

## **TOWN PLANNING BOARD**

### **Minutes of 528<sup>th</sup> Meeting of the Metro Planning Committee held at 9:00 a.m. on 6.2.2015**

#### **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 Patrick H.T. Lau

Mr Stephen H. B. Yau

Mr Frankie W.C. Yeung

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

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

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 Dominic K.K. Lam

Mr Francis T.K. Ip

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

**In Attendance**

Chief Town Planner/Town Planning Board  
Ms Lily Y.M. Yam

Town Planner/Town Planning Board  
Ms Floria Y.T. Tsang

**Agenda Item 1**

Confirmation of the Draft Minutes of the 527<sup>th</sup> MPC Meeting held on 16.1.2015

[Open Meeting]

1. The draft minutes of the 527<sup>th</sup> MPC meeting held on 16.1.2015 were confirmed without amendments.

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

**Agenda Item 2**

Matters Arising

[Closed Meeting]

2. This item was recorded under confidential cover.

**Tsuen Wan and West Kowloon District**

**Agenda Item 3**

Section 12A Application

[Open Meeting]

Y/KC/6

Application for Amendment to the Draft Kwai Chung Outline Zoning Plan No. S/KC/28, To Rezone the Application Site from “Industrial” to “Other Specified Uses” Annotated “Columbarium”, 19-21 Wing Kin Road, Kwai Chung, New Territories  
(MPC Paper No. Y/KC/6A)

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3. The Secretary reported that LLA Consultancy Ltd. (LLA) was one of the consultants of the applicant. Mr Patrick H.T. Lau and Mr Dominic K.K. Lam had declared interests in this item as they had current business dealings with LLA. The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting. As the applicant had requested for deferment of consideration of the application, and Mr Patrick H.T. Lau had no involvement in the application, the Committee agreed that he could

stay in the meeting.

[Mr Frankie W.C. Yeung and Mr W.B. Lee arrived to join the meeting at this point.]

4. The Committee noted that the applicant requested on 12.1.2015 for deferment of the consideration of the application for two months to allow sufficient time for preparation of further information to address the comments of the Transport Department and the Hong Kong Police Force on the submitted Traffic Impact Assessment (TIA). This was the applicant's second request for deferment. Since the last deferment, the applicant had submitted further information including a TIA in support of the application.

5. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since this was the second deferment and a total of four months had been allowed for preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

#### **Agenda Item 4**

##### **Section 12A Application**

[Open Meeting]

Y/TW/8

Application for Amendment to the Approved Tsuen Wan Outline Zoning Plan No. S/TW/31, To Rezone the Application Site from "Green Belt" to "Government, Institution or Community (10)", Lots 613 RP (Part), 614 and 1229 in D.D. 453 and adjoining Government Land, Lo Wai, Tsuen Wan, New Territories

(MPC Paper No. Y/TW/8)

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6. The Secretary reported that CKM Asia Ltd. (CKM) and BMT Asia Pacific Ltd. (BMT) were the consultants of the applicant. The following Members had declared interests in this item:

Mr Patrick H.T. Lau ]	-	having current business dealings with
Mr Dominic K.K. Lam ]		BMT; and
Professor P.P. Ho	-	having current business dealings with
		CKM.

7. The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting. As the applicant had requested for deferment of consideration of the application, and Mr Patrick H.T. Lau and Professor P.P. Ho had no involvement in the application, the Committee agreed that they could stay in the meeting.

8. The Committee noted that the applicant requested on 15.1.2015 for further deferment of the consideration of the application for three months in order to allow sufficient time for the applicant to update the traffic data including the surveys at Ching Ming Festival as requested by the Transport Department (TD) on 29.12.2014, and to prepare responses to address the concerns of TD and relevant departments. This was the third time that the applicant had requested for deferment. Since the first and second deferments on 13.6.2014 and 12.9.2014 respectively, the applicant had all along demonstrated efforts in submitting further information to address the traffic concerns of TD and relevant departments. Responses to departmental comments including the revised Traffic Impact Assessment (TIA) were submitted on 24.11.2014. On 29.12.2014, TD requested the applicant to include the traffic surveys of Ching Ming Festival in April 2015 in the revised TIA, and hence more time was required for the applicant to update the TIA to address further departmental comments received. Under the current application, TD's request to assess the traffic impact during the Ching Ming Festival period justifies the exceptional circumstances.

9. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its

consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that three months were allowed for preparation of the submission of the further information. Since this was the third deferment and the Committee had already allowed a total of seven months for preparation of submission of further information, this was the last deferment and no further deferment would be granted.

