

## **TOWN PLANNING BOARD**

### **Minutes of 527th Meeting of the Metro Planning Committee held at 9:00 a.m. on 16.1.2015**

#### **Present**

Director of Planning  
Mr K.K. Ling

Chairman

Mr Roger K.H. Luk

Vice-chairman

Professor P.P. Ho

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

Mr Frankie W.C. Yeung

Chief Traffic Engineer (Kowloon),  
Transport Department  
Mr Wilson W.S. Pang

Chief Engineer (Works), Home Affairs Department  
Mr Martin W.C. Kwan

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

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

Deputy Director of Planning/District  
Mr Raymond K.W. Lee

Secretary

**Absent with Apologies**

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Mr Francis T.K. Ip

**In Attendance**

Chief Town Planner/Town Planning Board  
Mr Louis K.H. Kau

Town Planner/Town Planning Board  
Ms Sincere C.S. Kan

**Agenda Item 1**

Confirmation of the Draft Minutes of the 526th MPC Meeting held on 2.1.2015

[Open Meeting]

1. The draft minutes of the 526th MPC meeting held on 2.1.2015 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Hong Kong District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H4/8                      Application for Amendment to the Approved Central District Outline Zoning Plan No. S/H4/14, Proposed Amendment to the Notes of the Outline Zoning Plan for “Commercial” zone  
(MPC Paper No. Y/H4/8)

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3. Ms Ginger K.Y. Kiang, District Planning Officer/Hong Kong (DPO/HK), and Ms W.H. Ho, Senior Town Planner/Hong Kong (STP/HK), and Mr K.K. Sit, the applicant’s representative, were invited to the meeting at this point.

4. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Ms W.H. Ho, STP/HK, to brief Members on the background of the application.

## Presentation and Question Sessions

5. 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:

### The Proposal

- (a) the application was to add ‘Pedestrian Area’ (‘PA’) in Column 2 of “Commercial” (“C”) zone in the Notes of the approved Central District Outline Zoning Plan No. S/H4/14 (the OZP);

### Previous Application

- (b) the same applicant submitted an s.12A application (No. Y/H4/7) proposing to add the following clause to the covering Notes of the OZP:

*“Subject to planning application being approved by the Town Planning Board, the floor immediate above the ground floor of a building would be exempted from gross floor area calculation where the ground floor of the building with minimum headroom of not less than 4.7m is being used for pedestrian and air circulation purposes.”*

- (c) that application was rejected by the Committee on 12.9.2014;

[Ms Doris M.Y. Chow arrived to join the meeting at this point.]

### Departmental Comments

- (d) departmental comments were set out in paragraph 8 of the Paper and summarised as follows:
  - (i) the Chief Building Surveyor/Hong Kong West, Buildings Department (BD) indicated that there was no provision under the Buildings Ordinance (BO) to consider the granting of gross floor

area (GFA) exemption/bonus GFA according to the applicant's proposal. Building (Planning) Regulations (B(P)R) 22 was not applicable as no dedication nor surrender was involved;

- (ii) the Chief Architect/Central Management Division 2, Architectural Services Department indicated that there were established mechanisms for assessing GFA exemptions. It was unusual to exempt a whole floor from GFA calculation and a substantial part of the building from building height calculation on a broad basis;
- (iii) other concerned government departments had no objection to or no adverse comment on the application;

Public Comments

- (e) during the first three weeks of the statutory publication period, no public comment was received. No local objection was received by the District Officer (Central and Western); and

[Mr K.F. Tang arrived to join the meeting at this point.]

Planning Department (PlanD)'s Views

- (f) PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper which were summarised as follows:
  - (i) the current application was similar in nature to the previous application No. Y/H4/7 but with additional implementation details. As there had been no change in planning circumstance since the rejection of the previous application, the planning considerations and assessments in the previous application were generally relevant to the current application;

*Planning and building control*

- (ii) under the BO, the control on development intensity such as maximum GFA, site coverage (SC), open space, lighting and ventilation and the granting of GFA concessions were governed by the B(P)R and various Practice Notes for Authorized Persons and Registered Structural Engineers as well as the Joint Practice Notes. There was provision under the building regime to cater for development proposal with dedication of land/area on ground floor for use as public passage, even though the provision was different from the applicant's proposal;
- (iii) PlanD would follow BD's practice in GFA calculation and granting GFA concession/exemption. Adding planning control on GFA exemption for development proposals would duplicate functions of the building regime; and

*'PA' as an always permitted use*

- (iv) 'PA' was subsumed under 'Open Space' and 'Road' which were always permitted on the OZP. Adding 'PA' in Column 2 would impose development control on a use which was always permitted. No justification for tightening the development control was provided.

[Mr Patrick H.T. Lau and Mr Clarence W.C Leung arrived to join the meeting at this point.]

6. The Chairman then invited Mr K.K. Sit to elaborate on the application. Mr Sit made the following main points:

- (a) the proposal aimed at promoting and enhancing pedestrian circulation and air ventilation in the Central District instead of imposing development control on a use which was always permitted;

- (b) since 'PA' was always permitted on the OZP, it was recommended to amend 'PA' to 'Pedestrian Circulation Area' ('PCA') in order to encourage owners of the buildings to open up the G/F of the building as a PCA with a headroom of not less than 4.7m similar to the case of the Hong Kong and Shanghai Banking Corporation building in Central; and
- (c) for building plans, it was possible to impose control on developments under the Design, Disposition and Height Clause. Therefore, adding 'PCA' in Column 2 would encourage and allow owners of the buildings to obtain planning permission for releasing the G/F of the building as a PCA and BD could be advised whether the building plans of the proposed developments should be approved.

7. In response to the Vice-chairman's question, Ms Ginger K.Y. Kiang, DPO/HK, said that there were other planning controls on the OZP including imposing building height (BH) restrictions, SC control and designation of non-building area to improve pedestrian circulation and air ventilation. BD had also promulgated the Sustainable Building Design Guidelines to promote air ventilation at the pedestrian level.

8. In response to a Member's question, Mr Sit confirmed that the headroom of the G/F reserved as a PCA should be 4.7m instead of 14.7m as stated in the application form. Mr Sit supplemented that there was no public objection to the application. Therefore, opportunity should be taken to incorporate the proposed amendment into the OZP so as to improve pedestrian circulation and air ventilation in the Central District.

9. As the applicant's representative had no further points to make and Members had no further questions to raise, the Chairman informed him that the hearing procedures for the application had been completed and the Committee would deliberate on the application in his absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representative and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

10. The Chairman said that as explained clearly by DPO/HK, 'PA' was subsumed under 'Open Space' and 'Road' which were always permitted on the OZP. Adding 'PA' in Column 2 would impose development control on a use which was always permitted. In addition, the proposal had no direct relation with the improvement of air ventilation.

11. Members were generally of the view that there were already existing mechanisms under the BO to provide incentives for private developments to improve pedestrian circulation through GFA exemption and bonus GFA, and it was not necessary to do the same through the planning application mechanism.

12. A Member said that the proposed amendment would lead to a number of consequential considerations, including whether to grant GFA exemption/bonus GFA for the G/F of the building as a PA, and there would be concern on the possible increase in the building bulk and BH of the developments.

13. A Member said that the improvement of the air ventilation in the Central District should be made on a district wide context rather than on an individual building basis. This was not demonstrated in the application.

14. The Vice-chairman concurred and said that adding 'PA' in Column 2 would give an impression that owners of the buildings had the rights to release the G/F of the building as a PA. A major change should only be made if there was a genuine market demand or environmental justification.

15. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons of rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the intention of specifying uses always permitted in the covering Notes is to provide certainty of development on land falling within the boundaries of the approved Central District Outline Zoning Plan No. S/H4/14 (the OZP). The request for amendment to add 'Pedestrian Area' ('PA'), which is

always permitted, in Column 2 of “Commercial” zone in the Notes of the OZP is not in line with this intention. There is also no strong justification for the proposed tightening up of control; and

- (b) there is an established mechanism under the Buildings Ordinance to consider gross floor area (GFA) exemption for development proposals. It is not necessary to duplicate such a function by requiring planning application under the OZP for the proposed ‘PA’ which involves granting of GFA exemption.”

