

17. A Member sought further clarifications from the applicants on how they could ensure, under their commercial mode of operation, the sustainable operation of the proposed columbarium as well as the provision of management services in the long term once the

niches were sold. In response, Ms Anna Kwong said that upon the sale of every columbarium niche, the applicants would set aside a certain percentage of the sales proceeds to a trading fund. The trading fund would keep rolling over through investment to sustain the long-term operation of the proposed columbarium.

18. In view of the high concentration of existing and planned columbaria, cemetery and gardens of remembrance in the locality, the same Member asked if there were comprehensive traffic management measures planned for the whole district during the festival periods. In reply, Mr Eddy K.K. Wu, SE/KT of TD, said that the traffic impacts generated by the proposed columbarium as assessed in the TIA were generally acceptable and that the traffic improvement measures proposed by the applicants were compatible with the Government's temporary traffic measures. The locations in Tsuen Wan and Kwai Chung for the operation of the two proposed OAB routes were also acceptable to TD. Mr Lai Chin Keung, Chief Inspector of HKPF, supplemented that the Police had no objection to the traffic management measures proposed by the applicants provided that the measures could be effectively implemented under the co-ordinated efforts of various departments. The Police would be able to handle the overall traffic impact generated by TWCP, KCCC and the proposed columbarium in the district.

19. In response to the same Member's concern that DG of TI had raised that the rezoning of the application site from "I" to "OU(Columbarium)" would result in a loss of industrial land in Kwai Chung, Mr Wilson Chan said that the approval of the subject application would inevitably reduce the amount of land zoned "I" but the size of the application site of about 799m² was considered relatively small in the context of the whole industrial area in Kwai Chung. While Kwai Chung might have a higher concentration of industrial activities comparing with other industrial areas in Hong Kong, whether the existing industrial land in Kwai Chung had the potential for rezoning to other uses would depend on the results of the new round of area assessments of industrial land being conducted by PlanD.

20. In response to a Member's questions on the vertical transportation system and greening, Ms Anna Kwong said that the building was designed to first lead all visitors to the large concourse on 3/F, which was a decanting space for further distributing the visitors to the high-zone and low-zone floors. As regards greening, Ms Kwong said that they would make every endeavour to provide greening on the roof, podium and street levels as well as vertical

greening for the building. Ms Margaret Zee supplemented that in the design of the building, every effort was made to provide visitors with a comfortable environment. Only 12 floors of the proposed 21-storey building would be used for accommodating the 50,000 columbarium niches, whilst the other floors would be used for providing such facilities as memorial halls and library for the use of the visitors.

21. The Vice-chairman asked if the current “I” zoning for the site could be retained but putting ‘Columbarium’ as a Column 2 use in a proposed sub-zone of “I”, instead of rezoning the site to “OU(Columbarium)” with ‘Columbarium’ as a Column 2 use as suggested by PlanD. The alternative approach was suggested as there was no guarantee that the subsequent planning application for columbarium development at the site would be approved, and the suggested sub-zone of “I” could allow greater land use flexibility. In reply, Mr Wilson Chan said that the proposal of designating the site with a sub-zone of “I” and putting ‘Columbarium’ as a Column 2 use might be explored as the designation of sub-zones for imposing specific planning control or development restrictions was not uncommon. However, the planning intention of the sub-zone needed to be clearly defined. Ms Margaret Zee said that she would pursue a columbarium proposal at the site no matter what zoning was considered suitable by the Board.

22. In response to a Member’s question on how the figures of 5,750 person trips/hour on festive peak days and 1,300 person trips/hour on normal public holiday peak days were derived, Ms Anna Kwong said that the figures were projected based on the traffic survey data of the Police who did the traffic surveys during the festival days every year and the on-site survey data by their traffic consultant. Both TD and the Police had no dispute to the figure of 5,750 person trips/hour. Mr Eddy Wu of TD said that the figure had been compared with the trip rate figures of existing and planning columbaria in other areas and was considerable to be within the reasonable range. Mr Lai Chin Keung of HKPF confirmed that the Police had provided last year’s festival peak pedestrian flow figures of TWCPD to the applicants for their assessment, but the Police had no expertise to verify if the figures derived by the applicants were reasonable.

23. The same Member said that if the figure of maximum 5,750 person trips/hour was accurate, it would be equivalent to a patronage of about 480 persons to each of the 12 columbarium floors per hour during the festival peaks. As there were 5,000 niches in each

of the 8 low-zone floors and 2,500 niches in each of the 4 high-zone floors, assuming that each niche was visited by 2 persons, the figure of 5,750 person trips/hour represented that 240 niches for each of the 12 floors or 4.8% for each low-zone floor and 9.6% for each high-zone floor. The Member queried if the figure of 5,750 person trips/hour was realistic for the festival peak hour. In response, Ms Anna Kwong said that most visitors would choose not to visit the columbarium during the festival peak hours to avoid overcrowding. Besides, only 12 floors of the building were for columbarium use and the facilities, such as memorial halls and library, on other floors could serve as decanting spaces to disperse the visitors. Mr Francis Cheung supplemented that in their VTA, they had a delicate calculation of the distribution of visitors on individual floors of the building, and according to their estimations, there were at most around 2,600 persons within the building at a time during the festival peak hours as it was assumed that the visitors would stay in the building for about 25 to 30 minutes for worshipping. Moreover, their staff would control the crowd within the building to be not more than 2,600 persons at a time to ensure a safe environment. Visitors in excess of the control number would be restrained from entering the building temporarily.

24. In response to the enquiry of a Member about the design standards for columbarium, including the development intensity and spatial design standards, Mr Wilson Chan said that there were no set standards on the development intensity and design standards of columbarium development. Nevertheless, the Buildings Department (BD) and the Fire Services Department (FSD) would assess if the layout of a columbarium could comply with the Government requirements including means of escape requirements at the building plans approval stage. For the subject application, both BD and FSD did not raise objection.

25. As the applicants' 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 applicants of the Committee's decision in due course. The Chairman thanked the applicants' representatives and the Government representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

26. The Chairman said that Members could consider this application from two main aspects, i.e. land use compatibility and development scale. The development scale could have a bearing on the crowd management and traffic impacts.

27. A Member considered that the application site was suitable for columbarium use due to land use compatibility with the nearby cemetery, crematorium and columbaria. However, there were concerns on people circulation and crowd control. The layout of the columbarium floors in the applicants' proposal also appeared to be too congested with inadequate separation between niche bays for circulation and worshipping. It would be necessary to impose planning conditions on the management of the columbarium and on the spatial separation between niche bays. Noting that the applicants basically adopted the current PR and BH restrictions of the "I" zone in their development proposal for the columbarium, it would be worthwhile to consider whether the proposed development parameters were appropriate. A study should be conducted to examine the appropriate development restrictions, including PR, site coverage (SC) and BH, for columbarium developments. The findings of such a study could also serve as guidance for other proposals for columbarium development in future.

28. A Member indicated no objection to the application in view of its compatibility with surrounding land uses, but had concern on the traffic impacts generated by the proposed columbarium during the festival periods and the precedent effect. This Member considered that if the application was approved, a clear message should be conveyed to the public that this was a unique case as the site was situated in a location suitable for columbarium use. The approval of this application did not imply that the Board was going to approve other applications for columbarium development in the "I" zones.

29. The Vice-chairman considered that the application site was suitable for columbarium development as it was not incompatible with the surrounding land uses. However, there was a concern on crowd management, in particular the vertical transportation of people within the building. As the proposed high-rise columbarium was a pioneer project in Hong Kong, there might be operational problems in the proposed vertical transportation system which could not be anticipated in the assessments undertaken by the applicants. The

presence of a bottle-neck in any of the major circulation areas could fail the whole system. As such, the applicants should be advised to engage a dedicated team of consultants to carefully design and review the vertical transportation system of the building thoroughly in their subsequent planning application before the project was allowed to implement. The practicability of the proposed vertical transportation system should also be assessed by the relevant departments critically. The applicants should also work out an effective means of evacuation from the building in case of emergency.

30. Since there was no guarantee that the future planning application for columbarium development at the site would be approved by the Board, the Vice-chairman suggested designating the site as a sub-zone of “I” and putting ‘Columbarium’ use under Column 2 of the sub-zone instead of rezoning the site to “OU(Columbarium)”.

31. A Member said that the site could be rezoned to “OU(Columbarium)” on land use compatibility consideration but appropriate development restrictions should be imposed. While there were no current planning standards in terms of PR and BH for columbarium development, this Member considered that the proposed columbarium building on the site might be allowed at a maximum PR of 4 to 5 and BH at about 60mPD to 80mPD only. A greening ratio at 20% to 30% of the site area could also be considered. With the introduction of the statutory licensing scheme for private columbaria in the near future, this Member considered that relevant departments should work out a set of standards for columbarium building design.

32. A Member said that PlanD’s recommendation of rezoning the site from “I” to “OU(Columbarium)” and putting ‘Columbarium’ as a Column 2 use was acceptable in view of the pressing need for columbarium niches in the community. However, this Member considered that the applicants had not satisfactorily responded to the questions raised by some Members in relation to the vertical crowd management measures within the building and, as such, there was reservation on the proposed BH and intensity which were considered to be excessive.

33. A Member considered that the approval of the application might trigger the owners of other industrial buildings nearby to apply for land use change for columbarium development, which could bring about a drastic change to the future development of the

whole area. If the area was intended for columbarium or funeral-related uses in the long term, it would be worthwhile to conduct a planning study for the whole area to examine the appropriate development intensity, traffic impact and any necessary improvement measures in a holistic manner.

34. A Member concurred with the recommendation of PlanD in that the application could be accepted and that the detailed technical issues could be resolved at the planning application stage. However, this Member said that the applicants failed to demonstrate the feasibility of the proposed vertical transportation system within the building, particularly in case of emergency and system failure.

35. A Member pointed out that the current application was rather different from other columbarium applications considered by the Board before as it involved much more vertical transportation of people whilst in other cases, they involved mainly horizontal movement. The applicants had however tried to dilute the main problem of their proposal and their estimation of the people trip rate was unrealistic. The vertical transportation problem within the proposed high-rise columbarium building with such a high density of niches was not fully addressed. Although the site was suitable for columbarium use, whether the application should be approved at the juncture or until some planning standards were available should be considered.

36. Noting that the burning of joss paper was not allowed in the building according to the applicants' proposal, Mr Edwin W.K. Chan expected that the users of the proposed columbarium might not be those who would be keen to visit the columbarium on the two festival days. As Members had concerns on the traffic impact and crowd management issues, Mr Chan said that the Committee could consider allowing the proposed columbarium to operate by phases. If the operation of the first phase revealed any problems, the subsequent phases would not be allowed to operate until the problems could be satisfactorily resolved.