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting]

A/K1/244                      Proposed Flat and Shop and Services/Eating Place Uses in “Commercial”  
Zone, 68, 68A, 70, 70A, 72, 72A, 72B and 72C Kimberley Road, Tsim  
Sha Tsui, Kowloon  
(MPC Paper No. A/K1/244C)

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10.            The Secretary reported that the application was submitted by Cheer Capital Ltd., which was a subsidiary of Henderson Land Development Co. Ltd. (HLD) with Kenneth To & Associates Ltd. (KTA), CKM Asia Ltd. (CKM) and Mott MacDonald Hong Kong Ltd. (MMHK) as the consultants of the applicant. The following Members had declared interests in this item:

Mr Patrick H.T. Lau                      - having current business dealings with HLD  
and KTA;

Mr Dominic K.K. Lam                      - having current business dealings with  
HLD, KTA and MMHK;

- Professor P.P. Ho - having current business dealings with CKM; and being an employee of the Chinese University of Hong Kong (CUHK) which received a donation from a family member of the Chairman of HLD;
- Mr Clarence W.C. Leung - being the director of a non-government organisation that received a private donation from a family member of the Chairman of HLD;
- Mr Roger K.H. Luk - being a member of the Council of CUHK which received a donation from a family member of the Chairman of HLD; and
- Dr Wilton W.T. Fok - being an employee of the University of Hong Kong which received a donation from a family member of the Chairman of HLD.

11. The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting and Mr Clarence W.C. Leung had not yet arrived at the meeting. As the applicant had requested for deferment of consideration of the application, and Professor P.P. Ho, Mr Roger K.H. Luk and Dr Wilton W.T. Fok had no involvement in the application, the Committee agreed that they could stay in the meeting. The Committee considered that the interest of Mr Patrick H.T. Lau was direct, he could stay in the meeting but should refrain from participating in the discussion.

12. The Committee noted that the applicant requested on 2.2.2015 for further deferment of the consideration of the application for two months in order to allow time for liaising with the Transport Department (TD) to address their comments. This was the fourth time that the applicant had requested for deferment. Since the last deferment in September 2014, the applicant had further revised the technical assessments taking into account departmental comments, including the revised Environmental Noise Impact Assessment

(ENIA) and Drainage and Sewerage Impact Assessment submitted on 6.11.2014; and further revised sewerage impact calculation and ENIA submitted on 10.12.2014 and 12.12.2014 respectively. The Environmental Protection Department (EPD) and the Drainage Services Department (DSD) had provided comments on the submissions. On 23.1.2015, the applicant also confirmed that he had no objection to the imposition of approval conditions to address the comments of EPD and DSD. On 2.2.2015, the applicant requested to defer the consideration of the application as he needed more time to liaise with TD so as to prepare further information to address their comments.

13. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since this was the fourth deferment and the Committee had already allowed a total of eight months for preparation of submission of further information, this was the last deferment and no further deferment would be granted.

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting]

A/K1/246                      Minor Relaxation of Building Height Restriction for Permitted Flat and Shops and Services Uses in “Residential (Group A)” Zone, 2 Tak Shing Street, Jordan, Kowloon  
(MPC Paper No. A/K1/246)

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14. The Secretary reported that LLA Consultancy Ltd. (LLA) was one of the consultants of the applicant. Mr Patrick H.T. Lau and Mr Dominic K.K. Lam had declared interests in this item as they had current business dealings with LLA. The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting. As the applicant had requested for deferment of consideration of the application, and Mr Patrick H.T. Lau had no involvement in the application, the Committee agreed that he could

stay in the meeting.

15. The Committee noted that the applicant requested on 16.1.2015 for deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of Government departments. This was the first time that the applicant requested for deferment of the application.

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

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting]

A/K1/247                      Proposed Minor Relaxation of Building Height Restriction for Permitted Shop and Services/Eating Place and Hotel Uses in "Commercial" Zone, 38, 38A, 40 and 40A Hillwood Road, Tsim Sha Tsui, Kowloon  
(MPC Paper No. A/K1/247)

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17. The Secretary reported that the application was submitted by Keenfair Development Ltd., Bauer Investment Ltd. and Triple Glory Ltd., which were subsidiaries of Henderson Land Development Co. Ltd. (HLD) with Kenneth To & Associates Ltd. (KTA) and LLA Consultancy Ltd. (LLA) as the consultants of the applicants. The following Members had declared interests in this item:

- Mr Patrick H.T. Lau ]  
- having current business dealings with HLD, KTA and LLA;
- Mr Dominic K.K. Lam ]
- Professor P.P. Ho - being an employee of the Chinese University of Hong Kong (CUHK) which received a donation from a family member of the Chairman of HLD;
- Mr Clarence W.C. Leung - being the director of a non-government organisation that received a private donation from a family member of the Chairman of HLD;
- Mr Roger K.H. Luk - being a member of the Council of CUHK which received a donation from a family member of the Chairman of HLD; and
- Dr Wilton W.T. Fok - being an employee of the University of Hong Kong which received a donation from a family member of the Chairman of HLD.

