

## **TOWN PLANNING BOARD**

### **Minutes of 545th Meeting of the Metro Planning Committee held at 9:00 a.m. on 6.11.2015**

#### **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 Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Stephen H. B. Yau

Dr Lawrence W.C. Poon

Assistant Commissioner for Transport (Urban),  
Transport Department  
Mr W.L. Tang

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

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

Assistant Director (R1), Lands Department  
Mr Simon S.W. Wang

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

Secretary

**Absent with Apologies**

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Patrick H.T. Lau

Mr Frankie W.C. Yeung

**In Attendance**

Assistant Director of Planning/Board  
Miss Fiona S.Y. Lung

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

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

**Agenda Item 1**

Confirmation of the Draft Minutes of the 544th MPC Meeting held on 23.10.2015

[Open Meeting]

1. The draft minutes of the 544th MPC meeting held on 23.10.2015 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/H14/4                      Application for Amendment to the Approved The Peak Area Outline Zoning Plan No. S/H14/11, To rezone the application site from “Green Belt” to “Residential (Group C) 6”, government land opposite to 23 Coombe Road, Hong Kong  
(MPC Paper No. Y/H14/4 A)

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3. The Secretary reported that the application was submitted by Juli May Limited which was a subsidiary of Cheung Kong (Holdings) Limited (CKL) with LWK & Partners (Hong Kong) Limited (LWK) and LLA Consultancy Limited (LLA) as two of the consultants of the applicant. The following Members had declared interests in the item:

Professor P.P. Ho                      - having current business dealings with CKL

Mr Laurence L.J. Li                      - having current business dealings with LWK

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|---|--|
| Mr Patrick H.T. Lau                     | - having current business dealings with Hutchison (a subsidiary of CKL) and LLA  |
| Mr Dominic K.K. Lam                     | - having current business dealings with LLA and having previous business dealings in relation to 23 Coombe Road in the 1980s |
| Mr K.K. Ling<br>( <i>the Chairman</i> ) | - living in the government staff quarters in the Peak area and with no pecuniary interest in property value                  |

4. As the Chairman's interest was remote, the Committee agreed that he should continue to chair the meeting. The Committee noted that Mr Li and Mr Lau had tendered apologies for being unable to attend the meeting. As the interest of Professor Ho was direct, the Committee agreed that he should be invited to leave the meeting temporarily for the item. The Committee noted that Mr Lam had no involvement in the application and his interest was remote and agreed that he could stay in the meeting.

[Professor P.P. Ho left the meeting and Mr Martin W.C. Kwan left the meeting temporarily at this point.]

#### Procedural Matters

[Closed Meeting]

5. Considering that Item 3 and Item 4 were related to 23 Coombe Road, the Chairman suggested and the Committee agreed that the two cases should be deliberated together after the presentation and question sessions of both cases were completed.

#### Presentation and Question Sessions

6. The following representatives from the government bureau/departments and the representatives of the applicant were invited to the meeting at this point:

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| Ms Ginger K. Y. Kiang | - District Planning Officer/Hong Kong (DPO/HK), Planning Department (PlanD) |
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Mr Derek P.K. Tse	- Senior Town Planner/Hong Kong (STP/HK), PlanD
Mr Yam Ho San, José	- Commissioner for Heritage, Commissioner for Heritage's Office of the Development Bureau (CHO, DEVB)
Miss Lee Hoi Lun, Leonie	- Assistant Secretary (Heritage Conservation) <sup>3</sup> , CHO, DEVB
Mr Cheung Hon Hei, Kevin	- Engineer (Heritage Conservation) Special Duties, CHO, DEVB
Ms Siu Lai Kuen, Susanna	- Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD)
Mr Cheung Sai Kwong, Tony	- Senior Engineer/Wan Chai, Transport Department (TD)
Mr Cheung Ka Shing	- Country Parks Officer/Special Duty, Agriculture, Fisheries & Conservation Department (AFCD)
Mr Dennis Chien	] Applicant's Representatives
Ms Jennifer Chiong	]
Mr Phill Black	]
Ms Veronica Luk	]
Mr John Charters	]
Mr Christopher Foot	]
Mr Truman Chan	]
Mr Spancer Wong	]
Mr Tong Chau	]
Mr Geoff Carey	]
Mr S.L. Ng	]

7. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Mr Derek P.K. Tse, STP/HK, to brief Members on the background of the application.

8. Mr Tse drew Members' attention that there were four replacement pages for the Paper which were tabled at the meeting for Members' information. With the aid of a PowerPoint presentation, Mr Tse presented the application and covered the following aspects as detailed in the Paper :

#### The Proposal

- (a) the applicant, land owner of 23 Coombe Road (the Carrick Site), proposed to rezone the application site, i.e. a piece of government land, opposite to the Carrick Site to the south (the Southern Site), from "Green Belt" ("GB") to "Residential (Group C)6" ("R(C)6") for house development. The Southern Site was proposed by the applicant as a substitute site for the proposed land exchange of the Carrick Site to facilitate in-situ heritage conservation of the Grade 1 historic building. The Carrick Site was currently zoned "R(C)2" on the approved The Peak Area Outline Zoning Plan No. S/H14/11 (the OZP) subject to a maximum plot ratio (PR) of 0.5 and a maximum building height (BH) of 4 storeys including carports, or the PR and height of the existing building(s), whichever was the greater;
- (b) the Southern Site had the same size of the Carrick Site, i.e. about 1,099.96m<sup>2</sup>. The applicant proposed that the PR of the new "R(C)6" zone for the Southern Site should reflect the existing development intensity of the Carrick Site, i.e. existing Gross Floor Area (GFA) of 560.98m<sup>2</sup> or PR of 0.51. A maximum BH of 2 storeys including carports and not exceeding 260mPD was also proposed;

#### Background

- (c) the existing 2-storey building at 23 Coombe Road, namely Carrick, was a Grade 1 historic building built in 1887. Its heritage value had been ascertained in the comprehensive assessment of AMO, LCSD;
- (d) the applicant proposed to pursue a non-in-situ land exchange by surrendering the Carrick Site to the Government for conservation in

exchange for the government land of the Southern Site;

- (e) in order to avoid any disturbance to Carrick during the land exchange process, CHO and AMO agreed that the applicant should undertake to AMO that the Carrick Site would be surrendered to the Government as-built should the rezoning application be approved by the Committee. Carrick will then be revitalised in the interest of the public. The intended adaptive re-use of Carrick would be further investigated and studied by DEVB and suitable zoning would be proposed for the Committee to consider in due course;

#### Departmental Comments

- (f) departmental comments were set out in paragraph 9 of the Paper. From the perspective of heritage conservation, CHO and AMO supported the proposed rezoning of the Southern Site for materialising the land exchange proposal. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD and the Director of Agriculture, Fisheries & Conservation (DAFC) had reservation on the application as there would be a loss of trees and “GB” area and a compromise in function and continuity of the green buffer. The Director of Leisure and Cultural Services had concerns on tree felling along Coombe Road. Other relevant departments had no objection to or no adverse comment on the application;

#### Public Comments

- (g) during the first three weeks of the statutory publication periods, a total of 1,679 public comments were received. Among them, 1,663 comments (submitted by Alliance for a Beautiful Hong Kong, Designing Hong Kong Limited, a member of Wan Chai District Council, a Legislative Council member, The Hong Kong Bird Watching Society, Green Sense, concern groups and individuals) objected to or expressed grave concerns on the application while the remaining 16 comments were with unclear stance on the application;

(h) the major objecting views were summarized as follows:

- (i) the conservation and architectural values of the building at 23 Coombe Road, site selection criteria for land swap and the principles of land exchange were questionable. The building at 23 Coombe Road was Grade 1 only and was not comparable with the King Yin Lei case which was a monument; the proposed land swap was not a 'like-for-like' exchange as claimed in the application;
- (ii) being located close to Aberdeen Country Park which was a popular hiking trail and playground for the public, the site in "GB" zone located to the south of 23 Coombe Road was not suitable for residential development. A suitable site zoned for residential use should be identified for replacement so that the historic building could be preserved while natural environment could be retained;

