

## **TOWN PLANNING BOARD**

### **Minutes of 506<sup>th</sup> Meeting of the Metro Planning Committee held at 9:00 a.m. on 21.2.2014**

#### **Present**

Director of Planning  
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor P.P. Ho

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Mr Roger K.H. Luk

Mr H.W. Cheung

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

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

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

Assistant Director (Regional 1), Lands Department  
Ms Doris M.Y. Chow

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

Secretary

**Absent with Apologies**

Mr Maurice W.M. Lee

Professor Eddie C.M. Hui

Ms Bonnie J.Y. Chan

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Mr J.J. Austin

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

**Agenda Item 1**

Confirmation of the Draft Minutes of the 505<sup>th</sup> MPC Meeting held on 7.2.2014

[Open Meeting]

1. The draft minutes of the 505<sup>th</sup> MPC meeting held on 7.2.2014 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

**Kowloon District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K15/2                      Application for Amendment to the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/20, to rezone the application site from “Residential (Group E)” to “Commercial” or “Other Specified Uses” annotated “Hotel”, Nos. 13 and 15, Sze Shan Street, Yau Tong, Kowloon  
(MPC Paper No. Y/K15/2)

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

- Professor S.C. Wong - he was the traffic consultant of Ove Arup. He was also the Director of the Institute of Transport Studies of the University of Hong Kong and Ove Arup had sponsored some activities of the Institute
- Ms Julia M.K. Lau - had current business dealings with Environ. She was also the Director of a private company who had sold an industrial building in Yau Tong in March 2010
- Mr Dominic K.K. Lam - had current business dealings with Ove Arup and Environ
- Mr Patrick H.T. Lau - had current business dealings with Ove Arup

4. As Professor Wong, Ms Lau, Mr Lam and Mr Lau had no direct involvement in this application, Members agreed that they could stay in the meeting.

#### Presentation and Question Sessions

5. Mr Tom C.K. Yip, District Planning Officer/Kowloon (DPO/K), Ms Karen F.Y. Wong, Senior Town Planner/Kowloon (STP/K), and the following representatives of the applicants were invited to the meeting at this point :

Mr Thomas C.H. Chan  
Mr Nick H.H. Tang  
Mr Gary Y.H. Wong  
Mr Albert K.H. Wong  
Mr Dennis W.T. Wat  
Mr Simon C.M. Siu  
Mr Gabriel L.K. Yu  
Mr Leo W.K. Leung  
Mr Tony C.M. Cheng  
Dr Victor C.M. Wong

Ms Theresa W.S. Yeung

Ms Shirley K.K. Chan

Mr York Y.W. Ip

Mr Gary W.H. Wong

6. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Ms Karen F.Y. Wong, STP/K, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Ms Wong presented the application and covered the following aspects as detailed in the Paper :

*The Proposal*

- (a) the applicants proposed to rezone the application site from “Residential (Group E)” (“R(E)”) to “Commercial” (“C”) or “Other Specified Uses” annotated “Hotel” (“OU(Hotel)”) on the Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) to facilitate a proposed two-tower hotel development providing 1,600 hotel rooms at a plot ratio (PR) of 12 and a building height (BH) of 140mPD. Developments within the current “R(E)” zone were subject to a maximum domestic PR of 5 and a maximum non-domestic PR of 1, and a maximum BH of 140mPD;
- (b) a number of design features were proposed in the indicative scheme for the proposed hotel development including a podium-free design, building separation of 19m between the hotel towers and 8m – 19m with the surrounding buildings, and setbacks on all sides of the site from the adjacent streets;
- (c) the justifications put forth by the applicants in support of the application were detailed in paragraph 2 of the Paper;

*Background to the Zoning of the Site*

- (d) the Yau Tong Industrial Area (YTIA) was mainly zoned as “Industrial” (“I”) on the OZP before 1998. As a result of the changing demand for

industrial land, the Central and East Kowloon Development Statement had identified YTIA as having high potential for restructuring to non-industrial uses;

- (e) in 1998, the site and other adjoining lots were rezoned from “I” to “Comprehensive Development Area” (“CDA”) to encourage private sector-led comprehensive redevelopment of the industrial area for residential, retail and community uses. On 21.9.1999, after consideration of the objections, the Objection Hearing Committee of the Town Planning Board (the Board) decided to rezone part of the “CDA” to “R(E)” zone and the remaining part (including the site) to “CDA(1)” zone to fully/partially meet the objections. However, the lot owners of the application site amongst others lodged further objections and requested the rezoning of their lots from “CDA(1)” to “R(E)” with relaxation of the PR restriction for the “R(E)” zone from a maximum PR of 5 and 1 for domestic and non-domestic respectively to an overall PR of 6;
- (f) in 2000, the Board agreed to rezone the concerned lots from “CDA(1)” to “R(E)” but did not support the relaxation of the PR restriction to 6 without specifying the maximum PR for domestic and non-domestic uses as it would jeopardize the planning intention of the area. Since then, the application site had been zoned “R(E)” with a maximum domestic PR of 5 and a maximum non-domestic PR of 1;