18. The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting. As the applicants had requested for deferment of consideration of the application, and Professor P.P. Ho, Mr Clarence W.C. Leung, Mr Roger K.H. Luk and Dr Wilton W.T. Fok had no involvement in the application, the Committee agreed that they could stay in the meeting. The Committee considered that the interest of Mr Patrick H.T. Lau was direct, he could stay in the meeting but should refrain from participating in the discussion.

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

19. The Committee noted that the applicants requested on 20.1.2015 for deferment of

the consideration of the application for one month in order to allow time for preparation of further information to address the comments of Government departments. This was the first time that the applicants requested for deferment of the application.

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

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting]

A/K3/564                      Proposed Eating Place, Shop and Services, Office in "Residential (Group E)" Zone, 18 Bute Street, Mong Kok, Kowloon  
(MPC Paper No. A/K3/564)

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21. The Committee noted that the applicant requested on 2.2.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Transport Department. This was the first time that the applicant requested for deferment of the application.

22. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier

meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting]

A/K5/760                      Proposed Hotel in "Residential (Group A)6" Zone, 344 & 346 Lai Chi  
Kok Road, Cheung Sha Wan, Kowloon  
(MPC Paper No. A/K5/760A)

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23.            The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was one of the consultants of the applicant. Mr Patrick H.T. Lau had declared an interest in this item as he had current business dealings with Lanbase. The Committee noted that Mr Patrick H.T. Lau had left the meeting temporarily.

24.            The Committee noted that the applicant requested on 30.12.2014 for deferment of the consideration of the application for two months to allow more time for preparing further submission on a Traffic Impact Assessment (TIA). This was the applicant's second request for deferment. Since the last deferment, the applicant had not submitted further information by the end of the 2-month period. The applicant explained that the TIA was under preparation and their traffic consultant advised that since the TIA conducted during the Occupy Central Movement could not reflect the normal situation, a TIA conducted after the Occupy Central Movement would be more appropriate.

25.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the

applicant that two months were allowed for preparation of the submission of the further information. Since this was the second deferment and a total of four months had been allowed for preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

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

### **Hong Kong District**

#### **Agenda Item 10**

##### **Section 12A Application**

[Open Meeting]

Y/H3/6                      Application for Amendment to the Approved Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/29, To rezone the application site from “Open Space” and “Pedestrian Precinct/Street” to “Residential (Group A)23”, and Stipulate Building Height Restriction of 120mPD for the Zone, 1-7 Tak Sing Lane, Sai Ying Pun, Hong Kong  
(MPC Paper No. Y/H3/6)

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26.            The Secretary reported that Kenneth To & Associates Ltd. (KTA) was one of the consultants of the applicant. Mr Patrick H.T. Lau and Mr Dominic K.K. Lam had declared interests in this item as they had current business dealings with LLA. The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting. As the applicant had requested for deferment of consideration of the application, and Mr Patrick H.T. Lau had no involvement in the application, the Committee agreed that he could stay in the meeting.

27.            The Committee noted that the applicant requested on 28.1.2015 for deferment of the consideration of the application for one month in order to prepare further information to address the departmental comments and substantiate the application. This was the first time that the applicant requested for deferment of the application.

28.            After deliberation, the Committee decided to defer a decision on the application

as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. 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 one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting]

A/H14/79                      Proposed Hotel in "Residential (Group C)2" Zone, 27 Lugard Road, The Peak Area, Hong Kong  
(MPC Paper No A/H14/79)

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29.            The Secretary reported that Adrian L. Norman Ltd. (ANL) and MVA Hong Kong Ltd. (MVA) were the consultants of the applicant. The following Members had declared interests in this item:

Mr Patrick H.T. Lau ]	having current business dealings with
	-
Ms Julia M.K. Lau ]	MVA; and
Mr Dominic K.K. Lam	- having current business dealings with ALN
	and MVA.

