

## **TOWN PLANNING BOARD**

### **Minutes of 532nd Meeting of the Metro Planning Committee held at 9:00 a.m. on 17.4.2015**

#### **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 Laurence L.J. Li

Ms Bonnie J.Y. Chan

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

Dr Lawrence W.C. Poon

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

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

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

Assistant Director (R1), Lands Department  
Ms Doris M.Y. Chow

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

Secretary

**Absent with Apologies**

Mr Dominic K.K. Lam

Mr H.W. Cheung

**In Attendance**

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

Town Planner/Town Planning Board  
Ms Winnie W.Y. Leung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 531st MPC Meeting held on 27.3.2015

[Open Meeting]

1. The draft minutes of the 531st MPC meeting held on 27.3.2015 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/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/H3/6A)

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3.                      The Secretary reported that Kenneth To & Associates Ltd. (KTA) was one 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  |
| Mr Dominic K.K. Lam    | ] |  |
| Professor P.P. Ho      | - | his spouse owning a flat in Third Street and a flat in Kui Yan Court, 3 Kui Yan Lane |
| Mr Clarence W.C. Leung | - | his mother owning a flat in Sai Ying Pun   |

4.                      The Committee noted that Mr Patrick H.T. Lau had no involvement in the application and the properties of Professor P.P. Ho's spouse did not have a direct view of the site, the Committee agreed that they should be allowed to stay in the meeting.    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 to join the meeting.

Presentation and Question Sessions

5.                      The following representative from the Planning Department (PlanD) and the representatives of the applicant were invited to the meeting at this point:

- |                       |   |                                     |
|-----------------------|---|-------------------------------------|
| Ms Ginger K. Y. Kiang | - | District Planning Officer/Hong Kong |
|-----------------------|---|-------------------------------------|

Ms W. H. Ho (DPO/HK)  
- Senior Town Planner/Hong Kong  
(STP/HK)

Mr Leung Chung Ching, Edwin  
Ms Wong Fung San, Hanny  
Mr Yuen Man Chiu, Henry  
Mr To Lap Kee, Kenneth  
Ms Lam Tsz Kwan, Camille  
Mr Kwan Wing Hong, Dominic  
Mr Yu Kwun Ho, Kenneth  
Mr Cheng Chi Ming, Ton  
Mr Chan Kwok Keung  
Ms Yeung Shiu Yu

6. 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.

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

#### The Proposal

- (a) The applicant proposed to rezone the application site (the Site) from “Open Space” (“O”) and “Pedestrian Precinct/Street” (“PPS”) to “Residential (Group A) 23” (“R(A)23”) and stipulate building height (BH) restriction of 120mPD for the “R(A)23” zone on the approved Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/29 for a residential development. The site was currently occupied by seven 3-storey buildings which were constructed in the early 1950s;
- (b) according to the indicative development scheme, the proposed 25-storey residential building had a total Gross Floor Area (GFA) of about 3,380m<sup>2</sup>, plot ratio (PR) of about 8.78 and a maximum BH of 120mPD with shops on G/F and 1/F. Tak Sing Lane would be retained as a Non-Building Area

(NBA) and a service lane would also be provided along the eastern boundary of the Site. Two entrances would be provided on G/F and 1/F via Tak Sing Lane/Second Street and Third Street respectively to provide a public access through the Site;

(c) the major proposed development parameters were as follows:

Site Area	:	495m <sup>2</sup>
Development Area (excluding the NBA and service lane)	:	385m <sup>2</sup>
Plot Ratio (PR)	:	8.78
➤ Domestic	:	7.08
➤ Non-domestic	:	1.70
Total Gross Floor Area (GFA)	:	3,380m <sup>2</sup>
➤ Domestic GFA	:	2,723m <sup>2</sup>
➤ Non-domestic GFA	:	655m <sup>2</sup>
No. of Storeys	:	25 (including G/F)
Building Height (BH)	:	120mPD
No. of Residential Units	:	80
Private Open Space	:	Not less than 176m <sup>2</sup>

### Background

(d) the existing seven 3-storey residential buildings at 1-7 Tak Sing Lane were completed in 1952 and 1953 before the Site was zoned “O” on the first statutory plan gazetted on 20.3.1970;

(e) a review of the “O” zones on OZP No. S/H3/20 was considered by the Committee on 3.3.2006. The Committee agreed that two “O” sites (including the Site at Tak Sing Lane which was the subject of the application) should be retained for the reasons that there was a severe shortage of local open space in the Sai Ying Pun and Sheung Wan area, the sites had no direct vehicular access and were not suitable for other types of uses other than public open space (POS);

(f) the Leisure and Cultural Services Department (LCSD) advised that there

was no programme for open space development at the site at Tak Sing Lane and the land resumption matters needed to be resolved before the department might proceed with open space development. The Urban Renewal Authority (URA) also advised that there was currently no plan to include the site at Tak Sing Lane as a comprehensive project;

#### Departmental Comments

- (g) departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD), though considered the proposal not visually incompatible with the surrounding built-up context, had some reservation on the application as the loss of “O” zones for development uses would permanently deprive the built environment of the much needed spatial and visual reliefs and the applicant should provide substantiation regarding the feasibility of retaining trees T1 and T2. Besides, adverse air ventilation impact was expected and the Air Ventilation Assessment (AVA) submitted by the applicant had failed to demonstrate the air ventilation impact and to propose mitigation measures to alleviate such impact. The Director of Environmental Protection (DEP) did not support the application as the applicant had yet to fully address the air quality and sewerage issues. Other concerned departments had no objection to or no adverse comment on the application;

#### Public Comments

- (h) District Officer (Central & Western), Home Affairs Department (DO(C&W), HAD) pointed out that the Central & Western (C&W) District Council (DC) members had raised grave concern on the application given the adverse visual, environmental and air circulation impact on nearby buildings as well as fire safety and privacy issues;
- (i) during the first three weeks of the statutory public inspection periods, a total of 890 public comments submitted by C&WDC members, Democratic

Party, Designing Hong Kong Limited, Incorporated Owners/Owners Committee of the nearby buildings, local residents and members of the public were received. Among them, 3 supported and 887 objected to the application. While the supporting views had not provided any reasons, the objecting views were summarised as follows:

- (i) the proposed development was not compatible with the surrounding environment and was too close to the surrounding buildings;
- (ii) it would cause adverse impacts on traffic, environment (air, noise, hygienic), visual, natural lighting, air ventilation and fire safety;
- (iii) the Site should be reserved for open space development or community uses;
- (iv) it was more desirable for a comprehensive redevelopment with the surrounding lots;

[Ms Julia M.K. Lau and Dr Wilton W.T. Fok arrived to join the meeting at this point.]

#### The Planning Department (PlanD)'s Views

- (j) PlanD did not support the application based on the assessments made in paragraph 11 of the Paper, which were summarised as follows :
  - (i) there was a deficit of 9.3ha of planned open space in the C&W District. The proposed rezoning would result in a permanent loss of open space and aggravate the shortfall of local open space in the district;
  - (ii) the pocket open spaces in the districts were important to serve as breathing space and visual relief which were supported by the AVA for the Sheung Wan & Sai Ying Pun Area (2010);

- (iii) the applicant had failed to provide sufficient information to demonstrate that the proposal would not have adverse air ventilation, tree preservation, sewerage and air quality impacts on the surrounding areas;
- (iv) there had been public concern on the provision of public facilities within private developments; and
- (v) approval of the application would set an undesirable precedent.

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

8. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr To Lap Kee Kenneth made the following main points :

Background

- (a) as the subject buildings were completed in the 1950s, they were in very dilapidated condition. However, since the Site had been zoned "O" on the OZP, the redevelopment potential was very limited unless the Site was rezoned;
- (b) on 3.3.2006, the review of "O" sites conducted by PlanD was considered by the Committee which agreed that two "O" sites including the Site should be retained. On 17.3.2006, 'Flat' use was deleted from Column 2 of the Notes of the "O" zone on the draft OZP No. S/H3/21. The owners of the buildings were frustrated and many of them moved out between 2007 and 2011;
- (c) for the past 45 years, there had been no development proposal for the Site by government departments or public organizations (i.e. LCSD had no implementation programme for the open space, URA did not include the Site in its redevelopment project of Yu Lok Lane and Centre Street, and the

Mass Transit Railway Corporation Limited did not resume the land for the West Island Line development). However, sites surrounding the Site had been redeveloped into tall buildings, including Yee Shun Mansion (1984), Yue Sun Mansion (1986) and Goodwill Garden (1995);

- (d) since 1999, there had been no implementation of undeveloped “O” sites for open space in the Sheung Wan & Sai Ying Pun district;

#### The Proposal

- (e) The development parameters of the application were similar to those of the surrounding developments;
- (f) The applicant’s proposal would bring about the following planning/design merits:
  - (i) provision of a 24-hour pedestrian access for the public – a public pedestrian access was proposed to pass through the Site linking Second Street and Third Street. A lift would be provided within the Site and opened 24 hours daily for public use. This arrangement would be a planning gain to the local community as it would facilitate pedestrian access from Third Street to the Site and particularly to the future Sai Yin Pun Station on Second Street;
  - (ii) provision of ventilation and visual corridor – landscape gardens were proposed on the second and third floors for ventilation purpose and visual relief.

#### Responses to PlanD’s Views

- (g) landlocked site – in response to the applicant’s enquiry made on 21.8.2014, the Building Department (BD) confirmed that the site was abutting to a street of not less than 4.5m wide in between No. 83 and Nos. 89-99 Third Street and was connected to Third Street. The Site might be regarded as

“Class A Site” und Building (Planning) Regulation 18A(1);

- (h) intensification of open space shortage – under the current situation, the Site could neither be developed into an open space for public enjoyment nor redeveloped into a new residential building to meet the housing demand. Despite the fact that there was a shortfall of overall open space provision within the Sai Ying Pun & Sheung Wan area, there had been no implementation programme for the “O” site for the past 45 years and even for 10 years after the review of “O” sites in 2006;

#### The Enhanced Scheme

- (i) the applicant proposed to modify the original proposal by removing a number of shops on the 1/F of the commercial portion for the provision of an open space of 120m<sup>2</sup> for the public. The open space would be connected to Third Street. The applicant had indicated that he would agree to the stipulation in the Remarks of the Notes of the “R(A)23” zone the requirement of the provision of a public open space of not less than 120m<sup>2</sup> should the Town Planning Board (the Board) agree to the rezoning application, and such stipulation was similar to those in other “R(A)” zones of the same OZP; and

#### Conclusion

- (j) Members were urged to give sympathetic consideration to the application with a view to breaking the 45-year deadlock. Besides, the applicant was willing to provide open space within the Site for public enjoyment. It was not anticipated that the proposed development would generate adverse environmental impacts, including air quality and sewerage, on the surrounding area and a detailed air quality assessment report would be provided upon approval by the Board.

9. In response to a Member’s question, Mr Cheng Chi Ming, Ton said that according to the AVA conducted by PlanD for the Sheung Wan & Sai Ying Pun Area, as the

Sai Yin Pun area was closely packed with tall buildings, the existing wind environment in the area was already very poor. Winds coming from the east mainly blew through the east-west oriented streets and road, however, all those streets and roads were not straight in alignment and were relatively narrow, their efficiency as air path was not high. The Site was located in the inner part of Sai Yin Pun and was far away from the existing streets. As the Site did not fall within any air paths as identified in the AVA report, the proposed development would not obstruct air ventilation in the surrounding area. Moreover, the proposed open space within the Site could serve as an air ventilation corridor linking up the alley from Third Street to the podium of Yue Sun Mansion. It was anticipated that the proposed development would not affect the wind environment in the area. In response to the points made by Mr Cheng, Ms Ginger K. Y. Kiang, DPO/HK, said that although the Site did not fall within any air paths as identified in the AVA report, the Site in itself was a pocket space which was essential for air ventilation in an area closely packed with tall buildings. In response to the Vice-chairman's enquiry, Ms Ginger K.Y. Kiang said that, in general, for vacant site, the AVA would compare the proposed development with a notional scheme based on the planning intention whilst for those sites with existing buildings, the AVA would compare the proposed development with the existing scenario.

10. Mr Cheng Chi Ming, Ton continued to say that in response to DEP's comment which required the applicant to conduct site surveys to address any potential chimney impacts within a study area of 200m in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG), the applicant had conducted a site visit to the area and there seemed to be no obvious source of chimney emissions within an area of 200m from the Site. The only possible source of chimney emissions would be from Tsan Yuk Hospital, however, as Tsan Yuk Hospital was located in a distance more than 200m away from the site, it was not anticipated that the proposed development would be affected by the chimney emissions.