Previously Approve Scheme

- (g) the application site was the subject of several previous planning applications and the latest approved scheme (A/K15/93) was for residential development with supporting commercial use which was approved with conditions by the Board on 19.3.2010. The approved residential scheme had a total PR of 6.626 (including bonus PR for footpath widening) and a BH of 139.675mPD. The proposal comprised two domestic towers of 29 storeys on top of a 4-storey podium at a site coverage (SC) of 85% and a building separation of 25m between the two residential towers;

Departmental Comments

- (h) the departmental comments were set out in paragraph 9 of the Paper and highlighted as follows :
- (i) the Commissioner for Transport (C for T) advised that the revised Traffic Impact Assessment (TIA) submitted by the applicant had not resolved outstanding issues on the forecast traffic growth rate in the zone and the swept paths for long vehicles entering/leaving the proposed hotel from the service road. He could not offer comments on the possible cumulative impacts on the transport network should other “R(E)” sites in YTIA be developed for non-domestic use with a PR of 12 as the applicant did not provide such information in the TIA. The Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD) concurred with C for T’s comments on the swept paths for long vehicles;
  - (ii) the Director of Environmental Protection (DEP) advised that it was difficult to assess the possible cumulative sewerage impacts for approving similar applications for non-domestic use with a PR of 12 as the applicant did not provide sufficient information. However, as most of the existing buildings were industrial buildings, the local sewers were probably not enough to accommodate the new developments and upgrading works might be required; and
  - (iii) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) commented that with the incorporation of the proposed visual mitigation and design measures, the proposed development might not have significant visual impact on the surrounding environment. However, once the site had been rezoned from “R(E)” to “C” or “OU(Hotel)”, implementation of these features could not be secured as hotel use would always be permitted in the proposed zones. Besides, the proposed development intensity of PR 12 was noticeably higher than the

prevailing PR 6 of the neighbouring “R(E)” sites. The approval of the application might set an undesirable precedent for similar applications in the neighbouring “R(E)” sites and the cumulative visual and air ventilation impacts would exacerbate the environment;

Public Comments

- (i) during the statutory publication periods of the application and the further information, a total of 373 public comments were received. Among them, 366 supported the application while 7 raised objection to/concern on the application;
- (j) the supporting views mainly considered that the proposed hotel development would be a better alternative in comparison with a residential development since the area was heavily polluted by old industrial factories; would further encourage and speed up the urban renewal process and generate employment opportunities and economic benefits to the area; was in line with the Energizing East Kowloon Initiatives; and could optimise and diversify the land uses in the area;
- (k) the objections/concerns were mainly on the grounds that the hotel would bring in more pedestrian and traffic which would overload the road network; the significant increase in PR and number of hotel units should be avoided and the number of hotel rooms should be reduced; Sze Shan Street should be widened and the number of carparking spaces were inadequate to support the hotel; and the proposed hotel would aggravate the traffic congestion and noise problems in the area;

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

PlanD's Views

- (l) PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper as summarised below :

- (i) as the general planning intention was to transform YTIA into non-industrial uses, most of the site in the Area, including the application site, were zoned “R(E)” with the intention to phase out existing industrial uses through redevelopment (or conversion) for residential use. The Explanatory Statement of the OZP specified that developments within the “R(E)” zone were subject to specific PR control of 5 for domestic and 1 for non-domestic in order to restrain traffic growth which would otherwise overload the existing and planned transport network;
- (ii) a number of residential developments in the “R(E)” zone had been completed and planning approvals had been granted for two other “R(E)” sites in the vicinity, all of which were subject to the maximum PR of 5 for domestic and 1 for non-domestic. The Committee had also approved a proposed residential development with supporting commercial use at the site (Application No. A/K15/93), with PR 5 for domestic and 1 for non-domestic;

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

- (iii) while the proposed hotel use was not incompatible with the surrounding industrial and residential developments, the proposal was not entirely in line with the general intention of transforming the area into predominantly residential use. Besides, the cumulative effect of converting or redeveloping land zoned for residential use into non-residential uses would adversely affect housing land supply. Due to the current acute shortage of housing land, sites planned for residential use should generally be retained for residential development, except where the site was conducive to hotel use or the hotel development was to meet a specific planning objective. There was no strong planning ground to support the rezoning of the application site to “C” or “OU(Hotel)”;
- (iv) the substantial increase in development intensity from a maximum domestic PR of 5 and non-domestic PR of 1 as stipulated for the

“R(E)” zone to the current proposed PR of 12 deviated from the planning intention of restraining traffic growth in the area stated in the Explanatory Statement of the OZP. The issue of allowing substantial increase in commercial floor space in the “R(E)” sites had been discussed by the Board when considering the objections to the “R(E)” zoning and it was the Board’s conscious decision to have specific PR control in the “R(E)” zone. Approval of the current application would set an undesirable precedent for similar applications for substantial increase in development intensity;