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

- (iii) the approval of the rezoning proposal was against the planning intention of the "GB" zone and would set a precedent and undermine its integrity as a whole as well as compromise its buffer function between the Aberdeen Country Park and urban development;
- (iv) the development would spoil the natural and ecological environment in the designated country park and surrounding areas but there was no comprehensive ecological survey or ecological impact assessment; and
- (v) there was insufficient assessment on the traffic, environmental, visual and landscape impacts. The proposed development would increase traffic congestion along Coombe Road and lead to

pedestrian safety problems and a transport impact assessment was required;

### PlanD's Views

- (i) based on the assessments made in paragraph 11 of the Paper, a balance needed to be struck among various considerations as follows:
  - (i) there was a general presumption against development in a “GB” zone. Any new development in a “GB” zone should be justified with very strong planning ground;
  - (ii) in terms of land use, the proposed rezoning to facilitate a low-rise, low-density residential development was not incompatible with the surrounding low to medium-rise development clusters and the green environment;
  - (iii) CHO and AMO in-principle supported the proposed rezoning for materializing the land exchange proposal from the perspective of heritage conservation. The proposed preservation of the subject historic building was also supported from planning perspective;
  - (iv) the boundary of the Southern Site had been proposed by the applicant with a view to avoiding disturbance to the eight *Artocarpus hypargyreus* surrounding the site and having a strip of “GB” with a distance of about 6m to 17m from Aberdeen Reservoir Road or 10m to 20m from the Country Park. However, DAFC and CTP/UD&L, PlanD still considered the buffer function between the urban development and the Country Park would be compromised;
  - (v) from tree preservation point of view, DAFC and CTP/UD&L, PlanD had reservations on the proposed development on the site. In particular, DAFC had concerns on the large number of trees to be felled to cater for the need to accommodate the building on a steep

sloping site and the requirements for vehicular access. DLCS had concerns on the felling of the five trees within the alignment of the proposed 1.5m wide footpath between the proposed residential site and the carriageway of Coombe Road;

- (vi) on the visual quality aspect, CTP/UD&L, PlanD considered that the proposed rezoning would have no significant adverse impact on the visual amenity of the surroundings as the majority of public views towards the eventual development would largely be confined to intermediate distance viewpoints to the southeast;
- (vii) the applicant proposed a BH restriction of maximum 2 storeys including carports and 260mPD. In view of the proximity of the Southern Site to the Aberdeen Country Park and the Carrick Site, a more stringent control on BH as compared with the 4-storey restriction for the “R(C)2” zone was considered necessary
- (viii) CHO and AMO advised that they had yet to determine the future use of the Carrick Site. If the Carrick Site was rezoned now, the flexibility in considering the possible uses of the historic building would be limited. After all, the owner of the Carrick Site should undertake to AMO that the Carrick Site would be surrendered to the Government as-built while the Southern Site would be granted simultaneously to the owner for private residential development should the land exchange proceed. Under such arrangement, the historic building would unlikely be affected during the land exchange stage; and
- (ix) from land use and environmental considerations point of view, there was no strong planning justification for residential development at the Southern Site.

9. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr Phill Black made the following main points :

Background

- (a) the historic building had been under threat as a set of general building plans (GBP) to redevelop Carrick into a residential building was first approved by the Building Authority in 2010 and an application for demolition of Carrick was also approved in 2011 under the Buildings Ordinance;
- (b) the landowner had taken steps in the past few years to facilitate preservation of the historic building. In November 2011, the landowner withheld the demolition and implementation of the approved GBP and reviewed alternative development options. In 2013, the landowner undertook technical assessments on the preferred land exchange site on Coombe Road. In 2015, the landowner formally submitted an application under s.12A of the Town Planning Ordinance for amendment of the "GB" zone of the Southern Site to residential zoning to facilitate the land exchange;
- (c) in general, for heritage conservation on private land, reasonable economic incentives were the critical success factor. Economic incentives could be in the form of adding GFA to the existing heritage building, adding new house structure on the heritage site or redirecting the development potential to a new site. For the Carrick Site, the first two economic incentives were considered technically not feasible. It was technically infeasible to replace the lower ground floor (with substandard headroom) by an additional floor. Besides, it was not desirable to add a new house at the back of the historic building as according to CHO and AMO, it would undermine the heritage ambience and threaten the structural integrity of the historic building. It would also involve felling of mature trees and woodland buffer and most importantly, it was not the will of the owner;

### Selection of Land Exchange Sites

- (d) during the selection of the land exchange sites, a ‘like-for-like’ basis was adopted which meant that the land exchange sites should have site parameters similar to the heritage site, in terms of zoning, site area, PR and BH. Other considerations included site formation level, accessibility from Coombe Road, marketable property, site setting and views. An initial study of non-insitu sites was carried out in a district-wide manner and five potential sites were identified. According to Government’s prevailing heritage conservation practice, non-insitu exchange sites must be in proximity to the heritage site and therefore the study area was reduced to the vicinity of Coombe Road;
  
- (e) the study revealed that the only potential sites lied in two “GB” areas, i.e. the “GB” area fronting Coombe Road Carpark and the childrens’ playground (the Carpark Site) and the “GB” area between Coombe Road and the Aberdeen Country Park. The Carpark Site actually formed a prominent green enclosure for an area visited by a large variety of visual sensitive receivers and there would be considerable visual impact resulting in the loss of park ambience. Besides, the Carpark Site was isolated from the existing development. The proposed residential development would directly expose to the noisy carpark and children’s playground. It would also involve extensive felling of trees and the construction of access road would lead to loss of public car parking spaces. Overall speaking, it was an unattractive economic incentive for the landowner;
  
- (f) the landowner’s land exchange site proposals were in line with Government’s heritage policy and practices;

### The Rezoning Proposal

- (g) the newly proposed “R(C)6” zone would adopt a set of development parameters similar to the approved GBP, i.e. a PR of 0.50 and a BH of 2 storeys;

- (h) as compared to the original proposal, the zoning boundary of the Southern Site had been substantially amended. While the entire site was shifted westward, the southern boundary was shifted northward to setback from the Aberdeen Reservoir Road. That was to align with the existing contours and to allow access from the lowest elevation of Coombe Road that helped lower the landscape deck and screen wall structures. The northern boundary was setback for widening of Coombe Road in order to meet TD's requirement on public safety. The amended zoning boundary would retain a 10 to 20m wide 'GB' buffer away from the Aberdeen Country Park. It was noted that CTP/UD&L, PlanD appreciated the amended boundary configuration;
- (i) the current proposal would have a main deck lower than that of the existing heritage site, the new house would be only 5.6m above Coombe Road with the driveway located at the lowest level of Coombe Road; and
- (j) the proposed new house would be 2 storeys instead of 4 storeys as those normal house design found within "R(C)2" zone in the Peak Area. The rooftop of the new house would be used as landscaped garden and for other open-air uses. The total height of the new house would be 8.75m with headrooms of 4.5m and 3.5m. The proposed site coverage and greening ratio would be 35% and 33.53% respectively.

10. With the aid of a PowerPoint presentation, Mr Christopher Foot made the following main points :

- (a) the view from Mount Cameron Road, which represented the worst-case scenario from public viewpoints, demonstrated that there would not be significant visual impact. According to CTP/UD&L, PlanD, there would be no significant visual impact on the visual amenity of the surroundings. All other views had glimpse or partial views of the proposed new house as the existing trees had largely screened the proposed scheme. The view from the Carolina Gardens was largely screened by the access road and

preserved vegetation. The view from Aberdeen Reservoir Road represented the short distance view which was screened by the landscape buffer (with proposed new tree and shrub planting); and

- (b) as for the landscape mitigation measures, trees on western boundary were proposed to be preserved. Besides, the new house would avoid affecting the rare tree species and main concentrations of existing trees. Landscape buffer would be formed by preserved trees and new tree plantings to screen views from Aberdeen Reservoir Road. New plantings were proposed alongside Coombe Road to soften the architectural form and screen views. There would be extensive vertical greening on house, intensive rooftop greening and a proposed landscape deck in front of the house. Multi-layered planters and terraced landscape following the slope profile were proposed to soften the edge of the structure and screen the retaining walls. With the proposed landscape mitigation measures, a green coverage of 33.53% would be achieved. According to CTP/UD&L, PlanD, the landscape mitigation measures were considered acceptable.