30.            The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting. As the applicant had requested for deferment of consideration of the application, and Mr Patrick H.T. Lau and Ms Julia M.K. Lau 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 22.1.2015 for deferment of the consideration of the application for one month in order to allow sufficient time for the applicant to resolve comments from the Transport Department and the Environmental Protection Department. This was the second time that the applicant requested for deferment of the consideration of the application. After the applicant had requested for the first deferment on 5.12.2014, the applicant submitted further information on 24.12.2014, which required publication and hence recounting of the statutory time limit for consideration of the application. The Committee decided on 2.1.2015 that no discussion on the request for deferral would be required.

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

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting]

A/H5/402                      Proposed Hotel in "Residential (Group A)" Zone, 209-219 Wan Chai Road, Wan Chai, Hong Kong  
(MPC Paper No. A/H5/402B)

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33. The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was one of the consultants of the applicant. Mr Patrick H.T. Lau had declared an interest in this item as he had current business dealings with Lanbase. As the applicant had requested for deferment of the consideration of the application, and Mr Patrick H.T. Lau had no involvement in the application, the Committee agreed that he could stay in the meeting.

34. The Committee noted that the applicant requested on 8.1.2015 for further deferment of the consideration of the application for two months in order to allow sufficient time for the applicant to prepare further information to address the further comments from the Transport Department (TD) and the Buildings Department (BD). This was the third time that the applicant had requested for deferment. Since the second deferment, the applicant submitted further information on 16.12.2014 and 17.12.2014 to address the departmental comments, but TD and BD still considered the submission unsatisfactory. TD requested the applicant to provide clarification on the car parking space provision for the proposed development and an assessment of traffic generation during the construction stage, while BD requested the applicant to clarify the site coverage and open space calculation for the proposed development under the Building (Planning) Regulations. As such, the applicant required for additional time to prepare further information for addressing the further comment from relevant Government departments.

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

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

**Agenda Item 13**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H6/74 Proposed Place of Recreation, Sports or Culture (Performance and Activity Venue) in “Open Space” Zone, Government Land at Moreton Terrace, Wan Chai, Hong Kong  
(MPC Paper No. A/H6/74A)

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**Presentation and Question Sessions**

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

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|---------------------|---|
| Mr Martin W.C. Kwan | - being the Chief Engineer (Works), HAD;  |
| Mr Patrick H.T. Lau | - having current business dealings with HAD, KTA and LLA;   |
| Mr Dominic K.K. Lam | - having current business dealings with KTA, Environ and LLA;   |
| Ms Julia M.K. Lau   | - being the council member of Hong Kong St. John’s Ambulance and having current business dealings with Environ; and |
| Mr Roger K.H. Luk   | - his spouse owned a residential unit at Illumination Terrace, Tai Hang.  |

37. The Committee noted that Mr Martin W.C. Kwan and Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting and considered that the interest of Mr Patrick H.T. Lau was direct and agreed that he should leave the meeting temporarily. As Ms Julia M.K. Lau’s interest was indirect and the residential unit of Mr Roger K.H. Luk’s

spouse did not have a direct view on the site, the Committee agreed that they could stay in the meeting.

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

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

- (a) background to the application highlighting that the proposed Performance and Activities Venue (PAV) was a signature project under the Signature Project Scheme (SPS) pursued by the Wan Chai District Council (WCDC) in accordance with the 2013 Policy Address;

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

- (b) the proposed place of recreation, sports or culture (PAV) which comprised a multi-purpose function room/gallery, a hall with stage, changing rooms, community garden cum roof garden and a store room;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Regarding visual aspect, the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) noted that the revised Visual Impact Assessment had recommended several mitigation measures including reduction of the extent of roof-top utility structures to a practical minimum, and implementation of further greening and detailing of the façades. While there was still visual obstruction to the existing row of mature trees and a Grade 2 historic building, a compensatory viewing area was designated within the proposal. Overall, the existing visual context was generally capable in accommodating the subject proposal. Regarding air ventilation, the Air Ventilation Assessment (AVA) report generally concluded that the proposed scheme would not result in significant adverse air ventilation impact to the overall surrounding area, though some localised areas under some prevailing wind directions would experience deterioration in air

ventilation performance. Other concerned departments had no objection to or no comment on the application;

(d) during the first three weeks of the statutory publication period, 13 public comments, of which eight objected to and five had not stated whether support or against the application, were received. The concerns were summarised as follows:

- (i) there were no details as to the number of trees to be felled, in particular a tree with super-wide canopy that would inevitably require cutback to follow the proposed building disposition;
- (ii) the proposed building would block the ventilation and the current open view to the football pitch on the raised roadway, causing deterioration to the air and quality of life to the commuters;
- (iii) the proposed development was inconvenient for residents of Wan Chai District and was not necessary as there were other buildings where space for such activities can be used; and
- (iv) the loss of two volleyball courts as a result of the proposed development would reduce the active open space available in Wan Chai District, which was insufficient; and

(e) PlanD's views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper, which were summarised as follows:

- (i) being the SPS pursued by WCDC with Home Affairs Bureau's support to address concerns on the lack of activity space for performance and event use in the district and to fill the service gap in Wan Chai East, the proposed development was not incompatible with the planning intention of the "O" zone;
- (ii) with only 4 storeys (25.15mPD), the proposed development was

relatively small in scale in comparison with the surrounding urban context and commensurate with the existing landscape character of the local area featured by sports grounds and low to medium-rise buildings;

- (iii) while the proposed development would reduce the subject “Open Space” (“O”) zone by 750m<sup>2</sup>, the subject “O” zone still had an area of about 2.39ha, and Victoria Park was located within walking distance. The loss of open space would be compensated by incorporating 400m<sup>2</sup> of community garden cum roof garden in the proposed development for public use, and the existing volleyball courts would be reprovisioned;
- (iv) regarding technical aspects, the existing visual context was capable in accommodating the proposed development; mitigation measures had been provided to facilitate air flow; and there was limited landscape impact; and
- (v) with regard to the public’s concerns on the general development impacts (landscape, visual, air ventilation and environmental issues), site selection, the need of the proposed venue and open space provision, the above considerations were relevant. For the specific comments in respect of sports policy, ventilation at the raised roadway and nearby jogging trail, inclusion of the wide-canopy tree in the Old and Valuable Tree List and construction nuisances, the advice given by various Government departments in paragraphs 8.1.2, 8.1.7(e), 8.1.9(e) to 8.1.11(c) in the MPC Paper respectively were relevant.

#### *Needs for the proposed development*

39. A Member asked about the criteria in assessing the demand for government, institution or community (GIC) facilities and open space to justify the loss of two volleyballs courts in exchange for the PAV. In response, Ms Irene W.S. Lai said that WCDC conducted a local consultation in 2013 and the proposed PAV was to address the public concerns on the

lack of activity space particularly venues for performance and event uses in the district. Although there were comparable facilities in Wan Chai West and South (i.e. Leighton Hill Community Hall and Wan Chai Activities Centre), their utilisation rate were high and there was no such similar facility in Wan Chai East area. The proposed development including a hall and multi-purpose function room would respond to the community needs and was expected to fill this gap.

40. As to the same Member's query on whether similar facilities at Hong Kong Central Library could substitute the proposed PAV, Ms Irene W.S. Lai said that those facilities were mainly for territory-wide large-scale activities, while the proposed development was a district facility expected to host small-to-medium scale activities, and higher priorities would be given for applications from local organisations under the existing guidelines.

*Suitability of the site*

41. A Member noted that the adjoining Moreton Terrace Temporary Playground (MTTP) football pitch, as suggested in a public comment on the application, could be used as an alternative site of the proposed development. This could help retain the existing volleyball courts while the football pitch could be redeveloped as a 5-person soccer field. The same Member also considered that the loss of football pitch could be tolerated as there were currently six football pitches at the nearby Victoria Park. Locating the proposed development at the football pitch could also reduce the visual impact by maintaining the open view towards St. John's Ambulance Brigade Hong Kong Island Command Headquarters from the podium of the Hong Kong Central Library, and minimising the noise impact by further setting back from the elevated highway. He asked whether the applicant had thoroughly assessed the feasibility of locating the proposed development at an alternative location such as the said football pitch.

42. In response, Ms Irene W.S. Lai said that the public comment suggesting that the adjoining football pitch be used for the proposed development was conveyed to the applicant for consideration. The applicant responded that a site search exercise had been done by the WCDC in 2013 and the criteria for site selection included accessibility; preferably Government land not subject to other development proposals nor requiring changes to land

use zoning; potential impact on current users; and utilisation rate of existing facilities. Considering the current utilisation rate of the football pitch was high, the applicant considered that the site was suitable for the proposed development.