- (v) TD advised that the revised TIA had not resolved outstanding issues on the forecast traffic growth and the swept path for long vehicles entering/leaving the proposed hotel. Moreover, the applicant did not demonstrate that the cumulative impacts on the transport network if other “R(E)” sites in the area were to be developed for non-domestic use with a PR of 12 would be acceptable;
- (vi) DEP commented that it was difficult to assess the cumulative impacts of approving similar applications in the area on the local sewer network as the applicant had not provided sufficient information. Nevertheless, as the existing buildings were mostly industrial buildings, the local sewers were probably not enough to accommodate the new developments;
- (vii) CTP/UD&L, PlanD was of the view that the proposed development intensity of PR 12 was noticeably higher than the prevailing PR 6 of the neighbouring “R(E)” sites. The resultant building bulk would be significantly larger and more imposing to other adjacent “R(E)” development in future. The approval of the application might set an undesirable precedent for similar applications and the cumulative visual and air ventilation impacts would exacerbate the environment; and
- (viii) while the indicative hotel scheme with a podium-free design, at-grade building separation, vertical greening, landscaping, and

sensitive façade treatment, etc might be acceptable, the scheme was merely indicative, serving as an illustration of a possible future form of development. Once the site had been rezoned from “R(E)” to “C” or “OU(Hotel)”, implementation of the proposed design features could not be secured as hotel use would be always permitted in the proposed zones.

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

7. The Chairman then invited the applicant’s representatives to elaborate on the application. With the aid of a PowerPoint presentation, Ms Theresa W.S. Yeung made the following main points:

- (a) the tourism industry played an important role in the economy of Hong Kong, accounting for 4.5% of the gross domestic product and employing about 233,500 persons (6.5% of total employment);
- (b) as the supply of hotel rooms would directly affect Hong Kong’s capacity to receive tourists, a shortage of hotel rooms would adversely affect Hong Kong’s role as an international capital for tourism. The shortage of hotel rooms, demonstrated by the high average occupancy rate, had caused hotel room rates to increase by 100% since 2002, adversely affecting the competitiveness of Hong Kong as a venue for international conventions and events;
- (c) the Government projected that the number of visitor arrivals would increase by 44% from 48.6 million in 2012 to 70 million by 2017. However, the number of hotel rooms provided would only increase by 24.6% from 67,394 rooms in 2012 to 84,000 rooms by 2017. In this regard, there was an imminent need for hotel rooms;
- (d) the proposed hotel was conveniently located in Kowloon East to serve the tourism opportunities in the locality, such as the Kai Tak Cruise Terminal. Furthermore, the site was within eight minutes walking distance from the Yau Tong Mass Transit Railway Station, which would be convenient for

Mainlanders coming under the Individual Visit Scheme;

- (e) the site was currently vacant and could provide 1,600 hotel rooms in a short period of time to meet the imminent hotel need;
- (f) out of 21 applications for hotel development (with a total of about 3,600 rooms) approved by the Board in 2013, 12 were within residential zones and the reasons for granting approval included inter alia that the proposed hotel development would be compatible with and have no adverse impacts on the surrounding areas; the site was under single ownership; and the proposed BH had not exceeded the restriction. These attributes were also applicable to the current rezoning application;
- (g) the environmental merits of the proposed hotel development over the previously approved residential development (A/K15/93) included a reduction in the at-grade SC from 85% to 60%, a podium-free design and the deletion of the 10m-high blank wall that served as the mitigation measure to address the industrial/residential (I/R) interface problem, and wider at-grade building separation between the site and the surrounding developments. The visual permeability and air ventilation of the hotel scheme outperformed the previously approved residential scheme;
- (h) the transformation of YTIA had been slow and piecemeal with only three new residential developments completed in the Area. The proposed hotel development would act as a catalyst to phase out industrial use and speed up the urban regeneration process;
- (i) the proposed hotel would provide approximately 1,200 job opportunities, including back-of-house jobs for the local community;
- (j) as the traffic pattern for a hotel development was different from that for a residential development, the proposal would not cause significant traffic impact to the area during normal peak hours;
- (k) as hotel was a suitable use for the site, the site should be rezoned to “C” to

optimise its development potential. There were two other sites that were zoned “C” with a PR of 12 along Sze Shan Street. Otherwise, the Board could rezone the site to “OU(Hotel)” to ensure that the site would not be used for any purpose other than hotel. A remark stipulating a maximum SC of 65% could be added to address CTP/UD&L, PlanD’s concerns that the implementation of the design features as proposed in the indicative hotel scheme could not be secured;

- (l) according to TD’s latest comments dated 18.2.2014 and 20.2.2014, TD had no further objection/comment on the carparking arrangement and the revised traffic growth rate in the TIA. In a email dated 12.2.2014, CHE/K, HyD also indicated no further comment on the swept path analysis; and
- (m) regarding the cumulative impact on the local sewerage network, the Board should consider each application on its own individual merits, as set out in paragraph 11.3 of the Explanatory Statement of the OZP.