11. In response to a Member's question, Ms Ginger K.Y. Kiang said that the Site was surrounded by buildings, however, it did not necessarily mean that the site could not be developed. Given the site constraints, it was considered not suitable for other types of development other than public open space to alleviate the congested living environment and meet the needs of the local residents. While the revised scheme with the provision of a public open space of not less than 120m<sup>2</sup> as proposed at the meeting was considered an improvement to the original proposal, as there was a deficit of 9.9 ha and 9.3 ha of the

existing and planned local open space in the C&W District, approval of the application would set an undesirable precedent and aggravate the shortfall of local open space in the district.

12. In response to the Chairman's question, Ms Ginger K.Y. Kiang said that the "G/IC" site to the immediate east of the Site was currently partly occupied by a public toilet and an electricity substation. The remaining part of the "G/IC" site was occupied by four 2-storey tenement buildings under private ownership and there was no designated G/IC use for this part of the site.

13. A Member asked whether there was any mechanism to implement the planned use considering that the existing situation would be prolonged and whether comparison had been made between the existing situation and the applicant's proposal. In response, Ms Ginger K.Y. Kiang said that the applicant's proposal would involve a 25-storey building which might induce adverse impact on the surroundings as compared to the existing 3-storey buildings.

14. A Member asked whether all the redevelopment projects surrounding the Site were carried out by the Urban Renewal Authority (URA) and whether rezoning/planning applications were required for those projects and how the open space in those sites were implemented. In response, Ms Ginger K.Y. Kiang said that most of them were private redevelopment projects. As those sites were zoned "R(A)" on the OZP, planning permission from the Board was not required. For the URA's redevelopment project of Yu Lok Lane/Centre Street, as the site was zoned "Comprehensive Development Area", a planning brief governing the redevelopment had been prepared which had stipulated the requirement of the provision of public open space for incorporation in the URA scheme.

15. A Member asked how the planning intention of the "O" zone could be achieved given that LCSD had no implementation programme and the Site was under private ownership. In response, Ms Ginger K.Y. Kiang said that generally speaking, both the public and the private sectors were required to follow the planning intention stipulated for the respective zones on the OZP for implementing their proposals. The Site was under private ownership and was occupied by buildings before it was zoned "O" on the first statutory plan. As stated in the Explanatory Statement of the OZP No. LH3/48 for Public Open Space, the proposed "O" sites were on private land and it might be many years before they could be

acquired and used for recreational purposes. LCSD had been consulted and it was advised that there was no programme for open space development at the Site at Tak Sing Lane and the land resumption matters needed to be resolved before the department might proceed with open space development. Besides, URA was consulted and advised that there was currently no plan to include the Site at Tak Sing Lane as a comprehensive project. Nevertheless, URA would continue to identify suitable sites in the old urban areas for redevelopment.

16. In response to a Member's question regarding the fire safety issue, Mr Cheng Chi Ming, Ton said that the building was located just about 10m from Third Street and the arrangement of emergency vehicular access would comply with the Code of Practice for Fire Safety in Buildings.

17. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked Ms Ginger K. Y. Kiang, DPO/HK, Ms W. H. Ho, STP/HK, and the applicant's representatives for attending the meeting. They left the meeting at this point.

#### Deliberation Session

18. The Secretary reported that a petition letter was submitted by The Democratic Party (Central and Western District Branch) who provided comments on the application which were similar to those submitted by them during the statutory public inspection periods. Members noted that their comments had already been incorporated in the Paper.

19. A Member said that the existing 3-storey buildings had already become dilapidated and redevelopment of the site into a new residential building could help meet the housing demand as well as improve the local environment. As the Site was under private ownership and the proposed redevelopment was under private initiatives, there would not be any financial implication on the Government. It was also noted that the Site had already been built before it was zoned "O", and the application was not a proposal for developing a residential tower on a vacant "O" site. Given that there was no implementation programme

for the Site by LCSD, the Member inclined to support the application.

20. The Chairman said that as the applicant's proposal was to redevelop the existing 3-storeys buildings into a 25-storey residential block, the improvement in the local environment as claimed by the applicant should be carefully weighted against the possible impacts induced by the proposal. A Member said that the Site, which was currently occupied by low-rise residential buildings and trees and was situated away from the street frontage, actually created a very nice environment. Approval of the application would affect the ambience and planning intention for the area. The Member agreed with the recommendation of the review of "O" zones in 2006 which recommended retaining the site as "O" and did not support the application.

21. The Vice-chairman said that for air ventilation purpose, the disposition of the proposed residential tower should better be north-south oriented. The east-west orientation of the residential tower currently proposed by the applicant would block the wind passage between Second Street and Third Street and create air ventilation problem in the area. He considered that the "O" zoning was appropriate for the Site.

22. A Member expressed sympathy for the land owners as the Site was under private ownership but was zoned "O" without implementation programme. Given that the existing buildings were in poor condition and the implementation of open space seemed to be unlikely in the near future, redevelopment of the Site could be a way out. However, the Member considered the development of a 25-storey residential tower not appropriate for the Site and did not support the application.

23. The Chairman said that the development pattern in Sai Ying Pun had long been characterised by rows of buildings within a street block. Such development pattern was not much a problem in the past as the buildings were usually 2 to 4 storeys high. In recent years, redevelopment projects in the surrounding areas usually involved the merging of sites in the middle row with those with street frontage in order to carry out redevelopment in a more comprehensive manner. The URA's redevelopment project of Yu Lok Lane/Centre Street was a good example. Considering that the Site was located in the middle row with no direct frontage on the main street, a more comprehensive redevelopment proposal by merging the Site with other sites with street frontage could result in a better scheme. Moreover, the

development of a 25-storey residential tower at the Site in the midst of tall buildings would have adverse impacts on the surrounding area and was considered not acceptable. He suggested PlanD to continue to liaise with URA to explore the opportunity for comprehensive redevelopment of the Site with other sites and LCSD for implementation of open space at the Site.

24. The Chairman concluded that Members generally did not support the application. He then invited Members to go through the rejection reasons as suggested in the Paper. Members generally considered that it was due to the nature and surroundings of the Site that rendered an “O” zone more suitable for the Site, and agreed that rejection reason (a) should be suitably amended to reflect that.

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

- “(a) given the nature and surroundings of the site, the “O” zoning for the site is considered appropriate to alleviate the congested living environment and meet the needs of the local residents;
- (b) rezoning of the site from “O” to residential use would result in a permanent loss of open space and further aggravate the shortfall of local open space provision in Sai Ying Pun and Sheung Wan area;
- (c) there is no strong planning justification nor merit for rezoning of the site from “O” and “PPS” to “R(A)23”; and
- (d) the approval of the application would set an undesirable precedent for similar applications in the “O” zone and the cumulative effect of which would deprive the built environment of the much needed spatial and visual reliefs.

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

**Agenda Item 4**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/H4/9                      Application for Amendment to the Approved Central District Outline Zoning Plan No. S/H4/14, To add 'Pedestrian Circulation Area' in Column 2 of "Commercial" zone in the Notes of the OZP  
(MPC Paper No. Y/H4/9)

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**Presentation and Question Sessions**

26.            The following representative from the Planning Department (PlanD) and the representative of the applicant were invited to the meeting at this point:

Ms Ginger K. Y. Kiang    -    District Planning Officer/Hong Kong (DPO/HK)

Ms W. H. Ho                      -    Senior Town Planner/Hong Kong (STP/HK)

Mr Sit Kwok Keung

27.            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.

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

**The Proposal**

- (a) the applicant proposed to add 'Pedestrian Circulation Area' ('PCA') in Column 2 of the "Commercial" ("C") zone in the Notes of the approved Central District Outline Zoning Plan No. S/H4/14 (the OZP). The application was applicable to all sites zoned "C" on the OZP. There was no development proposal submitted by the applicant.

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

### Background

- (b) two previous s.12A applications No. Y/H4/7 and Y/H4/8 were submitted by the same applicant for amendment of the OZP. The applications were rejected by the Metro Planning Committee of the Board on 12.9.2014 and 16.1.2015 respectively on similar grounds including that there was an established mechanism under the Buildings Ordinance to consider Gross Floor Area (GFA) exemption for development proposals and it was not necessary to duplicate such a function by allowing planning application for GFA exemption under the OZP;

### Departmental Comments

- (c) departmental comments were set out in paragraph 8 of the Paper. The Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD) pointed out that there was no provision under the Buildings Ordinance to consider the granting of GFA exemption/bonus GFA according to the applicant's proposal and the Building (Planning) Regulations (B(P)R) 22 was not applicable as no dedication nor surrender was involved. The Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) also pointed out that there were established mechanisms for assessing GFA exemptions and 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 as proposed in the application. Other concerned department had no comment on the application;

### Public Comments

- (d) during the first three weeks of the statutory publication period, no public comment was received;

The Planning Department (PlanD)'s Views

- (e) PlanD did not support the application based on the assessments made in paragraph 10 of the Paper, which were summarised as follows :
- (i) the current application was essentially the same as the previous application (No. Y/H4/8) except a change in the terminology from 'Pedestrian Area' ('PA') to 'Pedestrian Circulation Area' ('PCA'). In land use terms, 'PA' and 'PCA' did not have a material difference;
  - (ii) 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;
  - (iii) there was provision under the buildings 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;
  - (iv) according to the covering Notes of the Central District OZP, 'PA' (or 'PCA' as proposed by the applicant) was subsumed under "Open Space" and 'Road' and was always permitted within "C" zone, planning permission from the Board was not required; and
  - (v) adding 'PA' in Column 2 would impose development control on a use which was always permitted and no justification for tightening the development control was provided by the applicant.

29. The Chairman then invited Mr Sit Kwok Keung, the applicant's representative, to elaborate on the application. Mr Sit reiterated the applicant's justifications as detailed in paragraph 2 of the Paper. The Chairman reminded Mr Sit that his presentation should supplement the application instead of repeating the applicant's justifications. Mr Sit had no points to supplement and concluded that the applicant would not have any commercial gain

from the proposal.

30. As Mr Sit had finished his presentation and there were no further questions from Members, the Chairman informed Mr Sit that the hearing procedure 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 Ms Ginger K. Y. Kiang, DPO/HK, Ms W. H. Ho, STP/HK, and the applicant's representative for attending the meeting. They left the meeting at this point.

### Deliberation Session

31. The Chairman said that a similar application submitted by the same applicant was previously rejected by the Committee. The 'PCA' under the current proposal was always permitted within "C" zone and planning permission from the Board was not required.

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

- (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 OZP. The request for amendment to add 'Pedestrian Circulation Area' ('PCA'), 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 GFA exemption for development proposals. It is not necessary to duplicate such a function by requiring planning application under the OZP for the proposed 'PCA' which involves granting of GFA exemption.

**Tsuen Wan and West Kowloon District**

**Agenda Item 5**

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/6)

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Presentation and Question Sessions

33.            The Secretary reported that LLA Consultancy Ltd. (LLA) was one 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 LLA
Mr Dominic K.K. Lam	]	
Mr Clarence W.C. Leung	-	having an office in Kwai Chung

34.            As the applicant had requested for a deferral of consideration of the application and the office of Mr Clarence W.C. Leung did not have a direct view on the application site, the Committee agreed that he should be allowed to stay in the meeting.    The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting and Mr Patrick H.T. Lau had left the meeting temporarily.

35.            The Committee noted that the applicant requested on 31.3.2015 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 and the Hong Kong Police Force.    This was the third time that the applicant requested for deferment of the application.

36. 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 further information. Since it was the third deferment of the application and a total of six months had been allowed, no further deferment would be granted unless under very special circumstances.

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

### **Agenda Item 6**

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

[Open Meeting]

Y/K3/6                      Application for Amendment to the Draft Mong Kok Outline Zoning Plan No. S/K3/30, To rezone the application site from "Residential (Group E)1" and area shown as 'Road' to "Commercial (4)", and amendments to the Notes for an office development, 25-29 Kok Cheung Street, Tai Kok Tsui

(MPC Paper No. Y/K3/6)

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37. The Secretary reported that CKM Asia Ltd. (CKM), Kenneth To & Associates Ltd. (KTA) and Dennis Lau & Ng Chun Man Architects & Engineers (HK) Ltd. (DLNCM) 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 KTA and DLNCM

Mr Dominic K.K. Lam                      - having current business dealings with KTA

Professor P.P. Ho

- having current business dealings with CKM and being a professor of the School of Architecture of the Chinese University of Hong Kong which received donations from DLNCM

38. As the applicant had requested for a deferral 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 should be allowed to stay in the meeting. The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting.