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

### **Tsuen Wan and West Kowloon District**

#### **Agenda Item 4**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/762                      Shop and Services (Fast Food Shop) in “Other Specified Uses” annotated “Business(4)” zone, (Section 3A1) Unit 3, G/F, Sun Cheong Industrial Building, 1 Cheung Shun Street, 2-4 Cheung Yee Street, Cheung Sha Wan, Kowloon  
(MPC Paper No. A/K5/762)

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##### **Presentation and Question Sessions**

16.                      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) shop and services (Fast Food Shop) at the application premises;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received. No local objection was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The fast food shop under application complied with the Town Planning Board Guidelines for Development within “Other Specified Uses (Business) Zone (TPB PG-No. 22D) in that it would not generate significant adverse impacts on developments within the subject building and the adjacent areas. Concerned government departments had no in-principle objection to the application.

17. Members had no question on the application.

#### Deliberation Session

18. 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 fire service installations and equipment in the premises, within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.7.2015; and
- (b) if the above planning condition is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the development at the premises;
- (b) to note the comments of the District Lands Officer/Kowloon West, Lands Department for application of a temporary waiver or lease modification for the ‘Shop and Services (Fast Food Shop)’ use at the premises;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
  - (i) under the Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulation;
  - (ii) the building safety and other relevant requirements as may be imposed by the licensing authority should be complied with if the use under application is subject to the issue of a license; and
- (d) to note the comments of the Director of Food and Environmental Hygiene for obtaining requisite licence for operating food business at the premises.”

[The Chairman thanked Mr Philip Y.L. Chum, STP/TWK, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

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

**Agenda Item 5**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/427                      Renewal of Planning Permission for Temporary Government Use (Driving Test Centre) for a Period of 3 years in “Government, Institution or Community”, “Green Belt”, “Residential (Group A)” and “Road” zones, 103 Lei Muk Road, Kwai Chung, New Territories  
(MPC Paper No. A/KC/427)

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20.                      The Secretary reported that the application was submitted by the Transport Department (TD). Mr Wilson W.S. Pang, who was the Chief Traffic Engineer/Kowloon of TD, had declared an interest in this item. Mr Clarence W.C. Leung had also declared an interest in this item as he owned an office in Kwai Chung. The Committee agreed that as the interest of Mr Pang was direct, he should be invited to leave the meeting temporarily. The Committee considered that Mr Leung’s interest was indirect as his office did not have a direct view of the site and agreed that he could stay in the meeting.

[Mr Wilson W.S. Pang left the meeting temporarily and Dr Wilton W.T. Fok arrived to join the meeting at this point.]

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) renewal of planning permission for temporary government use (Driving Test Centre) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment expressing support to the application was received. No local objection was received by the District Officer (Kwai Tsing); and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Since the approval of the previous application (No. A/KC/382) in 2012, there was no change in planning circumstances for the site. The driving test centre under application would not create adverse environmental, landscape, sewerage, drainage and traffic impacts on the surrounding areas, and all concerned government departments had no adverse comment on the application.

22. A Member asked whether TD had any plan to identify a permanent site for the driving test centre in future. If TD was intended to renew the planning permission again after the temporary permission under application had expired 3 years later, it was necessary for the Committee to carefully consider whether there would be any potential alternative uses of the site in the long run. Another Member concurred and said that the site if combined with its adjacent area under the “Residential (Group A)” (“R(A)”) zone would be suitable and large enough for residential development, given the site was also in close proximity to some recreational facilities.

23. In response, Ms Fannie F.L. Hung, STP/TWK, said that half of the site was designated for ‘Road’ use which was intended to be the extension of Tai Pak Tin Street to link up with Wo Yi Hop Road. Although there was no development programme for this road extension, the planning intention of this area for ‘Road’ use was still valid. Regarding the need for a permanent site for the driving test centre, TD had not requested PlanD to undertake a site search so far. Since there was no access for the “R(A)” portion of the site, residential development was considered not feasible. In the future, if the planned road was implemented, PlanD could further investigate the possibility of the remaining portion of the site for residential use.

24. The Vice-chairman said that the utilisation rate of the driving test centre appeared to be low and asked whether there was any information on its utilisation rate. In response, Ms Hung said that there was no information on hand and given the driving test centre should have its own role in providing services to the public, and it would be the TD's responsibility to examine ways to increase its utilisation rate.

#### Deliberation Session

25. In response to the Chairman's question, it was explained that the site had been using as a driving test centre since 2007 and a planning permission for a period of 5 years was granted at that time. In 2012, another planning permission was granted for the renewal of the same use for a period of another 3 years until 2015. Since the nature of the current application was same as the previous renewal application, only a period of 3 years on a temporary basis was recommended to be granted.

26. A Member said that the site could be expanded to cover the slope located to the northwest of Shek Yam East Estate in order to provide a larger site for residential development, while Tai Pak Tin Street should be extended to provide an access road to serve the enlarged site. A long-term land use should be planned for the site given the current acute demand for housing land. Another Member concurred. In response, the Chairman said that PlanD and relevant government departments could be requested to review the potential of the site for housing development.

27. A Member considered that approving the application for 1 year instead of 3 years might closely monitor the land use review of the site. The Chairman said that a comprehensive land use review would normally take more than 1 year to complete, and it would be appropriate for the site to continue its existing use for a period of 3 years in the meantime.

28. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 1.3.2015 until 28.2.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition:

“- the provision of fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of the Fire Services or of the TPB by 28.8.2015.”

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

[Mr Wilson W.S. Pang returned to join the meeting at this point.]

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting]

A/TY/127                      Proposed Temporary Concrete Batching Plant and Associated Facilities for a Period of 5 Years in “Other Specified Uses” annotated “Boatyard and Marine-oriented Industrial Uses” zone, Tsing Yi Town Lots 14 and 15 and the Adjoining Government Land, Tam Kon Shan Road, Tsing Yi, New Territories  
(MPC Paper No. A/TY/127)

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29.                      The Secretary reported that AECOM Asia Co. Ltd. (AECOM), LLA Consultancy Ltd. (LLA) and BMT Asia Pacific Ltd. (BMT) were three of the consultants of the applicant. The following Members had declared interests in this item:

Mr Patrick H.T. Lau	}	having current business dealings with AECOM, LLA and BMT; and
Mr Dominic K.K. Lam		
Ms Julia M.K. Lau	}	having current business dealings with AECOM.
Professor P.P. Ho		

30.                      As the applicant had requested for a deferral of the consideration of the application and Mr Lau, Mr Lam, Ms Lau and Professor Ho had no involvement in the application, the Committee agreed that they could stay in the meeting.

31. The Committee noted that the applicant requested on 2.1.2015 for deferment of the consideration of the application for two months in order to allow sufficient time for preparation and submission of further information and technical clarifications in response to departmental comments received. This was the first time that the applicant requested for deferment.

32. 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 further information, and no further deferment would be granted unless under very special circumstances.

[Mr. Lawrence Y.C. Chau, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Ms M.L. Leung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/452                      Proposed Comprehensive Residential Development in “Comprehensive Development Area (3)” zone, Tsuen Wan Town Lot Nos. 126, 137, 160 and 363 and the Adjoining Government Land, Tsuen Wan  
(MPC Paper No. A/TW/452 D)

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33. The Secretary reported that the application was submitted by Tippon Investment Enterprises Ltd., a subsidiary of Sun Hung Kai Properties Ltd. (SHK), with Llewelyn Davies Hong Kong Ltd. (LD Asia), AECOM Asia Co. Ltd. (AECOM), Environ Hong Kong Ltd. (Environ), LWK & Partners (HK) Ltd. (LWK) as four of the consultants of the applicant.

The following Members had declared interests in this item:

- |                     |   |   |
|---------------------|---|---|
| Mr Patrick H.T. Lau | - | having current business dealings with SHK, LD Asia, AECOM;    |
| Mr Dominic K.K. Lam | } | having current business dealings with SHK, AECOM and Environ; |
| Ms Julia M.K. Lau   |   |   |
| Professor P.P. Ho   | - | having current business dealings with AECOM; and              |
| Mr Laurence L.J. Li | - | having current business dealings with LWK.                    |

34. The Committee noted that Mr Li had tendered apologies for being unable to attend the meeting. The Committee considered that the interests of Mr Lau, Mr Lam and Ms Lau were direct and agreed that they should leave the meeting temporarily. As Professor Ho had no involvement in the application, the Committee agreed that he could stay in the meeting.