37. The Chairman concluded that Members generally accepted that the site was suitable for columbarium development in view of its compatibility with surrounding land uses. The consideration of this case was based on its own merits and should not set a precedent leading to proliferation of columbaria on other "I" sites. On the other hand,

Members had reservation on the excessive development scale which could induce crowd control and management problems and affect visitors' safety. It involved issues of building design and availability of planning standards for guiding columbarium development. The recommendation of PlanD for rezoning the site from "I" to "OU(Columbarium)" and that 'Columbarium' use should not be permitted as of right but should be put as a Column 2 use was agreeable. The detailed technical issues could be further examined in the planning application stage. PlanD could be asked to provide further information on the appropriate development restrictions for the "OU(Columbarium)" zone to the Committee for consideration.

38. The Secretary said that as regards the Vice-chairman's suggestion to rezone the site to a sub-zone of "I" and putting 'Columbarium' as a Column 2 use for greater land use flexibility, such a proposal was technically feasible. However, for columbarium development, it would be better to stipulate land use zoning with a clear planning intention. If Members generally accepted that columbarium was a suitable use at the site on land use compatibility consideration but had concerns on the appropriate development parameters (e.g. PR, SC, BH and number of niches) for the proposed columbarium development, the "OU(Columbarium)" zoning would be more appropriate to provide a clearer planning intention to the public than a sub-zone of "I".

39. The Secretary continued to say that if no development restrictions were stipulated for the "OU(Columbarium)" zone, the applicants might submit a development proposal of similarly high intensity in their subsequent planning application for columbarium development. If Members were of the view that such a high intensity columbarium development (i.e. PR 9.5, BH 100mPD and 50,000 niches) was not desirable, PlanD could be requested to study the development options for the site, by making reference to the design and layout of Government columbaria, and recommend the appropriate development restrictions to be imposed on the "OU(Columbarium)" zone.

40. The Chairman said that it might also be worthwhile to study the design aspects of high-rise columbarium buildings, e.g. whether an enclosed or open-sided building envelope was more appropriate. The Secretary supplemented that there were also concerns on whether the built form of a columbarium building should be iconic or subtle.

41. The Secretary said that for this application, ArchSD had assessed the intensity of the proposed development by comparing its ratio of usable floor area (UFA)/niche with those of the Government columbaria. It was found that the ratio of UFA/niche of the proposed columbarium was about 0.079 while those of the completed Government columbaria were 0.15 to 0.24.

42. In response to the Vice-chairman's question, the Secretary said that, if the applicants did not agree to the development restrictions subsequently agreed by the Committee for the "OU(Columbarium)" zone, they could submit representation during the exhibition period of the amended OZP for the Board's consideration.

43. After deliberation, the Committee decided to partially agree to the application by rezoning the application site from "I" to "OU(Columbarium)" with 'Columbarium' as a Column 2 use so that appropriate control could be imposed through the planning application mechanism to address the concerns of the relevant Government departments. The Committee did not agree to the scale of the proposed development as submitted by the applicants and requested PlanD to examine a suitable development option for the site with a view to recommending appropriate development restrictions for the "OU(Columbarium)" zone for the consideration of the Committee. Subject to the Committee's agreement of the development restrictions to be imposed on the "OU(Columbarium)" zone, proposed amendments to the draft Kwai Chung OZP No. S/KC/26 in respect of the "OU(Columbarium)" zone would be submitted to the Committee for approval prior to gazetting under the Town Planning Ordinance.

[The meeting was adjourned for a break of 5 minutes.]

44. As the Vice-chairman had declared an interest in Agenda Item 8 and the Chairman would need to leave the meeting soon, the Chairman suggested and Members agreed to consider Agenda Item 8 first.

[Mr Laurence L.J. Li returned to join the meeting at this point.]

Hong Kong District

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/419 Proposed Residential Institution (Student Hostel) with Minor
Relaxation of Building Height Restriction from 80mPD to 81.53mPD
in “Government, Institution or Community” Zone,
10-22 Mui Fong Street and 15-19 Kwai Heung Street, Sai Ying Pun
(MPC Paper No. A/H3/419)

45. The Secretary reported that the application was submitted by the University of Hong Kong (HKU), and Lanbase Surveyors Ltd., Andrew Lee Kin Fun & Associates Architects Ltd., Environ Hong Kong Ltd. and CKM Asia Ltd were four of the consultants of the applicant. The following Members had declared interests in this item :

Professor P.P. Ho – his spouse owned properties in Sai Ying Pun.
Professor Ho also had current business dealings
with CKM Asia Ltd.

Mr Clarence W.C. Leung – his mother owned a property in Sai Ying Pun

Professor S.C. Wong – being an employee of HKU as well as the
(the Vice-chairman) Director of the Institute of Transport Studies of
HKU and CKM Asia Ltd. had sponsored some
activities of the Institute

- Mr Dominic K.K. Lam – having current business dealings with HKU and Environ Hong Kong Ltd.
- Ms Julia M.K. Lau – having current business dealings with Environ Hong Kong Ltd.
- Mr Patrick H.T. Lau – having current business dealings with Lanbase Surveyors Ltd.
- Mr Frankie W.P. Chou, Home Affairs Department (HAD) – HAD had current business dealings with Andrew Lee Kin Fun & Associates Architects Ltd.

46. Members noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting and Ms Julia Lau had not arrived to join the meeting. The Committee considered that the interests of Professor S.C. Wong and Mr Dominic K.K. Lam were direct and they should leave the meeting temporarily for this item. As Mr Patrick H.T. Lau and Mr Frankie W.P. Chou (HAD) had no direct involvement in this application, the Committee agreed that they could stay in the meeting. As the concerned property would not be affected by the proposed development, Mr Clarence W.C. Leung's interest was considered remote and the Committee agreed that he could also stay in the meeting.

[Professor S.C. Wong and Mr Dominic K.K. Lam left the meeting temporarily at this point.]

[Ms Bonnie J.Y. Chan arrived to join the meeting at this point.]

Presentation and Question Sessions

47. With the aid of a PowerPoint presentation, Ms W.H. Ho, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed residential institution (student hostel) with minor relaxation of building height restriction from 80mPD to 81.53mPD;

[Ms Julia M.K. Lau arrived to join the meeting at this point. As Ms Lau had no direct involvement in this application, the Committee agreed that she could stay in the meeting.]

- (c) departmental comments – departmental comments were set out in paragraph 8 and Appendix II of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, nine public comments were received from a Central & Western District Council member, the Central and Western Development Concern Association, the chairman of the Mutual Aid Committee of Mui Fong Apartments and members of the public. Of the nine public comments received, one indicated no objection, seven raised objection to and one provided comment on the application. The objections were mainly on the grounds of land use incompatibility and adverse traffic, lighting and ventilation and structural safety impacts on the area/adjacent buildings. Some commenters doubted the need for student hostel and objected to the provision of such facility for non-local students. Some commenters considered that the site was not suitable for an off-campus student hostel and should be used for community facilities or a park to meet local needs. The District Officer (Central & Western) received one public comment from a member of the public objecting to the application, which was same as one of the public comments received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as set out in paragraph 10 of the Paper. As regards the public comments objecting to the application on land use compatibility, traffic, lighting and ventilation and structural safety grounds, the proposed student hostel was considered not incompatible with the surrounding developments in terms of land use, the Commissioner for Transport had no in-principle objection to the application, the University

Grants Committee had advised that HKU still needed 1,900 bed spaces to meet the accommodation demand, and any nuisance during the construction stage would be subject to control under the Buildings Ordinance and relevant environmental legislation.

48. In response to a Member's question on whether there were other student hostels located very close or in the midst of residential area, Ms. W.H. Ho said that some student hostels near the Flora Ho Sports Centre on Pok Fu Lam Road were also located close to residential buildings.

Deliberation Session

49. 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 13.12.2017, 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 a public toilet with a minimum Net Operating Floor Area of 55.5m² to the satisfaction of the Director of Food and Environmental Hygiene or of the Town Planning Board;
- (b) the submission of a revised Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board; and

- (e) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.”

50. 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 (SBD) Guidelines and the relevant requirements under the lease, and that the proposed bonus plot ratio and/or gross floor area (GFA) 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, bonus plot ratio and/or GFA 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 Commissioner for Transport that he reserves the right to impose necessary traffic management measures and there is no guarantee of loading/unloading space on public roads in vicinity of the frontage of the subject location;
- (c) to note the comments of District Lands Officer/Hong Kong West & South, Lands Department (LandsD) that the implementation of the subject development entails the grant of Government land. The application for land grant, when received, will be processed by LandsD in accordance with established policy and procedures. However, there is no guarantee that such application must be approved, and if approved, may be subject to such terms and conditions as imposed by LandsD;
- (d) to note the comments of the Director of Food and Environmental Hygiene regarding the design of the public toilet and the requirement of local consultation;

- (e) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKS&W of BD) regarding the requirements laid down under the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 on Building Design to Foster a Quality and Sustainable Built Environment and PNAP APP-152 on Sustainable Building Design. In accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the SBD requirements (including building separation, building setback and greenery coverage) should be included, where possible;
- (f) to note the comments of the Director of Fire Services regarding the requirement for compliance with the Code of Practice for Fire Safety in Building 2011;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L of PlanD) that landscape planting opportunities should be further explored and maximized by including more tree planting at street level, tree/shrub/groundcover planting on flat roofs and vertical greening on building façade, where practical, to enhance the landscape quality of the new building and streetscape; and
- (h) to note other detailed comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department, CTP/UD&L of PlanD and CBS/HKS&W of BD at Appendix II of the Paper.”

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

[Professor S.C. Wong returned to join the meeting at this point.]

Tsuen Wan and West Kowloon District

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

Agenda Item 4

[Open Meeting]

Further Consideration of the Draft Planning Brief for the “Comprehensive Development Area” Site at the North West Kowloon Reclamation Area Site 6
(MPC Paper No.18/13)

51. The Secretary reported that this item involved the use of the “Comprehensive Development Area” (“CDA”) site on the South West Kowloon Outline Zoning Plan for proposed public rental housing (PRH) development by the Housing Department, which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item:

- | | |
|---|--|
| Mr K.K. Ling
(the Chairman)
as the Director of Planning | – being a member of the Strategic Planning Committee and the Building Committee of HKHA |
| Mr Frankie W.P. Chou | – 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 |
| Mr Edwin W.K. Chan | – being an alternate member for the Director of Lands who was a member of HKHA |

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

Mr Dominic K.K. Lam – having current business dealings with HKHA

52. The Committee noted that Mr Dominic K.K. Lam had already left the meeting. The Committee considered that the interests of the Chairman, Mr Frankie W.P. Chou and Mr Edwin W.K. Chan, Ms Julia M.K. Lau were direct and they should leave the meeting temporarily for this item. The Vice-chairman took over the chairmanship of the meeting at this point.