39. The Committee noted that the applicant's representative requested on 1.4.2015 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 from government departments. This was the third time that the applicant requested for deferment of the application.

40. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 further information. Since it was the third deferment of the application and a total of six months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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/K5/760B)

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41.                      The Secretary reported that the applicant had requested on 16.4.2015 to withdraw the application and there would be no deliberation on the item.    Members noted.

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

**Hong Kong District**

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/423                      Proposed Hotel in "Residential (Group A) 8" zone, 15-19 Third Street,  
Sai Ying Pun, Hong Kong  
(MPC Paper No. A/H3/423)

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

43.                      The Committee noted that the applicant's representative requested on 10.4.2015 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 from government departments.    This was the first time that the applicant requested for deferment of the application.

44. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. 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.

[Ms Doris M.Y. Chow left the meeting temporarily at this point.]

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H1/98                      Proposed 'Educational Institution' Use and Minor Relaxation of Plot Ratio and Site Coverage Restrictions in "Residential (Group C) 3" and "Road" zones, Ex-Victoria Road Detention Centre, Victoria Road, Pokfulam, Hong Kong  
(MPC Paper No. A/H1/98)

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45. The Secretary reported that Townland Consultants Ltd. (TCL), MVA Hong Kong Ltd. (MVA) and the School of Architecture of the Chinese University of Hong Kong (CUHK) 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 TCL and MVA
Mr Dominic K.K. Lam	- having current business dealings with TCL and MVA and being an ad-hoc lecturer of the School of Architecture of CUHK

- Ms Julia M.K. Lau - having current business dealings with MVA
- Professor P.P. Ho - having current business dealings with TCL and being a professor of the School of Architecture of CUHK

46. The Committee noted that Mr Patrick H.T. Lau had no involvement in the application and agreed that he should be allowed to stay in the meeting. The Committee also noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting and Ms Julia M.K. Lau had left the meeting temporarily. As the interests of Professor P.P. Ho was considered direct, the Committee agreed that he should be invited to leave the meeting temporarily for this item.

[Professor P.P. Ho left the meeting temporarily at this point.]

47. The following representatives from the Planning Department (PlanD) and respective departments were invited to the meeting at this point:

- Ms Ginger K. Y. Kiang - District Planning Officer/Hong Kong (DPO/HK)
- Mr Derek Tse - Senior Town Planner/Hong Kong (STP/HK)
- Miss Lee Hoi Lun, Leonie - Assistant Secretary (Heritage Conservation) 3, the Commissioner for Heritage's Office, Development Bureau (CHO, DEVB)
- Ms Yeung Shuk Ping, Sharon - Engineer (Heritage Conservation) Special Duties, CHO, DEVB
- Ms Siu Lai Kuen, Susanna - Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department (LCSD)

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

#### Presentation and Question Sessions

48. With the aid of a PowerPoint presentation, Mr Derek Tse, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 'educational institution' use and minor relaxation of plot ratio (PR) and site coverage (SC) restrictions;

[Mr Ken Y.K. Wong left the meeting temporarily and Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. CHO, DEVB and AMO, LCSD had no in-principle objection to the application as the conservation arrangement was in line with the practice of other Grade 3 historic buildings. It was considered that the heritage value of the ex-Victoria Road Detention Centre (ex-VRDC) could be reflected from the buildings and structures to be preserved. The Secretary for Education (SED) supported the proposed educational institution at the application site (the Site). Other relevant departments, including Transport Department (TD), Environmental Protection Department (EPD), Drainage Services Department (DSD), the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) and Architectural Services Department (ArchSD) had no adverse comments on the proposal while their detailed technical comments could be addressed in the detailed design stage through conditions of approval;

[Mr Ken Y.K. Wong returned to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication periods, a total of 221 public comments were received. Among them, 36 commenters, including the American Chamber of Commerce in Hong Kong, supported the application. Some commenters were positive about the design of the proposed development and the proposed development could facilitate Hong

Kong's position as a global and regional education hub. The proposed educational institution use would also benefit the business sector in Hong Kong and the community as well as increase the competitiveness of Hong Kong. 175 comments objected to the application mainly on the grounds that historic buildings should be kept intact; the historic buildings would not be fully open for public and community groups for visits and activities; limited parking space within the proposed development and limited public transport in the area; large-scale tree removal would have irreversible negative impacts on the tranquil green view, ecosystem and slope stability; and the overall long-term use for the site should be specified in the land grant;

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper which were summarised below:
  - (i) CHO and AMO had no objection to the proposed conservation whilst injecting new function to the heritage buildings. The applicant had demonstrated effort in preserving the existing historic buildings within the Site while developing the Site for educational institution use. CHO and AMO considered that the proposal involving the adaptive reuse and interpretation of historic buildings which were accessible by the public, commensurate with the merits of the ex-VRDC and the Conservation Guidelines. Moreover, CTP/UD&L considered that the proposed innovative design was of some visual interest;
  - (ii) it was the Government's commitment to enhance Hong Kong's status as a regional education hub and provide multiple and flexible pathways for the young people, and SED advised that the application was in line with the proposal submitted under the Land Grant Scheme and supported the proposed university at the Site;
  - (iii) given the scale and nature of the proposed development, it was

considered not incompatible to the surrounding area;

- (iv) the proposed minor relaxation was necessary to meet the functional requirement of the proposed university, achieve the innovative design to connect and adaptively reuse the historic buildings and provide sustainable building innovation; and
- (v) the proposed minor relaxation of the PR and SC would not result in adverse impacts on the traffic, environment, landscape and visual as well as infrastructural aspects.

49. A Member asked whether there was any information on the overall expenditure of the project and said that the number of students (i.e. 90 students only) seemed to be not in proportion to the proposed scale of the development. In response, Ms Ginger K. Y. Kiang, DPO/HK, said that there was no information regarding the expenditure of the project in the applicant's submission except that the development would be fully funded by the University of Chicago Foundation in Hong Kong Limited (the University). Regarding the the proposed scale of the development, it was noted that the University had a prototype design for all its campus worldwide.

50. In response to two Members' queries, Ms Ginger K.Y. Kiang said that it was the applicant's intention to prohibit private car usage by students and visitors and only 5 car parking spaces were proposed which would be strictly provided for academic staff and VIP guests only. According to the applicant's proposal, a free-of-charge shuttle bus service running between the campus and the Kennedy Town Station Exit B would be provided exclusively for students before and after the class sessions as well as for guest visitors in case of special scholastic events.

51. A Member asked whether the campus would be opened to the public. In response, Ms Ginger K.Y. Kiang said that an extensive viewing deck was proposed to the west of the site at street level and the deck would be opened for public use when the university was in session. Besides, the chain link fences to the western boundary of the site would be pulled eastward to open up the disused battery, magazine structures and trails so that the public could visit the facilities at all times.

52. A Member noted that the proposed site coverage would be increased from 25% to 46.4% and a total of 227 trees would be felled. The Member asked whether there was any tree compensation proposal submitted by the applicant. Ms Ginger K.Y. Kiang said that a compensatory planting proposal was included in the Landscape Master Plan and Landscape Proposal submitted by the applicant. Besides, a roof garden covered with grass was proposed. She said that the applicant had intended to minimise the impact to the existing trees by carefully locating and clustering the new campus structures and facilities.

53. The same Member asked whether there would be any light pollution induced by the night school and whether the proposal would affect the bat roost because of the felling of trees. In response, Ms Ginger K.Y. Kiang said that there was no information regarding any night school to be provided by the applicant. Besides, a bat survey and impact assessment on bats had been carried out and the results had been incorporated into the Environmental Impact Assessment submitted by the applicant. EPD had no in-principle objection to the application.

54. The Vice-chairman noted that the University had started operating its Executive Master of Business Administration (EMBA) programme in an interim campus at Cyberport in Hong Kong and asked whether there was any information regarding the operation of the EMBA programme. In response, Ms Ginger K.Y. Kiang said that a previous application No. A/H10/88 was submitted by the University of Chicago Booth School of Business in Hong Kong for conversion of part of the vacant office space on Level 6 of the existing Cyberport 2 and Cyberport 3 to “Educational Institution” use. The premises served as a temporary campus for the EMBA Programme while the construction of their proposed permanent campus in Mount Davis was scheduled for completion in 2018. On 8.8.2014, the Committee approved the application with conditions on a temporary basis for 4 years. Apart from that, PlanD had no information regarding the operation of the EMBA programme. In relation to the EMBA programme at Cyberport, Dr Wilton W.T. Fok declared interest in the application as his company had participated in the Incubation Programme of Cyberport. The Committee considered that Dr Fok’s interest was remote and his interest would only need to be recorded.

55. In response to a Member’s question, Ms Ginger K.Y. Kiang said that the site

was put forth by the Government as part of the Education Bureau (EDB)'s Land Grant Scheme for a non-profit-making educational institution to operate self-financing full-time locally accredited degree programmes. The proposed development was in line with the applicant's Education Development Proposal which was identified by the Vetting Committee of the Land Grant Scheme as the winning submission. Upon approval by the Town Planning Board, the applicant had to apply to Lands Department for a grant of the Government land by private treaty.

56. In response the Chairman's question, Ms Yeung Shuk Ping, Sharon, CHO's representative, said that according to the proposal, most of the buildings/structures would be retained and reused as educational and related facilities. The arrangement was in line with the practice of other Grade 3 historic buildings. It was considered that the heritage value of the ex-VRDC could be reflected from the buildings and structures to be preserved. Upon expiry of the private treaty grant, Ms Yeung said that the historic buildings would be preserved.

#### Deliberation Session

57. The Chairman said that the application comprised two parts. The first part was related to the change of use to 'Educational Institution' while the second part involved minor relaxation of the PR and SC restrictions for the proposed development on the Site. Members generally had no objection to the change of use. Concerning the increase in PR from 0.75 to 0.87, it was considered relatively minor while some existing buildings could be preserved. On the other hand, the increase in SC from 25% to 46.4% (i.e. equivalent to about 85% increase) should be considered based on the various impacts to be brought about by the proposal instead of the numerical increase in percentage. Members noted that in March 2000, the Board had agreed as a general guideline to adopt the relaxation of the maximum domestic SC to 66.6% and 50% respectively for sites falling within Residential Zone 2 and Residential Zone 3 Areas in the Metro and New Town areas and to 40% for sites in the rural areas and those falling within Residential Zone 4 Area in the New Towns, to cater for special circumstances such as sloping sites and avoiding areas within sites with trees. Under the current proposal, the existing character and amenity of the area would not be adversely affected by the proposed development. Although the proposed increase in SC was equivalent to about 85%, the resultant SC was 46.4% only. Members agreed that the

proposed increase in SC was not excessive and could be considered as minor.

[Mr Martin W.C. Kwan left the meeting temporarily at this point.]

58. The Vice-chairman declared interest in the application as he was a member of the academic assessment panel on the accreditation of the said EMBA programme at the interim campus at Cyberport. The Committee noted and agreed that his interest on the item was indirect and would only need to be recorded. The Vice-chairman advised the Committee that every year, only about 100 students from worldwide could gain admission to the University's EMBA programme. The EMBA programme, with a fee of more than \$500,000, was a 2-year programme and was unique in the world. The University had campus in Chicago, London and Hong Kong and their students were required to travel to different campuses to attend class sessions. Moreover, class sessions would only be held on specific days of a year in the Hong Kong campus and the professors had to travel to Hong Kong to deliver lectures. Whilst noting the information provided by the Vice-chairman, a Member still maintained concern on the inadequate car parking spaces (i.e. 5 only) and the transport arrangement for the proposed development. Nevertheless, the Member supported the use of the Site for educational purpose.

59. A Member had no objection to the application but raised concern on the proposed increase in SC from 25% to about 46% as there was no concrete compensatory proposal to mitigate the felling of trees at the Site which was currently densely vegetated. The Member also pointed out that the glaring effect created by the reflective curtain wall, particularly during sunset, might affect those travelling on ferries as they might view the Site from the west.

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

60. Another Member said that support would be lent to the application if the design of the proposed development could respect the existing historic buildings within the Site and the façade could be improved to minimise the possible glare effect.

61. Another Member said that in view of the short duration of class sessions in a year, the proposed development should have no insurmountable transport problem. However,

given the low-rise nature of the existing historic buildings, the percentage increase in SC was considered quite significant and not desirable from a heritage conservation point of view. Moreover, the Member said that the curtain wall design seemed not to be commensurate with the low-rise development and suggested that vertical greening and inclined glass panel should be considered in order to create a more interesting façade and to minimise the possible glare impact.