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

#### Presentation and Question Sessions

35. With the aid of a PowerPoint presentation, Ms M.L. Leung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed comprehensive residential development;
  - (i) the proposed development would be divided into 4 development sites and implemented by 4 phases for Tsuen Wan Town Lot (TWTL) Nos. 160, 363, 126 and 137 respectively. Only TWTL No. 160 was owned by the applicant. The applicant had submitted a Master Layout Plan (MLP) of the site covering a proposed

development scheme for its own lot as well as indicative development schemes for other lots in the site. The existing public lanes on the government land within the site would be retained;

- (ii) the proposed development involved six 27-storey residential blocks at 100mPD with a total plot ratio (PR) of not more than 5 (about 52,556.36m<sup>2</sup> in gross floor area) and 1,047 flats;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a total of twelve public comments from five commenters were received, in which nine were adverse comments and the remaining three were raising concerns. The comments were summarized as follow:
  - (i) two owners of the dissenting lots (TWTL Nos. 126 and 363) submitted six opposing comments indicating that the applicant had not reached any consensus with them on the proposed MLP, and no planning brief (PB) for the “Comprehensive Development Area (3)” (“CDA(3)”) zone to guide future redevelopment had been prepared;
  - (ii) the Chairman of the Management Office of Fortune Commercial Building submitted four comments. They mainly indicated that Fortune Commercial Building should be redeveloped first and should be included in the site;
  - (iii) one comment was submitted by an individual objecting to the application on the grounds of difficulties in implementation and the industrial/residential (I/R) interface issue;
  - (iv) one comment was submitted by a Tsuen Wan District Council (TWDC) member raising concern on the cumulative traffic impact;
- (e) the District Officer (Tsuen Wan) (DO(TW)) had no comment on the

technical aspects of the application provided that no nuisance should be caused to the public, but advised that the locals may have concern on the traffic burden imposed by the proposed development. Some TWDC members raised concerns on the inadequate car parking provision at the meeting of the Community Building, Planning and Development Committee of TWDC.;

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed development which would be implemented in phases would not cause any adverse environmental impacts to the area and the Director of Environmental Protection (DEP)'s concern on the I/R interface issue could be addressed by the proposed mitigation measures. DEP had no objection to the application from an environmental planning perspective. The submitted MLP also complied with the Town Planning Board Guidelines for Designation of “CDA” zones and Monitoring the Progress of “CDA” Developments (TPB PG-No.17), in that each development site within the “CDA(3)” zone was self-contained in terms of layout design, provision of open space and greenery, and had its own vehicular access and the same maximum PR, hence respecting and not affecting the development potential of the dissenting lots and allowing flexibility for implementation. Approval conditions would be imposed to address technical requirements of concerned government departments. Regarding the concerns raised by the dissenting lot owners, an advisory clause advising the applicant that the dissenting lot owners could make amendments to the approved MLP on application to the Town Planning Board (TPB) would be incorporated, and a draft PB for the “CDA(3)” zone had been prepared and was now being considered by the members of the Metro District Planning Conference. As for other public comments, Fortune Commercial Building was not included in the “CDA(3)” zone, which was the recommendation of the Area Assessments 2009 of Industrial Land in the Territory, and comments of relevant departments and the planning assessment above were relevant to the traffic and I/R interface concerns.

36. The Chairman asked DPO to elaborate on the detailed development parameters, vehicular ingress/egress points and provision of local open space for each phase within the site. In response, Ms Leung said that the applicant's lot had an area of about 3,000m<sup>2</sup> and would provide two 27-storey towers with 327 flats and a private open space not less than 949m<sup>2</sup>. Regarding the lot currently occupied by Asia Tone i-centre, it had an area of about 3,900m<sup>2</sup> and would provide two 27-storeys towers with 384 flats and a private open space not less than 1,114m<sup>2</sup>. For the remaining two lots occupied by Bonsun Industry Building and Wong's Factory Building respectively, the former had an area of about 1,760m<sup>2</sup> while the latter had an area of about 1,660m<sup>2</sup>. Each of these lots would provide one 27-storey tower with 168 flats and a private open space not less than 488m<sup>2</sup>. Each of the four lots would have its own vehicular ingress/egress point as shown on the submitted MLP.

37. The Chairman further asked about the ownership of the public lane in between the four lots and whether it would be retained to serve the air ventilation purpose and further extend to Fortune Commercial Building. In response, Ms Leung said that the public lane was government land and maintained by the Highways Department. Should the application be approved, the applicant should provide landscaping for the public lane. Moreover, the public lane would be further extended to the section adjacent to Fortune Commercial Building. This intention had been incorporated into the draft PB, and the extended section of the lane was currently owned by Fortune Commercial Building but would be surrendered to LandsD in future.

38. A Member asked if the applicant could submit an application for his own lot excluding the lots owned by other dissenting owners in the "CDA(3)" zone as these owners indicated that the applicant had not reached any consensus with them on the proposed development. Another Member also asked whether it was possible for the development to fulfil the planning intention of the "CDA(3)" zone, in particular the I/R interface issue, if only the applicant's lot was to be developed, and how to ensure the developments of other dissenting lots would follow the submitted MLP if approved.

39. In response, Mr Lawrence Y.C. Chau, DPO/TWK, said that the applicant was required to submit a MLP to cover the entire "CDA(3)" zone covering other dissenting lots. Effort had also been made by the applicant to seek consensus with the owners of other dissenting lots. The submitted MLP for the phased development would not affect the

development potential of the dissenting lots, and it was also in line with the planning intention of the “CDA(3)” zone as the proposed developments would be practical and feasible in both short and long terms. An environmental assessment submitted by the applicant demonstrated that there would be no adverse industrial noise impact as a result of the proposed phased development. Although the proposed development on the applicant’s lot was subject to the noise impact arising from the air-conditioners on the rooftop of Asia Tone i-centre, this could be addressed by the proposed mitigation measures including extended architectural fins and Specially Provided Glazing. According to TPB PG-No. 17, the owners of the dissenting lots could propose amendments to the approved MLP subject to the TPB’s approval.

40. To provide some background information about this application, the Chairman said that PlanD conducted a land use review for the area in 2013. The Committee agreed to facilitate the transformation of the area from industrial use to residential use through designation of “CDA” zonings on several street blocks, taking into account that multiple land ownership were identified in these “CDA” zones. He further said that Members might make reference to three major factors in considering the application. Firstly, whether the proposed phased development would have any I/R interface issue. Secondly, whether the submitted MLP would take away the development potential of the dissenting lots. Thirdly, whether the submitted MLP could fulfil the planning intention of the “CDA(3)” zone and if the design was acceptable. Although any future developments on the dissenting lots would have to make reference to the approved MLP, the owners were allowed to make modification to it subject to TPB’s approval.

41. In response to a Member’s enquiry, the Chairman said that since Hong Kong was a free market economy, it was not possible to force other owners of the dissenting lots to develop their sites, but with the approved MLP, the long-term planning intention of the “CDA(3)” zone could be reflected.

42. The Vice-chairman asked whether the submitted MLP would impose any planning and design constraints on the future developments of the dissenting lots. In response, Mr Chau said that the public lanes within the “CDA(3)” zone, which served as both visual and ventilation corridors, had divided the zone into four rectangular development sites with appropriate size and configuration. Each development site had the same PR and

building height restriction, and could have its own facilities and landscaping. In this connection, the submitted MLP would not create any planning and design constraints on the future developments of the dissenting lots.

### Deliberation Session

43. A Member supported the application as the proposed development could encourage phasing out of the industrial uses and help alleviate the housing problem in Hong Kong. In view of the incentives brought by the proposed residential development, the owners of the dissenting lots might be willing to redevelop their sites in the future.

44. The Vice-chairman supported the phased development as it had fulfilled all technical requirements and there was no reason to reject the application. Nevertheless, he pointed out that since the applicant's lot situated at the most critical and crucial location of the entire "CDA(3)" zone, the incentive for joint-development among the owners of the dissenting lots would be reduced once the Phase 1 was developed by the applicant.

45. The Chairman reiterated the three major factors for considering the application that the submitted MLP should be able to achieve holistic development, resolution of the I/R interface issue, and no deprivation of the development potential of the dissenting lots.

46. A Member supported the application as each development site was served by its own vehicular access and a backlane, and therefore a phased development was considered feasible. The proposed residential development could also encourage transformation of the area and provide more housing units.

47. Regarding the I/R interface issue, Mr K.F. Tang, Associate Director (Environmental Assessment), Environmental Protection Department said that with the implementation of the proposed on-site noise mitigation measures, the proposed development at the applicant's lot in the interim would not be subject to adverse noise impact. The Chairman also said that an approval condition would be imposed to ensure the implementation of the noise mitigation measures.