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

[Mr Frankie W.P. Chou, Mr Edwin W.K. Chan and Ms Julia M.K. Lau left the meeting temporarily at this point.]

53. With the aid of a PowerPoint presentation, Mr Philip Y.L. Chum, STP/TWK, presented the background and the results of consultation with the Sham Shui Po District Council (SSPDC) on the draft Planning Brief (PB) as detailed in the Paper :

Background

- (a) on 25.10.2013, the Committee considered the draft PB for the “CDA” site at the North West Kowloon Reclamation Area (NWKR) Site 6 and agreed that the draft PB was suitable for consultation with SSPDC;
- (b) on 5.11.2013, SSPDC was consulted on the draft PB;

SSPDC’s Views on the Draft PB

- (c) SSPDC had no adverse comment on the draft PB. Some SSPDC members expressed concerns on the provision of market stalls, transport and pedestrian facilities, and visual and environmental impacts. Their views were summarised as follows :

Provision of More Market Stalls

- (i) in view of the existing and planned residential developments in the vicinity, the provision of minimum 60 stalls within the market for dry/wet goods in NWKR Site 6 was not adequate to serve the growing population;
- (ii) a wider choice of dry/wet goods should be provided in the proposed market;

Transport and Pedestrian Facilities

- (iii) adequate transport and pedestrian facilities (including footbridge connections) should be provided to meet the growth in demand and enhance connectivity with the surrounding area;
- (iv) proper arrangement for the public transport interchange (PTI) (including temporary arrangement during the construction period) should be worked out;
- (v) when designing the PTI, attention should be given to internal air ventilation and light penetration to avoid adverse impacts on the users;

Visual Impact

- (vi) as noted from the Housing Department (HD)'s revised indicative development scheme (Plan 6 at Appendix I of the Paper), with reduction in the number of residential blocks from 5 to 4, the increase in building height might cause adverse visual impacts to the surrounding area; and

Environmental Impact

- (vii) traffic emission and noise nuisances from the nearby West Kowloon Highway should be assessed and properly mitigated; and

Responses to SSPDC's Views

(d) the responses to the comments raised by SSPDC members were as follows :

Provision of More Market Stalls

- (i) the Planning Department (PlanD) had liaised with HD on the possibility of providing more market stalls. Upon review of the preliminary layout of the proposed development and the concerned retail viability study, HD responded that the minimum number of market stalls could be increased from 60 to 80. Such an increase would not impose undue constraints on the planning and design of the proposed comprehensive development;

Transport and Pedestrian Facilities

- (ii) in order to ensure sufficient provision of transport and pedestrian facilities, the draft PB stipulated that a PTI should be provided at the site and there should be adequate provision of pedestrian facilities (including footbridges) to improve the connectivity and accessibility of the site to/from surrounding developments. A traffic impact assessment (TIA) should be submitted as part of the Master Layout Plan (MLP) submission at the planning application stage. Any road/junction improvements proposed in the TIA should be designed by the project proponent to the satisfaction of the Commissioner for Transport (C for T);
- (iii) regarding the concerns on the adequacy of pedestrian facilities, it should be pointed out that a proposed footbridge connecting the site with the planned Home Ownership Scheme (HOS) development at Fat Tseung Street West zoned "Residential (Group A)11" would be designed, constructed, managed and maintained by HD (Plan 6 at Appendix I of the Paper). Moreover, HD should also provide footbridge connections with the existing footbridge across Lin Cheung Road (with enhancement works to link up the proposed housing site at Lin Cheung Road near the waterfront) and planned

footbridges at Sham Mong Road/Tonkin Street West and Sham Mong Road/Hing Wah Street West. Connection should also be provided to link up the site with the future footbridge from the “CDA” site at NWKR Site 4, if any (Plans 2 and 6 at Appendix I of the Paper);

- (iv) according to HD’s Indicative Development Concept Plan (Plan 6 at Appendix I of the Paper), the proposed PTI would be partially decked over for construction of a residential block on top. In view of the concern on the internal air ventilation within the PTI, it was suggested to indicate in the revised draft PB (Item 16 on Traffic and Transport Aspects) that the PTI should be provided to the satisfaction of C for T and Director of Highways. The design of the PTI should make reference to the Environmental Protection Department (EPD)’s Practice Note for Professional Persons for Control of Air Pollution in Semi-confined PTI;
- (v) in order to minimise any possible inconvenience affecting the public, the draft PB stipulated that modification works of the existing temporary PTI on site would be coordinated among concerned departments/organisations including the Highways Department, Transport Department and Mass Transit Railway Corporation;

Visual Impact

- (vi) with regard to the concern on the visual impact from the proposed development with a maximum building height of 140mPD (as stipulated in the draft PB), the proposed building height was considered compatible with the site’s visual context and could be allowed, having regard to the building height profile of the existing and planned high-rise residential developments (such as Fu Cheong Estate, ‘Four Little Dragons’ and the MTR Nam Cheong Station development) as well as the land requirements for the 22m wide non-building area and 1 hectare of public opens space (Plan 6 at Appendix I of the Paper). In addition, a visual impact assessment

was required to be submitted as part of the MLP submission at the planning application stage to address potential visual impacts; and

Environmental Impact

- (vii) regarding the environmental impacts including traffic emission and noise nuisance from the nearby West Kowloon Highway, the draft PB required the submission of an environmental assessment as part of the MLP submission at the planning application stage. The project proponent was required to address the potential environmental impacts associated with the proposed development, in particular the noise and the air quality impacts from the nearby pollution sources. Proposed mitigation measures should be incorporated as part of the MLP submission and implemented to the satisfaction of EPD.

54. Members had no question on the revised draft PB.

55. After deliberation, the Committee decided to :

- (a) note the views of the Sham Shui Po District Council as summarised in paragraph 3 and detailed at Appendix IV of the Paper; and
- (b) endorse the revised draft Planning Brief at Appendix I of the Paper.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K4/63 Proposed Minor Relaxation of Building Height Restrictions for
Proposed Public Housing Redevelopment
in “Residential (Group A)” Zone, Pak Tin Estate (Part) and
Public Transport Interchange at Pak Wan Street, Shek Kip Mei
(MPC Paper No. A/K4/63)

56. The Secretary reported that the application was submitted by Hong Kong Housing Authority (HKHA), and AECOM Asia Co. Ltd. and Kenneth To & Associates Ltd. were two of the consultants of the applicant. The following Members had declared interests in this item:

- | | |
|---|---|
| Mr K.K. Ling
(the Chairman)
as the Director of Planning | – being a member of the Strategic Planning Committee and the Building Committee of HKHA |
| Mr Frankie W.P. Chou | – 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 |
| Mr Edwin W.K. Chan | – being an alternate member for the Director of Lands who was a member of HKHA |
| Ms Julia M.K. Lau | – being a member of HKHA and the Commercial Properties Committee and the Tender Committee of HKHA. Ms Lau also had current business dealings with AECOM Asia Co. Ltd. |
| Mr Dominic K.K. Lam | – having current business dealings with HKHA, AECOM Asia Co. Ltd. and Kenneth To & Associates Ltd. |
| Mr Patrick H.T. Lau | – having current business dealings with AECOM Asia Co. Ltd. and Kenneth To & Associates Ltd. |
| Professor S.C. Wong
(the Vice-chairman) | – having current business dealings with AECOM Asia Co. Ltd. |

57. The Committee noted that the Chairman had already left and the Vice-chairman would continue to chair the meeting. The Committee also noted that Mr Frankie W.P. Chou, Mr Edwin W.K. Chan, Ms Julia M.K. Lau and Mr Dominic K.K. Lam, who had declared interests, had left the meeting temporarily for the last item already. As Mr Patrick H.T. Lau and Professor S.C. Wong had no direct involvement in this application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

58. With the aid of a PowerPoint presentation, Mr Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height (BH) restrictions for proposed public housing redevelopment;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application. The Director of Electrical and Mechanical Services advised that there were underground town gas transmission pipes running along Pat Tin Street in the vicinity of the proposed redevelopment;
- (d) during the first three weeks of the statutory publication period, two public comments were received from the Hong Kong and China Gas Co. Ltd. (Towngas) and a Sham Shui Po District Council (SSPDC) member. Towngas indicated that since the proposed redevelopment was close to an existing intermediate pressure pipeline, a risk assessment was required to evaluate the potential risk and any necessary mitigation measures and the applicant should consult/liaise with Towngas during the design and construction stages on provision of protective measures. The SSPDC member did not object to the proposed minor relaxation of BH restrictions but expressed grave concerns on the impacts of relocating the existing

market and clearance of Block 12 of Pak Tin Estate and the public transport interchange (PTI) without proper arrangement for timely reprovisioning as it would result in a belated reprovisioning of the market, lack of commercial facilities at upper Pak Tin Estate, increased risk of traffic accidents and serious access inconvenience for the residents for 4 to 5 years;

- (e) the District Officer (Sham Shui Po) advised that at the SSPDC meeting held on 6.11.2012, members requested the Housing Department to apply for relaxation of BH restriction at the site. SSPDC members also agreed that the redevelopment of Pak Tin Estate should be speeded up and the influence to local residents should be minimised. Although the exact extent of relaxation was not discussed at SSPDC, he did not anticipate strong views on the proposals; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as set out in paragraph 11 of the Paper. Regarding the comment from Towngas on the need for a risk assessment and coordination during design and construction stages, the applicant had been requested to consult Towngas on the necessary assessment and precautionary measures. The applicant would also be advised to maintain liaison/coordination with Towngas during the design and construction stages of the development. As regards a SSPDC member's concerns on the impacts of relocation of the existing market and clearance of Block 12 and PTI as well as the need for timely reprovisioning and proper interim arrangement/measures, her views had been conveyed to the applicant and the Transport Department for follow-up action. It was also noted that the SSPDC member had no objection to the proposed minor relaxation of BH restrictions.

59. Members had no question on the application.

Deliberation Session

60. 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 13.12.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission of a revised environment assessment study and the implementation of proposed mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or the Town Planning Board; and
- (b) the *provision* of fire service installations and water supplies for firefighting the satisfaction of the Director of Fire Services or of the Town Planning Board.”

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

- “(a) 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 Buildings 2011 which is administered by the Buildings Authority; and
- (b) to note the comments of the Director of Electrical and Mechanical Services that liaison/coordination with the Hong Kong and Gas Company Limited shall be maintained in respect of the exact location of existing gas pipe routes/gas installations in the vicinity of the proposed development, and the minimum setback distance away from the gas pipelines if any excavation works are required during the design and construction stages of the proposed development, as well as the requirements of the Electrical and Mechanical Services Department’s ‘Code of Practice on ‘Avoiding Danger from Gas Pipe’.”