62. A Member who supported the application considered that the proposed development would enhance Hong Kong's position as a regional education hub. The Member also suggested that consideration should be given to include the lease conditions for the Site the requirement for opening the campus for rent to the nearby schools and public organisations.

[Mr W.B. Lee left the meeting temporarily at this point.]

63. The Chairman concluded that Members generally supported the application. He then invited Members to go through the approval conditions as suggested in the Paper.

64. Members noted that the traffic improvement schemes as mentioned in approval condition (c) generally referred to the improvement measures such as drop-off kerb, traffic light, road junctions, ingress and egress etc. To address some Members' concern on the arrangement of the proposed shuttle bus services, the Committee agreed that the implementation of traffic management schemes should be added to approval condition (c).

65. A Member suggested and the Committee agreed that the submission and implementation of a tree compensation proposal should be added to approval condition (h).

66. Members were advised that the quarterly tree monitoring report as mentioned in approval condition (i) should only be submitted before and during construction in order to ensure that no existing healthy trees would be affected by the construction. For the sake of clarity, the Committee agreed to specify clearly in the approval condition that the quarterly tree monitoring reports should be submitted before and during construction.

67. Some Members had grave concern on the glaring impact that might be induced by

the reflective glass curtain wall proposed in the current façade design. To address Members' concern, the Committee agreed to add an approval condition requiring the applicant to improve the façade treatment of the proposed development with a view to mitigating the possible glare impact, especially during sunset.

68. In response to some Members' suggestion on the opening up of the campus for public use, the Chairman requested PlanD to relay the Board's request to EDB so that EDB could negotiate with the applicant for inclusion of the relevant clause in the lease conditions.

69. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 17.4.2019, 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 Conservation Management Plan (CMP), accompanied by an impact assessment on heritage with proposed mitigation measures prior to the commencement of works, and the implementation of the works in accordance with the CMP, to the satisfaction of the Director of Leisure and Cultural Services (DLCS) or of the Town Planning Board;
- (b) the provision of free and regular guided tours to introduce the heritage value of the graded buildings within the application site to the satisfaction of the DLCS or of the Town Planning Board;
- (c) the implementation of the traffic improvement schemes and traffic management schemes identified in the Traffic Impact Assessment, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the provision of fire safety installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board;

- (e) the submission of a revised Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (f) the implementation of the local sewerage upgrading/sewerage connection works as identified in the revised SIA to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (g) the submission of a revised Drainage Impact Assessment (DIA) and implementation of the drainage upgrading works as identified in the DIA to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (h) the submission and implementation of a landscape master plan and a tree preservation and compensation proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (i) the submission of quarterly tree monitoring reports before and during construction to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (j) the submission of façade treatment of the proposed development to minimise reflection of sunlight to the satisfaction of the Director of Planning or of the Town Planning Board.”

70. 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 fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design

elements and the GFA concession are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;

- (b) to note the comments of the Commissioner for Heritage's Office, Development Bureau and Antiquities and Monuments Office, Leisure and Cultural Services Department regarding heritage preservation in paragraph 9.1.1(b), (c) and (e) of the Paper;
- (c) to note the comments of the District Lands Officer, Hong Kong West & South, Lands Department on the application for land grant in paragraph 9.1.3(b) of the Paper;
- (d) to note the comments of the Chief Building Surveyor/ Hong Kong East & Heritage, Buildings Department in paragraphs 9.1.5(a) to (g) of the Paper;
- (e) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department regarding the interface between the heritage buildings and the new structure in paragraph 9.1.6(c) of the Paper;
- (f) to note the comments of the Chief Engineer/ Hong Kong & Islands, Drainage Services Department in paragraph 9.1.12(d) of the Paper;
- (g) to note the comments and suggestions of the Chief Architect/ Central Management Division 2, Architectural Services Department regarding internal circulation and building design in paragraphs 9.1.7(b)(i) to (b)(iii) of the Paper;
- (h) to note the comments of the Secretary for Development on the existing public trail and access and the views of the Harbourfront Commission in paragraphs 9.1.8(a) to (c)(iii) of the Paper;
- (i) to note the comment of the Director of Agriculture, Fisheries and

Conservation regarding the bat roost in paragraph 9.1.10(a) of the Paper;

- (j) to note the comments and suggestions of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department in paragraphs 9.1.13(a) to (c) of the Paper;
- (k) to note the comments and suggestions of the Director of Fire Services regarding the arrangement of emergency vehicular access in paragraphs 9.1.14(a) and (b) of the Paper;
- (l) to note the comments and advices of the Chief Town Planner/Urban Design and Landscape, Planning Department regarding the pruning proposals for prominent trees in paragraph 9.1.9(b) of the Paper; and
- (m) to note the comments of the Committee regarding the opening up of the campus for public use.

[The Chairman thanked Ms Ginger K. Y. Kiang, DPO/HK, Mr Derek Tse, STP/HK and the Government representatives for their attendance to answer Members' enquiries. They left the meeting at this point.]

[The meeting was adjourned for a 5-minute break.]

[Mr Laurence L.J. Li and Dr Wilton W.T. Fok left the meeting and Professor P.P. Ho and Mr W.B. Lee returned to join the meeting at this point.]

**Agenda Item 10**

**Section 16 Application**

[Open Meeting]

A/H11/105                      Proposed Residential Institution (Proposed Hostel Expansion) in  
"Government, Institution or Community" zone, 82 Pok Fu Lam Road, St.  
John's College, The University of Hong Kong  
(MPC Paper No. A/H11/105)

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71.            The Secretary reported that Urbis Ltd. (Urbis) and Environ Hong Kong Ltd. (Environ) were two of the consultants of the applicant. The following Members had declared interests in this item:

- Mr Dominic K.K. Lam        - having current business dealings with Urbis and Environ
- Ms Julia M.K. Lau            - having current business dealings with Environ
- Mr Laurence L.J. Li         - he and his spouse owning a flat on Smithfield Road and two flats on To Li Terrace, Kennedy Town

72.            As the applicant had requested for a deferral of consideration of the application and Ms Julia M.K. Lau had no involvement in the application, the Committee agreed that she should be allowed to stay in the meeting. The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting and Mr Laurence L.J. Li had already left the meeting.

73.            The Committee noted that the applicant's representative requested on 14.4.2015 for deferment of the consideration of the application in order to allow time for preparation of further information within April to address the comments from government departments and to provide supporting information for clarification purpose. This was the first time that the applicant requested for deferment of the application.

74.            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.

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting]

A/H14/77                      Proposed Minor Relaxation of Development Restrictions for Temporary Place of Entertainment (Zipline Facility – Flightlinez) on Roof Floor (part) of The Peak Galleria for a Period of 5 Years in "Other Specified Uses" zone, The Peak Galleria, 118 Peak Road, Hong Kong  
(MPC Paper No. A/H14/77)

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75.            The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was one of the consultants of the applicant and Mr Patrick H.T. Lau had declared interest in this item as he had current business dealings with Lanbase. Mr K.K. Ling, the Chairman, had also declared interest in this item as he was living in the government's quarters in the Peak area. As the applicant had requested for a deferral of consideration of the application and Mr Lau had no involvement in the application while the Chairman's interest was remote, the Committee agreed that they should be allowed to stay in the meeting.

76.            The Committee noted that the applicant's representative requested on 10.4.2015 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 from government departments. This was the third time that the applicant requested for deferment of the consideration of the application.

77. 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. Since it was the third deferment of the application and a total of six months had been allowed, no further deferment would be granted unless under very special circumstances.

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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

- |                         |   |
|-------------------------|---|
| Mr K.K. Ling (Chairman) | - living in government's quarters in the Peak area  |
| Mr Patrick H.T. Lau     | - having current business dealings with MVA         |
| Mr Dominic K.K. Lam     | - having current business dealings with MVA and ALN |
| Ms Julia M.K. Lau       | - having current business dealings with MVA         |

79. The Committee noted that Mr Patrick H.T. Lau and Ms Julia M.K. Lau had no involvement in the application and the Chairman's interest was remote, the Committee agreed that they should be allowed to stay in the meeting. The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting

80. The following representatives from the Planning Department (PlanD) and respective departments were invited to the meeting at this point:

Ms Ginger K. Y. Kiang	- District Planning Officer/Hong Kong (DPO/HK)
Mr Derek Tse	- Senior Town Planner/Hong Kong (STP/HK)
Mr Wan Shiu Hon, Gordon	- Senior Environmental Protection Officer (Metro Assessment) <sup>5</sup> , Environmental Protection Department (EPD)
Mr Tam Chung On, Alan	- Senior Engineer/Southern & Peak, Transport Department (TD)
Dr Luk Chun Yin, James	- Country Parks Officer/Hong Kong, Agriculture, Fisheries and Conservation Department (AFCD)
Miss Lee Hoi Lun, Leonie	- Assistant Secretary (Heritage Conservation) 3, the Commissioner for Heritage's Office, Development Bureau (CHO, DEVB)
Ms Yeung Shuk Ping, Sharon	- Engineer (Heritage Conservation) Special Duties, CHO, DEVB
Ms Siu Lai Kuen, Susanna	- Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department (LCSD)

81. The Secretary drew Members' attention that the Town Planning Board Secretariat had received some petition letters and emails regarding the application before the meeting. The submissions were tabled at the meeting for Members' information.

#### Presentation and Question Sessions

82. Mr Derek Tse, STP/HK, drew Members' attention that there were three replacement pages (i.e. pages 2, 4 and 8) of the Paper which were tabled at the meeting for Members' information.

83. With the aid of a PowerPoint presentation, Mr Tse presented the application and covered the following aspects as detailed in the Paper :

Background

- (a) the site was currently occupied by a 4-storey house completed in 1916 which was a Grade 2 historic building. It was the subject of a previous s.16 planning application No. A/H14/75 for a proposed hotel which was approved by the Metro Planning Committee (the Committee) of the Town Planning Board (the Board) on 6.9.2013 with conditions;

The Proposal

- (b) the proposed hotel involved the conversion of the historic building through preservation and renovation and the construction of a new extension of the house. It had a total of 4 storeys and 12 hotel rooms and its total gross floor area (GFA), plot ratio (PR) and site coverage were about 1,158m<sup>2</sup>, 0.5 and 27% respectively. A sewage treatment plant (STP) and some fire services installations were proposed at the basement of the extension portion. A swimming pool was proposed on the roof floor provided with a filtration or treatment facility. The proposed hotel would not provide restaurant, catering and laundry facilities on site, except a pantry on G/F of the extension portion. Central air-conditioning system and a centralized hot water supply system would be provided;
- (c) compared with the previously approved scheme, the current application involved mainly amendments to the building layout of the approved scheme by introducing a new extension to the existing building to replace the detached hotel villas, reduction of hotel rooms, expansion of public education/gallery area, more stringent traffic restrictions to use Lugard Road for the hotel operation and provision of a new STP system and firefighting facilities within the site;

- (d) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Tourism (C for Tourism) supported the hotel development. Both the Commissioner for Heritage’s Office, Development Bureau (CHO, DEVB) and the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department (LCSD) supported the subject planning application from heritage conservation perspective. As the majority of the building envelop and significant elements featuring the character of the building were proposed to be conserved, CHO and AMO considered the amendment scheme for the application site was commensurate with the grading and heritage value of the historic building concerned. The Commissioner for Transport (C for T) had no objection to the special traffic arrangement proposed by the applicant and had no comment on the Traffic Impact Assessment, and considered that the Government had to strike a balance between the need for the use of Lugard Road by pedestrians and the right of access for the owner of the premises at 27 Lugard Road. A traffic arrangement plan for construction phase would be submitted for Transport Department (TD)’s consideration. Concerned departments had no objection to or no adverse comment on the application;

[Professor P.P. Ho left the meeting at this point.]