48. After deliberation, the Committee decided to approve the application, on the

terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 16.1.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of a revised Master Layout Plan (MLP) to incorporate the approval conditions as stipulated in conditions (b) to (g) below to the satisfaction of the Director of Planning (D of Plan) or of the TPB;
- (b) the submission and implementation of a revised phasing plan and implementation programme to the satisfaction of D of Plan or of the TPB;
- (c) the implementation of the noise mitigation measures identified in the Environmental Assessment to the satisfaction of the Director of Environmental Protection (DEP) or of the TPB;
- (d) the submission of a revised Traffic Impact Assessment, and design and provision of vehicular access and car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services (D of FS) or of the TPB;
- (f) the submission and implementation of revised Landscape Master Plan to the satisfaction of D of Plan or of the TPB; and
- (g) 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 the TPB.”

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

- “(a) to note that the approved MLP, together with the set of approval conditions, will be certified by the Chairman of the TPB and deposited in the Land Registry (LR) in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in LR as soon as practicable;
- (b) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department regarding lease modification application or land exchange for the proposed development;
- (c) to note the requirements of the Chief Building Surveyor/New Territories West, Buildings Department (BD) on the rooms for habitation and kitchen and the design for the noise mitigation measures including the vertical fins and Specially Provided Glazing (SPG);
- (d) to note the requirements of DEP to conduct the 3-stage tests for the noise reduction performance of the proposed SPG, i.e. (i) Laboratory testing; (ii) On-site Mock Up Verification Testing; and (iii) In-field testing;
- (e) to note the requirements of D of FS that the provision of emergency vehicular access shall comply with the Code of Practice for Fire Safety in Buildings 2011 which is administered by BD;
- (f) to note that the other land owners of the remaining portion of the “Comprehensive Development Area (3)” site falling within the Phases 2a to 2c of the proposed development programme can propose amendments to the approved MLP on application to the TPB; and
- (g) to strictly follow the relevant prevailing environmental and building regulations to minimize impact of the building works at phase 1 site on the existing operation of other lots in the site.”

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

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

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/465                      Temporary Information Technology and Telecommunications Industries (Data Centre) for a Period of 3 Years in “Comprehensive Development Area (3)” zone, 2/F, Asia Tone i-Centre, No. 1 Wang Wo Tsai Street, Tsuen Wan (TWTL No. 363)  
(MPC Paper No. A/TW/465)

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**Presentation and Question Sessions**

50.                      With the aid of a PowerPoint presentation, Ms M.L. Leung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary information technology and telecommunication industries (Data Centre) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received. No local objection was received by the District Officer (Tsuen Wan); and

[Professor P.P. Ho arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments set out in paragraph 11 of the Paper. The premises was the subject of a previous approved application (No. A/TW/454) submitted by the same applicant for the same use. Since granting the previous approval, there had been no material change in the planning circumstances. The intended comprehensive redevelopment at the subject “Comprehensive Development Area (3)” zone (“CDA(3)”) would take time to materialise, therefore a temporary approval for a period of 3 years would not affect the implementation of the “CDA(3)” zone and would allow the Committee to monitor the implementation progress of the subject zone.

51. Members had no question on the application.

#### Deliberation Session

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.1.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of fire service installations and water supplies for fire-fighting proposals in the premises within 3 months from the date of the approval to the satisfaction of the Director of Fire Services (D of FS) or of the TPB by 16.4.2015;
- (b) the implementation of fire service installations and water supplies for fire-fighting proposals in the premises within 6 months from the date of the approval to the satisfaction of D of FS or of the TPB by 16.7.2015; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to note that prior planning permission should have been obtained before commencing the applied use at the premises;
- (b) to note that a shorter compliance period is granted in order to monitor the fulfilment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the TPB to any further application;
- (c) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (LandsD) that a temporary waiver for the proposed use for a fixed term commencing from 22.7.2014 to 21.3.2017 (in order to tally with the expiry date of the previous planning approval of application No. A/TW/454) and thereafter quarterly at the premises was approved in July 2014 and the waiver letter is pending for execution. However, as stipulated in the said proposed waiver conditions, the said waiver may be revoked by the Government in the event that permission under section 16 of the Town Planning Ordinance has not been obtained. If the planning application is disapproved by the TPB, the above waiver would be revoked forthwith and the owner of the premises would have to apply to LandsD for a new temporary waiver application. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. Any approval, if given, will be subject to such terms and conditions, including inter alia, payment of waiver fees and administrative fee, as may be imposed by LandsD; and
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that under the Buildings Ordinance (BO) no person shall commence or carry out any building works without having first approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulation; and any proposed building works should comply with the prevailing requirements under the BO and allied regulations and Code of Practices. Particular

attention is drawn to the requirement for people using one required staircase should be able to gain access to at least one other required staircase at any time, without having to pass through other person's private premises. Clause B8.2 of Code of Practice for Fire Safety in Buildings 2011 refers.”

## **Agenda Item 9**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/463                      Proposed Government Use (Indoor Multi-purpose Centre) in “Open Space” zone, Government Land at Sai Lau Kok Garden, Sai Lau Kok Road, Tsuen Wan  
  
(MPC Paper No. A/TW/463)

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54.            The Secretary reported that the application was submitted by the Home Affairs Department (HAD), with Kenneth To & Associates Ltd. (KTA) as one of the consultants of the applicant. The following Members had declared interests in this item:

- |                     |   |   |
|---------------------|---|---|
| Mr Martin W.C. Kwan | - | being the Chief Engineer (Works) of HAD;                      |
| Mr Patrick H.T. Lau | - | having current business dealings with HAD;                    |
| Mr Dominic K.K. Lam | - | having current business dealings with KTA; and                |
| Mr Stephen H.B. Yau | - | working in an organisation which had a project funded by HAD. |

55.            Since the interests of Mr Kwan and Mr Lau were direct, the Committee agreed that they should be invited to leave the meeting temporarily. As Mr Lam and Mr Yau had no involvement in the application, Member agreed that they could stay in the meeting.

[Mr Martin W.C. Kwan left the meeting temporarily and Mr Patrick H.T. Lau left the meeting at this point.]

Presentation and Question Sessions

56. With the aid of a PowerPoint presentation, Ms M.L. Leung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed government use (Indoor Multi-purpose Centre (IMC));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) commented that the proposed northern connection with the podium of Fou Wah Centre would further aggravate the congested pedestrian flow along the ramp section outside Fou Wah Centre. In addition, the proposed extension of the ramp section might affect pedestrian passage at the podium level outside Fou Wah Centre. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, seven public comments were received. Of which, one commenter supported the application and considered that it would enhance the pedestrian circulation of the area. The remaining six adverse comments objected to the application on the grounds that there were impacts on the open space provision in the district and the function of the Sai Lau Kok Garden (SLKG) as an open space; the proposed site coverage (SC) would be more than 55%; the emergency exits serving the proposed development should be provided; the justifications for not providing the proposed IMC in other locations were required; there were already other IMCs in the district; and the proposed IMC would cause adverse impacts on landscape, environmental, lighting and air ventilation aspects. No local objection was received by the District Officer (Tsuen Wan); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

The proposed development would not have adverse impacts on the infrastructural and technical aspects. The technical requirements including concerns from C for T, could be addressed through the imposition of approval conditions and advisory clauses. Regarding the public comments, since there was a surplus of local open space provision, there was no negative impact on the overall local open space provision for the district as a result of the proposed redevelopment of SLKG. There was local demand for a new IMC to provide space for various cultural, social and recreational activities and the proposed IMC had been endorsed by the Tsuen Wan District Council. According to the applicant, the proposed development involved a SC of not more than 55% and an integrated design approach was adopted to incorporate a public open space including the podium garden in the proposed development. The emergency exists/emergency vehicular access would be similar to the existing arrangement and would comply with the relevant Government's requirements. The site was also a preferable location for the proposed IMC taking into account the availability of public transport facilities in the vicinity. As for the concern on landscape, environmental and air ventilation aspects, relevant government departments had no objection to or no adverse comment on the application. Regarding the concern on lighting impact, the applicant would follow the existing design standards and requirements on public open space to avoid excessive lighting.

57. In response to the Vice-chairman's question on the difference between the SC provided by the applicant and the commenter, Ms M.L. Leung, STP/TWK, said that the commenter did not provide a breakdown of the SC calculation but indicated that it was calculated on the basis of deducting the pedestrian circulation area from the site.

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

58. A Member asked DPO to elaborate on the proposed pedestrian facilities and how they could improve the pedestrian circulation of the area. Ms Leung said that the proposed podium garden would be directly connected to the existing elevated walkway, which could provide an alternative route for pedestrians to/from MTR Tsuen Wan Station and Fou Wah

Centre, without affecting the existing elevated walkway. As C for T had indicated that the proposed footbridge connections with the podium of Fou Wah Centre would further aggravate the congested pedestrian flow, an approval condition was recommended to request the applicant to study and revise the design of the footbridge connections.