#### AVA Assessment

8. In response to a Member’s enquiry about the layout assumptions adopted in the Air Ventilation Assessment (AVA), Ms Theresa W.S. Yeung said that the AVA for the residential development was based on the previously approved residential scheme under Application No. A/K15/93 where a long podium of 16 metres in height and a 10m-high blank wall with a SC of 85% were provided to address the I/R interface problems. In contrast, the AVA for the hotel development was based on a podium-free design, providing an opportunity to improve the air ventilation and visual permeability of the development.

9. Mr Tom C.K. Yip, DPO/K, disagreed with the applicant’s claim that the air ventilation performance of the hotel development was better than the previously approved residential development. He said that the AVA submitted by the applicant only concluded that the air ventilation performance of the proposed hotel scheme was comparable to the previously approved residential scheme. In accordance with the AVA, the wind velocity ratio of the residential scheme performed better than the hotel scheme at some test points. In

response, Mr Tony C.M. Cheng said that where the wind velocity ratio for the residential development were comparatively higher, there might be strong winds which would adversely affect the comfort level of pedestrians. Besides, the performance of the southwesterly sea breeze for the proposed podium-free hotel scheme was much better.

10. The Vice-chairman asked if the air ventilation performance would be further improved if the proposed PR was reduced from 12 to 7 or 9. In response, Mr Tony C.M. Cheng said that as air ventilation performance was based on the wind speed at 2m above ground, there would be a negligible difference between PR 12 and 7 at the street level if the SC of the proposed development remained the same. Mr Cheng agreed that performance would be improved if the building footprint was reduced.

11. In response to a Member's enquiry on whether any AVA had been conducted based on a scheme with a PR of 6, Ms Theresa W.S. Yeung said that the proposed PR of 12 was to optimise the development potential of the site within the BH restriction of 140mPD. The applicant had not conducted any assessments based on a PR of 6 for the application site.

#### Building Separation

12. Noting that the separation distance between the hotel tower and The Spectacle was 13m at the podium level, the Chairman enquired about the building separation of the developments above the podium level. In response, Ms Theresa W.S. Yeung said that they did not have the information in hand. Mr Tom C.K. Yip, however, said that when compared with the previously approved residential scheme, the total building bulk of the proposed hotel development would be much larger as the PR of the development had been increased from 6.626 to 12. Although there was a reduction in SC at the podium level from 85% to 60%, the SC of the hotel scheme above the podium level was larger than the residential scheme. Besides, the separation distance between the two towers and between the two towers and the surrounding developments would be smaller for the hotel scheme.

#### Scheme was Only Indicative

13. In response to a Member's enquiry on how to ensure that upon rezoning of the site, the currently proposed indicative scheme with a podium-free design would be developed as

proposed, Ms Theresa W.S. Yeung said that a maximum SC of 65% could be stipulated for the “OU(Hotel)” zone to prevent the development of a podium covering the whole site. Besides, the applicant had to fulfil the building separation requirements under the Sustainable Building Design Guidelines. Ms Yeung added that the Board could rezone the site to “OU(Hotel)” and put ‘Hotel’ use under Column 2 of the Notes so that a planning application would need to be submitted for approval by the Board. Mr Tom C.K. Yip said that many of the proposed design features of the indicative scheme, including setbacks and building separation, were not included in the proposed Notes for the “OU(Hotel)” zone. Moreover, the proposed SC of 65% to be stipulated for the “OU(Hotel)” was larger than the SC of 60% proposed in the indicative scheme.

### Plot Ratio

14. The Vice-chairman enquired about the PR of the surrounding developments. In response, Mr Tom C.K. Yip said that since the YTIA had been rezoned to “R(E)”, a number of new residential developments had been developed and the PR of these developments were up to the maximum permitted PR under the “R(E)” zone, i.e. maximum domestic PR of 5 and non-domestic PR of 1.

15. In response to the Vice-chair’s further enquiry, Mr Tom C.K. Yip said that the proposed PR of 12 had far exceeded the PR restriction as stipulated on the OZP, the current proposal could not be considered as a minor relaxation of PR restriction under section 16 of the Town Planning Ordinance.

### Policy on Residential Sites

16. In response to the Vice-chairman’s enquiry in previous approvals for hotel development, Mr Tom C.K. Yip said that in 2013, in view of the current shortage of housing land in meeting the pressing housing demand, the Board had adopted a policy to ensure that sites planned for residential use would be retained for residential development. Under that policy, non-residential development within residential zone would normally not be permitted except where the site was conducive to hotel use or the hotel development was to meet a specific planning objective. In this regard, the applicant failed to demonstrate that the site was conducive to hotel development, particularly given that a set of building plans for the

approved residential scheme had been approved by the Building Authority. Mr Yip added that the approval of the application might set an undesirable precedent for similar hotel applications with a PR 12 in YTIA.