- (e) during the first three weeks of the statutory publication periods, a total of 3,532 comments were received. Among them, 3,215 (submitted by Alliance For a Beautiful Hong Kong (ABHK), Designing Hong Kong Limited, members of Central & Western District Council, a Legislative Council member, concern groups and individuals) objected to or expressed grave concerns on the application while 278 were in support of the application. The remaining 39 comments had no clear indication of their stance on the application. The objecting comments raised grave concerns on the possible adverse traffic/road safety, fire safety, environmental, infrastructural, geotechnical, landscape and visual impacts arising from proposed hotel development on the surrounding areas. The supportive

comments considered that the hotel project met the need to conserve heritage and history and the proposed hotel would give an opportunity for the local public as well as the foreign visitors to experience the cultural and architectural heritage of Hong Kong; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper which were summarised below:
  - (i) the current scheme had been improved on various aspects in comparison to the previously approved scheme under application No. A/H14/75, in particular on the impacts on traffic, sewage treatment and fire safety which had been raised in the public comments on the previous application;
  - (ii) the current proposal was supported by CHO and AMO from heritage conservation point of view as the proposal was commensurate with the grading and heritage value of the historic building and appropriate arrangement had been made for heritage conservation while respecting private property rights. C for Tourism also supported the application in that the proposed hotel would help provide adequate hotel facilities to enhance the appeal of Hong Kong as an international convention, exhibition and tourism capital;
  - (iii) the restrictions on the use of motor vehicles on Lugard Road as proposed by the applicant, as compared with the previous residential use, would be able to cater for the need of trail walkers of the concerned road section better. As such, the enjoyment of Lugard Road by the public and the right of access for the owner of the application site could be balanced; and
  - (iv) the proposed development would not bring about insurmountable adverse environmental, landscape and visual, fire safety and infrastructural problems.

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

84. In response to the Chairman's query, Ms Ginger K. Y. Kiang, DPO/HK, said that from conservation aspect, both the current application and the previously approved scheme involved conversion of the historic building through preservation and renovation. Compared with the previously approved scheme, the current application involved mainly amendments to the building layout of the approved scheme by introducing a new extension to the existing building to replace the detached hotel villas.

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

85. A Member noted from a petition letter from the commenters that the main historic building had two storeys including the ground floor, the first floor and the roof which was in contrary to the description in the Paper. In response, Ms Ginger K.Y. Kiang said that the historic building was considered to have 4 storeys as the previous owner of the premises had constructed a mezzanine floor between G/F and 1/F and a Telecommunications and Broadcasting (TBE) Room on the roof which were all gross floor area (GFA) accountable.

86. In response to the Chairman's questions, Ms Ginger K.Y. Kiang said that the application site (the Site), with an area of about 2300m<sup>2</sup>, was zoned "Residential (Group C)2" ("R(C)2") on the Approved The Peak Area Outline Zoning Plan (OZP) No. S/H14/11 and was subject to a maximum PR of 0.5 and maximum building height of 4 storeys including carports, or the PR and height of the existing building, whichever was the greater. Based on the notional residential scheme submitted by the applicant, the existing residential building could be redeveloped into 4 detached houses each with flat size of about 300m<sup>2</sup>. Ms Ginger K.Y. Kiang continued to say that vehicular access to the concerned section of Lugard Road leading to Peak Road was restricted for use of permit holders only. That section of the road was the only access for the existing building at 27 Lugard Road and the previous owner of the building had obtained 4 prohibited zone permits for vehicular access for many years. Under the notional residential scheme, a total of 4 prohibited zone permits for vehicular access would likely be issued (i.e. one for each household). Moreover, the traffic impact assessment (TIA) submitted by the applicant demonstrated that the hotel scheme would generate similar amount of traffic flows during peak hours (i.e. a total of 2 trips per hour at Lugard Road) as compared with the notional residential scheme.

87. In response to some Members' questions, Ms Ginger K.Y. Kiang said that residents in Lugard Road would normally apply for an one-year permit from C for T. Besides, the Commissioner of Police (C of P) might issue temporary prohibited zone permits for any person who wished to drive a motor vehicle in the prohibited zone in the Peak if it was considered absolutely necessary. The vehicles should comply with all the instructions, including vehicle length, height and weight, given by TD. TD was considering prohibiting taxi from using Lugard Road.

88. In response to the Chairman's question, Mr Ken Y.K. Wong, the Principal Environmental Protection Officer (Metro Assessment) of EPD said that the original proposal for septic tank and soakaway system in the approved scheme was replaced by a proposed STP located in the basement level of the new annex building under the current application. While the septic tank and soakaway system in the previously approved scheme was considered acceptable, the proposed STP was an improvement to the previous proposal and such system had been proved to be functional and feasible in other real-case examples of projects with similar sewage discharge. It was also noted that the applicant had intended to minimise sewage discharge by proposing not to provide restaurant, catering and laundry facilities on site. Besides, the Water Pollution Control Ordinance (WPCO) licence conditions including the requirements stipulated in the "Standards for Effluents Discharged into Drainage and Sewerage Systems, Inland and Coastal Waters" should always be fulfilled to the satisfaction of EPD.

89. In response to another Member's question, Mr Ken Y.K. Wong said that the applicant had proposed that chemical filters or dosing might be employed to absorb ammonia and chlorine in the swimming pool water in order to meet the WPCO licence requirements before discharge. Mr Wan Shiu Hon, Gordon, EPD's representative, supplemented that swimming pool water should be discharged into the existing watercourse or storm water drains as storm water, not to sewerage, in accordance with the Practice Note for Professional Persons ProPECC 5/93. The applicant would also be required to apply for and obtain a discharge licence under the WPCO prior to any discharge of swimming pool water into the adjoining watercourse. Regarding the filtration plant filter of the swimming pool, Mr Wan said that the applicant had proposed to periodically replace and dispose of the filter off-site as solid waste without the need for on-site backwashing.

90. In response to a Member's question, Mr Tam Chung On, Alan, TD's representative, said that in the previous application, the applicant had proposed to use electric vehicle of 1.475m wide on Lugard Road to carry guests, staff and goods to and from the hotel. The proposed 1.475m-wide electric vehicle was a type of licensed vehicle registered in Hong Kong. Regarding the "E-Tuk" (i.e. electric vehicle of 1.41m wide) currently proposed by the applicant, TD could not provide comment at the current stage as such type of vehicle had not been registered in Hong Kong and no information had been provided by the applicant.

91. In response to the Chairman's question, Mr Tam Chung On, Alan, said that the middle portion of Lugard Road was a road deck on piers (棧道) and there was no house along that section of Lugard Road, and no entry of vehicles was allowed. On the contrary, the concerned section of Lugard Road was built on solid ground. It was the only access for 27 Lugard Road and 4 prohibited zone permits had been granted to the previous owner for his access to his premises. Under the notional residential scheme, 4 vehicular permits would need to be issued on the basis of at least one permit for each household. It would be considered important to strike a balance between the need for use of Lugard Road by pedestrians and the right of access for the owner of the premises.

92. The Chairman further asked whether the prohibited zone permit would restrict the type and size of vehicles, number of trips as well as time for vehicular access. In response, Mr Tam Chung On, Alan, said that given that some sections of Lugard Road were quite narrow, the permit would restrict the permit holders to use small cars and low gear but there was no time restriction for vehicular access. Under the notional residential scheme, conflict would arise from the opposite traffic to be generated by the 4 households. TD considered that opposite traffic was not acceptable at the concerned section of Lugard Road which was not wide enough. On the other hand, the proposed hotel would unlikely generate any opposite traffic. As such, TD considered that the permit system which had been implemented in the area for many years could cater for the hotel use.

[Mr Roger K.H. Luk returned to join the meeting at this point.]

93. In response to the Chairman's questions, Mr Tam Chung On, Alan, said that applications for prohibited zone permits were considered on an individual basis and the applicants were required to submit documents including the Vehicle Registration Document indicating the car widths for TD's consideration. In general, only small cars would be allowed in view of the narrow road widths. As for opposite traffic on Harlech Road which was also narrow, Mr Tam said that there were some lay-bys in some wider sections of Harlech Road and could handle the traffic in the past. Regarding the no-entry section of Lugard Road, Mr Tam said that there was no provision of lay-by there. Generally speaking, the major concern of TD was mainly on the pedestrian volume particularly during weekends and public holidays, and the vehicular traffic generated was minimal. He considered that the stipulation of time restrictions in the prohibited zone permit of the future hotel operator to prohibit vehicular access during the restricted hours would strike the best balance between the need for use of Lugard Road by pedestrians and the right of access for the owner of the premises.

94. In response to a Member's query, the Chairman said that residential development was always permitted on the site which was zoned "R(C)2" on the OZP. Planning permission was not required if the proposed residential scheme complied with the development parameters stipulated in the Notes of the OZP.

95. A Member noted from the petition letters that there was no heritage impact assessment (HIA) to support the application. The Member asked whether a HIA was required for Grade 2 historic building and whether the development would affect the conservation of the building. In response, Ms Lee Hoi Lun, Leonie, CHO's representative, said that the building at 27 Lugard Road was a Grade 2 historic building which by definition was a building of special merit and efforts should be made to selectively preserve. CHO and AMO appreciated that the Grade 2 historic building would be preserved in-situ and that the majority of the building façade would be preserved. It was considered that the current proposal was commensurate with the grading and heritage value of the building. Moreover, according to the Technical Circular (Works) No. 6/2009 on "Heritage Impact Assessment Mechanism for Capital works Projects", for all new government capital works projects which would affect sites or buildings of historic or archaeological significance, the proponent works departments would be required to conduct a HIA. However, there was no such requirement for the private sector. In order to ensure the proper conservation of the historic building, an

approval condition had been suggested which required the applicant to submit a Conservation Management Plan (CMP) to address detailed conservation proposal for the graded building prior to the commencement of any works for AMO's consideration and implementation of the works in accordance with the CMP to the satisfaction of the Director of Leisure and Cultural Services.

96. In response to the Chairman's question, Ms Siu Lai Kuen, Susanna, AMO's representative, said that the proposed hotel development would unlikely induce significant impact on the heritage as the majority of the building envelop and significant elements featuring the character of the building were preserved. She also confirmed that the swimming pool did not fall into the boundary of the Grade 2 historic building. Ms Ginger K.Y. Kiang supplemented that a new extension to the existing building was proposed under the current application to replace the 2 detached hotel villas as proposed under the previously approved scheme.

97. A Member said that in view of the large amount of pedestrians using Lugard Road (even bicycles would be considered annoying), the proposed vehicular access which operated on a basis of 2 trips per hour might adversely affect the pedestrians. The Member also noted that there was grave public concern on the traffic issue and approval of the application might arouse strong public reaction. Besides, it was considered that hotel guests would likely generate more trips as compared to the residents at the Site. The Chairman asked the consequence if the future hotel operator violated the conditions of the prohibited zone permit. In response, Mr Tam Chung On, Alan, said that TD would cancel the permit if the operator violated the conditions of the permit. TD considered that despite the large amount of pedestrians using Lugard Road on weekends and public holidays, there were about 2 to 3 pedestrians per minute during weekdays and allowing vehicular traffic not more than 2 trips per hour during weekdays was considered acceptable. The need for use of Lugard Road by pedestrians and the right of access for the owner of the Site should be balanced.

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

98. The Vice-chairman noted the comments made by ABHK and asked whether the owner of the Site had the right of vehicular access from Lugard Road as the applicant was advised to apply for lease modification as stated in paragraph 8.1.1(a) of the Paper. In

response, Ms Doris M.Y. Chow, Assistant Director, Lands Department (LandsD), said that based on the comments of the District Lands Officer/Hong Kong West and South, LandsD, the existing access branching off from Lugard Road and linking to the subject lot was a piece of Government land. Since the application involved proposed landscaping works on the piece of government land, the applicant was advised to apply for a lease modification before commencing the said works. She considered that the lease modification was not related to the right of vehicular access.

99. In response to the Vice-chairman's question, Mr W.B. Lee, the Assistant Commissioner for Transport (Urban), TD, said that Lugard Road was a gazetted road.

### Deliberation Session

100. Members generally considered that the proposal was acceptable from a heritage conversation point of view. The proposed hotel under the current application was an improvement to the previously approved scheme and would be a better scheme than the notional residential scheme with 4 houses in terms of traffic control, transport arrangement as well as sewage treatment. However, to address the public's grave concerns, particularly with regard to the traffic and sewage treatment aspects, Members considered that approval conditions could be imposed to tighten the control of the development.

101. On the traffic aspect, Members noted that the restrictions of 2 trips per hour as proposed by the applicant referred to 2 round trips which were equal to 4 single trips per hour. The Committee considered that there should be more stringent control over the traffic arrangement by specifying in approval condition (d) the submission and implementation of the traffic management schemes, including no vehicle would be allowed from 9am to 7pm in all days, a maximum of 2 single trips per hour during non-restricted hours, and the types of vehicles, to the satisfaction of the Commissioner for Transport. The Committee also agreed to impose an additional approval condition that the restrictions on vehicular access to the hotel should be made known to the public.