43. Ms Irene W.S. Lai continued to say that PlanD had also assessed the feasibility of locating the proposed development at the football pitch but found out that the site configuration upon development of the PAV would be difficult for the reprovisioning of the football pitch. The same Member asked whether the football pitch was temporary in nature and would be subject to future development. In response, Ms Irene W.S. Lai said that the site of the football pitch was zoned “O” on the respective Outline Zoning Plan to reflect its current use. It was expected that the football pitch use would be retained unless there was a change in zoning. Should the applicant consider it feasible to locate the proposed PAV at the football pitch, another planning application would need to be submitted for the Committee’s consideration.

44. In response to a Member’s query on whether the site search exercise had thoroughly considered other alternative sites for the proposed development, Ms Irene W.S. Lai said that the site search exercise conducted by WCDC had considered an alternative site which involved private land, for the proposed development. The alternative site was not selected as it involved land resumption which would involve a lengthy process. It would delay the implementation programme of the proposed development, which was a SPS pursued by WCDC in accordance with the 2013 Policy Address and should be implemented before the current term of WCDC which ended in end 2015.

*Reprovisioning of the existing volleyball courts and loss of open space*

45. Some Members considered that the utilisation rate of the existing volleyball courts on which the PAV would be located was high. A Member asked about the impact of the proposed development on the overall provision of ball courts in the area and expressed his concerns on the loss of open space. Another Member asked about the feasibility of the reprovisioning proposal. In response, Ms Irene W.S. Lai said that there would be a decrease of two volleyball courts in the area, however, the volleyball courts would be reprovisioned at the handball courts in the form of integrated ball courts under the Victoria Park Swimming Pool Complex redevelopment project. Despite that the proposed development would lead to

a loss in the number of volleyball courts, the reprovisioning proposal would optimise the utilisation of the ball courts, in which the utilisation rate of the existing handball courts was relatively low.

46. In response to a Member's query on whether the proposed community cum roof garden, which was relatively inaccessible, could be regarded as a form of open space, Ms Irene W.S. Lai said that considering the proposed community cum roof garden would be open for public use, it could partly compensate for the loss of open space. In this regard, the Director of Leisure and Cultural Services had no specific comment on the provision of open space in the area.

*Management and maintenance responsibilities of the proposed development*

47. In response to a Member's question on the future management and maintenance responsibilities of the proposed development, Ms Irene W.S. Lai said that such issue would be further discussed between WCDC and the Leisure and Cultural Services Department.

[Mr Roger K.H. Luk left the meeting at this point.]

*Design of the proposed development*

48. A Member expressed concerns on the design of the proposed development and asked whether measures could be adopted to improve the building design. In response, Ms Irene W.S. Lai said that whilst Member's concern could be conveyed to the applicant, an approval condition with regard to the landscaping aspect had been recommended should the application be approved by the Committee.

49. In response to the Chairman's query on the impact of the proposed development on tree preservation, Ms Irene W.S. Lai said that five mature trees were located at the southwest of the site with branches encroaching onto the site boundary and building setback had been incorporated in the proposal to minimise conflict with the existing trees. The façade facing the mature trees comprised open staircase which would not constrain the growth of the trees. No tree felling would be required. In this regard, CTP/UD&L, PlanD had no objection to the application.

## Deliberation Session

### *Suitability and Efficiency of the site*

50. A Member considered that given the small size of the site, the proposed development involving the construction of a 4-storey building to provide mainly a hall accommodating 300 persons and a multi-purpose room/gallery was inefficient as the floor area required for various ancillary facilities such as plant rooms, transformer rooms, changing rooms, etc. was unproportional to the actual floorspace for the proposed PAV. This Member considered that the proposal was not worthwhile because it would lead to a loss of two highly utilised volleyball courts and a frequently used open space/activity node in the Wan Chai District.

51. A Member gave in-principle support to the provision of PAV for community use but considered that the site was unsuitable for the proposed development. This Member said that the community required diversified sports and recreational facilities including different nature of ball courts, e.g. volleyball court, football pitch, basketball court, handball court, etc. Given the small site area and the provision of many football pitches in Wan Chai District, the Member considered that WCDC should consider relocating the proposed development to the adjacent football pitch, which was large enough to accommodate the PAV and re-provision a smaller scale 5-a-side soccer pitch. WCDC could also consider reviewing the scale of the proposed development to enhance its efficiency. In response, the Chairman said that the SPS was constrained by the budget allocated to district councils in accordance with the 2013 Policy Address. It might not be feasible for WCDC to increase the development scale for provision of additional facilities in the SPS project.