### Further Information

17. In response to a Member's enquiry on TD's latest comments on the application, Mr Tom C.K. Yip said that TD's latest comments were based on the applicant's supplementary information which had not been formally submitted to the Board as part of the application. In this regard, it might be procedurally inappropriate to take the supplementary information into account. Mr W.B. Lee, Assistant Commissioner for Transport (Urban), TD, supplemented that upon reviewing the applicant's response on 20.2.2014 to C for T's previous comments, C for T had no further comment on the responses. However, the applicant was reminded to formally submit the relevant correspondences to the Board for consideration. In addition, C for T highlighted that a revised TIA should be submitted to TD for a comprehensive assessment.

### Planning Merits

18. A Member enquired about the planning merits for changing the use of the site from residential to hotel while another Member considered that there would need to be overriding and strong planning merits for rezoning the site from residential to hotel use as it was Government's policy to increase land supply to meet the housing demand in the territory. In response, Ms Theresa W.S. Yeung said that the proposed hotel use was not incompatible with the surrounding developments and the rezoning would only result in a reduction of 332 flats. While the site had been rezoned to "R(E)" for 16 years, no development had taken place due to the I/R interface problem. The most obvious planning merits of the hotel development were the improvements to the building design, the deletion of the podium and the 10m wall that was required as a mitigation measure against the I/R interface. The proposed hotel would also bring about economic merits to Hong Kong's economy and social merits in terms of employment generation.

19. 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 PlanD's representatives for attending the meeting. They left the meeting at this point.

[The meeting took a short break of 5 minutes at this point.]

### Deliberation Session

20. In response to the Chairman, Mr W.B. Lee said that the swept path analysis submitted by the applicant demonstrated that long vehicles such as coaches could manoeuvre into the application site though with some difficulty. In view of the surrounding traffic and the narrow width of the road, the proposed arrangement was undesirable.

21. On whether it was procedurally appropriate for the Committee to consider the supplementary information that was submitted to TD, the Secretary said that any further information submitted by the applicant should be processed in accordance with the Town Planning Board Guidelines on 'Submission of Further Information in relation to Applications for Amendment of Plan, Planning Permission and Review made under the Town Planning Ordinance' (TPB-PG No. 32). In general, should the further information include any technical assessments such as swept path analysis, the further information would not be exempted from publication and recounting requirements. Mr W.B. Lee however said that the applicant had only provided a response to TD's previous comments and had not submitted any revised TIA to TD.

22. A Member considered that the applicant had failed to provide strong justifications in support of the proposal to rezone the site from residential to hotel use and to increase the PR from 6 to 12. This view was echoed by another Member.

23. In response to a Member's enquiry, the Secretary said that the applicant's proposal was to rezone the site from "R(E)" to "C" for a hotel development. However, to address the concern that other commercial uses could be developed under the "C" zoning, the applicant suggested the alternative zoning of "OU(Hotel)" with SC restriction of 65%. In response to Members concern on need to control the detailed design of the hotel, the applicant further proposed at the meeting to put 'Hotel' use under Column 2 of the Notes of the "OU(Hotel)"

zone. The Secretary reminded Members that the scheme submitted in the rezoning application was only indicative in nature. Moreover, Members should consider the cumulative effect of approving such applications which might have adverse impacts on the infrastructural capacity in the area as the proposed PR was double the original.

24. A Member considered that approval of the rezoning application would set an undesirable precedent for similar applications in the area and would jeopardize the planning intention of the area. The applicant failed to demonstrate why the proposed hotel use was superior to residential use.

25. The Vice-chairman considered that the proposed PR of 12 was excessive and there were no overriding planning merits to change the original planning intention of the site, i.e. to transform the area for residential use with a total PR of 6. The proposed hotel development at a PR of 12 would be incompatible with other developments in the locality.

26. The Chairman concluded that Members generally did not support the approval of the application. It was considered that the “R(E)” zoning had been effective and the area was undergoing transformation into residential use. Members had reservation on the appropriateness of the proposed rezoning of the site for hotel development with a PR of 12 which was double the maximum permitted development intensity stipulated on the OZP for the “R(E)” zone (i.e. domestic PR of 5 and non-domestic PR of 1). The proposed development intensity was excessive and might induce adverse impacts on the surrounding areas.

27. The Secretary supplemented that the two sites located to the north of the application site had been zoned “C” (with PR 12) mainly because the sites were under multiple ownership and it was envisaged that comprehensive redevelopment of the sites to residential use would be difficult. The “C” zoning was intended to encourage the phasing out of industrial use. In terms of land use compatibility, the Secretary continued to say that although the proposed hotel use was not incompatible with the surrounding industrial and residential developments, the proposed development intensity at PR 12 was not compatible in scale with the residential neighbourhood.

28. On the problem of I/R interface, the Secretary said that the area was undergoing transformation into residential use, and the I/R interface problem had been proven to be

resolvable as a section 16 planning application and building plans for residential development at the application site had been approved.

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

29. Members then went through the reasons for rejecting the application as stated in paragraph 12.1 of the Paper and agreed that they should be suitably amended to reflect Members' views as expressed at the meeting. Members agreed that the rejection reasons should highlighted the points that the proposed hotel development of PR 12 was excessive; the cumulative impact of approving such applications might have adverse impacts on the infrastructural capacity in the area which would need to be fully assessed; and the applicant had failed to provide strong planning merits to justify the proposed rezoning of the application site from "R(E)" to "C" or "OU(Hotel)".

30. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- “ (a) there are no strong justifications and particular planning merits demonstrated in the application to justify the rezoning of the site from “Residential (Group E)” (“R(E)”) to “Commercial” (“C”) or “Other Specified Uses” annotated “Hotel” (“OU(Hotel)”). In view of the current acute shortage of housing land, the “R(E)” zoning of the site should be retained. The approval of the rezoning application would result in a reduction in sites available for residential developments and adversely affect housing land supply;
- (b) the development intensity of the proposed “C” or “OU(Hotel)” zone, with a plot ratio (PR) of 12, which was double the maximum permitted development intensity stipulated on the Outline Zoning Plan for the “R(E)” zone (i.e. domestic PR of 5 and non-domestic PR of 1), is excessive and may induce adverse visual and air ventilation impacts on the surrounding areas; and
- (c) the approval of the rezoning application with a PR of 12 would set an undesirable precedent for similar applications in the area and the

cumulative effect of approving such applications may have adverse impacts on the infrastructural capacity in the area which would need to be fully assessed.”

### **Tsuen Wan & West Kowloon District**

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

#### **Agenda Item 4**

[Open Meeting]

Further Consideration of the Draft Planning Brief for the “Comprehensive Development Area (7)” Site at Tsuen Wan Town Lot 393, Tsuen Wan, New Territories  
(MPC Paper No. 2/14)

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31. With the aid of a PowerPoint presentation, Mr K.T. Ng, STP/TWK, presented the background and the results of consultation with the Tsuen Wan District Council (TWDC) on the draft Planning Brief (PB) as detailed in the Paper :

#### **Background**

- (a) on 17.1.2014, the Committee considered the draft PB for the Proposed Comprehensive Development at Tsuen Wan Town Lot (TWTL) 393 which was zoned “Comprehensive Development Area (7)” (“CDA(7)”) and agreed that the draft PB was suitable for consultation with the Tsuen Wan District Council (TWDC);
- (b) on 28.1.2014, TWDC was consulted on the draft PB;

*TWDC's Views on the Draft PB*

- (c) TWDC generally agreed to the draft PB but requested that DC Members' views expressed at the meeting should be conveyed to the Town Planning Board (the Board) for further consideration, in particular the views on the future management and maintenance (M&M) responsibilities of the proposed footbridge(s) connecting the existing footbridge at the junction of Yeung Uk Road and Ma Tau Pa Road via the site to The Dynasty (TWTL 394). Their major views were summarized as follows :

*Footbridge Issue*

- (i) upon the completion of the proposed footbridge(s) by the future developer, the Government should take up the M&M responsibilities as there was concern that the ownership of the commercial development might later be alienated, resulting in the transfer of M&M cost to individual residential/commercial owners;
- (ii) the existing footbridge at the junction of Yeung Uk Road and Ma Tau Pa Road should be widened and upgraded to cope with the pedestrian flow from the proposed development;
- (iii) the proposed footbridge(s) should provide convenient pedestrian connection within the site and with the existing footbridge network. The design of the proposed footbridge(s) should also blend in with the 38m-wide NBA within the site;

*Carparking Provision and Traffic Impact*

- (iv) there were concerns on the adequacy of parking provision in the area upon the closure of the existing temporary fee-paying public carpark at the site; the possible traffic impact to be generated by the proposed development; and the adequacy of its parking provision. Moreover, separate vehicular access into the residential and commercial carparking facilitates should be provided to avoid the queueing of vehicles on public roads;

*Building Set Back of 5m at the Eastern Corner of the Site*

- (v) a building setback of 5m should be provided at the eastern corner of the site at the junction of Yeung Uk Road and Ma Tau Pa Road; and

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

*Other Comments*

- (vi) there were concerns on air ventilation and visual impact. TWDC should be consulted on the future layout of the public open space (POS) and the 38m-wide NBA should have design interest and should match with the POS and greenery at the site.

*Responses to TWDC's Views*

- (d) Government's responses to TWDC's views were summarized as follows :

*Footbridge Issue*

- (i) under the current practice, the Government would not take up the M&M responsibilities of footbridges that were connected to private developments on either side of a public road. To address TWDC's concerns on the future M&M responsibilities of the proposed footbridge(s), the Lands Department (LandsD) would consider incorporating relevant lease conditions that require the owner of the commercial portion of the development to take up the M&M responsibilities upon completion and to restrict the alienation of the commercial portion of the development unless as a whole;
- (ii) TD would review the pedestrian flow on the existing footbridge at the junction of Yeung Uk Road and Ma Tau Pa Road upon population intake of the future development and consider the need to widen the footbridge;
- (iii) footbridge(s) connecting The Dynasty and the existing footbridge at the junction of Yeung Uk Road and Ma Tau Pa Road via the site

would be provided, although the exact alignment and design of the proposed footbridge(s) would be determined in the Traffic Impact Assessment (TIA) to be conducted by the future developer. Requirements on an integrated design of the proposed footbridge(s) and the 38m-wide NBA would be clearly set out in the PB;