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

### Deliberation Session

59. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 16.1.2019, 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 provision of a revised design of connection points to the existing elevated walkway system to the satisfaction of the Commissioner for Transport (C for T) or of the TPB;
- (b) the submission and provision of a revised design of staircases/ramps connected to the existing elevated walkway system to the satisfaction of C for T or of the TPB;
- (c) the submission and implementation of a revised Landscape Master Plan including a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (d) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services (D of FS) or of the TPB.”

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

- “(a) to note the comments of D of FS that the arrangement of emergency vehicular access shall comply with the Code of Practice for Fire Safety in

Buildings published by the Buildings Department;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department regarding the requirements for the diversion of the affected water mains, waterworks reserve area and interface with the existing water mains rehabilitation works “Replacement and Rehabilitation of Water Mains Stage 4 Phase 1- Contract No. 13/WSD/10”;
- (c) to note the comments of the Director of Environmental Protection that the proper locations for the fresh-air intake(s) of the proposed central air-conditioning system(s) should fulfil the buffer distance in accordance with Table 3.1, Chapter 9 of the Hong Kong Planning Standards and Guidelines;
- (d) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department that the proposed development should comply with the statutory requirements of the Buildings Ordinance and its subsidiary regulations, Code of Practice for Fire Safety in Buildings 2011 and Design Manual: Barrier Free Access 2008; the barrier free connection within the site between the ground floor and podium floor should be further enhanced; wider access routes should be provided at junctions between the existing elevated walkways and the podium garden; adequate artificial lighting should be provided for the reserved space of the future conference room and activity room and its circulation areas; and the requirements on the architectural design for the roof of E&M building, the glass canopy of the podium garden, corridors between toilets and planters on ground floor, and shape of planters on ground floor should be followed; and
- (e) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department and identify the exact extent/alignment of the re-possessed parapet wall (located along the elevated pedestrian walkway being maintained by the owners of Tsuen Wan Town Lot No. 233 (i.e. Fou Wah Centre)) for his further handling.”

[Mr Martin W.C. Kwan returned to join the meeting at this point.]

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/464                      Proposed Wholesale Conversion to Research, Design and Development Centre, Training Centre, Place of Recreation, Sports or Culture, Shop and Services, and Eating Place in “Industrial” zone, Nan Fung Textile Mills No. 4, 5 and 6, at TWTLs 313RP (Part) and 325, 23/39 and 41-47 Pak Tin Par Street, Tsuen Wan  
(MPC Paper No. A/TW/464)

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61.                      The Secretary reported that Kenneth To & Associates Ltd. (KTA) and Ove Arup & Partners Hong Kong Ltd. (ARUP) were two of the consultants of the applicant. The following Members had declared interests in this item:

Mr Patrick H.T. Lau	}	having current business dealings with KTA and ARUP.
Mr Dominic K.K. Lam		

62.                      The Committee note that Mr Lau has already left the meeting, and agreed that as Mr Lam had no involvement in the application, he could stay in the meeting.

**Presentation and Question Sessions**

63.                      With the aid of a PowerPoint presentation, Ms M.L Leung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed wholesale conversion to research, design and development centre, training centre, place of recreation, sports or culture, shop and services, and eating place;

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendices III and IV of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, one supportive comment was received but raised concern on the light pollution problem and the adverse impact on the existing inadequate provision of car parking spaces in the areas. No local objection was received by the District Officer (Tsuen Wan); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed scheme under the application would result in no change to the existing total gross floor area (GFA) and maximum building height of the three Nan Fung Textile Mills (NFTMs). The application would not cause any infrastructural impact on the surrounding area and concerned government departments had no objection to or no adverse comment on the application. Regarding the public comment, the applicant had undertaken a traffic impact assessment to justify that the proposed development would not bring about adverse traffic impact to the area and there were adequate public car parking spaces to accommodate the additional parking demand. The Commissioner for Transport had no comment on the proposed car parking provision at the site. As regards the lighting pollution concern, the applicant responded that only normal lighting would be installed for the proposed development and external lighting would be kept minimal.

64. A Member asked if the eating places in the proposed development would be open to the public as the buildings were under “Industrial” zone. In response, Mr Lawrence Y.C. Chau, DPO/TWK, said that since the NFTMs would be undergoing in-situ wholesale conversion from industrial buildings to a mixed-use development, eating places and retail facilities inside the development would be open to the public.

65. A Member appreciated the applicant’s effort in preserving the architectural

features of the NFTMs. The Member said that preservation of the building façade should be enhanced and asked whether some old textile machines could be displayed to illustrate the history of the textile industry, and what would be the status of the neighbouring Cheung Fung Industrial Building (CFIB) and its relationship with the proposed development. In response, Mr Chau said that Members' concern on the façade preservation could be addressed through the incorporation of a relevant advisory clause. It was noted that according to the applicant's proposal, some old textile machines might be displayed at the proposed fashion and textile gallery and resource centre to commemorate the legacy of the textile industry. Mr Chau further explained that CFIB would remain as an industrial building, and did not form part of the application. Since CFIB was on the same lot with NFTM 6, the applicant was required to submit the lease modification/special waiver application in accordance with the prevailing relevant policy to LandsD for the wholesale conversion of NFTM 6. It was noted that no adverse comment was received from the owners of CFIB.

66. A Member asked if the applicant would launch any programme and activities with some local organisations to encourage young fashion designers to establish their businesses and reserve some space for promoting the creative industry in response to the recent Policy Address. In response, Mr Chau said that the applicant had got support from different organisations, industry players and designers as collaborating partners for the incubation and training programmes. In addition, the applicant proposed to charge affordable rate for the proposed design studios.

#### Deliberation Session

67. The Chairman said that since the proposed development had no industrial use, both eating places and facilities could be open to the public as there would be no industrial safety issue. To address Members' concern on better preservation of the building façade, an advisory clause could be added. The Secretariat was requested to work out the wordings of the advisory clause. Members agreed.

68. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 16.1.2019, 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 Traffic Impact Assessment to the satisfaction of the Commissioner for Transport (C for T) or of the TPB;
- (b) the design and provision of vehicular access, pedestrian circulation system, car parking and loading/unloading facilities to the satisfaction of C for T or of the TPB;
- (c) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;”

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

- “(a) to note the concern of Members on the need to better preserve the architectural features of the existing building façade in the proposed development;
- (b) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD) regarding the requirements of application for special waiver and lease modification for the proposed development scheme of wholesale conversion of the Nan Fung Textile Mills (NFTM) 4, 5 and 6, in particular:

“The applicant is drawn to the attention of the paragraph 9(b) of the LandsD Practice Note (PN) No. 1/2010 that application for special waiver should be submitted by the owner (in single ownership cases) or all owners (in multiple ownership) of the lot. For Tsuen Wan Town Lot (TWTL) No. 313RP, if the applicant wishes to apply for a special waiver in accordance with the aforesaid PN, the applicant shall submit the application together with the owner(s) of Cheung Fung Industrial Building (CFIB) (another

industrial building erected upon TWTL No. 313RP) for wholesale conversion of the existing industrial buildings of TWTL No. 313RP. Alternatively, the applicant may apply for a lease modification or waiver for change of use of the NFTM 6 within TWTL No. 313RP only. If the lease modification or waiver application is approved, it will be subject to such terms and conditions including payment of premium or fee as considered appropriate; and

The special waiver, if approved, will primarily waive the Government's right to enforce the user restriction in the lease conditions for the existing building. Hence, if planning approval is given, the lot owner will have to submit the application for special waiver together with the lease modifications for the proposals as mentioned in paragraphs 10.1.2 (c) and (d) of the Paper if applicable to LandsD to implement the proposed wholesale conversion. LandsD will complete processing the lease modification, if approved, before proceeding to execute the special waiver. Appropriate terms and conditions would be considered and imposed in the lease modifications/special waiver so as to reflect the intention of the planning approval as appropriate. However, there is no guarantee at this stage that the lease modifications/special waiver would be approved. If the applications are approved by LandsD in the capacity of landlord at his sole discretion, they will be subject to such terms and conditions including, among others, payment of premium and fee as LandsD may consider appropriate for the case.”;

- (c) to note the comments of DLO/TW&KT, LandsD on the verification of the site area of NFTM 6; and seeking agreement with the adjoining CFIB on the proposed replacement of the existing vehicular access at NFTM 6 with the new pedestrian passageway;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on fire exits at ground floor of the proposed development, refine the fire-exits design at the building plans submission stage and meet the requirements on provision of Barrier Free Access to the

buildings including the roof gardens in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008;

- (e) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department on the circulation space / routes of the proposed development and the provision of sun-shading device for the proposed glass wall and atrium; and
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department and explore planting opportunities inside the atrium so as to maximise the effect of the landscaping provided for the proposed development.”