52. Another Member suggested that the proposed development could be located in-between the adjacent football pitch and Causeway Bay Sports Ground, while another Member considered that the suggested location was undesirable as it might block the open view of the recreational facilities nearby. A Member considered that WCDC should conduct thorough local consultation in the site selection process.

53. In response to Members' concerns, the Chairman said that the proposed

development was a SPS which had gone through a long process of site selection taking into account various factors. The proposed facility should preferably be located on Government land not subject to other development proposals nor requiring changes of land use zoning. He supplemented that SPS also had limited budget and a specified timeframe for implementation that a balance of the various considerations should have been thoroughly discussed in WCDC.

#### *Loss of open space*

54. Two Members considered that the proposed development on the site, which would lead to a loss of two highly utilised volleyball courts, was undesirable. A Member considered that the provision of community cum roof garden could not compensate for the loss of the open space as it would be seldom used by the public due to its inconvenient location. In response, the Chairman said that the Committee had approved a similar planning application (Application No. A/K2/212) for a proposed multicultural activity venue under the SPS for the Yau Tsim Mong District in “O” zone on 14.11.2014. In that planning application, the loss of open space would be compensated by the surplus of district open space provision in the district, provision of a roof-top garden and vertical greening to the building façade.

#### *Design of the proposed development*

55. A Member considered that the design of the proposed development should be refined to enhance its efficiency should the application be approved. In particular, this Member considered that the design of the ground floor should be reviewed to enhance its permeability. Another Member shared the same view and said that the design of the proposed PAV was rather standard without sufficient architectural design considerations. He suggested that covered open space could be provided on the ground floor of the proposed PAV development and connected with the adjacent football pitch. A Member suggested that the design of the proposed PAV development should be optimised to allow other sports and recreational uses so as to maximise its utilisation. Another Member also considered that the spatial arrangement on the ground floor could be optimised to provide a more permeable covered open space in the proposed development. This could be done by rearranging the staircases and loading/unloading bay, putting some plant rooms into basements, and reducing

the size of some water tanks using fire engineering approach.

56. Members noted that there was a deck space on the second floor to enhance air ventilation. Some setback areas were also provided on the eastern and western side of the proposed PAV development. To address Members' concerns, the Chairman suggested that the applicant could consider re-arranging the spaces of the proposed PAV so that a covered open space could be provided on the ground floor to enhance the pedestrian flow and permeability of the building.

57. The Chairman suggested that vertical greening would be one of the possible ways to improve the design of the proposed development. Members concurred. Members suggested that should the application be approved, the comments of the Committee on the design of the proposed development should be taken into account.

58. Given Members' concerns on the design of the proposed PAV, some Members considered that a decision on the application could be deferred pending the applicant's submission of the revised design of the proposed development for the Committee's consideration. A Member, however, considered that to defer making a decision on the application would add uncertainty to the implementation of the project and the applicant should be encouraged to submit a better design to the TPB for consideration. In view of Members' concerns on the design of the proposed PAV building, the Chairman suggested to include an additional approval condition to the satisfaction of the TPB requiring the applicant to submit a revised design of the building. In complying with the approval condition, the applicant should take into account Members' comments on the provision of a usable covered open space on the ground floor of the building and enhance its connectivity with the adjacent football pitch. The applicant would also be advised to maximise the provision of vertical greening for the proposed development. Members agreed.

59. After further 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 6.2.2019, 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 design of the proposed development to the

satisfaction of the TPB;

- (b) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of measures to minimise air ventilation impact as proposed by the applicant to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of vehicular access and loading/unloading bay(s) to the satisfaction of the Commissioner for Transport or of the TPB; and
- (e) 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.”

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

- “(a) to maximise the provision of vertical greening for the proposed development;
- (b) to note the comments of the District Lands Officer/Hong Kong East in paragraph 8.1.3(b) of the MPC Paper on the need for application for land allocation and to liaise with the Leisure and Cultural Services Department to apply for amendment to the boundary of GLA-HK 976;
- (c) to note the comments of the Commissioner for Transport in paragraph 8.1.5(b) of the MPC Paper regarding no guarantee that loading/unloading activities could be carried out in the vicinity of the application site;
- (d) to note the comments of the Chief Highway Engineer/Hong Kong, Highways Department in paragraph 8.1.6 of the MPC Paper regarding site boundary and proposed developments near highway structures;
- (e) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department in paragraph 8.1.8 of the MPC Paper

in respect of the architectural details of the proposed development;

- (f) to note the comments of the Director of Leisure and Cultural Services in paragraphs 8.1.9(a) and (b) of the MPC Paper on the submission of land alienation application and the shared emergency vehicular access arrangement with Hong Kong Central Library;
- (g) to note the comments of the Director of Environmental Protection in paragraph 8.1.11(c) of the MPC Paper regarding the implementation of standard control measures to minimise the environmental impacts during building works; and
- (h) to note the comments of the Director of Fire Services in paragraph 8.1.13(b) of the Paper regarding the arrangement of emergency vehicular access.”