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

[Mr H.W. Cheung left the meeting while Mr Frankie W.P. Chou and Mr Edwin W.K. Chan returned to join 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.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K20/120 Proposed Public Utility Installation (Aboveground Gas Governor Kiosk) in "Open Space" Zone and Area shown as 'Road', Government Land at Roadside Footpath near Man Wui Street, Kowloon
(MPC Paper No. A/K20/120)

62. The Secretary reported that the application was submitted by the Hong Kong and China Gas Co. Ltd. Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had declared interests in this item as they had current business dealings with the applicant.

63. Members noted that Mr Dominic K.K. Lam had already left the meeting. The Committee considered that the interest of Mr Patrick H.T. Lau was direct and he should leave the meeting temporarily for this item.

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

Presentation and Question Sessions

64. 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 public utility installation (aboveground gas governor kiosk);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yau Tsim Mong); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as set out in paragraph 10 of the Paper.

65. Members had no question on the application.

Deliberation Session

66. 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 13.12.2017, 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 firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.”

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

- “(a) to note the comments of the Chief Highway Engineer/Kowloon, Highways Department that :

- (i) the proposed crash barrier shall be installed in compliance with Highways Standards and with indication on site showing that such installations including the kiosk are the properties of the applicant so as to clearly demarcate the maintenance responsibility from other public street furniture; and
 - (ii) excavation permit should be applied from his Regional Office for any excavation works on public roads;
- (b) to note the comments of the Chief Engineer/Kowloon, Water Supplies Department (WSD) that :
- (i) the applicant should take all necessary measures during the design and/or construction stages to avoid causing damage to the water mains (especially asbestos cement pipes) and waterworks installations so identified for which the applicant will be held responsible;
 - (ii) should diversion/replacement of asbestos cement pipes is found necessary, the applicant should take all necessary measures to comply with all prevailing statutory requirements for the safe handling, removal, transportation and disposal of asbestos cement pipes; and
 - (iii) no structure, cable, pipe or duct shall be constructed or laid over in parallel to, or within 300mm around, the water mains without prior written approval from his department. The applicant should strictly comply with the requirements as given in WSD's publications on "Conditions of Working in the Vicinity of Waterworks Installations" and "Flow Chart on Procedures for Safe Working Near Water Mains"; and
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that there are existing drainage facilities near the site.

Extreme care should be exercised when working in the vicinity of any public drains in order not to disturb, interfere with or cause damage to them. Any damages caused by the works would have to be made good to the satisfaction of his department at the cost of the subject project.”

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/KC/409 Shop and Services and Eating Place in “Industrial” Zone,
No. 22 Yip Shing Street, Kwai Chung
(MPC Paper No. A/KC/409)

68. The Committee noted that the applicant requested on 25.11.3013 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the concerns of the Transport Department on the application. This was the applicant’s first request for deferment.

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

Hong Kong District

Agenda Item 9

Section 12A Application

[Open Meeting]

Y/H9/2

Application for Amendment to the Approved Shau Kei Wan Outline Zoning Plan No. S/H9/16 from “Residential (Group A)” to “Government, Institution or Community”,
Government Land near the Junction of Oi Kan Road and Oi Tak Street
(to the Northwest of Shau Kei Wan Inland Lot No. 848)
(MPC Paper No. Y/H9/2)

70. The Committee noted that the applicant requested on 20.11.2013 and 21.11.2013 for deferment of the consideration of the application for two months in order to allow time for preparation of further information, including technical assessments, to address departmental comments on the application. This was the applicant’s first request for deferment.

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

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

[Ms Julia M.K. Lau, Mr Dominic K.K. Lam and Mr Patrick H.T. Lau returned to join the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H11/104 Proposed Hotel in “Residential (Group A)” Zone,
48 Caine Road, Mid-levels
(MPC Paper No. A/H11/104)

72. The Secretary reported that the following Members had declared interests in this item :

- | | |
|---|--|
| Mr Laurence L.J. Li | – his company owned a property in Mid-levels West |
| Professor S.C. Wong
(the Vice-chairman) &
Professor P.P. Ho | – having current business dealings with AECOM Asia Co. Ltd., one of the consultants of the applicant |
| Ms Julia M.K. Lau &
Mr Dominic K.K. Lam | – having current business dealings with Environ Hong Kong Ltd., another consultant of the applicant |

73. Members noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting. As Professor S.C. Wong, Ms Julia M.K. Lau and Mr Dominic K.K. Lam had no direct involvement in this application, the Committee agreed that they could stay in the meeting. As Mr Laurence Li’s property had no direct view of the application site, the Committee agreed that he could also stay in the meeting.

Presentation and Question Sessions

74. With the aid of a PowerPoint presentation, 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 hotel;

[Mr Maurice W.M. Lee arrived to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the two statutory publication periods of the application and the further information to the application, a total of 138 public comments were received, including 31 comments in support/favour of the application and 107 comments objecting to or not in favour of the application. The objections were mainly on the grounds of land use incompatibility, high development intensity, and adverse traffic, pedestrian safety, environmental and visual impacts. The District Officer (Central & Western) (DO(C&W)) advised that the Central & Western District Council (C&WDC) members had all along been very concerned about new hotel developments in the district given the adverse traffic/visual impact generated, and the Traffic and Transport Committee of C&WDC had discussed the traffic impact of new hotel developments on 20.6.2013. DO(C&W) also noted that 15 C&WDC members had submitted objections against the development and commented that the objections should be taken into consideration by the Board; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 10 of the Paper. Although the proposed hotel development was not incompatible with the surrounding developments in terms of land use and concerned departments had no adverse comment on the application, the site was zoned “Residential (Group A)” (“R(A)”) which was intended primarily for high-density residential developments. There was no particular planning merit demonstrated in the application to justify the proposed hotel development. The proposed setback of 3m to 5m from Caine Road was a requirement of the Transport Department (TD) for any development on the site for road widening

purpose. Greenery coverage could also be provided as part of a residential development. The approval of the application would result in reduction in sites available for residential developments, affect the supply of housing land in meeting the pressing housing demand in the territory, and set an undesirable precedent for similar applications in the area. Since 2013, in view of the current shortage of housing land in meeting the pressing housing demand, planning applications for non-residential uses such as hotel in predominant residential areas would in general not be supported unless with very strong justifications. There were also grave concerns from C&WDC on the potential adverse traffic impacts generated by new hotel developments in the district.

75. In response to a Member's enquiry on the special traffic management measure currently implemented on Caine Road, Mr K.S. Ng said that the section of Caine Road westbound was currently restricted to the use of buses, private light buses and authorised vehicles only during the periods of 7 a.m. to 7 p.m. on Mondays to Fridays and 7 a.m. to 1 p.m. on Saturdays. No other private vehicles were allowed to use the section of Caine Road westbound during the said periods.

76. In response to another Member's enquiry on why the number of units in the proposed hotel development, as claimed by the applicant, would be doubled when compared with a residential development, Mr K.S. Ng said that the difference was mainly due to the higher plot ratio of the proposed hotel development which was 12 whilst that for a residential development at the site would be about 8 or 9. Moreover, the sizes of guestrooms in the proposed hotel varied from about 13.8m² to 34.6m² and were smaller than residential units in general.

77. A Member asked if the proposed building set back from Caine Road in the current proposal could be considered as a planning merit, and whether the reduction in sites for residential developments could be a good rejection reason as the application site might be suitable for hotel development in view of its proximity to the Central-Mid-levels Escalator. In response, Mr K.S. Ng said that the proposed building set back of 3m to 5m from Caine Road could also be required by TD at the building plan submission stage for road widening purpose if a residential development was proposed at the site in accordance with the "R(A)"

zoning. As regards whether the application site was suitable for hotel development, Mr Ng said that no planning application for hotel development had ever been approved by the Board along Caine Road.

Deliberation Session

78. A Member considered that the application site was not suitable for hotel development due to the narrowness of Caine Road and the special traffic management measure.

79. The Vice-chairman said that at previous meetings of the Board, it had been deliberated while the supply of housing land in meeting housing demand would be given due consideration, each planning application for hotel development in residential zone would still be considered on its own merits rather than to reject as a rule on housing supply consideration.

80. 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 agreed that they should be suitably amended to reflect Members' views as expressed at the meeting. The reasons were :

- “(a) the application site is not conducive to hotel development due to the narrowness of Caine Road and the special traffic management measure implemented;
- (b) there is insufficient planning merit to justify the hotel development;
- (c) the application site is located in an area intended for high-density residential development. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction in sites for residential developments and affect the supply of housing land in meeting the pressing housing demand in the territory; and

- (d) the approval of the application would set an undesirable precedent for similar applications in the area and the cumulative effect of which would aggravate the shortfall in the supply of housing land.”

[The Vice-chairman thanked Mr K.S. Ng, STP/HK, for his attendance to answer Members’ enquiries. Mr Ng left the meeting at this point.]

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

[Mr Edwin W.K. Chan left the meeting temporarily at this point.]