*Carparking Provision and Traffic Impact*

- (iv) on the loss of carparking spaces in the area, TD advised that there were available private carparking spaces in Tsuen Wan district. For goods vehicle parking spaces, LandsD advised that a new short-term tenancy for fee-paying carpark use at Kwai Yue Street in Kwai Chung was being processed;
- (v) regarding the vehicular access points, the design/layout of the carpark and the traffic impact of the proposed development, the future developer would be required to submit a TIA to the satisfaction of the Commissioner for Transport (C for T) to assess the impact on traffic due to the proposed development and to recommend appropriate remedial measures accordingly. Besides, the number of carparking spaces and loading/unloading bays should be provided in accordance with the Hong Kong Planning Standards and Guidelines, and to the satisfaction of C for T. The Transport Department (TD) also advised that separate ingress/egress points for residential and commercial uses had been planned to avoid the blockage of the entrance to the residential carpark due to the queueing of vehicles for entering the commercial carpark;

*Building Set Back of 5m at the Eastern Corner of the Site*

- (vi) the proposed 5m building set back was feasible and would not affect the maximum building height and gross floor area restrictions for the proposed development. Besides, it would enable continuous planting of trees to enhance pedestrian environment and streetscape; and

*Other Comments*

- (vii) the “CDA(7)” zoning was to provide proper planning control over the site through the planning application mechanism which required the submission of Master Layout Plan (MLP) with supporting technical assessments (including Air Ventilation Assessment, Visual Impact Assessment, Landscape Master Plan and TIA, etc.) to the Board for approval. The concerns on air ventilation, visual and traffic impacts, and landscape and POS/footbridge(s) design could be thoroughly examined in the required technical assessments/design layout plan to be submitted by the applicant. The applicant was required to demonstrate that all relevant requirements stipulated in the PB were complied with. Besides, the submission of MLP through the planning application mechanism would need to be published for public inspection and the public would be given the opportunity to provide comments on the proposed design scheme.

*Proposed Amendments to the Draft PB*

- (e) most of the views expressed by TWDC had already been reflected in the draft PB. To address TWDC’s concerns on the M&M responsibilities of the proposed footbridge(s), the design integration of the proposed footbridge(s) with the 38m-wide NBA and the suggested 5m building set back from the eastern corner of the site, it was proposed to amend the draft PB as follows :
  - (i) to stipulate that the proposed footbridge(s) should be constructed by the developer at their own cost. Upon completion of the proposed footbridge(s), they should be managed and maintained by the owner of the commercial portion of the development at their own cost (to be added to the item on “Pedestrian Connection” in paragraph 5 of Appendix I of the Paper);

- (ii) to stipulate that the design of the proposed footbridge(s) and the 38m-wide NBA should be integrated (to be added as a general design principle in paragraph 4.2(c) and in the items on “Urban Design Considerations”, “Non-Building Area” and “Pedestrian Connection” in paragraph 5 of Appendix I of the Paper);
- (iii) to indicate a building set back of 5m from the eastern corner of the site in Plan 4 at Appendix I of the Paper and to stipulate that the setback was to enable the continuous planting of trees at regular intervals along Yeung Uk Road and Ma Tau Pa Road to enhance the pedestrian environment and streetscape (to be added to the item on “Urban Design Considerations” and “Landscape and Tree Preservation Aspects” in paragraph 5 of Appendix I of the Paper);
- (iv) to state clearly that the proposed 38m-wide NBA and POS should be constructed by the developer at their own cost and should be managed and maintained by the owner of the commercial portion of the development at their own cost upon completion (to be added to the item on “Non-Building Area” and “Open Space Provision” in paragraph 5 of Appendix I of the Paper); and
- (v) to delete the words “or the height of the existing building, whichever is the greater” under the item on “OZP Zoning and Planning Intention” in paragraph 5 of Appendix I of the Paper as the site was a piece of vacant land without any existing building.

32. A Member enquired whether the necessary arrangements had been made at The Dynasty to receive the two proposed footbridges. In response, Mr Wilson W.S. Chan, DPO/TWK, said that according to the lease governing The Dynasty, the lot owner was required to provide two openings for future footbridges connections from the “CDA(7)” site and the two openings had already been built in the commercial portion of The Dynasty.

33. A Member supported the proposal to request the owner of the commercial portion of the site to take up the M&M responsibilities of the future footbridge. However, the width

of the proposed pedestrian corridor within the future shopping centre should be examined. In response, Mr Wilson W.S. Chan clarified that there would be no commercial development in Site B and the proposed footbridge connections to The Dynasty would lie outside the future residential development. The Chairman enquired whether the two proposed footbridge connections to The Dynasty from Site B were necessary when no commercial use would be provided in Site B. In response, Mr W.B. Lee, Assistant Commissioner for Transport (Urban), TD, said that the TIA to be conducted by the future developer would review the pedestrian flow upon the population intake of the future development and consider the need for and the number of footbridges to be provided. The Chairman said that this point should be stipulated clearly in the PB.