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

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

[Mr Patrick H.T. Lau returned to join the meeting and Professor P.P. Ho left the meeting temporarily at this point.]

### **Kowloon District**

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/254            Eating Place (Restaurant) in “Government, Institution or Community”  
Zone, Shop 1 on G/F and Shop 3 on 1/F, One Elegance, 1 Ma Hang  
Chung Road and 189 Ma Tau Wai Road, To Kwa Wan, Kowloon  
(MPC Paper No. A/K10/254A)

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Presentation and Question Sessions

61. With the aid of a PowerPoint presentation, Mr Stephen C.Y. Chan, STP/K, presented the application and covered the following aspects as detailed in the MPC Paper :

- (a) background to the application;
- (b) eating place (restaurant);

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

- (c) departmental comments – departmental comments were set out in paragraph 8 of the MPC Paper. Concerned departments had no objection to or no comment on the application;
- (d) during the first three weeks of the statutory publication period, a public comment from the Chairman of the Owners' Committee of the subject building, representing 30 out of 38 domestic units, was received. They objected to the application mainly on security ground as people could gain access to every domestic floor of the building via the two exits at Shop 3 on the 1/F, and the long business hours of the restaurant would allow people entering the building from morning till late at night and the home safety of residents would be threatened. They were also concerned that restaurant patrons queuing for seats would block the building entrance for residents and the food materials would be delivered to the restaurant via the only passenger lift causing inconvenience to the residents. The District Officer (Kowloon City) noted that the Planning Department (PlanD) had directly consulted the members of the Kowloon City District Council, Tokwawan Area Committee and the Owners' Committees, Mutual Aid Committees, management committees of surrounding buildings near the premises on the current application. The Committee should take into account all the comments received in the consultation exercise in the decision-making process; and

- (e) PlanD's views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper. Regarding the public comment, the applicant had proposed some security measures, including the acceptance of the existing practice of locking up the passenger lift on the 1/F, installing push bar alarm on two exit doors at Shop 3 and posting up notices on the doors to remind patrons not to use the doors unless during emergency in order to address the security concern of the residents. Regarding the inconvenience to residents possibly caused by the queuing of restaurant patrons, the applicant had committed to diverting the queuing patrons to the nearby sitting-out area. On the issue arising from the possible usage of passenger lift for delivery of food materials, the applicant had assured that food materials delivery would only be carried out at the rear lane which could access the kitchen direct.

62. Members had no question on the application.

#### Deliberation Session

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

- “(a) the provision of security and management measures, as proposed by the applicant within six months from the date of the approval of the planning application to the satisfaction of the Director of Planning or of the TPB by 6.8.2015;
- (b) the provision of fire service installations and water supplies for firefighting at the application premises within six months from the date of the approval of the planning application to the satisfaction of the Director of Fire Services or of the TPB by 6.8.2015; and
- (c) if 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises; and
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that:
  - (i) all proposed building works/change in use in the application premises are subject to compliance with the Buildings Ordinance (BO);
  - (ii) the applicant is advised to appoint an Authorized Person (AP) to submit building plans for the proposed change in use and/or alterations and additions works to demonstrate compliance with the BO, including:
    - adequate means of escape should be provided in accordance with Building (Planning) Regulation 41(1) and the Code of Practice for Fire Safety in Buildings 2011;
    - adequate fire resisting construction should be provided pursuant to Building (Construction) Regulation 90 and the Code of Practice for Fire Safety in Buildings 2011;
    - access and facilities for persons with a disability should be provided in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and
    - adequate sanitary fitments should be provided in accordance with the Building (Standards of Sanitary Fitments, Plumbing,

Drainage Works and Latrines) Regulations;

- (iii) the applicant is required to appoint an AP and/or a Registered Structural engineer to submit building plans for the proposed dumb waiter/food lift serving between G/F and 1/F;
- (iv) detailed comments under the BO can only be provided at the building plan submission stage; and
- (v) the 'eating place' should comply with the relevant licensing requirements.

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

**Agenda Item 15**

Any Other Business

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