Agenda Item 11

[Open Meeting]

Further Consideration of the Proposed Amendments to the Approved The Peak Area
Outline Zoning Plan No. S/H14/11
(MPC Paper No.19/13)

81. With the aid of a PowerPoint presentation, Miss Isabel Y. Yiu, STP/HK, presented the background and the possible alternative use of the site of the former Hilltop Radio Station Staff Quarters at Mount Austin Road after consultation with relevant Government bureaux and departments as detailed in the Paper :

Background

- (a) on 21.12.2012, the Committee considered the proposed amendments to the approved The Peak Area Outline Zoning Plan (OZP) No. S/H14/11 mainly in respect of rezoning the site of the former Hilltop Radio Station Staff Quarters at Mount Austin Road from “Government, Institution or Community” (“G/IC”) to “Residential (Group C)6” (“R(C)6”). At the meeting, the Committee had reservation on using the site for private residential development and made suggestions for alternative uses (such as wedding venue, star-gazing or promotion of environmental protection and

nature conservation) of the site for public enjoyment in view of its unique character and scenic location. The Committee decided to defer the consideration of the proposed amendments and requested the Planning Department (PlanD) to liaise with relevant bureaux and departments to review the future use of the site taking into account Members' suggestions;

- (b) the site, with an area of about 1,250m², was a piece of government land located at levels ranging from 520mPD to 524mPD. It was occupied by the former radio station staff quarters which was currently vacant. Access to the site was via Mount Austin Road;

Views/Comments from Concerned Bureaux and Departments

- (c) relevant bureaux and departments had been consulted on the possible alternative government, institution or community (GIC) uses of the site taking into account Members' suggestions. Their views/comments were summarised as follows :

Proposed Star-gazing Venue

- (i) the Director of Hong Kong Observatory (DHKO) supported the use of the site for star-gazing purpose as the site's relatively high altitude and good exposure make it a nice place for observing astronomical phenomena particularly those occurring near the horizon in the southern and western directions;
- (ii) the Home Affairs Bureau (HAB) and the Director of Leisure and Cultural Services (DLCS) supported the use of the site for star-gazing purpose. Although the site might be affected by the light of Victoria Harbour, the light condition would not affect observation of brighter celestial objects such as the Sun, the Moon and planets, which were the most attractive objects for the general public. The proposal to develop the site for star-gazing use had the policy support of HAB. It was planned to explore the feasibility of

the proposal in detail;

Proposed Wedding Venue

- (iii) the Director of Leisure and Cultural Services (DLCS) considered that the site was not suitable for developing a wedding venue given its inaccessibility by public transport services;

Proposed Use for Promotion of Environmental Protection and Nature Conservation

- (iv) the Director of Environmental Protection and the Director of Agriculture, Fisheries and Conservation expressed no intention to use the site for promotion of environmental protection and nature conservation;

Other Technical Considerations

- (v) the Commissioner for Transport (C for T) commented that any future redevelopment of the site would require two passing places along Mount Austin Road to facilitate vehicular access to the site.
- (vi) the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) commented that as the site was on a platform above Mount Austin Road and the existing building had different floor levels, proper barrier free access provisions, such as disabled lift, might be required;
- (vii) the Director-General of Civil Aviation (DG of CA) commented that any alteration and/or modification to or redevelopment of the existing building should not result in a total development in excess of the gross floor area, number of storeys and height of the existing building; and

- (viii) other departments had no major comments on or no objection to the site to be reserved for the proposed GIC uses;

PlanD's Views

- (d) having consulted the relevant bureaux and departments on the possible alternative GIC uses other than private residential use, only the star-gazing activities, among the few uses mentioned by Members, were considered feasible and suitable at the site;
- (e) as the proposed star-gazing use was regarded as 'Field Study/Education/ Visitor Centre' which was always permitted under the current "G/IC" zone, rezoning of the site was not necessary; and
- (f) DLCS would take forward the implementation of the star-gazing proposal in consultation with concerned departments.

82. In response to a Member's question, Miss Isabel Y. Yiu said that C of T had advised that two passing places would need to be constructed at Mount Austin Road near the site to facilitate vehicular access to the site and such a requirement would be conveyed to DLCS for their implementation of the star-gazing project. The provision of the two passing places would be implemented at the detailed design stage and did not necessitate any amendment to the OZP.

83. After deliberation, the Committee noted the proposed alternative use (i.e. star-gazing use) of the site of the former Hilltop Radio Station Staff Quarters at Mount Austin Road as mentioned in paragraphs 3 and 4 of the Paper and that the "G/IC" zoning of the site on the approved The Peak Area OZP No. S/H14/11 would be retained.

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

[Mr Laurence L.J. Li left the meeting at this point.]

86. The Secretary reported that the following Members had declared interests in this item :

- Ms Julia M.K. Lau – owned properties in Wai Chai. Ms Lau also had current business dealings with Environ Hong Kong Ltd., one of the consultants of the applicant
- Mr Clarence W.C. Leung – co-owned a property with his spouse in Wai Chai
- Mr Stephen H.B. Yau – his office was at Southorn Centre, Wan Chai
- Professor S.C. Wong (the Vice-chairman) – being the Director of the Institute of Transport Studies of the University of Hong Kong and Ove Arup & Partners Hong Kong Ltd., one of the consultants of the applicant, had sponsored some activities of the Institute; also having current business dealings with AECOM Asia Co. Ltd., another consultant of the applicant
- Professor P.P. Ho – having current business dealings with AECOM Asia Co. Ltd.
- Mr Dominic K.K. Lam – having current business dealings with Ove Arup & Partners Hong Kong Ltd. and Environ Hong Kong Ltd.
- Mr Patrick H.T. Lau – having current business dealings with Ove Arup & Partners Hong Kong Ltd.

87. Members noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting. As this item was for deferment of consideration of the application, the Committee agreed that the other Members who had declared interests could stay in the

meeting.

88. The Committee noted that the applicant requested on 4.12.2013 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the outstanding comments from the Transport Department on the application. This was the applicant's third request for deferment. Following the approval of the second deferment, the applicant submitted further information on 23.10.2013 to address the departmental comments.

89. 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 more months were allowed for preparation of the submission of the further information, and since a total period of six months had been allowed, this was the last deferment and no further deferment would be granted.

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

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/398 Proposed Shop and Services in "Residential (Group A)" Zone,
2/F (4th Floor), Nos. 130-136, 138, 140-142 Johnston Road, Wan Chai
(MPC Paper No. A/H5/398)

90. The Secretary reported that the following Members had declared interests in this item :

- Ms Julia M.K. Lau – owned properties in Wai Chai
- Mr Clarence W.C. Leung – co-owned a property with his spouse in Wai Chai
- Mr Stephen H.B. Yau – his office was at Southorn Centre, Wan Chai
- Mr Dominic K.K. Lam & Mr Patrick H.T. Lau – having current business dealings with Kenneth To & Associates Ltd., one of the consultants of the applicant

91. Members noted that Mr Clarence W.C. Leung had already left the meeting. The Committee considered that the interest of Mr Stephen H.B. Yau was direct and he should leave the meeting temporarily for this item. As Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had no direct involvement in this application, the Committee agreed that they could stay in the meeting. As Ms Julia M.K. Lau's properties would not be affected by the proposed development, the Committee agreed that she could also stay in the meeting.

[Mr Stephen H.B. Yau left the meeting while Mr Edwin W.K. Chan returned to join the meeting at this point.]

Presentation and Question Sessions

92. With the aid of a PowerPoint presentation, Miss Josephine Y.M. Lo, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – a set of general buildings plans (GBPs) was approved by the Building Authority on 27.2.2013 for the composite commercial/residential building under construction at the site. According to the GBPs, the non-domestic podium of the composite building comprised 3 storeys, i.e. G/F, 1/F and 2/F. There was a floor (UG/F) between G/F and 1/F serving as a landing area between two sets of escalators and accommodating some electrical and mechanical (E&M) uses which were exempted from the calculation of gross floor area (GFA) and

the determination of number of storeys, as confirmed by the Building Authority in processing the GBPs;

- (b) the proposed shop and services – the applicant proposed in the current application to extend the floor slab of the eastern part of the UG/F (for which the construction works were yet to be commenced) to about 111.37m² for accommodating additional ‘Shop and Services’ use. As the additional use was accountable for calculation of non-domestic GFA and number of storeys, the total number of storeys for non-domestic use within the podium would increase from 3 floors to 4 floors. Planning permission from the Board for ‘Shop and Services’ use on the fourth floor of the building (i.e. the application premises on 2/F) as shown in the approved GBPs was thus required;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Wan Chai); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as set out in paragraph 10 of the Paper. The proposed ‘Shop and Services’ use on the fourth floor within the non-domestic podium of the composite development at the site was considered compatible with its surrounding land uses. It was still located within the lowest 15m-high podium of the composite development which was generally in line with the planning intention of the “Residential (Group A)” (“R(A)”) zone. The net increase of non-domestic GFA of about 111.37m² would not have a significant effect on the proportion between domestic and non-domestic uses within the composite development.

93. A Member asked why the application was submitted for approval of the fourth floor (i.e. 2/F) but not the second floor (i.e. UG/F) as the increase in GFA for shop and services use was on the second floor. In reply, Miss Josephine Y.M. Lo said that as the Notes of the Outline Zoning Plan (OZP) for the “R(A)” zone stipulated that ‘Shop and Services’ use was already permitted on the lowest three floors of a building, the fourth floor (i.e. 2/F) would become the floor immediately above the the lowest three floors when the second floor (i.e. UG/F) was counted as a storey due to the presence of shop and services use there. Under such circumstance, the application premises would be 2/F, i.e. the floor immediately above the the lowest three floors.

94. In response to the same Member’s question on why the UG/F had not been counted as a storey previously, Miss Josephine Lo explained that the UG/F was proposed to serve as a landing area between two sets of escalators and for accommodating some E&M uses which was not counted as a storey by the Buildings Department in the GBPs approved by the Building Authority on 27.2.2013. As such, the lowest three floors at that time were G/F, 1/F and 2/F, and shop and services use on these floors did not require planning permission.

Deliberation Session

95. In response to a Member’s question, Miss Josephine Lo said that a set of GBPs proposing bank office use on the UG/F was rejected by the Building Authority in November 2012 as PlanD noted that there were four storeys of shop and services use (i.e. shop/bank use on G/F, bank office use on UG/F and bank use on 1/F and 2/F) on that building proposal but no planning permission had been obtained for shop and services use on the fourth floor (i.e. 2/F). PlanD recommended rejection of the GBPs due to contravention of the OZP. Subsequently, the GBPs was amended by removing the proposed bank office use from the UG/F and retaining only the landing area and E&M uses. The set of amended GBPs was then approved by the Building Authority in February 2013. The current planning application was intended to restore the original building proposal.

96. A Member asked that if the planning application for shop and services use on the fourth floor had been made before November 2012, whether the application would be acceptable. Another Member considered that if the planning application for shop and

services use on the fourth floor had been submitted in 2012, it could have been favourably considered as well given that the area of shop and services use on the UG/F was relatively small.

97. The Secretary said that Members might consider this application from the viewpoint of whether a proposed composite commercial/residential building with the lowest four floors for commercial use at the subject location of Johnston Road was compatible with its surrounding land use character. She said that in the main urban areas of Hong Kong, the presence of four storeys of shop and services use was not uncommon. In response to a Member's question, the Secretary said that the approval of the application would not set a precedent as there had been similar cases approved in the urban areas before.

98. A Member raised concern on the possible impact of the proposed development on the pedestrian environment of Johnston Road as the pavement on that section of Johnston Road was rather narrow and people sometimes needed to walk on the carriageway due to the congestion of the pavement. This Member did not support the application.

99. In response to a Member's question, Miss Josephine Lo said that the net increase of non-domestic GFA as a result of the application was about 111.37m², and this would not affect the domestic GFA of the building since there was still residual non-domestic GFA based on the approved GBPs.

100. The Vice-chairman noted that while a Member did not support the application, other Members had no objection to the application.

101. 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 13.12.2017, 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 installation and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.”