[Mr Stephen H.B. Yau and Mr Martin W.C. Kwan left the meeting at this point.]

11. Mr Phill Black made the following concluding remarks:

- (a) it was neither possible to add GFA to the existing historic building nor add a new house within the heritage site. As CHO advised that non-insitu land exchange sites should be in proximity to the heritage site, there were only two potential sites but one of them, i.e. the Carpark Site, was found to be not preferable. The only feasible option was the “GB” area between Coombe Road and the Aberdeen Country Park;
- (b) the applicant would like to clarify that the proposed tree compensatory ratio in terms of number and girth would be 1:1. Regarding PlanD’s suggested rejection reason that the applicant failed to demonstrate that the environmental, drainage and sewerage impacts arising from the rezoning proposal were acceptable, the applicant had committed to submit necessary

assessments in the detailed building plan submission stage;

- (c) as the land exchange site must be in proximity, it was unavoidable that the new house would be built in the “GB” zone resulting in urban encroachment. The house development would involve felling of existing trees and affect the buffer role of the “GB”. Notwithstanding, the rezoning proposal would preserve the historic building by resolving the property right. It was considered that the loss of a small portion (i.e. about 1,100m<sup>2</sup>) of the “GB” zone was an acceptable trade off; and
- (d) trees were relatively easy to grow whilst a historic building built in 1887 could never be built again once demolished.

### History of Carrick

12. The Chairman asked Ms Siu Lai Kuen, Susanna, the Executive Secretary (Antiquities and Monuments), AMO, LCSD to explain the heritage importance of Carrick. In response, Ms Siu said that the house situated at 23 Coombe currently was built in 1887 and was one of the oldest surviving European houses on the Peak. When the house was built, the Peak Tramway had not yet been built. The construction materials of the house were, therefore, needed to be carried to the Peak by ‘coolies’. The house was built by John Joseph Francis (J.J. Francis), an Irish who came to Hong Kong in the 1860s and purchased the plot of land on No. 23 Coombe Road in 1886. The house, which was a 2-storey private luxury house, was designed in classical English style. J.J. Francis had lived at a number of places in Hong Kong before moving to Carrick, the only residence of J.J. Francis still exists at present. J.J. Francis was a very important figure in the history of Hong Kong. He was admitted as a solicitor in 1869 and then as a barrister in 1877. He signed an affidavit in support of the application of Ng Choy (otherwise known as Wu Ting-fang)’s admission to the Hong Kong Bar. Ng Choy was the first Chinese admitted to practice in Hong Kong and was the first unofficial Chinese member of the then Legislative Council. J.J. Francis was also prominent in civic affairs. He was one of the members of the committee which recommended the constitution of a Chinese association for the protection of women and girls, which laid down the foundation of the Po Leung Kuk Incorporation Ordinance to set up Po Leung Kuk in 1878. J.J. Francis also served on the Finance Committee of the Alice

Memorial Hospital which was founded by Dr Ho Kai, a prominent Chinese, in 1887. He was appointed as standing counsel for the Hong Kong College of Medicine where Dr Sun Yat-sen took up his medical studies. When the bubonic plague attacked Hong Kong in May 1894, the Sanitary Board formed a committee of three, with J.J. Francis as chairman, to cope with the emergency. He was also the editor and proprietor of the English local newspaper called The China Mail. He joined the Hong Kong Volunteer Corps which was founded in 1862. J.J. Francis had a remarkable career in Hong Kong, and had done something important to the historic development of Hong Kong, particularly in the development of civic affairs.

### Government's Heritage Conservation Policy

13. In response to the Chairman's question, Mr Yam Ho San, José, the Commissioner for Heritage, CHO, DEVB said that the prevailing heritage conservation policy was promulgated by the Chief Executive in 2007. The Government recognised that on the premise of respecting private property rights, there was a need to offer appropriate economic incentives to encourage or in exchange for private owners to conserve historic buildings in their ownership. In 2011, Carrick was confirmed by the Antiquities Advisory Board (AAB) as a Grade 1 historic building. In formulating the appropriate economic incentives, factors to be taken into consideration generally included the heritage value of the historic building concerned, the development potential and value of the site where the building was located, the space provided by the site from the planning perspective, the land and financial implications on the Government, the public views as well as the wish of the owner. The policy sought to strike a balance between private property right and heritage conservation. The current rezoning application was the first step to materialise the land exchange proposal with a view to preserving Carrick. If the Committee decided to agree to the application, the applicant had to further liaise with the Lands Department (LandsD) on land matters.

14. A Member asked in view of the heritage value of the historic building, what kind of follow-up actions would be taken by AMO after the land exchange. In response, Mr Yam said that upon completion of the land exchange, Carrick would be under the ownership of the Government. While the adaptive re-use of Carrick would need to be further investigated, it could be implemented vide DEVB's 'Revitalising Historic Buildings Through Partnership Scheme' (Revitalisation Scheme) under which selected government-owned historic buildings

would be adaptively re-used in collaboration with non-profit-making organisations.

Adding a New Building adjacent to the Historic Building

15. The Chairman asked whether the addition of a new building adjacent to the existing historic building would have any impacts on its heritage value. In response, Ms Siu said that addition of a new building to the site was not preferred from heritage preservation perspective as it would undermine the setting and environment of the historic building, and hence, its heritage value.

16. A Member said that there were examples in Hong Kong where new building was added adjacent to a historic building and asked whether the space around Carrick was important from architectural and heritage preservation perspectives. In response, Mr Yam said that adding a new structure right next to Carrick would affect the ambience of the heritage site and hence, its heritage and historical value. Ms Siu supplemented that space around the historic building was also an important element for heritage preservation so as to allow the public to appreciate the façades of the historic building from all sides. Any new development within the heritage site was not preferred as the ambience of the entire heritage site should be preserved.

17. The Chairman asked whether Carrick, which had been given a Grade 1 historic building status by AAB, would have the potential to be upgraded to monument status in future and whether the addition of a new building adjacent to the historic building would affect such a potential. In response, Mr Yam said that as per the prevailing policy, all Grade 1 historic buildings formed a pool of potential sites from which the Antiquities Authority (i.e. the Secretary for Development) would choose for declaring as monuments under the relevant legislation subject to the buildings themselves meeting the threshold for such declaration. Ms Siu supplemented that the addition of a new building immediately adjacent to a historic building would affect its potential to be upgraded to a declared monument. She further said that once a building or a site was identified as a 'site of cultural heritage', any construction works partly or wholly within it would be required to comply with the statutory procedures under the Environmental Impact Assessment Ordinance and obtain an environmental permit.

18. The Chairman asked about the PR restriction of the Carrick Site and how the

current application was different from that for 27 Lugard Road. In response, Ms Ginger K.Y. Kiang, DPO/HK, said that as stipulated in the Notes of the OZP, the Carrick Site was subject to a maximum PR of 0.5 but the existing PR of Carrick as claimed by the applicant was 0.51. The existing historic building had already taken up about 50% of the entire site area and if a new building was to be proposed within the site, it could only be built to the south, i.e. the existing slope. As for the application of 27 Lugard Road, a new building was proposed to be built on the area where the swimming pool was previously located. The existing historic building together with the proposed extension added up to a total of PR of 0.5, which was in compliance with the OZP restriction. Mr Yam supplemented that 27 Lugard Road was a Grade 2 historic building which was different from Carrick in terms of heritage value.