102. With regard to the sewerage aspect, whilst the proposed STP was considered acceptable to EPD, to ensure that the applicant would implement the measures as proposed, the Committee agreed to add two approval conditions which specified the provision of a

sewage treatment plant as proposed by the applicant to the satisfaction of the Director of Environmental Protection and that there should be no provision of restaurant, catering or laundry facilities on site, except a pantry, as proposed by the applicant.

103. To provide more opportunity for public education and enjoyment, the Committee also agreed that free guided tours should be provided once every week instead of at least once every month. The relevant approval condition should be revised accordingly.

104. The Committee also agreed to include a revocation clause which specified that if the approval conditions on transport and sewerage aspects were not complied with during the approval period, the approval given should cease to have effect and should be revoked immediately.

105. In addition, the Committee agreed to specify in advisory clause (e) that multi-cycles and taxis were not allowed on Lugard Road and taxis would not be issued with temporary prohibited zone permits unless under very special circumstances.

106. 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 17.4.2019, 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 planning permission and the conditions (b), (c), (d), and (i) attached thereto (“the Conditions”) for the proposed hotel development should not lapse when the proposed hotel development was undertaken and should continue to have effect as long as the completed development or any part of it was in existence and the Conditions were fully complied with. The permission was subject to the following conditions :

- “(a) the submission of a Conservation Management Plan (CMP) as proposed by the applicant to address detailed conservation proposal for the proposed development prior to the commencement of any works and implementation of the works in accordance with the CMP to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;

- (b) the provision of free guided tours for at least once every week to introduce the building and the heritage trail to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (c) to provide and maintain an information panel for the building at a prominent location within the application site as approved or required by the Director of Leisure and Cultural Services or of the Town Planning Board;
- (d) the submission and implementation of the traffic management schemes, including no vehicle would be allowed from 9am to 7pm in all days, a maximum of 2 single trips per hour during non-restricted hours, and the types of vehicles as well as the making known of these traffic management schemes to the public, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the submission of a review report on the natural slopes and if necessary, the implementation of slope upgrading and mitigation works recommended therein to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board;
- (f) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (g) the submission and implementation of tree preservation and landscape proposals and quarterly tree monitoring reports before and during construction to the satisfaction of the Director of Planning or of the Town Planning Board;
- (h) the provision of a sewage treatment plant as proposed by the applicant to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

- (i) no provision of restaurant, catering or laundry facilities on site, except a pantry, as proposed by the applicant; and
- (j) if any of the above planning condition (b), (c), (d) or (i) was not complied with, the approval hereby given would cease to have effect and should be revoked immediately.”

107. 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 fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (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 and the GFA concession are not approved/granted by BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Town Planning Board may be required;
- (b) to note the comments of the Chief Building Surveyor/Hong Kong East & Heritage, BD regarding the requirements laid down under the Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-40, APP-151, APP-152, and the need to comply with the latest legislative requirements for the proposed change in use of the existing building to hotel use as well as the proposed alteration and addition works, and the provision of Emergency Vehicular Access (EVA) to comply with Building (Planning) Regulations (B(P)R) 41D and Section 6 of Part D of the Code of Practice for Fire Safety in Buildings 2011;
- (c) to note the comments of the Director of Fire Services that the arrangement of EVA shall comply with the Code of Practice for Fire Safety in Buildings

2011 and where the circumstance stipulated in Clause D25.1 of the Code arises that an EVA will not be provided or where the EVA provided cannot comply with the standards as stipulated in the Code, an application for exemption from the B(P)R 41D(1) or (2) should be submitted for consideration by the BA, justified by a fire safety assessment report;

- (d) to note the comments of the District Lands Officer/Hong Kong West and South, LandsD, in respect of the need to apply to his office for modification of lease conditions to implement the proposal;
- (e) to note the comments of the Commissioner for Transport regarding the picking up arrangement for the hotel guests as proposed by the applicant. Besides, multi-cycles and taxis were not allowed on Lugard Road and taxis would not be issued with temporary prohibited zone permits unless under very special circumstances;
- (f) to note the comments of the Director of Environmental Protection that the applicant should take into account the “Guidelines for the Design of Small Sewage Treatment Plants” and “Standards for Effluents Discharged into Drainage and Sewerage Systems, Inland and Coastal Waters” in designing the proposed sewage treatment plant;
- (g) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department, that the applicant may have to refine the design to prevent the predominance of the extension building over the historic building;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that any potential impact arising from the future development to the wildlife and vegetation in the subject area should be avoided/minimised as far as practicable;
- (i) to note that comments of the Director of Electrical and Mechanical Services regarding the possible interface of the proposed development with

electricity cable and overhead line;

- (j) to note that comments of the Director of Food and Environmental Hygiene regarding the disposal of trade waste;
- (k) to note the comments of the Director-General of Civil Aviation that no part of any structures and equipment used during construction or after the completion of the project for maintenance shall exceed the Airport Height Restriction limits; and
- (l) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department, regarding the licensing requirements for hotel use.”

[The Chairman thanked Ms Ginger K. Y. Kiang, DPO/HK, Mr Derek Tse, STP/HK and the Government representatives for their attendance to answer Members’ enquiries. They left the meeting at this point.]

[Mr Stephen H.B. Yau and Mr Sunny L.K. Ho left the meeting temporarily at this point.]

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting]

A/H17/135            Social Welfare Facility (Child Care Centre) in "Other Specified Uses" annotated "Beach Related Leisure Use" zone, Shop 2, Basement 1, The Pulse, 28 Beach Road, Repulse Bay, Hong Kong  
(MPC Paper No. A/H17/135)

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108.            The Secretary reported that the applicant’s representative requested on 27.3.2015 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 from government departments. This was the first time that the applicant requested for deferment of the consideration of the application.

109.            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.

[Ms Bonnie J.Y. Chan left the meeting and Mr Stephen H.B. Yau and Mr Sunny L.K. Ho returned to join the meeting at this point.]

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

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/H19/71                      Proposed Holiday Camp Redevelopment in "Government, Institution or Community" zone, A piece of Government Land, Stanley Bay, Stanley, Hong Kong (The Hong Kong Federation of Youth Groups Stanley Outdoor Activities Centre)  
  
(MPC Paper No. A/H19/71)

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110.            The Secretary reported that the application was submitted by The Hong Kong Federation of Youth Groups and Mr Dominic K.K. Lam had declared interest in this item as he had current business dealings with the applicant. The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting.

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

111.            With the aid of a PowerPoint presentation, Miss Isabel Y. Yiu, STP/HK,

presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed holiday camp;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Hong Kong West and South, Lands Department (DLO/HKW&S, LandsD) advised that the application site (the Site) fell within a Short Term Tenancy No. SHX-9 (the STT) and the proposed redevelopment of the Site into a holiday camp was considered not acceptable under the STT as no residential use should be permitted. On the other hand, the Secretary for Home Affairs (S for HA) supported the proposed redevelopment as it could help promote water sports and provide enhanced facilities to meet campers’ recreational needs. The Director of Leisure and Cultural Services (DLCS) also supported the proposed redevelopment as it could improve the existing camp facilities to serve the local youth community. Other relevant departments had no objection to or no adverse comment on the application; and
- (d) during the first three weeks of the statutory publication period, 4 public comments were received including one from a District Councillor. All of the comments objected to the application mainly on the grounds that the proposed development was not in line with the planning intention for coastal land and the “Government, Institution or Community” zone as well as relevant TPB Guidelines, codes and regulations; the proposed development would cause adverse environmental, visual, safety and traffic impacts; there was no proper provision of Emergency Vehicular Access; there were insufficient technical assessments to support the redevelopment proposal; the building height was excessive; and approval of the application would set an undesirable precedent.
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper.

Both S for HA and DLCS supported the proposed redevelopment as it could improve the existing camp facilities to meet campers' recreational needs and help promote water sports. The centre upon redevelopment was compatible with the surrounding areas which were mainly water sports and recreational facilities serving the community. The provision of overnight camping facilities and various training to the public would complement the role of Stanley as a recreational centre and enhance the recreational function of the area. Concerned government departments had no adverse comment on the application from the technical aspects. Moreover, the applicant would be advised to address DLO/HKW&S, LandsD's comment through the application for a modification to the STT or a waiver.

112. The Vice-chairman enquired whether the proposed redevelopment of the existing activity centre from a 2-storey building to a 4-storey one on a permanent basis would contravene the STT and whether other organizations could apply for using the site upon expiry of the current STT. In response, Ms Doris M.Y. Chow, Assistant Director of LandsD, said that DLO/HKW&S, LandsD's comments on the application had already been provided to PlanD and she had no further points to supplement.

113. The Vice-chairman asked whether the proposed accommodation facilities were necessary for a water sports centre. In response, Miss Isabel Y. Yiu, STP/HK, said that the facilities provided in the existing 2-storey building were very limited and out-dated. In order to uphold its commitment to provide the much-needed services for the youth and better utilisation of resources, the applicant proposed to redevelop the existing facilities into a specialised adventure camp with professional staff and trainers offering professionally designed programmes. Moreover, there was a lack of overnight training facility for the youth especially on the Hong Kong Island. To meet the operational need of schools for organising outdoor activity for longer than one day and in large groups, the applicant considered it necessary to redevelop the existing building into a 4-storey one to provide accommodation facilities.

#### Deliberation Session

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

terms of the application as submitted to the Town Planning Board. The permission should be valid until 17.4.2019, 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 provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board.”

115. 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 fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concessions for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concessions are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;
- (b) to note the comments of the District Lands Officer/Hong Kong West & South, Lands Department on application for a modification to the Short Term Tenancy or a waiver in paragraph 9.1.1 of the Paper;
- (c) to note the comments of the Chief Engineer/Hong Kong & Island, Drainage Services Department on the submission of drainage plans in the implementation stage in paragraph 9.1.5 of the Paper;

- (d) to note the comments of the Director of Environmental Protection on complying with the Guidelines for the Design of Small Sewage Treatment Plants and to obtain a valid licence under the Water Pollution Control Ordinance for the proposed redevelopment before commencement of its operation in paragraph 9.1.6 of the Paper;
- (e) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department regarding compliance with the Building (Planning) Regulation and Practice Notes for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers and non-provision of emergency vehicular access in paragraph 9.1.7 of the Paper;
- (f) to note the comments of the Director of Fire Services on the arrangement and/or exemption of emergency vehicular access in paragraph 9.1.8 of the Paper;
- (g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) on the submission of proposal for WSD's consideration and approval if diversion of water mains within the application site is required in paragraph 9.1.9 of the Paper;
- (h) to note the comments of the Director of Electrical and Mechanical Services to liaise with the electricity supplier and to observe the Code of Practice on Working near Electricity Supply Lines in paragraph 9.1.10 of the Paper;
- (i) to note the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department regarding the structural design to accommodate the greening measures, floor height and other detailed design in paragraph 9.1.11 of the Paper;
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department regarding the tree transplant and green wall in paragraph 9.1.12 of the Paper;

- (k) to note the comments of the Director of Agriculture, Fisheries and Conservation to minimise the impact to the existing trees in paragraph 9.1.14 of the Paper;
- (l) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department on the provision of supplementary information on the archaeological survey in 1997 in paragraph 9.1.15 of the Paper; and
- (m) to note the comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department regarding the licensing under the Hotel and Guesthouse Accommodation Ordinance in paragraph 9.1.16 of the Paper.”

[The Chairman thanked Miss Isabel Y. Yiu, STP/HK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

**Agenda Item 15**

Section 16 Application

[Open Meeting]

A/H8/424                      Proposed Development Complex Containing School, Institution and Office Uses in "Residential (Group A)" zone, 1 and 1A Java Road, North Point, Hong Kong  
(MPC Paper No. A/H8/424)

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116.            The Secretary reported that LLA Consultancy Ltd. (LLA) was one 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 LLA
Mr Dominic K.K. Lam	]	

- Mr Roger K.H. Luk - owning a residential unit at City Gardens
- Mr Stephen H.B. Yau - owning a flat in North Point
- Mr Laurence L.J. Li - his close relatives living in North Point
- Dr Wilton W.T. Fok - owning a flat at Maiden Court, 46 Cloud View Road, North Point

117. As the applicant had requested for a deferral of consideration of the application, and Mr Patrick H.T. Lau had no involvement in the application and the properties of Mr Roger K.H. Luk, Mr Stephen H.B. Yau and Mr Laurence L.J. Li's close relatives did not have a direct view of the site, the Committee agreed that they should be allowed to stay in the meeting. The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting and Dr Wilton W.T. Fok had already left the meeting.