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

- “(a) to note the comments of the District Lands Officer/Hong Kong East, Lands Department that lease modification/licence should be applied for if the proposed uses do not comply with the offensive trades clause under the lease. There is no guarantee that the lease would be approved, and if approved, be subject to such terms and conditions as imposed by Director of Lands;

- (b) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department in paragraph 8.1.2 of the Paper regarding the proposed GFA of the development and the requirements for means of escape; and

- (c) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.”

[The Vice-chairman thanked Miss Josephine Y.M. Lo, STP/HK, for her attendance to answer Members' enquiries. Miss Lo left the meeting at this point.]

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

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/417 Proposed Hotel (Partial Conversion of an Existing Commercial Building) in “Residential (Group A)7” Zone,
7/F to 24/F, 160 Des Voeux Road West and 25 Sai Woo Lane,
Sai Ying Pun
(MPC Paper No. A/H3/417)

103. The Secretary reported that the following Members had declared interests in this item :

Professor P.P. Ho – his spouse owned properties in Sai Ying Pun

Mr Clarence W.C. Leung – his mother owned a property in Sai Ying Pun

Mr Dominic K.K. Lam & – having current business dealings with LLA
Mr Patrick H.T. Lau Consultancy Ltd., one of the consultants of the applicant

104. Members noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting and Mr Clarence W.C. Leung and Mr Patrick H.T. Lau had already left the meeting. As Mr Dominic K.K. Lam had no direct involvement in this application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

105. With the aid of a PowerPoint presentation, Ms W.H. Ho, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

(a) background to the application;

(b) the proposed hotel (partial conversion of an existing commercial building);

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period of the application, one objection from a member of the public was received; and during the first three weeks of the statutory publication period of the further information to the application, two objections from a Central & Western District Council (C&WDC) member and Designing Hong Kong Limited were received. The commenters objected to the application mainly on the grounds that the proposed hotel was incompatible with the “Residential (Group A)7” zoning and would worsen the shortfall of housing in downtown area; the proposed hotel would create adverse traffic impact to the area; there was no planning or design merit to justify the proposed development; and the approval of the application would be in conflict with the mandate of the Board to ensure the health and well-being of the community, and set an undesirable precedent for similar applications. The District Officer (Central & Western) advised that members of the Central & Western District Council (C&WDC) had all along been very concerned about new hotel developments in the district given the adverse traffic/visual impact generated, and the Traffic and Transport Committee of C&WDC had discussed the traffic impact of new hotel developments on 20.6.2013; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as set out in paragraph 10 of the Paper. Regarding the public concerns on land use compatibility, implication on housing land and traffic impact grounds, the proposed hotel was considered not incompatible with the surrounding developments in terms of land use, the proposed conversion of an existing commercial building for hotel use would not result in a change of the physical bulk and building height of the building, and relevant departments including the Commissioner of Transport had no adverse comment on the application.

106. Members had no question on the application.

Deliberation Session

107. 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 13.12.2017, 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 proposed hotel development is subject to a maximum gross floor area (GFA) of 4,453.007m². Any floor space that is constructed or intended for use as back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations shall be included in GFA calculation;
- (b) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (e) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.”

108. 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 bonus plot ratio and/or gross floor area (GFA) 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, bonus plot ratio and/or GFA 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 TPB may be required;

- (b) to note the comments of the Commissioner for Transport that his office reserves the right to impose the necessary traffic management measures and there is no guarantee of loading/unloading space on public roads in vicinity of the frontage of the subject location;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that landscape planting should be proposed on podiums or roofs in order to provide more greenery and improvement of the local landscape quality;
- (d) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department regarding the licensing requirements for hotel use; and
- (e) to note the comments of the Director of Fire Services regarding the requirement for compliance of the Code of Practice for Fire Safety in Building 2011.”

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/418 Proposed Hotel in “Residential (Group A)7” Zone,
291-295 Queen's Road West, Sai Ying Pun
(MPC Paper No. A/H3/418)

109. The Secretary reported that the following Members had declared interests in this item :

Professor P.P. Ho – his spouse owned properties in Sai Ying Pun

Mr Clarence W.C. Leung – his mother owned a property in Sai Ying Pun

110. Members noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting and Mr Clarence W.C. Leung had already left the meeting.

Presentation and Question Sessions

111. With the aid of a PowerPoint presentation, Ms W. H. Ho, STP/HK, 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. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, nine public comments were received from a Central & Western District Council (C&WDC) member, the Central and Western Development Concern Association, the Incorporated Owners of Fung King Court and members of the public. Of the nine public comments received, one indicated no objection and eight raised objection to the application mainly on the grounds of land use incompatibility, reduction in housing land supply, and adverse traffic, environmental and visual impacts. The District Officer (Central & Western) (DO(C&W)) had received one public comment from a member of the public objecting to the application, which was same as one of the public comments received during the statutory publication period.

DO(C&W) also advised that C&WDC had all along been very concerned about the potential adverse traffic impacts imposed on the district due to new hotel developments, and the Traffic and Transport Committee of C&WDC had discussed the traffic impact of new hotel developments on 20.6.2013; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 10 of the Paper. Although the proposed hotel development was not incompatible with the surrounding developments in terms of land use and concerned departments had no adverse comment on the application, the site was zoned “R(A)7” which was intended primarily for high-density residential developments. There was also no particular planning merit demonstrated in the application to justify the proposed hotel development. The proposed setback area on G/F (involving 8% of the site area) was for compliance with the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers on ‘Site Coverage and Open Space Provision’ (PNAP APP-132) to allow for greater flexibility in the design of buildings and was a particular planning merit. The approval of the application would result in reduction in sites available for residential developments, affect the supply of housing land in meeting the pressing housing demand over the territory, and set an undesirable precedent for similar applications in the area. Since 2013, in view of the current shortage of housing land in meeting the pressing housing demand, planning applications for non-residential uses such as hotel in predominant residential areas would in general not be supported unless with very strong justifications. There were also grave concerns from C&WDC on the potential adverse traffic impacts generated by new hotel developments in the district.

112. Members had no question on the application.

Deliberation Session

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

- “(a) the application site is located in an area intended for high-density residential development. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction in sites for residential developments and affect the supply of housing land in meeting the pressing housing demand over the territory;
- (b) the approval of the application would set an undesirable precedent for similar applications in the area and the cumulative effect of which would aggravate the shortfall in the supply of housing land; and
- (c) there is no planning merit to justify the hotel development.”

[The Vice-chairman thanked Ms W.H. Ho, STP/HK, for her attendance to answer Members’ enquiries. Ms Ho left the meeting at this point.]

[The meeting was adjourned for a break of 5 minutes.]

[Mr Maurice W.M. Lee left the meeting at this point.]

Kowloon District

Agenda Item 17

Section 12A Application

[Open Meeting]

Y/K15/3

Application for Amendment to the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/20 from “Open Space” to “Other Specified Uses” annotated “Public Open Space and Hotel”, Lot Nos. 859 S.A, 859 RP and 860 in Survey District No. 3 and Adjoining Government Land, Wing Fook Street, Cha Kwo Ling (MPC Paper No. Y/K15/3)

114. The Secretary reported that the following Members had declared interests in this item :

- | | |
|--|---|
| Professor S.C. Wong
(the Vice-chairman) | – being the Director of the Institute of Transport Studies of the University of Hong Kong and Ove Arup & Partners Hong Kong Ltd., one of the consultants of the applicant, had sponsored some activities of the Institute |
| Ms Julia M.K. Lau | – having current business dealings with Environ Hong Kong Ltd., one of the consultants of the applicant |
| Mr Dominic K.K. Lam | – having current business dealings with Ove Arup & Partners Hong Kong Ltd., Environ Hong Kong Ltd. and LLA Consultancy Ltd., three of the consultants of the applicant |

Mr Patrick H.T. Lau – having current business dealings with Ove Arup & Partners Hong Kong Ltd. and LLA Consultancy Ltd.

115. Members noted that Mr Patrick H.T. Lau had already left the meeting. As this item was for deferment of consideration of the application, the Committee agreed that Professor S.C. Wong, Ms Julia M.K. Lau and Mr Dominic K.K. Lam could stay in the meeting.

116. The Committee noted that the applicant requested on 27.11.3013 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments on the application. This was the applicant's first request for deferment.

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

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

[Ms Julia M.K. Lau left the meeting temporarily at this point.]

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/691 Shop and Services
 in “Other Specified Uses” annotated “Business” Zone,
 Factory Unit B3 on G/F, Good Year Industrial Building,
 119-121 How Ming Street, Kwun Tong
 (MPC Paper No. A/K14/691)

118. The Secretary reported that Ms Julia M.K. Lau had declared an interest in this item as she was the Executive Director and shareholder of Traces Ltd., the consultant of the applicant. The Committee noted that Ms Julia Lau had already left the meeting temporarily.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period of the application, two public comments were received. The Chairman of Kwun Tong Central Area Committee supported the application. Another commenter indicated that he would only support the application provided that the proposed shop and services use, depending on business nature, would not cause traffic impact; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as set out in paragraph 11 of the Paper. Regarding the public commenter's concern on business nature and traffic impact, the applicant specified in the submission that the proposed conversion was for 'Shop and Services' use and the Commissioner for Transport had no adverse comment on the application.

120. In response to a Member's question, Ms Karen F.Y. Wong said that the applicant would need to apply to the Lands Department for a temporary waiver to permit shop and services use at the application premises if this application was approved.

Deliberation Session

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

- “(a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations and equipment in the application premises, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 13.6.2014; and
- (b) if the above planning condition is not complied with by the specific date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or temporary waiver or amendment of temporary waiver for the 'Shop and Services' use at the application premises;

- (b) to note the comments of Director of Fire Services that the Code of Practice for Fire Safety in Buildings administrated by the Buildings Department, should be complied with and the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises should be observed; and
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that an Authorised Person should be engaged to ensure that any building works/alterations and additions works/change of use are in compliance with the Buildings Ordinance (BO), including (i) the provision of adequate means of escape; (ii) the application premises should be separated from the remaining portion of the building by fire barriers; and (iii) the provision of access and facilities for persons with a disability. For unauthorised building works (UBW) erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any UBW on the application site under BO. Detailed comments under BO can only be formulated at the building plan submission stage.”

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

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

Agenda Item 19

Section 16 Application

[Open Meeting]

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

123. The Secretary reported that Mr Patrick H.T. Lau had declared an interest in this item as he had current business dealings with Lanbase Surveyors Ltd., one of the consultants of the applicant. Members noted that Mr Patrick H.T. Lau had already left the meeting.

124. The Committee noted that the applicant requested on 10.12.2013 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments on the application. This was the applicant's second request for deferment. Since the last deferment, the applicant had made effort to address the concern of the Commissioner of Police and submitted further information on 15.10.2013.