19. In response to the suggestion on adding a new building adjacent to the historic building, Mr Black said that the historic building at the Carrick Site had a very unusual design as there was no front door. People had to enter the building from the back of the building. At present, there was only very narrow space between the existing boundary wall and the historic building and there was actually little room for the public to appreciate the façades of the historic building from its sides except from its back (i.e. at the end of the garage). Nevertheless, there were many mature trees at the back of the site which had largely screened the view towards the historic building. If a new building was to be built there, for slope safety reason, the existing retaining wall would have to extend substantially to the north. In order to preserve the ambience of the heritage site, sufficient setback had to be allowed between the extended portion of the retaining wall and the historic building, leaving hardly any space for adding a new building within the site. Mr Foot supplemented that there was dense vegetation, including a number of significant trees, at the back of the historic building. The existing trees were important for screening the retaining wall. If a new building was proposed at the back of the historic building, those trees had to be felled, resulting in the exposure of the retaining wall and exaggeration of the visual impact.

[Mr Sunny L.K. Ho left the meeting and Mr Simon S.W. Wang left the meeting temporarily at this point.]

### Adaptive Re-use of the Historic Building

20. The Vice-chairman raised concern on the traffic impact generated by the visitors if the adaptive re-use of the historic building was a non-domestic use (i.e. similar to the case of 27 Lugard Road which was proposed for adaptive re-use as a hotel). In response, Mr Yam said that the Revitalisation Scheme could be one of the means to facilitate the adaptive re-use of Carrick. Under the Revitalisation Scheme, non-profit-making organisations would be invited to submit applications for adaptively using Carrick to provide services in the form of social enterprise. An advisory committee comprising non-official members in various fields including historical research, architecture, surveying, social enterprise and finance would assess the applications. Traffic impact to the nearby areas would be one of the factors considered in the assessment. Mr Cheung Sai Kwong, Tony, Senior Engineer/Wan Chai, TD, supplemented that once the adaptive re-use of the historic building was determined, TD would liaise with the project proponent to ascertain the traffic implication and the project proponent might be required to conduct a traffic impact assessment at that stage.

### Other Issues

21. The Vice-chairman asked about the possible impacts of the proposed development at the Southern Site on the geotechnical aspect of the area and the adjacent country park. In response, Ms Kiang said that as proposed by the applicant, a 2-storey house with a BH of about 260mPD or about 8.6m would be built on a newly formed platform supported by stilt structure. The Geotechnical Engineering Office, Civil Engineering and Development Department had no adverse comment on the Geotechnical Report submitted by the applicant for the rezoning proposal.

22. Regarding the possible impacts of the proposed development on the adjacent country park, Mr Cheung Ka Shing, Country Parks Officer/Special Duty, AFCD, said that the proposed development would involve extensive tree felling at the Southern Site as well as the loss of trees at a section of Coombe Road due to the road widening works required by TD. The loss of trees would compromise the function of the "GB" as a buffer between the adjacent country park and urban development and in turn, might affect the function of the country park.

23. A Member noted that AFCD had reservation on the application and asked whether AFCD would change their views after hearing the applicant's presentation. In response, Mr Cheung said that AFCD had concern on the proposal as it would involve extensive tree felling and encroachment of new development onto the green belt that would undermine the integrity of the "GB" zone as a whole. It might also result in the invasion of pest and microorganisms that would destroy the natural habitat.

24. In response to AFCD's view, Mr Black said that while AFCD was interested in protecting trees, a balanced view should be taken as the application would only affect a small portion of the "GB", and the comments of AFCD were unfair as the applicant had already demonstrated that the proposed development would not affect the function of the country park.

25. In response to a Member's question on the potential visual impact of the stilt structure, Mr Foot said that new planting was proposed to screen the stilt structure and it was anticipated that the stilt structure would have insignificant visual impact on the surroundings.

26. A Member asked whether the owner would demolish the historic building if the Committee decided not to agree to the rezoning proposal. In response, Mr Dennis Chien said that it was always the owner's intention to develop the Carrick Site. Over the past four years, the owner had proactively liaised with DEVB and government departments in order to come up with the current preservation scheme. The Carrick Site was the subject of two planning applications (including the current application) and a total of 11 consultants was engaged by the applicant. As compared to the original scheme, the current scheme had been enhanced by modifying the site boundary and reducing the BH from 4 storeys to 2 storeys. If the rezoning proposal was not agreed by the Committee, the owner would not consider other options to preserve the historic building.

27. A Member asked (i) whether the historic building had already fully utilised the permissible PR, (ii) whether the land value of the Southern Site and the Carrick Site had been assessed by the government's valuation surveyor or the applicant's surveyor, and (iii) in case the value of the Southern Site was higher than that of the Carrick Site, whether the owner was required to pay a premium to the Government upon granting of the lease of the Southern Site.

In response, Ms Kiang said that according to the Notes of the OZP, the site was subject to a maximum PR of 0.5. The existing PR of the historic building was 0.51 as claimed by the applicant. Since the permissible PR had been fully utilised by the existing historic building, development of an additional new house on site would require rezoning of the site to substantially increase the maximum PR instead of minor relaxation of the OZP restrictions. Mr Yam supplemented that the owner had been encouraged to search for alternative sites in proximity to the Carrick Site as far as possible according to the prevailing heritage conservation policy and practice. LandsD had made an initial evaluation on the land value of the Southern Site and the Carrick Site and they were comparable. However, as the land value of the two sites would not be identical, a premium would be required for any difference in the land value upon detailed evaluation.

28. As the applicant's representatives had no further points to raise and there were no further questions from the 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 the representatives from the government bureau/departments and the representatives of the applicant for attending the meeting. They left the meeting at this point.

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

[Ms Julia M.K. Lau arrived to join the meeting and Mr Simon S.W. Wang returned to join the meeting at this point.]

**Agenda Item 4**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/H14/5                      Section 12A Application No. Y/H14/5

Application for Amendment to the Approved The Peak Area Outline  
Zoning Plan No. S/H14/11

**Option 1**

Site 1 (23 Coombe Road) :

To rezone the application site from “Residential (Group C)2”  
 (“R(C)2”) to “Other Specified Uses” (“OU”) annotated “Historic  
Building Preservation and Residential Development”

**Option 2**

Site 1 (23 Coombe Road) :

To rezone the application site from “R(C)2” to “OU” annotated  
 “Historic Building Preservation”

Site 2 (Government land) :

To rezone the piece of Government land north of 23 Coombe Road  
 from “Green Belt” to “R(C)2”

(MPC Paper No. Y/H14/5 A)

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29.            The Secretary reported that Mr K.K. Ling, the Chairman, had declared an interest in the item as he lived in the government staff quarters in the Peak area and with no pecuniary interest in property value. The Committee noted that the Chairman’s interest was remote and agreed that he should continue to chair the meeting. Members noted that other members who had declared direct interests in Item 3 did not attend Item 4.

30.            The same representatives of government bureau/departments for Agenda Item 3 and the following representatives of the applicant were invited to the meeting at this point:

Mr Leo Barretto	]	Applicant's Representatives
Mr Ruy Barretto SC	]	
Mr James Lim	]	
Ms Grace Leung	]	
Mr Arnold Wog	]	
Dr Roger Kendrick	]	
Mr Heinz Rust	]	
Mr Eric Chih	]	
Mr Ian Brownlee	]	
Ms Anna Wong	]	

### Presentation and Question Sessions

31. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Mr Derek P.K. Tse, STP/HK, to brief Members on the background of the application. He said that as Members had already heard the background information about the Carrick Site in the previous case (i.e. Item 3), Mr Tse's presentation could be more concise by focusing on the present applicant's proposed options. Mr Ian Brownlee said that his team had heard the briefing and question and answers of the previous case through the broadcasting while they were in the waiting room.