[The Chairman thanked Mr Lawrence Y.C. Chau, DPO/TWK and Ms M.L. Leung, STP/TWK for their attendance to answer Members’ enquiries. They left the meeting at this point.]

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

## **Hong Kong District**

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting]

A/H25/16

Proposed Exterior Design for the West Vent Shaft of the Exhibition Station of the Shatin to Central Link in “Other Specified Uses” annotated “Railway Ventilation Building”, “Other Specified Uses” annotated “Amenity Area” and “Other Specified Uses” annotated “Exhibition Centre” zones, a site at the junction of Fleming Road and Convention Avenue, Wan Chai, Hong Kong  
(MPC Paper No. A/H25/16A)

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70. The Secretary reported that the application was submitted by MTR Corporation

Ltd. (MTRCL) with Ove Arup & Partners Hong Kong Ltd. (ARUP) as the consultant. The following Members had declared interests in this item:

Mr Wilson W.S. Pang	-	being the representative of the Transport Department in which the Commissioner for Transport was a Non-Executive Director of MTRCL; and
Mr Patrick H.T. Lau	}	having current business dealings with MTRCL and ARUP.
Mr Dominic K.K. Lam		

71. The Committee noted that Mr Lau had left the meeting already. As the applicant had requested for a deferral of the consideration of the application, the Committee agreed that Mr Pang and Mr Lam could stay in the meeting but should refrain from participating in the discussion.

[Mr Frankie W.C. Yeung arrived the meeting at this point.]

72. The Committee noted that the applicant had requested on 18.12.2014 for deferment of the consideration of the application for two months in order to allow time to refine the proposal and prepare further information to address departmental comments. This was the second time that the applicant requested for deferment.

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

[Mr Tom C.K. Yip, District Planning Officer/ Kowloon (DPO/K) and Ms Joyce Y.S. So, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

## **Kowloon District**

### **Agenda Item 12**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K15/112            Proposed Comprehensive Development (including Residential, Commercial, Hotel, Government, Institution or Community Uses, Public Vehicle Park, Pier (Landing Steps) and Footbridges) and Minor Relaxation of Plot Ratio Restriction in “Comprehensive Development Area” zone, various Marine / Private Lots and the Adjoining Government Land at Yau Tong Bay, Yau Tong, Kowloon  
(MPC Paper No. A/K15/112C)

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74.            The Secretary reported that the application site was in Yau Tong and the application was submitted by Main Wealth Development Ltd., a joint venture of owners of Yau Tong Marine Lots (YTMLs) including Sun Hung Kai Properties Ltd. (SHK), Henderson Land Development Ltd. (HLD), Hang Lung Development Ltd., Swire Properties Ltd. (Swire), Wheelock Properties Ltd. (Wheelock), Central Development Ltd., Moreland Ltd. and Fu Fai Enterprises Ltd., with Ove Arup & Partners Hong Kong Ltd. (ARUP), Urbis Ltd. (Urbis), Dennis Lau & Ng Chun Man Architects & Engineers (HK) Ltd. (DLNCM), MVA Systra Group Ltd. (MVA) and AECOM Asia Co. Ltd. (AECOM) as five of the consultants of the applicant. The following Members had declared interests in this item:

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|---------------------|--|
| Mr Patrick H.T. Lau | - having current business dealings with SHK, HLD, Swire, Wheelock, ARUP, DLNCM, MVA and AECOM; |
| Mr Dominic K.K. Lam | - having current business dealings with SHK, HLD, Wheelock, ARUP, Urbis, MVA and AECOM;        |
| Ms Julia M.K. Lau   | - having current business dealings with SHK, MVA and AECOM;                                    |

- |                        |   |
|------------------------|---|
| Mr Clarence W.C. Leung | - being the director of an non-government organisation that received a donation from a family member of the Chairman of HLD;  |
| Mr Roger K.H. Luk      | - being a member of the Council of the Chinese University of Hong Kong (CUHK) that received a donation from a family member of the Chairman of HLD;   |
| Professor P.P. Ho      | - having current business dealings with AECOM and being the Director of the Master in Architectural Conservation and Design Programme of CUHK that received a donation from a family member of the Chairman of HLD, Wheelock and DLNCM; |
| Dr Wilton W.T. Fok     | - being an employee of the University of Hong Kong that received a donation from a family member of the Chairman of HLD; and  |
| Mr Laurence L.J. Li    | - his spouse's relative owning a factory in Yau Tong.   |

75. The Committee noted that Mr Li had tendered apologies for being unable to attend the meeting, and Mr Lau and Ms Lau had left the meeting already.

76. Since the interest of Mr Lam was direct, the Committee agreed that he should be invited to leave the meeting temporarily. As the interests of Mr Leung, Mr Roger K.H. Luk and Dr Fok were indirect and Professor Ho had no involvement in the application, the Committee agreed that they could stay in the meeting.

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

#### Presentation and Question Sessions

77. With the aid of a PowerPoint presentation, Ms Joyce Y.S. So, STP/K, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed comprehensive development (including residential, commercial, hotel, government, institution or community (GIC) uses, public vehicle

park, pier (landing steps) and footbridges) and minor relaxation of plot ratio (PR) restriction (amendments to the approved Master Layout Plan (MLP) under application No. A/K15/96);

- (i) both the approved and current applications were for proposed comprehensive development with minor relaxation of PR from 4.5 to 5. The MLP submitted covered the whole “Comprehensive Development Area” (“CDA”) site (about 98,954.75m<sup>2</sup>) including private lots not owned by the applicant (about 14,734.72m<sup>2</sup>, 14.89%) and government land (10,248.24m<sup>2</sup>, 10.36%);
- (ii) the approved MLP comprised 28 residential blocks, 4 hotel blocks and a GIC block with the provision of a public waterfront promenade and two flights of landing steps. The major proposed amendments to the approved MLP were summarized as follows:
  - changes in building form and disposition of the blocks, number of flats and flat size;
  - in the approved scheme, the Cha Kwo Ling Salt Water Pumping Station (SWPS) at the northern part of the site was proposed to be relocated to a new GIC block at the southern part, so that the SWPS site could be released for development of a hotel block. The GIC block was proposed to be deleted in the current application with the social welfare facilities to be incorporated into the podia of residential blocks in the site. The SWPS would be developed for hotel use upon relocation of the SWPS outside the Yau Tong Bay CDA. In the interim period, the SWPS was proposed to be retained in-situ with setback for public waterfront promenade;
  - adjustment of the building heights (BHs) of Towers 7 - 9 in response to a condition under previous approved application;

- provision of one additional flight of landing steps in front of Tower 2;
  - changes in the configuration and public access of the proposed public waterfront promenade, number of private car and motorcycle parking spaces, vehicular access, layout of internal roads and blocks included in different phases;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Concerned government departments had no objection to or no adverse comment on the application. Regarding the SWPS, the Water Supplies Department (WSD) currently had no plan to relocate it;
- (d) during the first three weeks of the statutory publication periods, a total of 57 public comments were received, of which 34 were supportive comments, 10 were opposing comments and the remaining 13 provided views. The major comments were summarized as follow:

*Supportive Comments*

- a member of the Water-land Interface Task Force of the Harbourfront Commission (HC) supported the application but expressed the need for making the best use of the relatively sheltered water spaces abutting the site;
- a member of the Kwun Tong District Council (KTDC) supported the application but highlighted the concerns on the access between the site and MTR Yau Tong Station/nearby residential developments, traffic along Cha Kwo Ling Road, provision of convenient access to the waterfront promenade, avoidance of wall-effect and sufficient provision of social facilities;
- the Hong Kong and China Gas Company Limited expressed that

mitigation measures and recommendations of the quantitative risk assessment should be properly executed by the developers of Towers 16 and 17;

- 28 individuals supported the application on the grounds that the proposal could accelerate the redevelopment of industrial area, provide waterfront promenade and amenities facilities and enhance the vibrancy of the nearby shopping area. Some individuals expressed support to the retention of SWPS as it could provide more ventilation area, avoid the traffic problem arising from its relocation and provide three flights of landing steps for berthing of leisure boats;