118. The Committee noted that the applicant's representative requested on 19.3.2015 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 from government departments. This was the first time that the applicant requested for deferment of the consideration of the application.

119. 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 Tom C.K. Yip, District Planning Officer/ Kowloon (DPO/K) and Mr Stephen Chan, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

## **Kowloon District**

The Chairman suggested and Members agreed to discuss Agenda Item 16 after the last agenda item.

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K22/16            Proposed Minor Relaxation of Maximum Plot Ratio/Building Height Restrictions in "Commercial (4)" and "Commercial (6)" and "Government, Institution or Community" and "Other Specified Uses" annotated "Mixed Use(2)" and "Other Specified Uses" annotated "Mixed Use(3)" and "Residential (Group B) 2" and "Residential (Group B) 3" and "Residential (Group C)" zones, Sites 1D2, 1D3, 1E1, 1E2, 1F1, 1K1, 1K2, 1K3, 1L1, 1L2, 1L3, 4A1, 4A2, 4B1, 4B2, 4B3, 4B4, 4C1, 4C2, 4C3 and 4C4 in Kai Tak Development  
(MPC Paper No. A/K22/16)

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120.            The Secretary reported that the application was submitted by the Civil Engineering and Development Department and Mr Patrick H.T. Lau had declared interest in this item as he had current business dealings with the applicant. As the interest of Mr Patrick H.T. Lau was considered direct, the Committee agreed that he should be invited to leave the meeting temporarily for this item.

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

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

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

- (a) background to the application;
- (b) the proposed minor relaxation of maximum plot ratio (PR)/building height (BH) restrictions of 21 sites in Kai Tak Development (KTD);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Secretary for Development (SDEV) supported the application as it was in line with the Government’s initiative to increase and expedite the land supply in Hong Kong. The Commissioner for Tourism (C for T) supported the proposed hotel developments at Sites 4A2, 4C1, 4C2, 4C3 and 4C4 to form a distinctive hotel cluster in Kai Tak in order to increase the number of hotel rooms, broaden the range of accommodations for visitors, attract more high value-added visitors and support the development of convention and exhibition, tourism and hotel industries. Other concerned departments had no objection to or no comment on the application.
- (d) during the first three weeks of the statutory publication period, a total of 19 public comments were received. 4 public comments were received from the Chairman of the Kwun Tong Central Area Committee and members of the public in support of or raising no objection to the application. 10 public comments were received from members of the public objecting to the application mainly on the grounds that the proposal deviated from the original planning intention of Kai Tak in which public consensus had been reached after years of planning effort and public engagement; the proposal would jeopardise the stepped height profile proposed in KTD; block the ridgeline and create heat island effect; massive residential development in KTD would obscure and block the air ventilation as well as the ridgeline; and the proposed increase in development intensity would induce adverse impacts on traffic, environment, air ventilation and visual aspects and provision of open space and community facilities. The remaining 5 public comments included 1 having reservation on the current proposal, 3 indicating no stance on the application and 1 urging the Government to speed up the implementation of KTD;

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The application was in line with the Government's overall policy of increasing housing and commercial land supply and SDEV supported the application from housing and commercial land supply points of view. The application involved minor increase in development intensity for 21 sites in KTD through a general uplifting of the maximum BH by about 20m and corresponding increase in PR. The proposal had not altered the planned land uses, layout of development site, as well as the planning theme and concepts enshrined in the Kai Tak Outline Zoning Plan (OZP). The proposed increase in development intensity would not compromise the planning intention of the affected land use zones. The applicant had conducted various technical assessments to demonstrate that the proposal was technically feasible in terms of traffic, infrastructural capacity and environmental aspects. Concerned departments had no objection to or no adverse comment on the application.

122. The Committee noted that the application involved minor increase in development intensity for a total of 21 sites in KTD.

#### Deliberation Session

123. The Vice-chairman was concerned whether there would be other sites in KTD which required minor relaxation of development intensity. Members noted that the Chief Executive announced in the 2013 Policy Address that the Government was committed to review the planning of the sites in the KTD area and study the possibility of increasing commercial and housing land supply. Based on the recommendation of the first stage of the review study, two applications No. A/K22/14 and A/K22/15 for minor relaxation of PR / BH and PR / BH / site coverage restrictions for three land sale sites and a Home Ownership Scheme site in the North Apron Area of KTD were submitted to the Town Planning Board (the Board) and were approved with conditions on 22.11.2013. While the subject application involved a total of 21 sites in three clusters which were located mainly in Area 1 of KTD, development of the site located in Area 2 would need to be considered later upon

completion of an archaeological study and a few sites in Area 3 might require amendments to the Kai Tak OZP.

124. The Committee noted that the applicant had applied for minor relaxation of PR/BH restrictions for the 21 sites on average by about 24% and 20% respectively and agreed that the application should be considered based on the various impacts to be brought about by the increase in development intensity instead of the numerical increase in percentage. Given that the overall increase in building height up to 20m would not result in adverse air ventilation impact and the increase in PR would not overstrain the infrastructural capacity in the area, Members considered the minor relaxation under application acceptable.

125. In response to the Vice-chairman's suggestion, the Committee agreed to remind PlanD that the history of previous applications for relaxing development density of other KTD sites should be provided for Members' information for similar applications in the future.

126. After deliberation, the Committee decided to approve the application on the terms of the application as submitted to the Board. To cater for the longer development timeframe for those sites, the permission should be valid for a longer validity period until 17.4.2021, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (b) the inclusion of landscaping requirements in the lease conditions/government land allocation conditions of the sites to the satisfaction of the Director of Planning or of the Board; and
- (c) the submission of a revised air ventilation assessment report to the satisfaction of the Director of Planning or of the Board.”

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

- (a) to note the Director of Environmental Protection's advice that various sites proposed for commercial use/office development are normally provided with central air-conditioning system and would not rely on opened windows for ventilation. The project proponent of these sites should be able to select a proper location for fresh-air intake during detailed design stage to avoid exposing future occupants under unacceptable environmental nuisances/impact;
- (b) detailed fire safety requirement will be formulated upon receipt of formal submission of general building plans;
- (c) the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by the Buildings Department;
- (d) to note the Director of Leisure and Cultural Services' advice that the individual sites shall be self-sufficient so that all requirements necessary for their development including emergency vehicular access (EVA) or other means of escape (MOE) must be provided within individual sites and the adjoining open space sites shall not be affected; and
- (e) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's advice that further study shall be required to provide the details of the proposed design features for the sites not covered by the subject application but included in the technical assessments, and recommend measures for implementation at the detailed design stage."

[The Chairman thanked Mr Tom C.K. Yip, DPO/K and Mr Stephen Chan, STP/K, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Mr Stephen H.B. Yau left the meeting at this point.]

**Agenda Item 18**

**Section 16 Application**

[Open Meeting]

A/K11/220                      Proposed Hotel in "Other Specified Uses" annotated "Business" zone,  
210-212 Choi Hung Road and 15-17 Ng Fong Street, San Po Kong,  
Kowloon  
  
(MPC Paper No. A/K11/220)

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128.            The Secretary reported that AGC Design Ltd. (AGC) was one of the consultants of the applicant and Mr Patrick H.T. Lau had declared interest in this item as he had current business dealings with AGC. Members noted that Mr Patrick H.T. Lau had already left the meeting.

129.            The Committee noted that the applicant's representative requested on 24.3.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to respond to the Transport Department's comments, particularly on the swept path analysis and traffic impact study. It was the first time that the applicant requested for deferment of the consideration of the application.

130.            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.

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

## **Agenda Item 19**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/718            Proposed Shop and Services (Real Estate Agency) in "Other Specified Uses" annotated "Business" zone, Portion of Flatted Factory, G/F, Gemmy Factory Building, 12 Hung To Road, Kwun Tong, Kowloon  
(MPC Paper No. A/K14/718)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the shop and services (real estate agency);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The applied use at the premises was considered generally in line with the planning intention of the "Other Specified Uses" annotated "Business" ("OU(B)") zone which was for general business uses. The applied use at the premises complied with the Town Planning Board Guidelines for Development within the "OU(B)" zone (TPB PG-No.22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent areas. Relevant government departments had no objection to or no

adverse comment on the application.

132. Members had no question on the application.

#### Deliberation Session

133. 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 the proposal for fire safety measures, including the provision of a means of escape completely separated from the industrial portion of the subject industrial building and fire service installations and equipment at the application premises within six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.10.2015; 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.”

134. 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 (the Premises);
- (b) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or waiver for the proposed ‘Shop and Services (Real Estate Agency)’ use at the Premises;
- (c) to note the comments of the Director of Fire Services to comply with the Code of Practice for Fire Safety in Buildings 2011 administrated by the Buildings Department, and to observe the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for

Commercial Uses in Industrial Premises; and

- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that the applicant should appoint an Authorised Person to ensure that any building works/alterations and additions works/change of use are in compliance with the Buildings Ordinance (BO), including (but not limited to) the provision of adequate means of escape, and access and facilities for persons with a disability, and that the Premises should be separated from the remaining portion of the building by fire barriers; for unauthorised building works (UBW) erected on private land/buildings, enforcement action may be taken by the Building Authority (BA) to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary and that the granting of any planning approval should not be construed as an acceptance of any UBW on the Premises under the BO; the BA has no powers to give retrospective approval or consent for any UBW; and detailed comments under the BO can only be formulated at the building plan submission stage.”

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

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

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

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/311 Proposed School (Kindergarten and Nursery) and Ancillary Staff Quarters in "Residential (Group C) 3" zone, 4 Derby Road, Kowloon Tong, Kowloon  
(MPC Paper No. A/K18/311A)

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135. The Secretary reported that Kenneth To & Associates Ltd. (KTA) was the consultant of the applicant. The following Members had declared interests in this item:

Mr Patrick H.T. Lau	]	
	]	having current business dealings with KTA
Mr Dominic K.K. Lam	]	
Ms Julia M.K. Lau	-	her family members living in 141, Waterloo Road, Kowloon Tong and she was the director of a company that owned a property in Kowloon Tong
Mr Clarence W.C. Leung	-	living in La Salle Road
Dr Lawrence W.C. Poon	-	living in Kowloon Tong

136. The Committee noted that the properties of Ms Julia M.K. Lau's family members and her company and Dr Lawrence W.C. Poon did not have a direct view of the site and the Committee agreed that they should be allowed to stay in the meeting. The Committee also noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting and Mr Patrick H.T. Lau and Mr Clarence W.C. Leung had already left the meeting.

**Presentation and Question Sessions**

137. Ms S. H. Lam, STP/K, drew Members' attention that KTA had submitted a letter to the Town Planning Board Secretariat on 16.4.2015 to respond to the Paper. The letter was tabled at the meeting for Members' information.

138. With the aid of a PowerPoint presentation, Ms Lam presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (kindergarten and nursery) and ancillary staff quarters;

[Mr Ken Y.K. Wong returned to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport (C for T) advised that the streets surrounding the site were narrow, with approximate carriageway width of 5.4m at Chester Road and 4.6m at Derby Road. The major traffic concern for the case was the traffic impact due to kerbside pick-up/drop-off activities for the school operation that might obstruct through traffic and reduce the effective capacity of the surrounding streets, rather than the amount of traffic trips generated/attracted. The Commissioner of Police (C of P) had reservation on the proposal from the traffic policing point of view given that the proposed pick-up/drop-off activities of students by school buses and private cars would worsen the already saturated traffic condition during school peak hours and bring the congestion up to an intolerable level on Derby Road and its vicinity, and that there may be non-compliance with the proposed traffic mitigation measures for various reasons. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation from landscape planning point of view as the vehicular access around the application site limited the opportunity of tree planting along the boundaries adjoining Chester Road and Derby Road;
- (d) during the first three weeks of the statutory publication periods, a total of 82 comments were received objecting to or have adverse comments on the application, including 4 comments from 2 Kowloon City District Council members, 54 comments from the Incorporated Owners and individual owners of the Kowloon Tong Court, 1 from the Incorporated Owners of

10-16 Lancashire Road, and the remaining 23 from nearby schools/kindergartens, church, residents and members of the public. They objected to the application mainly on the grounds that Kowloon Tong was primarily a low-density residential development but the supply of schools in the area was excessive; nearby roads were already congested at school peak hours with school buses and private cars as students were being picked-up and dropped-off; pedestrian and vehicle conflict as the roads and footpath were both very narrow; and the traffic impact assessment conducted by the applicant was questionable; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 10 of the Paper. Both C for T and C of P had adverse comment/reservation on the application from traffic point of view. However, the applicant had argued that the mitigation measures had little room for deviation and declined TD's request for conducting a sensitivity test to assess the traffic impact under various levels of non-compliance. It was considered that the applicant, despite TD's request, had not submitted sufficient information to demonstrate that the proposed school was acceptable from the traffic perspective. Besides, as the effectiveness of implementation of the proposed traffic mitigation measures was crucial to the traffic impact of the proposed development, as pointed out by C of P, there was doubt if the proposed measures could be successfully implemented and if there would be any effective enforcement mechanism. Moreover, approval of the application would set an undesirable precedent for similar applications for kindergarten/nursery use in the area.