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

#### The Proposal

- (a) the applicant proposed two rezoning options in relation to two sites on the approved The Peak Area OZP No. S/H14/11 (the OZP) to facilitate the relocation of development rights of the Grade 1 historic building located at 23 Coombe Road (the Carrick Site) in order to enable its preservation;
- (b) Option 1 was the applicant's preferred option, under which the Carrick Site was proposed to be rezoned from "Residential (Group C)2" ("R(C)2") to "Other Specified Uses" ("OU") annotated "Historic Building Preservation and Residential Development", subject to a maximum Gross Floor Area (GFA) of 549.98m<sup>2</sup> in addition to the existing GFA of Carrick and a maximum building height (BH) of 4 storeys including carports;

- (c) Option 2 was an alternative option, under which the Carrick Site was proposed to be rezoned from “R(C)2” to “OU” annotated “Historic Building Preservation” while a piece of government land of the same size to the north, i.e. the Northern Site, was proposed to be rezoned from “Green Belt” (“GB”) to “R(C)2”. Under both options, it was proposed that any demolition or alteration of the existing historic building required planning permission from the Town Planning Board (the Board);

Departmental Comments

- (d) departmental comments were set out in paragraph 8 of the Paper which were summarized as follows:
  - (i) both the Commissioner for Heritage’s Office of the Development Bureau (CHO, DEVB) and the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) had reservation on the proposed rezoning of the Carrick Site from “R(C)2” to “OU” annotated “Historic Building Preservation” as it would restrict the possible adaptive reuse of the Grade 1 historic building, or require further rezoning process;
  - (ii) the Director of Environmental Protection (DEP) could not support the rezoning application until mitigation measures for the potential environmental impacts had been agreed;
  - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective as the magnitude of the impact on existing trees could not be fully ascertained without any tree survey and tree preservation information for both options and the proposed residential development would undermine the function of the “GB” zone as a green buffer and its continuity would also be compromised. The Agriculture, Fisheries and Conservation

Department (AFCD) and the Architectural Services Department (ArchSD) also had reservation on the proposed rezoning/development at the Northern Site from tree preservation and visual points of view;

- (iv) the Geotechnical Engineering Office of Civil Engineering and Development Department considered that the submission of a Geotechnical Planning Review Report was required; and
- (v) other relevant departments had no objection to or no adverse comment on the application;

#### Public Comments

- (e) during the first three weeks of the statutory publication period, a total of 38 public comments were received. Their stances were summarized below:

<b>Option</b>	<b>Support</b>	<b>Object</b>
Option 1	21	0
Option 2	1	0
Option 1 and 2	7	3
Others (Support Option 1 but Object Option 2)	6	
<b>Total</b>	<b>38</b>	

- (f) the main grounds of supporting Option 1 included that it was a win-win solution to preserve Carrick while allowing residential development within the site; it would not encroach into the Aberdeen Country Park and not affect the green belt; it would minimize environmental, ecological, traffic, landscape and visual impacts as compared with application No. Y/H/14/4; and it would not set an undesirable precedent on land exchange between the historic building and the “GB” zone;
- (g) the main grounds of objecting to Option 2 included that it was inconsistent with the planning intention of the “GB” zone; there was no public gain

from the development of the “GB”; and it would lead to the degradation of the environment due to tree felling and vegetation clearance;

PlanD’s Views

- (h) PlanD did not support the application based on the assessments made in paragraph 10 of the Paper, which were summarised as follows :
  - (i) there was a general presumption against development in a “GB” zone. Any new development in a “GB” zone should be justified with very strong planning ground;
  - (ii) in terms of land use, the proposed rezoning to facilitate a residential development of low-rise, low-density was not incompatible with the surrounding low to medium-rise development clusters and the green environment;
  - (iii) although CHO and AMO in-principle supported any preservation proposal that could materialize the in-situ preservation of the Grade 1 historic building, there was insufficient information on Option 1 to demonstrate that there would be no adverse impact on the structural stability of the historic building upon development of the proposed residential development as permitted under the proposed new “OU” zone. Also, there was insufficient information on the building design of the proposed development to demonstrate that it would not undermine the setting and environment of the historic building as well as its heritage value. As for Option 2, it would restrict the possible adaptive reuse of the historic building or require further rezoning in the future;
  - (iv) CTP/UD&L, PlanD, AFCD and ArchSD had reservation on Option 2 as it would involve extensive tree felling but there was no tree survey or tree preservation information to ascertain the magnitude of impact on the existing trees; and

- (v) although preservation of the Grade 1 historic building, Carrick, was supported from planning and heritage conservation perspective, the applicant had not submitted any environmental impact assessment or other technical assessments on sewerage, drainage and geotechnical aspects to demonstrate that either Option 1 or 2 or both were feasible and would not generate adverse impacts on the historic building as well as its existing surroundings.

33. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr Ian Brownlee made the following main points :

#### Introduction

- (a) the applicant, i.e. the Aberdeen Country Park Concern Group (the Concern Group), consisted of the concerned members of the public and the application was made in public interest in response to the application made by Juli May Limited (the land owner of the Carrick Site). There was insufficient information in the owner's application No. Y/H14/4 to enable the Board to make a rational and fully informed decision and therefore, the Concern Group decided to submit the application. The owner of the historic building and CHO had declined to meet with the Concern Group. Moreover, without the owner's permission, the Concern Group could not carry out tree survey at the Carrick Site;

#### Deficiencies of the Owner's Proposal

- (b) no submission was made by the owner to indicate why the alternative of additional development on the existing site could not be achieved. The proposal of building at the rear of Carrick was stated infeasible and was neither properly investigated nor presented to the public or the Board. There was no assessment of existing trees or vegetation on the Carrick Site and no submission of alternative concept plans for the Carrick Site. It seemed that CHO and AMO had accepted the owner's demand for a new

site without adequate consideration of the options for in-situ preservation and development within the site. Due to the owner's refusal to consider such an option, there was insufficient planning justification for building a new house in the "GB" zone. The Grade 1 historic building did not have the "exceptional" merits to be qualified for a replacement site in exchange for its preservation. The land exchange site was not a like-for-like but a much better option to the owner. The authorities failed to balance heritage preservation with other relevant factors such as nature conservation, public concern, fair use of public resources. The owner's application did not propose a planning solution (i.e. a zoning) for conserving Carrick and fundamentally failed to justify the rezoning of a "GB" site for heritage conservation grounds;

- (c) the Concern Group hereby presented the better alternatives for the Board's consideration;
- (d) making reference to the Jessville case, new buildings adjacent to the Jessville were approved by the Board and detailed technical studies of structural stability and site investigation were not required at the planning application submission stage. The scheme was then modified at the land premium stage. The modified scheme involved removal of a single tower and change of the heritage building from a clubhouse to four apartments. Controls to maintain the heritage building were stipulated in the lease which included the requirement for public viewing of the exterior of the building and the display of information regarding the heritage significance. Major site formation works were involved for building the new towers and car parking levels;
- (e) the General Building Plan (GBP) for redeveloping 23 Coombe Road was approved in 2011 and a Dangerous Hillside Order was issued on 10 February 2012. If the development was implemented in accordance with the approved GBP, it would affect nearly all trees on the Carrick Site including those on the rear portion of the site;

- (f) by comparing the application to application No. Y/H14/4, Option 1 was preferred for the following reasons:
- (i) application No. Y/H14/4 involved rezoning a “GB” site opposite to the Carrick Site to “R(C)6” to allow the transfer of development rights while no rezoning proposal was proposed to preserve Carrick;
  - (ii) under application No. Y/H14/5, two options were proposed. Option 2 proposed to rezone the Carrick Site from “R(C)2” to “OU” annotated “Historic Building Preservation” while rezoning a replacement site, i.e. the Northern Site, from “GB” to “R(C)2” with maximum PR of 0.5 to allow the transfer of development rights. The Northern Site would involve a new building with a maximum BH of 4 storeys including carport; and
  - (iii) Option 1 proposed to rezone the Carrick Site from “R(C)2” to “OU” annotated “Historic Building Preservation and Residential Development” subject to a maximum GFA of 549.98m<sup>2</sup> in addition to the existing GFA of Carrick and a maximum BH of 4 storeys including carport. Option 1 was preferred as it would facilitate a new house to be built adjacent to the existing historic building without the need of any replacement site.