#### *Opposing Comments*

- four owners of the dissenting lots indicated that the applicant had not reached any consensus with them on the current MLP and commented that there was no mechanism for owners to amend the MLP approved by the Town Planning Board (TPB);
- Designing Hong Kong Limited (DHK) opposed the application on the grounds of the design and accessibility of the waterfront promenade, relaxation of the greening ratio, ownership and uses of the ground level, promenade and the bay, and availability of outdoor seating with food and beverage facilities;

#### *Providing Views*

- the Chairman of KTDC showed concern about the carrying capacity of the transport infrastructure in the Kwun Tong district;
- Southern District Councillor and the founder of DHK advised that the best way to address the land-water interface beyond the landing steps was to setback the waterfront railing and demarcation of the

waterfront promenade by 3ft from the seawall for mounting bollards/berthing facilities;

- New Hong Kong Tunnel Company Limited considered that the proposed development should take into account the interface issues between the development, and the Eastern Harbour Tunnel area and its ventilation building;
  - two nearby primary schools requested for provision of more community facilities and additional pedestrian facilities, and concerned on the environmental nuisance during construction, road safety issue and possible air and visual impacts;
  - individuals commented that more flats could attract young couples to move into the area and bring in more business opportunities; supply of hotels should not be reduced; the SWPS should not be relocated so as not to affect the road traffic; and improving transport infrastructure was needed;
- (e) no local objection was received by the District Officer (Kwun Tong);
- (f) the applicant briefed HC on the current scheme on 12.2.2014. The revised BH profile of the current scheme was generally supported. Some HC members opined that the current setting of the waterfront promenade might not be conducive to enhancing the vibrancy of the waterfront, and commented that a more innovative design should be adopted and the greening ratio might have to be relaxed slightly; and
- (g) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper which were summarised as follows:

*Changes in the Current Scheme*

- (i) the current scheme maintained the same major development parameters and essential design features with that of the approved scheme. Regarding the changes in the current scheme and the associated technical issues, relevant government departments had no objection to or no adverse comment on the application subject to the imposition of appropriate approval conditions;

*Development at SWPS Site*

- (ii) on the applicant's proposal to retain the SWPS at the site until a suitable reprovisioning site could be identified, WSD requested that the applicant should be responsible for reprovisioning the SWPS to a new suitable site and demolish the existing one and constructing a new one at his own cost. However, the applicant indicated that he had difficulties to bear such responsibilities due to the lack of the government land bank information and the details of relocation programme. Prior to the relocation of the SWPS, however, WSD accepted the applicant's proposal of developing a 15m-wide setback as an interim measure for providing a continuous waterfront promenade;

*Management and Maintenance Responsibility*

- (iii) the applicant confirmed that he would construct the public waterfront promenade, basement public car park for the promenade, six public accesses and three landing steps, and take up their management and maintenance responsibilities until they were surrendered to the Government;

*Phased Development*

- (iv) the proposed phased development complied with the Town Planning

Board Guidelines for Designation of “CDA” zones and Monitoring the Progress of “CDA” Developments (TPB PG-No.17) that redevelopment of an earlier phase would not take up the development potential of other phases and the comprehensiveness of the development had not been undermined;

*Public Comments*

- (v) regarding the concern on no consensus among the lot owners, the applicant had complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by giving notification to other concerned owners;
- (vi) on the mechanism for the dissenting lots’ owners to amend the MLP approved by TPB and their different views on the design of their lots, they could submit fresh applications to amend the development scheme in respect of their lots should they consider necessary;
- (vii) on the provision of bollards and public storage of small sailing and watersports craft, such features/use could be considered for inclusion into the waterfront promenade in the detailed design stage. On relaxing of greening ratio at the promenade, it had been relaxed from 85% in the approved planning brief (PB) to about 60% under the approved scheme. The request for notifying future residents of the status of the promenade was conveyed to the applicant; and
- (viii) other public comments on the traffic impact and transport infrastructure, environmental impacts, retention of the SWPS, provision of community facilities and suggestion to setback from the seawall, comments of relevant departments and the planning assessment above were relevant.

78. The Chairman said that the context of this application was similar to that of another planning application in Tsuen Wan (No. A/TW/452) discussed earlier in the same meeting. The CDA sites of both applications were under multiple ownership, but the applicant of this application hold the majority of the private land area in the site. The applicant submitted an application with a MLP in 2013 which was approved by the Committee and one of the major principles in considering the previously approved application was that the distribution of gross floor area equivalent to a PR of 5 and the allocation of land area for the construction of a continuous waterfront promenade were made on a pro-rata basis with reference to the area of each lot. With regard to the current application, Members should consider whether the design of the current MLP was comprehensive and acceptable and if the proposed changes would affect the development potential of the dissenting lots.

79. Regarding the relocation of the SWPS, the Chairman asked why WSD requested the applicant to be responsible for reprovisioning the SWPS to a new suitable site including the demolition of the existing building and the construction of the new one at his own cost. In response, Mr Tom C.K. Yip, DPO/K, said that WSD considered that the applicant should be responsible for the relocation of the SWPS if it would be affected by the CDA development. However, the applicant indicated that his earlier proposal of relocating the SWPS to another location within the "CDA" zone was proved to be not feasible and no available sites for relocation of the SWPS outside the Yau Tong Bay CDA had been identified. Relevant government departments including WSD and the Lands Department had no comment on the applicant's proposal. Prior to the relocation, the applicant proposed to develop a 15m-wide waterfront promenade at the SWPS site as an interim measure and he would construct, maintain and manage the section of promenade in front of the SWPS before it was surrendered to the Government upon request. The Chairman supplemented that the SWPS was on government land, and should it be relocated in future, the site could be a land sale site.

80. The Vice-chairman and a Member asked if the uncertainty in the relocation programme of the SWPS would have any adverse impact on the development of the "CDA" zone and the waterfront promenade. In response, Mr Yip said that the applicant had provided a phasing plan for the entire "CDA" site. A more detailed implementation programme was provided for the lots owned by the applicant. However, the development

programme of the lots not owned by the applicant, including the hotel development on the SWPS site, would be determined by the respective land owners. It was also noted that some dissenting lots' owners had intention or plans to redevelop their own lots. As for the waterfront promenade, Mr Yip explained that the applicant would construct the sections of promenade falling onto his lots according to the proposed phasing plan which was expected to be completed around 2020 to 2021. In addition, the applicant had agreed to implement the section of promenade in front of the SWPS even before its relocation.

### Deliberation Session

81. A Member supported the application as the majority of the private land area within the "CDA" site was owned by the applicant. In response to another Member's question, it was confirmed that the proposed amendments to the MLP under application were mainly due to the changes in retaining the SWPS in situ instead of relocation and the flat number. The average flat size of the proposed scheme was reduced from 76.2m<sup>2</sup> to 60.81m<sup>2</sup> resulting in the increase in the flat number by 1,325, which would allow the provision of more small and medium sized flats. The increase in the number of flats was mainly concentrated on the lots owned by the applicant, but the dissenting lots' owners could propose amendment to the flat size on their lots subject to the approval from TPB.

82. The Chairman asked if there were any existing industrial activities within the "CDA" site leading to industrial/residential (I/R) interface issue. In response, it was explained that only two sand depots remained in the "CDA" site that were located at the sites of Towers 2 and 8, and their associated activities were minimal. To address the possible I/R interface issue, the applicant had conducted an environmental assessment and proposed some noise mitigation measures for Towers 1, 7 and 9, such as the provision of a 25m set back from the sand depots and putting by non-noise sensitive rooms on the façade facing the industrial uses. An approval condition was also proposed to be imposed to ensure that there would be no insurmountable impact arising from the traffic noise and I/R interface problems by implementing appropriate mitigation measures.

83. In response to the Chairman's question on the relocation of the GIC facilities, it was explained that the standalone GIC block proposed in the approved scheme would be deleted and the GIC facilities would be relocated and integrated into the podia of two

residential blocks (i.e. Towers 2 and 7). Concerned government departments including the Social Welfare Department and the Education Bureau supported the applicant's proposal.

84. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 16.1.2019, 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 (b), (d) to (f) and (h) to (p) below to the satisfaction of the Director of Planning (D of Plan) or of the TPB;
- (b) any floor space that is constructed or intended for use as public vehicle park for the public waterfront promenade and government, institution or community facilities to be provided within the applicant's site should be included in the GFA calculation of the applicant's site;
- (c) the waterfront promenade will be constructed, managed and maintained by the applicant, as proposed by the applicant, and open 24 hours each day for public enjoyment until it is surrendered to the Government upon request;
- (d) the design and provision of the public waterfront promenade including its public pedestrian access and temporary access to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (e) the design and provision of the junction improvement works at the junction of Cha Kwo Ling Road and Ko Fai Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport (C for T) or of the TPB;
- (f) the design and provision of the landing steps, as proposed by the applicant to the satisfaction of the Director of Civil Engineering and Development (DCED) or of the TPB;

- (g) the landing steps at the applicant's site will be constructed, managed and maintained by the applicant, as proposed by the applicant, and open at reasonable hours for public usage to the satisfaction of the Director of Lands or of the TPB until they are surrendered to the Government on request;
- (h) the design and provision of pedestrian access to the waterfront, footbridges from MTR Yau Tong Station to the proposed development, and public vehicle park for the waterfront promenade within the applicant's lots in the Phase 1 development, as proposed by the applicant, to the satisfaction of C for T and the Director of Highways or of the TPB;
- (i) the management and maintenance of the two footbridges from MTR Yau Tong Station to the proposed development with associated lifts and staircases by the applicant until they are surrendered to the Government upon request;
- (j) the design and provision of vehicular access, vehicle parking/loading/unloading facilities and maneuvering spaces for the proposed development to the satisfaction of C for T or of the TPB;
- (k) the submission and implementation of a revised Landscape Master Plan including a green coverage plan and a tree preservation proposal for the development site to the satisfaction of D of Plan or of the TPB;
- (l) the design and implementation of mitigation measures for the proposed development with further supporting assessments in relation to the traffic noise and industrial/residential interface problems to the satisfaction of the Director of Environmental Protection (DEP) or of the TPB;
- (m) the design and provision of mitigation measures for the Integrated Vocational Rehabilitation Services Centre and the Hostel for Moderately Mentally Handicapped Persons in respect of the industrial operation of Yau Tong Marine Lot (YTML) Nos. 2-4 to the satisfaction of DEP or of the TPB;

- (n) the design and provision of a setback for providing a continuous waterfront promenade and beautification works at the existing Cha Kwo Ling Salt Water Pumping Station, as proposed by the applicant, to the satisfaction of the Director of Water Supplies or of the TPB. The waterfront promenade shall be managed and maintained by the applicant, and open 24 hours each day for public enjoyment until it is surrendered to the Government upon request;
- (o) the design and provision of the Integrated Children and Youth Services Centre, the Integrated Vocational Rehabilitation Services Centre and the Hostel for Moderately Mentally Handicapped Persons to the satisfaction of the Director of Social Welfare or of the TPB;
- (p) the design and provision of kindergarten facilities to the satisfaction of the Secretary for Education or of the TPB;
- (q) the design and implementation of the strengthening and rehabilitation works for the seawall supporting the proposed development to the satisfaction of DCED or of the TPB;
- (r) the design and provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (s) the submission and implementation of a revised phasing plan and implementation programme to the satisfaction of D of Plan or of the TPB.”

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

- “(a) the approved MLP, together with the set of approval conditions, should be certified by the Chairman of the TPB and deposited in the Land Registry (LR) in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in LR as soon as possible;

- (b) the approval of the application does not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio (PR) and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by BA and major changes to the current scheme are required, a fresh planning application to the TPB may be required;
- (c) to apply to the District Lands Officer/Kowloon East (DLO/KE) for land exchange/lease modification. However, there is no guarantee that such application will be approved. If it is approved by the Lands Department (LandsD) acting in its capacity as the landlord at its absolute discretion, it would be subject to such terms and conditions, including, among others, payment of premium, as may be imposed by LandsD. Besides, the applicant should note the comments of DLO/KE on the need to clarify whether gazetting under Foreshore and Sea-bed (Reclamations) Ordinance (Cap.127) is required for the proposed development at YTML Nos. 6-8, 38 and 41 to 44;
- (d) at the land grant stage, if the site area is found to be different from the current submission, the GFA for the site should be adjusted based on a maximum PR of 5 correspondingly;
- (e) to consult the Chief Officer (Licensing Authority), Home Affairs Department on the licensing requirements for the proposed hotels;
- (f) 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;
- (g) to note the comments of the Chief Highway Engineer/Kowloon, Highways Department regarding the issues of construction/maintenance/management,

design and seeking comments from the Advisory Committee on the Appearance of Bridges and Associated Structures on the two footbridges running across Cha Kwo Ling Road;

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department stated in paragraph 10.1.14 and Appendix V of the Paper;
- (i) to liaise with the MTR Corporation Ltd. regarding the provision of the two proposed footbridges connecting the site with MTR Yau Tong Station;
- (j) to liaise with the project proponent/consultant of the developments near town gas transmission pipes on the safety requirements during the design and construction stage; and
- (k) to observe the Harbour Planning Principles and Guidelines and consult the Harbourfront Commission's Task Force in Kowloon, Tsuen Wan and Kwai Tsing again on the proposed development schemes at suitable junctures."

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

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

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/713                      Proposed Hotel (Wholesale Conversion of an Existing Building) in  
"Other Specified Uses" annotated "Business" zone, 101 Wai Yip Street,  
Kwun Tong, Kowloon  
(MPC Paper No. A/K14/713)

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86.                      Hongplus Professional Consultants Ltd., a subsidiary of Sun Hung Kai Properties

Ltd. (SHK), was the consultant of the applicant. Mr Patrick H.T. Lau, Mr Dominic K.K. Lam and Ms Julia M.K. Lau, who had current business dealings with SHK, have declared interests in this item. The Committee noted that Mr Lau, Mr Lam and Ms Lau had left the meeting already.

#### Presentation and Question Sessions

87. With the aid of a PowerPoint presentation, Ms Joyce Y.S. So, STP/K, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed hotel (wholesale conversion of an existing industrial building);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commission for Tourism supported the application. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received. Among them, two supportive comments were received from the Chairman of Kwun Tong Central Area Committee, Mr. Chong Yam-ming and an individual. While the former did not give any reason for his support, the latter opined that the proposed hotel could relieve the demand for hotel services in the district and that the capacity of the infrastructure was adequate to support the additional traffic generated. One objecting comment was submitted by Designing Hong Kong Limited mainly on the grounds that the additional traffic generated would aggravate the traffic congestion in the Kwun Tong Business Area (KTBA) and that there was no parking or lay-by for coaches within the proposed hotel and thus any loading/unloading activities would have direct impact on the already congested roads. No local objection was received by the District Officer (Kwun Tong); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed hotel was in line with the Town Planning Board Guidelines for “Other Specified Uses (Business)” zone (“OU(B)”) zone (TPB PG-No. 22D) in that it was compatible with the surrounding land uses. It would help improve the existing urban environment and would serve as a catalyst in phasing out the current industrial uses within the “OU(B)” zone, and was also in line with the “Energizing Kowloon East” Initiative. Regarding the public comment on the provision of lay-by spaces for coaches and the traffic congestion in the KTBA in general, the planning assessment above was relevant, and the Commissioner for Transport had no objection to the application.

88. The Vice-chairman asked why there was a decrease in total gross floor area (GFA) of the current scheme in comparison with the approved scheme under application No. A/K14/678. In response, Ms So said that the applicant would like to increase the accountable GFA by about 110m<sup>2</sup> in order to achieve the maximum plot ratio of 12; while the non-accountable GFA was proposed to be reduced by about 116m<sup>2</sup>. Therefore, there was only a minor decrease in total GFA of about 6m<sup>2</sup>. The Chairman supplemented that the reduction of the non-accountable GFA could be due to the variation of back-of-house facilities in the current scheme.

#### Deliberation Session

89. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 16.1.2019, 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 parking facilities, loading/unloading spaces, lay-bys, vehicular access and internal driveway for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;

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

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

- “(a) the approval of the application does not imply that the proposed building design elements could fulfill the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements, the GFA concession is not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the TPB may be required;
- (b) to apply to the District Lands Officer/Kowloon East, LandsD for lease modification or a special waiver to effect the conversion proposal;
- (c) to note the comments of DEP that hotel developments are normally provided with central air conditioning system and the applicant/authorized persons should be able to select a proper location for fresh air-intake during design stage to avoid exposing future occupants under unacceptable

environmental nuisance/impact, and to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works;

- (d) to note the comments of D of FS that the arrangement on emergency vehicular access shall comply with the Code of Practice for Fire Safety in Buildings 2011 which is administered by BD; and
- (e) to consult the Chief Officer (Licensing Authority), Home Affairs Department on the licensing requirements for the proposed hotel.”

[The Chairman thanked Ms Joyce Y.S. So, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

**Agenda Item 14**

**Any Other Business**

91. There being no other business, the meeting closed at 11:43 a.m..