[Mr Martin W.C. Kwan left the meeting at this point.]

139. The Vice-chairman asked whether there were more than 50% of the registered kindergartens in Kowloon City District locating in Kowloon Tong as claimed in the public comments; and the purpose of the swimming pool as proposed in the applicant's layout plan. In response, Mr Tom C.K. Yip, DPO/K, said that Planning Department had no statistics to verify the information provided. Nevertheless, based on the location plan in Plan A-1 of the

Paper, approved applications for kindergarten use since 2001 mainly concentrated on the western side of Waterloo Road. There were very few kindergartens on the eastern side of Waterloo Road and there was no similar application near the application site. Regarding the purpose of the swimming pool, Ms S. H. Lam, STP/K, said that no related information was provided in the applicant's submission.

### Deliberation Session

140. The Vice-chairman pointed out that the supply of kindergartens in Kowloon Tong was far more than the local demand and it was common for students from other districts to travel by school buses to the kindergartens in Kowloon Tong. Considering that the planning intention of Kowloon Tong was primarily for low-rise, low-density residential developments, approval of such applications would inevitably alter the character of the neighbourhood and deviate from the original planning intention. He had concern that approval of the application would set an undesirable precedent for similar applications and more kindergartens would spread to the eastern side of Waterloo Road. He also had concern on the possible adverse traffic impacts. The Chairman shared his views and said that kindergarten was a neighbourhood facility which should cater for the local need and not for students from other districts.

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

- “(a) the proposed development is located on Derby Road/Chester Road with narrow width and busy traffic at school peak hours. The applicant has failed to provide the requested information to facilitate thorough assessment on the traffic impact of the proposed development. Besides, there are uncertainties on the implementability and enforceability of the traffic mitigation measures proposed by the applicant; and
- (b) the traffic congestion problem in the area is already serious at school peak hours. The approval of the application will set an undesirable precedent for similar applications in the area. The cumulative effect of approving

such similar applications will aggravate the traffic congestion problem of the area at school peak hours.”

[The Chairman thanked Ms S.H. Lam, STP/K for her attendance to answer Members’ enquiries. She left the meeting at this point.]

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

### **Agenda Item 16**

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the Approved Ma Tau Kok Outline Zoning Plan No. S/K10/20  
(MPC Paper No.2/15)

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142. The Secretary reported that one of the proposed amendments to the Ma Tau Kok Outline Zoning Plan (OZP) was for a proposed public housing development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item:

- |   |   |
|---|---|
| Mr K.K. Ling<br>(the Chairman)<br>as the Director of Planning                   | - being a member of the Strategic Planning Committee and the Building Committee of HKHA   |
| Ms Doris M.Y. Chow<br>as the Assistant Director of Lands Department             | - being an alternate member of the Director of Lands who is a member of the HKHA  |
| Mr Martin W.C. Kwan<br>as the Chief Engineer (Works) of Home Affairs Department | - being an alternate member for the Director of Home Affairs who is a member of the Strategic Planning Committee & Subsidised Housing Committee of HKHA |

- |                       |  |
|-----------------------|--|
| Ms Julia M.K. Lau     | - being a member of the Commercial Properties Committee and Tender Committee of HKHA |
| Professor P.P. Ho     | - being a member of the Building Committee of HKHA                                   |
| Mr Dominic K.K. Lam   | - having current business dealings with HKHA   |
| Mr Patrick H.T. Lau   | - having current business dealings with HKHA   |
| Dr Lawrence W.C. Poon | - his wife being a civil servant of Housing Department                               |

143. According to the procedure and practice adopted by the Town Planning Board (the Board), as the proposed public housing development was the subject of an amendment to the OZP proposed by the Planning Department (PlanD), the interests of the Chairman, Ms Doris M.Y. Chow, Ms Julia M.K. Lau and Dr Lawrence W.C. Poon on the item only needed to be recorded and they could be allowed to stay in the meeting. The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting and Mr Martin W.C. Kwan, Professor P.P. Ho and Mr Patrick H.T. Lau had already left the meeting.

#### Presentation and Question Sessions

144. With the aid of a PowerPoint presentation, Mr Stephen Chan, STP/K, presented the proposed amendments as detailed in the Paper and covered the following main points:

##### Background

- (a) during the review of sites designated for “Comprehensive Development Area” (“CDA”) on statutory plans in 2014, the Board agreed to rezone the “CDA(3)” zone bounded by Sung Wong Toi Road, To Kwa Wan Road and Mok Cheong Street currently occupied by factory buildings, government facilities and the Hong Kong Society for the Blind (HKSB)’s factory cum sheltered workshop and care & attention home to facilitate early redevelopment. To enhance the prospect of implementation by reducing

the size of the “CDA” zone, it was proposed to rezone the Government land at the north-eastern portion of the “CDA(3)” zone to “Residential (Group A)” (“R(A)”) to facilitate public housing development. The proposed residential development would help meet the pressing needs for housing and the housing supply target for the next 10 years as announced in the 2014 Policy Address;

- (b) in December 2014, the HKSB submitted a redevelopment proposal for its existing premises (about 2,050m<sup>2</sup>) at Mok Cheong Street (south-eastern portion of “CDA(3)” zone) to accommodate the existing and additional welfare facilities under the “Special Scheme on Privately Owned Sites for Welfare Uses” launched by the Labour and Welfare Bureau. To facilitate the redevelopment proposal for welfare uses, it was proposed to rezone the part currently occupied by the HKSB from “CDA(3)” to “Government, Institution or Community” (“G/IC”);
- (c) opportunity was also taken to rezone a “G/IC” site at the junction of Ma Tau Wai Road and Ma Hang Chung Road to “R(A)” to reflect the as-built condition of a completed residential development, and to incorporate on the OZP the alignment of the Mass Transit Railway (MTR) Shatin to Central Link (SCL) which was authorised by the Chief Executive in Council on 27.3.2012 under the Railways Ordinance (Chapter 519) for information;

#### The Proposed Amendments to the OZP

- (d) Amendment Item A – rezoning of a site (about 4,150m<sup>2</sup>) at Sung Wong Toi Road from “Comprehensive Development Area (3)” (“CDA(3)”) to “Residential (Group A)” (“R(A)”) to facilitate a proposed public housing development, subject to a maximum plot ratio (PR) of 7.5 for a domestic building or 9.0 for a building that was partly domestic and partly non-domestic. The building height (BH) restriction of 100mPD as currently stipulated on the OZP for the “CDA(3)” zone remained unchanged;

- (e) Amendment Item B – rezoning of a site (about 2,040m<sup>2</sup>) at Mok Cheong Street which was currently occupied by a factory cum sheltered workshop and care & attention home of the HKSB from “CDA(3)” to “Government, Institution or Community” (“G/IC”) to facilitate the in-situ redevelopment of HKSB. The BH restriction of 100mPD as currently stipulated on the OZP for the site remained unchanged;
  
- (f) broad technical assessments on traffic, visual and landscape, air ventilation, environmental, infrastructure, as well as risk aspects were conducted to ascertain the feasibility of the proposed developments;
  - (i) *Traffic Aspect*

the Commissioner for Transport (C for T) commented that the project proponents were required to provide traffic review for the developments at the detailed design stage;
  
  - (ii) *Landscape Aspect*

for Amendment Item A, the Director of Agriculture, Fisheries and Conservation (DAFC) advised that a mature tree was located in the middle of the site and should be identified for priority preservation. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD, also advised that a tree survey should be conducted. For Amendment Item B, CTP/UD&L, PlanD advised that the redevelopment should be set back to allow at grade tree planting along the main streets. In this regard, HKSB would provide at grade landscaped area and street-side planting to enhance the streetscape;
  
  - (iii) *Air Ventilation Aspect*

both sites were near Mok Cheong Street which was a major wind corridor according to the air ventilation assessment study (AVA Study) by expert evaluation conducted in 2008 for the OZP, the Director of Housing (D of H) and HKSB would conduct AVA Studies for the proposed developments at the detailed design stage to

enhance the design of the proposed developments for better air ventilation;

(iv) *Environmental Aspect*

the Director of Environmental Protection (DEP) had no in-principle objection to the rezoning amendments. D of H and HKSB had undertaken to carry out environmental assessment study (EAS) and sewerage impact assessment (SIA) for the proposed developments at the detailed design stage;

(v) *Infrastructural Aspect*

the proposals would not result in any adverse impacts on infrastructural capacity in the area.

(vi) *Risk Aspect*

both sites fell within the 300m consultation zone (CZ) of Ma Tau Kok Gas Works which was a Potentially Hazardous Installation (PHI) according to the HKPSG. The potential risk associated with the proposed development had already been assessed in the Quantitative Risk Assessment (QRA) conducted by the Hong Kong and China Gas Company Limited. DEMS had no in-principle objection to the proposed development;

- (g) Amendment Item C – rezoning of a site (about 300m<sup>2</sup>) at the junction of Ma Tau Wai Road and Ma Hang Chung Road from “G/IC” to “R(A)” to reflect the as-built condition of a completed residential development with a maximum PR of 7.5 for a domestic building or 9.0 for a building that was partly domestic and partly non-domestic. The BH restriction of 80mPD as currently stipulated on the OZP for the site remained unchanged;

Departmental Consultation

- (h) relevant government departments had no adverse comment on the proposed amendments from traffic, visual and landscape, air ventilation,

environmental, sewerage, drainage and water supplies aspects;

Consultation with Kowloon City District Council (KCDC)

(i) on 2.4.2015, KCDC was consulted on the proposed amendments. Their main views were summarized below:

(i) for Amendment Item A, KCDC members generally supported the increase in the supply of public housing in the area. Concerns were raised on the inadequate provision of parking facilities in the area. The site should be fully utilized to provide more housing units and opportunity should be taken to provide more social welfare facilities within the development. The site could act as a catalyst and decanting site for redevelopment of old public estates in the area; and

(ii) for Amendment Item B, KCDC members generally supported the expanded provision of social welfare facilities in the area by way of redevelopment. Since the proposed BH of the redevelopment was only 68mPD, the site should be fully utilized to provide more welfare facilities for the locals apart from that catered for the visually impaired.

145. In response to a Member's question, Mr Tom C.K. Yip, DPO/K, explained that as the site fell within the 300m consultation zone of the Ma Tau Kok Gas Works, a Quantitative Risk Assessment was required to assess the risks posed by the gas works on the present and future population in its vicinity, and to determine what mitigation measures could be taken to reduce such risks.

146. The Committee noted that the HKSB had initially proposed to develop a 19-storey welfare services block with building height of about 70mPD whilst the BHR of 100mPD as currently stipulated on the OZP for the site remained unchanged. In response, Mr Tom C.K. Yip, DPO/K, said that during consultation with the Kowloon City District Council (KCDC), KCDC members generally supported HKSB's redevelopment proposal.

However, in view of the inadequate provision of social welfare facilities in the area, they suggested that consideration should be given to providing more community facilities for the locals by fully utilising the maximum BH restriction currently stipulated on the OZP for the site.

147. Members noted that, as a general practice, the Secretariat of the TPB would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Town Planning Ordinance. Any major revision would be submitted for the TPB's consideration.

148. After deliberation, the Committee decided to:

- (a) agree to the proposed amendments to the approved Ma Tau Kok OZP No. S/K10/20 as mentioned in paragraphs 7 and 8 of the Paper;
- (b) agree that the amendment Plan No. S/K10/20A (to be renumbered to S/K10/21 upon gazetting) and its Notes were suitable for public exhibition under section 5 of the Town Planning Ordinance;
- (c) adopt the revised ES as an expression of the planning intentions and objectives of the Board for various land use zones on the draft Ma Tau Kok OZP; and
- (d) agree that the revised ES was suitable for exhibition for public inspection together with the draft OZP No. S/K10/20A (to be renumbered to S/K10/21 upon gazetting).

### **Agenda Item 21**

#### **Any Other Business**

149. There being no other business, the meeting closed at 2:05 p.m..