34. With the aid of a PowerPoint presentation, Mr Ruy Barretto S.C. made the following main points from heritage conservation perspective:

- (a) for Option 1, the conservation of the historic building and the preservation of the trees of Coombe Road could be balanced by providing an incentive to the owner of 23 Coombe Road to build an extra house within his boundary. Departmental comments and the owner’s responses showed that there were no valid justifications for the owner’s application under application No. Y/H14/4 on planning grounds;

- (b) as for the Heritage Conservation Policy (the Policy) in Hong Kong, the policy statement stated that it was to protect, conserve and revitalise as appropriate historical and heritage sites and buildings through relevant and sustainable approaches for the benefit and enjoyment of present and future generations. In implementing the Policy, due regard should be given to development needs in the public interest, respect for private property rights, budgetary considerations, cross-sector collaboration and active engagement of stakeholders and the general public;
  
- (c) the owner's application had no basis for policy support as it did not meet the Policy's requirements for land exchange. It neither facilitated 'conservation' of Carrick nor in itself was a 'sustainable' proposal. It would not provide 'benefits or enjoyment' for the public. On the contrary to the 'public interest', it built a luxury house on the edge of Country Park which was not a 'development need'. Moreover, active engagement of the stakeholders and the general public were not encouraged as the owner declined to meet with the Concern Group. The "GB" site was not of 'similar value or development potential' to the Carrick Site and the proposed development was not a 'like for like' proposal. The "GB" site was not 'suitable' for residential development and the owner failed to justify rezoning on planning grounds. The "GB" site was not an 'appropriate economic incentives' to 'make up for the loss of development rights' as the owner was demanding a value far in excess of the value of any loss of his development rights. The owner's proposal did not have the 'exceptional' merits or any merits in general that warranted a land exchange site. However, the Paper had not summarized for the Board the requirements and failures of the applicant's proposal;
  
- (d) in contrast, Option 1 did not have such non-compliance. It was the preferred straightforward option and merited the policy support;
  
- (e) the Policy required land exchange to be in the public interest. On the contrary, the owner's proposal was not in the public interest. The Policy required 'like for like' exchange or 'similar value, or development

potential’, however, the land exchange did not deliver ‘appropriate economic incentive through land exchange’ to ‘make up for the loss of development rights’. It actually delivered the owner a massive advantage. The Policy did not permit creating such massive increase in development potential value by rezoning “GB” to the detriment of the public who lost “GB” and conservation as well as recreation value. The Policy was not to facilitate exclusive deals without transparency or open bidding and obtained merely by paying for a privately negotiated land premium. The Policy was not intended to facilitate a private land grab of public “GB” by a breach of the Policy. The owner’s application could not show ‘exceptional merits’ and could not warrant exceptional treatment to rezone the “GB”;

- (f) the Concern Group supported a balanced planning, conservation and development in Coombe Road. The application proposed Options 1 and 2 which provided a suitable balance in the public interest. Option 1 provided a reasonable solution whereby the heritage house was saved from demolition, no “GB” was affected and the owner could build an extra new house within his boundary. Option 2 proposed a site that could accommodate a suitable house with no significant loss of biodiversity and with no damage to the historic building. Appropriate avoidance by good design and competent project management was feasible; and
- (g) to conclude, departmental comments and the owner’s responses demonstrated that there were no valid justifications for the owner’s application on planning grounds. The owner’s application was not eligible for consideration under the Policy and the land exchange principles. After balancing the facts, the presumption against development in “GB” had not been displaced and the owner’s application had no merits to justify an exceptional/special treatment.

35. Mr Ruy Barretto tabled at the meeting a 6-page comparison table of the planning gains and losses between Option 1, Option 2 and the owner’s application for Members’ information.

36. With the aid of a PowerPoint presentation, Dr Roger Kendrick made the following main points from trees/landscape/ecology perspective:

- (a) whilst both the Government and the public had identified major impacts which would be caused by the owner's application, the Concern Group's application No. Y/H14/5 was considered acceptable as it did not have such major impacts and all the concerns of the departments and the public had been addressed;
- (b) relevant departments and the public had raised concerns on the rezoning of the "GB" site for residential use. The planning intent of Option 1 was to entirely avoid the "GB" zone whilst Option 2 proposed to rezone an area of "GB" that was not a buffer to land of higher conservation value, i.e. the Country Park. The land exchange site (the Southern Site) proposed in the owner's application totally violated the planning intent of the "GB" zone as a significant landscape component ecologically and a buffer for part of the Aberdeen Country Park;
- (c) Option 1 was the ecologically least significant option as it could maintain the potential connectivity of different ecological systems through the existing canopy or long term mitigation. Option 2 was less preferred as it would involve rezoning of an area of the "GB" and affect the ecological integrity. The Southern Site proposed in the owner's application was a crest site which was attractive to wildlife. It had the highest known biodiversity, highest intrinsic conservation value, highest ecological integrity and connectivity as well as buffer value. Overall, it was the least acceptable option as compared to other alternative sites;
- (d) at present, the Southern Site proposed by the owner was rich in landscape resources. The owner's proposal involved stilt structures and huge decks to support the house and swimming pool, the structures overhanging on the steep natural slope would be an eyesore to the Country Park users. The proposal would also involve removal of a large number of mature trees. Besides, the soil anchors, mini piling and mass concrete would affect

surrounding trees. The compensatory trees on planters would be unable to grow healthily. Vegetation further down the landscape deck would be desiccated;

- (e) the plant survey and ecological evaluation of the owner's proposal was an one-off survey which was insufficient to capture baseline plant information. The Southern Site was evaluated as of "medium" ecological importance which missed out the key criteria in assessment (Ratcliffe Criteria) and the proposed mitigation to protect *Artocarpus* was unrealistic. Regarding the owner's Black Kite Roost Report, it had omitted many key ecological points, including landscape and other species (e.g Lesser Frigatebird). It had also overlooked the ecological function and it was wrong to consider the Black Kites in isolation as ecology was all inclusive and species did not operate in isolation; and
- (f) to conclude, Option 1 was the least ecologically damaging plan under consideration.

37. With the aid of a PowerPoint presentation, Mr Heinz Rust made the following main points from engineering feasibility perspective:

- (a) although a Dangerous Hillside Order was issued in 2012, no remedial works had been undertaken by the owners for the past three years. The owner claimed that it was 'infeasible' to develop in-situ without providing any reasons. Since a set of GBPs was approved for redevelopment of the Carrick Site, it implied that the rear portion of the site was suitable for development. As such, there should be no engineering reasons why building a new house at that part of the site was infeasible if the new house was only a small simple building with no technical challenges;
- (b) regarding the Dangerous Hillside Order on Lot No. RBL 731 issued by the BA on 10 February 2012, it was related to the eastern boundary of the Carrick Site. Preventive/remedial works should be carried out within 7 months but no action had been taken by the owner so far. In order to

implement the development in accordance with the approved GBP, the owner must undertake some slope works which would affect the trees. The District Lands Office also required slope works to be undertaken before the site was handed over to the Government;

- (c) comparing Option 1 to the approved GBP, the footprint of the approved GBP was almost identical to that of Option 1 which meant that precautionary measures could be undertaken to protect Carrick during construction;
- (d) the Carrick Site had two levels, the existing historic building was situated on the higher level while the proposed new house would mainly sit on the lower level. It would involve minimal cutting of the slope;
- (e) there were many local examples which demonstrated that Hong Kong had the technical skills to build houses adjacent to heritage buildings. For example, the construction of Heritage 1881 in connection with the preservation of the ex-Marine Police Headquarters; and
- (f) to conclude, the owner's application would likely to be considerably more onerous and destructive to the environment than Option 1 as it involved building on steep slope and stilt structures to support the projecting deck whilst Option 1 would largely build on flat land.