125. 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 more months were allowed for preparation of the submission of the further information, and since a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 20

Section 16 Application

[Open Meeting]

A/K10/248 Proposed Hotel in "Residential (Group A)2" Zone,
1C & 3 Nam Kok Road, Kowloon City
(MPC Paper No. A/K10/248)

126. The Committee noted that the applicant requested on 4.12.2013 for deferment of the consideration of the application for two months in order to allow time for preparation of further information including traffic impact assessment report, to address departmental comments on the application. This was the applicant's first request for deferment.

127. 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.

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/249 Proposed Hotel in “Residential (Group A)2” Zone,
380 Prince Edward Road West, Kowloon
(MPC Paper No. A/K10/249)

128. The Secretary reported that the following Members had declared interests in this item :

Mr Patrick H.T. Lau – having current business dealings with Lanbase Surveyors Ltd., one of the consultants of the applicant

Mr Dominic K.K. Lam – having current business dealings with Ho Wang SPB Ltd., another consultant of the applicant

129. Members noted that Mr Patrick H.T. Lau had already left the meeting. As Mr Dominic K.K. Lam had no direct involvement in this application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

130. With the aid of a PowerPoint presentation, 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 proposed hotel;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period of the application, 20 public comments objecting to the application were received from 6 Kowloon City District Council (KCDC) members and 14 members of the public. The letter submitted a KCDC member included the signatures of 346 local residents. The commenters objected to the application mainly on the grounds that the site was too small and its location was not convenient for hotel development; the proposed layout of the development was undesirable; the proposed hotel development would worsen the traffic condition and aggravate the burden on the local road network; it would cause adverse impact on the environment; and the increase in tourists from the new hotel might attract the development of pubs and karaoke bars in the area and affect the local residents;
- (e) the District Officer (Kowloon City) advised that both the local residents and the concerned KCDC members were all along concerned about the traffic congestion problem in Kowloon City, and they worried that tour coaches might worsen the traffic congestion there. The KCDC members, the Lung Tong Area Committee and the owners committees, mutual aid committees, management committees and residents of buildings near the application site were consulted on the application. The Committee should take into account all the views/comments gathered in the consultation; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as set out in paragraph 10 of the Paper. Regarding the public concern on adverse traffic impact, both the Commissioner for Transport and the Commissioner of Police had no adverse comment on the application from the transport and road traffic points of view. Regarding the concern that the proposed layout was not desirable, given the relatively small scale of the development, it would not impose significant visual impact on the surrounding environment and the Chief Town Planner/Urban Design and Landscape of Planning Department had no adverse comment in this regard.

131. Members had no question on the application.

Deliberation Session

132. 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 13.12.2017, 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 Fire Services or of the Town Planning Board;
- (b) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (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 Town Planning Board; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.”

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

- “(a) to note the comments of the District Lands Officer/Kowloon West, Lands Department (LandsD) that the owner of the lot shall apply for a lease modification for the proposed hotel development. Should the application for lease modification be approved by LandsD, it will be subject to the terms and conditions including, amongst others, charging of premium and fee, as imposed by LandsD. Regarding the “Net Site Area” (i.e. the lot excluding the rear lane portion) as proposed, the final area of the rear lane portion shall be subject to survey;
- (b) the approval of the application does not imply that the proposed hotel concession/gross floor area (GFA) exemption for back-of-house (BOH) facilities will be granted by the Building Authority. The applicant should approach the Buildings Department (BD) direct to obtain the necessary approvals. In addition, if the proposed hotel concession/GFA exemption for BOH facilities is not granted by the Building Authority, resulting in a non-domestic plot ratio (PR) exceeding 9.0 or major changes to the current scheme, a fresh planning application to TPB may be required;
- (c) 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 GFA concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach BD and LandsD direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and the Land Authority and major changes to the current scheme are required, a fresh planning application to TPB may be required;
- (d) to note the comments of the Chief Building Surveyor/Kowloon, BD that :
 - (i) the resultant site coverage (SC) and PR should not exceed the permissible limits under Building (Planning) Regulations (B(P)Rs) 20 and 21. The application for hotel concession including the

proposed treatment of the hotel building as a non-domestic building for SC and PR purposes and exemption of BOH facilities from GFA calculation under B(P)R 23A will be considered upon formal submission of building plans subject to compliance with the criteria under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-40 on Hotel Development;

- (ii) PNAP APP-151 on Building Design to Foster a Quality and Sustainable Built Environment and PNAP APP-152 on Sustainable Building Design Guidelines are applicable to the proposed development on the subject site;
- (iii) every domestic building shall have within the site an open space at the rear, or partly at the rear and partly at the side, in accordance with B(P)R 25(1)(a). Application for exempting bona fide hotel development from the provision of open space may be considered upon formal submission of building plans;
- (iv) every domestic building shall be provided with a service lane at the rear or side of such building in accordance with B(P)R 28. No account shall be taken of any part of any service lane in determining the site area for calculation of SC and PR, in accordance with B(P)R 23(2)(a);
- (v) provision of natural lighting and ventilation to rooms used for habitation should comply with B(P)Rs 30, 31 and 32;
- (vi) adequate means of escape should be provided in accordance with B(P)R 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
- (vii) adequate fire resisting construction should be provided in accordance with Building (Construction) Regulation 90 and the FS

Code;

- (viii) emergency vehicular access and adequate means of access for fireman should be provided in accordance with B(P)R 41D and the FS Code;
 - (ix) access and facilities for persons with a disability should be provided in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008;
 - (x) as the proposed use is subject to the issue of a licence, the building on the application site intended to be used for such purpose is required to comply with the building safety and other relevant requirements as may be imposed by the relevant licensing authority; and
 - (xi) detailed comments under the Buildings Ordinance will be provided at the building plan submission stage;
- (e) to note the comments of Director of Fire Services regarding the requirement for compliance with the FS Code;
 - (f) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should provide greening at 1/F and landscape planting with sufficient soil depth and volume at the G/F entrance and top roof to improve the landscape and visual amenity of the proposed hotel development; and
 - (g) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department regarding the licensing requirements for hotel use.”

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

Agenda Item 22

Section 16 Application

[Open Meeting]

A/K18/304 Proposed Temporary School (Kindergarten) for a Period of 3 Years
in “Residential (Group C) 1” Zone, 2 Essex Crescent, Kowloon Tong
(MPC Paper No. A/K18/304A)

134. The Secretary reported that the following Members had declared interests in this item :

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

Mr Patrick H.T. Lau – having current business dealings with Lanbase Surveyors Ltd., one of the consultants of the applicant

135. Members noted that Mr Patrick H.T. Lau had already left the meeting. As this item was for deferment of consideration of the application, the Committee agreed that Ms Julia M.K. Lau could stay in the meeting.

136. The Committee noted that the applicant requested on 6.12.2013 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Commissioner of Police (C of P) on the application. This was the applicant’s second request for deferment. Since the first deferment, the applicant had submitted further information including bi-monthly monitoring report on implementation of traffic mitigation measures for the previous temporary kindergarten and provided response to C of P’s comments with revised school hours and junction operational performance analysis.

137. 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 more months were

allowed for preparation of the submission of the further information, and since a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

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

[Mr Ken Y.K. Wong left the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/305 Proposed Temporary School (Kindergarten and Nursery) for a Period
of 3 Years in “Residential (Group C) 1” Zone,
22 Kent Road, Kowloon Tong
(MPC Paper No. A/K18/305A)

138. The Secretary reported that the following Members had declared interests in this item :

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

Professor S.C. Wong – being the Director of the Institute of Transport
(the Vice-chairman) Studies of the University of Hong Kong and
CKM Asia Ltd., one of the consultants of the
applicant, had sponsored some activities of the
Institute

Professor P.P. Ho – having current business dealings with CKM
Asia Ltd.

139. Members noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting. The Committee considered that the interest of Ms Julia M.K. Lau was

direct and she should leave the meeting temporarily for this item. As Professor S.C. Wong had no direct involvement in this application, the Committee agreed that he could stay in the meeting.

[Ms Julia M.K. Lau left the meeting temporarily at this point.]

[Ms Bonnie J.Y. Chan left the meeting at this point.]

Presentation and Question Sessions

140. With the aid of a PowerPoint presentation, Ms S.H. Lam, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary school (kindergarten and nursery) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper and were highlighted below :
 - (i) the Commissioner for Transport (C for T) considered that the indicators of ‘reserve capacities of the road junctions’ and ‘volume/capacity ratios of the roads’ reported in the traffic impact assessment (TIA) were theoretical ones and had not accounted for the effect of kerbside pick-up/set-down activities in the vicinity which were very rampant at both the start and end of school hours, and were creating significant loss on the road capacity in the real situation. The kerbside activities at Kent Road were particularly rampant comparing to other streets in the area. The traffic impact generated by the school development would depend largely on the effectiveness of the applicant’s proposed traffic mitigation policies including ‘staggered school hours’, ‘school bus only’ and ‘on-campus pick-up/set-down only’ and the series of control measures proposed

to achieve the policies, but there was reservation on the effectiveness of the proposed policies and measures. A sensitivity test should be carried out to assess the traffic impact under various levels of non-compliance to test whether the traffic condition is still acceptable; and

- (ii) the Commissioner of Police (C of P) objected to the application in view of the poor traffic condition of the schools-filled Kowloon Tong area during school peak hours. The traffic condition of Kent Road and the nearby vicinity was congested during school peak hours due to pick-up/drop-off activities by school buses and private cars, and additional influx of pick-up/drop-off activities at Kent Road would bring the congestion to an intolerable level. Besides, the effectiveness of the 'school bus only' policy remained to be a concern, as there might be non-compliance due to various reasons. C of P had no authority to deal with the situation if the school did not execute the measures as proposed. It was always at the liberty of students on choosing the mode of transportation, and the staggering of school hours might not fully cope with the foreseeable traffic impact at Kent Road. Moreover, the proposed school hours started at 9:30 a.m., implying that students are likely to arrive at school between 9:00 a.m. and 9:30 a.m., which the traffic in the vicinity was still busy. The traffic problem in the vicinity also arose during off school hour;