34. In response to a Member's enquiry, Mr Wilson W.S. Chan said that the whole site would be governed by one lease and LandsD was considering to incorporate relevant lease conditions to restrict the alienation of the commercial portion of the development except as a whole so that the sub-sale of the commercial portion of the development would not be allowed. This would prevent the future owner of the commercial portion of the development from transferring the M&M responsibilities to individual residential/commercial owners.

35. After deliberation, the Committee decided to :

- (a) note the views of the Tsuen Wan District Council as summarized in paragraph 3 and detailed at Appendix IV of the Paper; and
- (b) subject to the clarification on paragraph 33 above, endorse the revised draft planning brief at Appendix I of the Paper which had incorporated the relevant proposed amendments.

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

[Ms Julia M.K. Lau and Mr Clarence W.C. Leung left the meeting at this point.]

**Hong Kong District**

**Agenda Item 5**

**Section 16 Application**

[Open Meeting]

A/H24/22

Proposed Eating Place [Sites A and B] and Proposed Public Viewing Platforms [Site C] in “Other Specified Uses” annotated “Pier and Associated Facilities” Zone, Public Viewing Deck next to Watermark [Site A] and Public Viewing Terrace next to Café & Bar [Site B] of Central Pier No. 7 and Roof Platforms at the Clock Tower Building [Site C], Central Star Ferry Terminal, Central, Hong Kong  
(MPC Paper No. A/H24/22)

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36. The Secretary reported that the application was submitted by the ‘Star Ferry’ Company Ltd., which was a subsidiary of Wharf (Holdings) Ltd.. The following Members had declared interests in this item:

- Professor S.C. Wong - being the Director of the Institute of Transport Studies of the University of Hong Kong and the ‘Star Ferry’ Company Ltd. had sponsored some activities of the Institute
- Mr Roger K.H. Luk - being a member of the Board of Directors of Wharf T&T and a former member of the Board of Directors of Wheelock Properties Ltd. (resigned in 2010), both of which were companies related to Wharf (Holdings) Ltd.
- Mr Dominic K.K. Lam - had current business dealings with Wharf (China) Ltd. and Wheelock Properties Ltd.

Mr Patrick H.T. Lau - had current business dealings with Wheelock Properties Ltd.

37. Members noted that the applicants had requested for deferment of consideration of the application and agreed that Mr Luk, Mr Lam and Mr Lau could stay in the meeting but should refrain from participating in the discussion. As Professor Wong had no involvement in the application, Members agreed that he could stay in the meeting.

38. The Secretary reported that on 5.2.2014, the applicants had requested for deferment of the consideration of the application for two months in order to allow time for the applicants to prepare further information to address the comments of relevant Government departments and to solicit views from the Task Force on Harbourfront Developments on Hong Kong Island of the Harbourfront Commission. This was the first time that the applicants requested for deferment.

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

39. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicants that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 6**

Section 16 Application

[Open Meeting]

A/H9/72

Proposed Public Utility Installation (Electricity Substation) with Place of Recreation, Sports or Culture (Multi-purpose Room) and Public Open Space Development in “Open Space” Zone, Government Land at Tung Kin Road, A Kung Ngam, Shau Kei Wan, Hong Kong  
(MPC Paper No. A/H9/72A)

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40. The Secretary reported that the application was submitted by the Hongkong Electric Co., Ltd. (HK Electric), which was a subsidiary of Cheung Kong (Holdings) Ltd. and Kenneth To & Associates Ltd. (KTA), LLA Consultancy Ltd. (LLA) and Urbis Ltd. were the consultants of the applicant. The following Members had declared interests in this item :

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|--------------------------|--|
| Professor P.P. Ho        | - had current business dealings with Cheung Kong (Holdings) Ltd. |
| Professor Eddie C.M. Hui | - owned a flat (50%) in Shau Kei Wan                             |
| Mr Dominic K.K. Lam      | - had current business dealings with KTA, LLA and Urbis Ltd.     |
| Mr Patrick H.T. Lau      | - had current business dealings with HK Electric, KTA and LLA    |

41. Members noted that Professor Hui had tendered apologies for being unable to attend the meeting. Members also noted that the applicant had requested for deferment of consideration of the application and Mr Lam and Mr Lau had no involvement in this application. Members agreed that Mr Lam and Mr Lau could stay in the meeting. Members also agreed that Professor Ho could stay in the meeting but should refrain from participating in the discussion.

42. The Secretary reported that on 17.2.2014, the applicant had requested for

deferment of the consideration of the application for two months in order to allow time for the applicant to address the various outstanding issues raised by Government departments. This was the applicant's second request for deferment.

43. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since this was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

#### **Agenda Item 7**

##### **Any Other Business**

44. There being no other business, the meeting closed at 11:30 a.m..