38. With the aid of a PowerPoint presentation, Mr Leo Barretto, made the following main points from architectural design perspective:

- (a) the applicant's Master Layout Plan (MLP) demonstrated that proposed new house would be compatible with the historic building;
- (b) by superimposing the MLP on the approved GBP, the proposed new house largely fell on the footprint of the house on the approved GBP of the land owner;

- (c) based on the indicative layout plan and architectural section plan for Option 1, the proposed new house at the rear portion of the Carrick Site would have a main roof level similar to that of the existing historic building;
- (d) in response to AMO's concern on the proximity of the new house to the historic building, the location of the new house could be shifted to move further away from Carrick and its form could also be modified;
- (e) based on a perspective, the new house could be designed to respect the existing historic building in terms of built form, scale, color, style and character. Referring to a perspective which demonstrated the scenario of building a house of similar height (i.e. 3 storeys) next to the existing historic building, with alternative design in built form, the new house could be 4 storeys and there could be greater separation from the historic building;
- (f) a photomontage representing view from Coombe Road demonstrated that only parts of the new house and Carrick could be seen through the landscaping on the fringe of the Carrick Site. The new house would be compatible in terms of built form and scale with the existing landscape setting. It would also be compatible with the existing developments in the neighbourhood along Coombe Road; and
- (g) there were many examples of heritage buildings with new architecture approaches around the world.

39. With the aid of a PowerPoint presentation, Miss Grace Leung made the following main points from public concern perspective:

- (a) there were over 1,600 public comments objecting to the owner's application. The commenters were against building on "GB" land, had query on the heritage value of the Carrick Site and raised concern over the proposed land swap which was not on a 'like-for-like' basis;

- (b) the owner had stated that there would be negligible visual impact from the proposed new house but, in reality, it would completely destroy the current landscape canopy and the house on stilts would be visible not only from Coombe Road, but also from the hiking path within the Aberdeen Country Park. Furthermore, the destruction of inherent vegetation and disturbance to wildlife on site would be irreparable;
- (c) as for the application submitted by the Concern Group, only 3 and 9 objections were received for Options 1 and 2 respectively. The main grounds of objection included that there would be building on “GB” and there would be no public gain from giving up a portion of the “GB”. Other comments supported Option 1 for the reasons that it allowed for heritage preservation without encroaching on the “GB” and the neighbouring Aberdeen Country Park; it could minimise environmental, ecological, traffic, landscape and visual impact; there was no unfair land exchange; the use of land was compatible with the nearby houses; and it would not set an undesirable precedent on land exchange;
- (d) the owner’s application stated that the headroom for the ground floor was substandard for modern living. However, according to the previous tenant which was a family of four, they lived in Carrick for five years from 1978 to 1982 and enjoyed it enormously. They lived mostly on the first floor and used the lower floor as a television room. There were two other tenants after 1982. Referring to an interior photo of Carrick, the living room was not that substandard as claimed by the owner. It seemed that the owner simply preferred a better site on the “GB” across Coombe Road; and
- (e) to conclude, it was for Members to choose between Option 1 which demonstrated a successful integration of the heritage and new development and the owner’s application which would build a monster home destroying the local ecology and landscape.

40. Mr Brownlee made the following concluding remarks:

- (a) CHO and AMO supported in-principle the preservation proposals. However, the conclusion in the Paper did not stress that policy support was given to Options 1 and 2 which was a different treatment as compared to the owner's application;
- (b) by comparing the planning considerations and assessments as set out in the paper, for the owner's application, PlanD considered that there was no strong planning justification for residential development in the "GB" zone but there needed to strike a balance of various considerations. However, as for the Concern Group's application, PlanD did not support the application only because of no technical assessments;
- (c) to achieve the statutory protection of Carrick, Option 1 proposed to stipulate in the Notes of the OZP that demolition, addition, alteration and/or modification of Carrick required approval from the Board. Additional GFA for one additional house was also proposed as an economic incentive;
- (d) regarding the future uses of Carrick, as Carrick was designed and used as a residential house for over 100 years, residential use should be the appropriate future use. Option 1 proposed future use as residential without the house being returned to the Government, it was similar to the case of Jessville. Lease modification would require the preservation of Carrick which was also similar to Jessville. The Concern Group, District Council and the public considered that a non-residential use of the Carrick Site would be inappropriate for the locality and CHO and AMO were wrong to ask for unnecessarily wide flexibility. The proposed amendment of the Notes would ensure heritage preservation as application to the Board would be required for demolition, alteration or modification to Carrick similar to King Yin Lei and the former Peak Café on the same OZP;
- (e) the owner's reasons for objecting to Concern Group's application indicated his lack of understanding of the proposal. The owner claimed that:

- (i) Carrick was not suitable for use as a modern luxurious private house at today's standard due to its low headroom on the ground floor, small windows, heavy structural and old-fashioned inflexible plan layout. However, it was a heritage building and that was the design. It had been used as a residence for over 100 years and had been recently occupied;
- (ii) there would be no physical connection between the historic building and the new house as proposed in the Concern Group's application. It was incorrect as the new house was not an 'annex' to the historic building and the two houses would house two families;
- (iii) keeping Carrick for private housing meant heritage site could not be appreciated by the public. However, retention of the historic building was significant in itself and being seen from outside was adequate for public;
- (iv) it would likely place severe conditions on the future owner in the protection of the existing historic building. However, the existing owner could refurbish it before selling it;
- (v) future owner need to carry out daily upkeep and maintenance of a vacated historic building with no proper functional use. It was incorrect as the house could be occupied as a residence;
- (vi) the contribution of time, effort and financing by a single family would be a big burden, rendering such in-situ development model (i.e. two families in two houses) not viable. However, the purchaser of Carrick would be constrained under the lease and would be aware of the limitations;
- (vii) in-situ development model would not be proceeded even if rezoning approved. However, the owner could re-assess economic incentive of two houses on site when rezoning confirmed and either proceed

or sell property with new zoning in place;

- (f) PlanD's reasons for not supporting Option 1 were insufficient to reject the proposal. PlanD claimed that:
- (i) the applicant failed to demonstrate that the development within the same site would not affect the structural stability of the Grade 1 historic building. However, it was not a real issue as it could be included as a requirement for future contractor and there was no similar information (detailed structural investigation, site investigation survey) required for planning consideration of King Yin Lei or Jessville;
  - (ii) the applicant failed to demonstrate that the proposed development in the same site would not undermine the setting and environment of the historic building, and in turn its heritage value. However, the proposal was compatible in design and development terms with the historic building. Information submitted showed that Carrick remained untouched and its separate entrance, adjacent trees and orientation would be retained. Images and photomontages illustrated that the context would not be undermined and could even be enhanced. The setting and heritage value was guaranteed by the proposed zoning restrictions;
  - (iii) the applicant failed to demonstrate that the proposed development would not have significant adverse technical impacts. However, Option 1 involved only a small scale additional building for one household and no additional impact had been identified. As it was similar in scale and location to the approved GBP, it therefore must be technically acceptable;
  - (iv) the applicant had not demonstrated technical feasibility and therefore it was premature to consider rezoning to "OU" annotated "Historic Building Preservation and Residential Development" zone. In fact,

the owner had also failed to prove that it was technically infeasible to incorporate additional development on the Carrick Site so it was premature to consider rezoning any alternative site. The approved GBP with similar building footprint of Option 1 demonstrated that Option 1 was feasible. In deciding the application, planning principles and heritage policy were more important than technical issues;

- (v) PlanD ignored the fact that Option 1 provided a zoning that enabled in-situ preservation of Carrick and had policy support; and
  
- (g) to conclude, all three sites had policy support. The Southern Site had major objections in relation to the impact on “GB” and departments did not support it, thus it should not be approved. Option 2 proposed by the Concern Group was better than the owner’s option, but was objected to as it was in the “GB” and was not preferred by the Concern Group. Notwithstanding, it could be an option for consideration. Option 1 involved an increase in development intensity of a development site and the owner’s development rights were respected. In order to get such ‘incentive’ for higher PR, control on demolition was suggested to be stipulated in the Notes of the OZP. Option 1 did not require a decision regarding desecration of “GB” and the technical reservations of government departments had been adequately addressed in the PowerPoint presentation. The Committee was therefore invited to adopt Option 1 and rezone the Carrick Site accordingly.