- (d) during the first three weeks of the statutory publication period, a total of 256 public comments were received including 2 supporting and 254 objections. The 2 supporting comments were not relevant to the subject application as they had mistaken the subject application was for another kindergarten at 9 Kent Road. The other 254 comments from the nearby residents, schools/kindergartens in the vicinity and their students' parents and members of the public objected to or had adverse comments on the application mainly for reason that an extra school or kindergarten was unnecessary as there were already a number of kindergartens in the locality;

the proposed kindergarten would further aggravate the existing traffic congestion in the area, particularly for Kent Road which was a very busy road with lots of kerbside loading/unloading activities and was near the traffic interchange; the opening of a new school for 500 students would bring the congestion to an intolerable level affecting safety and public interest; the traffic studies and projections did not accurately reflect the reality of the situation in the area and the traffic issues brought by the proposed school could not be satisfactorily mitigated; and the increased traffic would generate air and noise pollution and harm the health of students and residents in the vicinity. The District Officer (Kowloon City) commented that both the local residents and the concerned Kowloon City District Council members had all along been concerned about the traffic congestion problem in Kowloon Tong and their views/comments gathered in the consultation should be considered; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. Although the proposed kindergarten was considered not incompatible with the surrounding land uses comprising schools, religious institutions, elderly homes and government, institution or community (GIC) uses, the cumulative effect of converting or redeveloping residential land for non-residential uses might adversely affect housing land supply. Having considered the TIA submitted by the applicant and the present traffic conditions of the area, in particular the congested condition of Kent Road, C for T had reservation and C of P objected to the application on traffic ground, and the application was considered not complied with the Town Planning Board Guidelines No. 23A for “Application for Kindergarten/Child Care Centre in Kowloon Tong Garden Estate under Section 16 of the Town Planning Ordinance” (TPB PG-No. 23A). Although there was one application (No. A/K18/288) for kindergarten use approved by the Committee on 4.11.2011 on a temporary basis for 18 months after the promulgation of the TPB PG-No. 23A in March 2011, that application was approved on its unique circumstances and Members were of the view that the application should not be taken as a precedent for other

kindergartens in the Kowloon Tong area. The other three applications (No. A/K18/294, 300 and 303) for kindergarten use since the promulgation of the TPB PG-No. 23A were rejected by the Committee on the grounds of adverse traffic impact and setting of undesirable precedent. Similarly, two other applications (No. A/K18/295 and 301) for primary school at Kent Road were also rejected by the Committee on the grounds of adverse traffic impact and setting of undesirable precedent.

141. Members had no question on the application.

Deliberation Session

142. After deliberation, the Committee decided to reject 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 proposed development at the junction of Kent Road and Cornwall Street and near Kowloon Tong MTR Station with busy traffic cannot comply with the TPB PG-No. 23A in that possible adverse traffic impacts on local roads are anticipated and no effective traffic mitigation measures are proposed to mitigate the impacts; and
- (b) the traffic congestion problem in the area is already serious. The approval of the application will set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications will aggravate the traffic congestion of the Kowloon Tong area.”

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

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/260 Proposed Hotel with Eating Place/Shop and Services
and Public Transport Interchange
in “Comprehensive Development Area (1)” Zone,
Kowloon Inland Lot No. 11205, Junction of Hung Luen Road,
Hung Hom
(MPC Paper No. A/K9/260)

143. The Secretary reported that the following Members had declared interests in this item :

Professor P.P. Ho – his spouse owned a property in Hung Hom

Mr Dominic K.K. Lam – having current business dealings with Townland Consultants Ltd., Parsons Brinckerhoff (Asia) Ltd., Adrian L. Norman Ltd. and MVA Hong Kong Ltd., four of the consultants of the applicant

Ms Julia M.K. Lau & – having current business dealings with MVA
Mr Patrick H.T. Lau Hong Kong Ltd.

144. Members noted that Professor P.P. Ho had tendered apologies for being unable to attend the meeting and Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had already left the meeting. As Ms Julia M.K. Lau had no direct involvement in this application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

145. With the aid of a PowerPoint presentation, Ms S.H. Lam, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – the current application was an amendment to the approved Master Layout Plan (MLP) under Application No. A/K9/256 approved with conditions by the Committee on 19.7.2013 (the approved scheme). Under the approved scheme, approval condition (c) stipulated that the proposed development was subject to the maximum building heights as proposed in the building height profile in the MLP. The applicant currently proposed to revise the building height profile by increasing the height of various podium decks, amongst others, which required a fresh application to the Board;

- (b) the proposed hotel with eating place/shop and services and public transport interchange (PTI) – the originally proposed scheme in Appendix Ia of the Paper received on 19.9.2013 involved increase in building height of the landscape deck at various levels in comparison to the approved scheme which would compromise the terraced podium design under the approved scheme and would adversely affect the visual openness for the visual corridor viewing from The Whampoa. In view of objection and adverse comments from the locals, the Kowloon City District Council (KCDC) members and Government departments, the applicant submitted a revised scheme (i.e. the current scheme) on 1.11.2013 (Appendix Ib of the Paper). Same as the approved scheme, the current scheme under application was a 18-storey hotel including a basement level for ancillary car park, a PTI at G/F and retail/eating place uses at lower floors. Stepped building height profile was adopted with the highest main roof at +75mPD in the northern part of the site stepping down towards the sea and the building was designed in a ‘wave-like’ form;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period of the application (relating to the originally proposed scheme), a total of 94 public comments objecting to the application were received; and during the first

three weeks of the statutory publication period of the further information to the application (relating to the current scheme), a total of 29 public comments objecting to the application were received. The comments were submitted by Legislative Council members, KCDC members, the Chairman of the Kowloon West Branch of the Civic Party, the Whampoa Garden Owners Representatives' Committee, the Owners' Committee of Whampoa Garden (Phase 9), local residents of Whampoa Garden and other members of the public. The main concerns of the commenters were on the proposed increase in building heights, the blocking of visual corridor from Whampoa Garden and The Whampoa, adverse air ventilation impact on Whampoa Garden, design of the proposed development and possible traffic impact;

- (e) the application (the originally proposed scheme) was discussed at the Housing and Infrastructure Committee (HIC) meeting of KCDC on 7.11.2013. Members expressed concerns about the increase of building height in some of the portions and the applicant's submission of repeated amendments on the approved scheme. HIC passed a motion at the meeting urging the Board to reject the application and that the developer should develop the subject site according to the original requirements as set out by the Planning Department (PlanD). PlanD should also recommend rejection to the Board;
- (f) the District Officer (Kowloon City) advised that the residents nearby had all along been concerning about the view obstruction and air ventilation issues brought by the hotel development at the subject site. Noting that PlanD has consulted the interested KCDC members, Hunghom Area Committee as well as the owners' committees, mutual aid committees, management committees and residents of buildings near the site direct regarding the planning application, PlanD and the Board should take into account all the comments gathered in the consultation in the decision-making process; and
- (g) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as set out in paragraph 12 of the Paper.

Regarding the public concerns on building height and design of the proposed development, blocking of views and visual impact, the Chief Town Planner/Urban Design and Landscape of PlanD considered that the current scheme would not have significant adverse visual impact. For air ventilation, the air ventilation performance of the current scheme was similar to the approved scheme. With regard to traffic impact, the Commissioner for Transport had no objection to the current scheme.

146. In response to a Member's question on the access to the podium deck of the proposed development from the planned urban park to the east, Ms. S.H. Lam said that the design of the current scheme had improved the public access from the urban park to its podium deck as the staircase leading to the podium deck at the 11.75mPD level had been relocated from the northern part of the site to the south-eastern part, together with the staircase widened and an escalator provided, which would enable easier access from the waterfront side of the park. According to the applicant's proposal, the podium deck at the 11.75mPD, 12.3mPD and 16.50mPD levels would be open for public use.

Deliberation Session

147. 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 13.12.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a revised Master Layout Plan (MLP), taking into account the approval conditions (f) to (j) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the gross floor area for eating place and shop and services should be not less than 5,708m² as proposed by the applicant;
- (c) the proposed development is subject to the maximum building heights as proposed in the building height profile in the MLP;

- (d) the podium decks at 11.75mPD, 12.3mPD and 16.5mPD should be open to the public, as proposed by the applicant, at reasonable hours;
- (e) the submission of a revised Air Ventilation Assessment to the satisfaction of the Director of Planning or of the Town Planning Board;
- (f) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (g) the submission and implementation of the design of the 24-hour pedestrian walkway between the public promenade and the proposed development as well as the pedestrian connection between the adjoining “CDA(2)” site and the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;
- (h) the submission and implementation of the design of the pedestrian connection between the public promenade and the proposed development to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (i) the submission and implementation of the design of the public transport interchange as well as vehicular access, parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (j) the submission of the drainage and sewerage proposals, including foul sewer connection proposal, for the proposed development and implementation of the drainage and sewerage facilities for the development to the satisfaction of the Director of Drainage Services or of the Town Planning Board.”

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

- “(a) the approved MLP, together with the set of approval conditions, would be

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

- (b) the approval of the application 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) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA 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 TPB may be required;

- (c) to note the comments of the Chief Building Surveyor/Kowloon, BD that provision of service lane for domestic building shall be in compliance with Building(Planning)Regulation (B(P)R) 28 of the Buildings Ordinance (BO); application for hotel concession under B(P)R 23A of BO will only be considered upon formal submission of building plans subject to the compliance with the criteria under Practice Notes for Authorized Persons (PNAP) APP-40 on Hotel Development; pre-requisites for granting GFA concessions for green/amenity features and non-mandatory/non-essential plant rooms and services as laid down in PNAP APP-151 on Building Design to Foster a Quality and Sustainable Built Environment and PNAP APP-152 on Sustainable Building Design should be complied with; an Authorised Person should be appointed to coordinate all building works in accordance with the BO; the proposed operation of the hotel will be subject to the licensing requirements under the Hotel and Guesthouse Accommodation Ordinance, Cap. 349; and provision of prescribed windows for the hotel guestrooms shall be in compliance with B(P)Rs 30 and 31;

- (d) to note the comments of the District Lands Officer/Kowloon West, LandsD that for the requirements under the lease, which include but not limited to the length of the building façade that exceeds 60m, the final design of the proposed pedestrian walkway with the adjoining lot will be further considered under lease, and alignment of the underground pipes and cables, and right of use of the pump house at the seafront shall be subject to LandsD's final approval which is not guaranteed to be given. Any application for lease modification will be considered at the sole discretion of the Government. Any delay to the project and cost incurred arising from the discrepancy in number of parking spaces shall be at the applicant's own risk. The Government reserves all right under lease to take enforcement actions against non-compliance with the lease conditions;
- (e) to note the comments of the Commissioner for Transport that there are turning problems for long vehicles based on the submitted public transport interchange (PTI) layout plan and the applicant shall ensure that adequate stacking area for smooth bus operation for the 7 bus routes designated at the existing PTI and the layout is fit for 12m long buses manoeuvring;
- (f) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that there should be proposal to cater for the overland flow from the area to the east of the proposed development;
- (g) 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 BD; and
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should ensure that the 20% greening ratio could be achieved and the provision of greening should be maximised, especially at 1/F to improve the landscape and visual amenity of the development.”

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

Agenda Item 25

Any Other Business

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