#### Demolition of Carrick

41. A Member asked whether the owner of Carrick could demolish the historic building at any time by implementing the approved GBP. In response, Ms Ginger K.Y. Kiang said that the owner had already obtained a demolition permit of Carrick and a set of approved GBP to redevelop Carrick into a residential building. If the Board did not agree to the proposed rezoning, the owner had the right to proceed with the demolition of Carrick for redevelopment according to the Building Ordinance (BO).

42. The same Member asked the applicant's representatives how the Committee could preserve Carrick given that the owner had the right to demolish Carrick, even if the Committee agreed to either Option 1 or Option 2 of the application and whether the applicant had discussed with the owner. In response, Mr Ian Brownlee said that firstly, the owner had to rectify the slope upon receipt of the Dangerous Hillside Order, the approved GBP and the demolition permit might not be still valid. Secondly, there could be an opportunity that the owner might not be able to demolish the historic building if a clause was added to the Notes of the OZP which stipulated that any demolition or alteration of the existing historic building required planning permission from the Board. Mr Brownlee urged Members to gazette the suggested clause as soon as possible in order to stop the owner from demolishing Carrick.

43. The same Member asked DPO/HK to clarify whether the views expressed by the applicant's representative were correct. In response, Ms Kiang said that even if the Committee agreed to impose a clause in the Notes of the OZP restricting the demolition of Carrick, since the GBP for redeveloping Carrick had already been approved, the GPB could be implemented even if not conforming to the subsequent amendments to the Notes of the OZP unless there were major changes resulting in re-submission of GBP. Mr Eric Chih said that despite the approval of GBP and the issuance of demolition permit, the owner still had to apply for consent to commence works from the Buildings Department (BD) for the proposed redevelopment. If the Carrick Site had been rezoned to "OU" annotated "Historic Building Preservation and Residential Development", BD could refuse the owner's application for consent to commence works as the redevelopment did not comply with the restrictions on the OZP. In response, Ms Kiang drew Members' attention to paragraph 4.2 of the Paper which stated that a set of GBP was approved in 7.10.2010 and an application for demolition (demolition permit) was approved in 2011 according to the BO. Mr Chih maintained his view that BD would have the right to refuse the application for consent to commence works, if the owner made such application after the OZP was amended to incorporate the clause on restricting demolition.

44. The Vice-chairman asked whether the consent for commence works was a relevant consideration for the application as the issuance of the consent was only a procedural matter given that the owner had already obtained the demolition permit which was crucial. In response, Ms Kiang said that PlanD would usually provide comments to BD on whether a proposed building development had complied with the OZP restrictions at the GBP

submission stage and she was not aware of the practice of BD to consult PlanD on the applications for consent to commence works. Mr Eric Chih reiterated his views that the two steps, i.e. the approved demolition plan and the consent to commence works by BD, were required to be taken by the owner of Carrick before the historic building could be demolished.

45. The Chairman remarked that it was not necessary to go into the detailed procedural matters under BD's authority as building matters and land use planning matters were under two different regimes. It would be more appropriate for the Committee to focus on the land use considerations and planning merits of the options.

46. In response to a Member's question, Ms Siu Lai Kuen, Susanna said that Carrick was confirmed as a Grade 1 historic building on 23.11.2011 after the approval of the GBP.

#### Adding a New Building adjacent to Historic Building

47. The Chairman asked whether the addition of a new building next to the historic building (i.e. Option 1) as proposed by the applicant was acceptable from heritage point of view. In response, Mr Yam Ho San, José said that as Carrick was a Grade 1 historic building, any new structures in close proximity should be avoided such that all façades of the historic building could be appreciated by the public. The applicant's proposal of erecting a new building, which would be very close to the existing historic building, would block the view towards one of the façades of the historic building and hence affect the heritage value of the building.

48. The Vice-chairman asked why there was a difference in government's stance regarding the preservation of Carrick as compared to other cases involving historic buildings in which new buildings were allowed adjacent to historic buildings. In response, Mr Yam said that, in principle, CHO would raise concern on any proposed new structures in close proximity to Grade 1 historic buildings. Alternative feasible options should be explored with a view to not affecting the observability of the façades of the historic buildings. Ms Siu supplemented that the integrity of the historic building, i.e. including the space around the building, should be preserved. Since the proposed new building would block the view of one of the façades of the historic building and the applicant had no detailed proposal for

preserving the historic building, the preservation of the historic building's façades was uncertain.

49. The Chairman asked whether there was any difference in circumstances between Carrick and Jessville. In response, Mr Yam said that they had different historic values as Carrick was a Grade 1 historic building while Jessville was a Grade 3 historic building. By definition, Grade 1 historic buildings were 'buildings of outstanding merits which every effort should be made to preserve the buildings if possible' whereas Grade 3 historic buildings were 'buildings of some merits, preservation in some form would be desirable and alternative means could be considered if preservation was not practicable'. Besides, the condition of the historic building, the site location, spatial form, development parameters, etc. should all be taken into consideration.

50. A Member asked whether PlanD would relax the development intensity or rezone a site even if it was not requested or agreed by the owner. In response, Ms Kiang said that different zonings had different planning intentions and development restrictions as clearly indicated in the Notes of the OZP. Rezoning application would generally be required for any changes from non-development to development zones. In general, PlanD could propose amendment to an OZP based on a land use review study which revealed the need for rezoning a specific site, or to take forward the Board's approval of a s.12A rezoning application.

51. In response to the Chairman's invitation, Members had no question regarding Option 2 of the application.

52. Mr Brownlee said that there were many sites in Hong Kong which demonstrated that it was feasible to erect new buildings alongside the existing heritage buildings, for instance, the Tai O Police Station, Central Police Station and the Wanchai Post Office, and they all incorporated some sort of new elements. He asked Members to consider whether hiding one façade of the historic building was adequate to justify the rezoning of a "GB" site to the south of the Carrick Site. He urged the Committee to adopt a balanced view and consider alternative options for heritage preservation.

53. As the applicant's representatives had no further points to raise and there were no further questions from the 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 the representatives from the government bureau/departments and the representatives of the applicant for attending the meeting. They left the meeting at this point.

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

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

### Deliberation Session

54. Members generally agreed that the heritage value of Carrick was high and it was appropriate to preserve the historic building from a land use planning point of view.

55. The Chairman suggested and Members agreed to deliberate both applications No. Y/H14/4 and No. Y/H14/5 together by assessing the pros and cons of the three options; i.e. (i) the Southern Site (i.e. Application No. Y/H14/4), (ii) in-situ addition (i.e. Option 1 of Application No. Y/H14/5) and (iii) the Northern Site (i.e. Option 2 of Application No. Y/H14/5) in turn.

#### *Option (i)*

56. A Member was concerned that if the Committee did not agree to option (i), the owner of Carrick could demolish Carrick as he had already obtained the demolition permit. The Chairman said that while the wish of the owner might be one of the considerations, the Committee should consider the merits of each option from land use planning point of view and should not be dictated by the wish of the owner.

57. Regarding the validity of the owner's approved GBP and demolition permit, a Member said that generally, the owner would apply for renewal of the approved GBP in order to maintain its validity until the commencement of works. In this connection, the owner's GBP and demolition permit would very likely to remain valid, even after Carrick was confirmed as a Grade 1 historic building after approval of the GBP.

58. The Vice-chairman said that while the adaptive re-use of the historic building had yet to be determined, the preservation of the building for alternative use could be a planning merit. He was concerned that if the Committee did not agree to the rezoning, the owner would simply demolish Carrick for return of his investment. As DEVB had already lent policy support for the rezoning proposal, the Committee would have to decide whether the loss of “GB” for preserving the historic building was acceptable. He considered that option (i) was the preferred option given the Southern Site was in between the Wan Chai Gap Park and an existing development, Caroline Garden, and served by an existing access road.

59. A Member said that after weighting the preservation of the historic building against the loss of “GB”, option (i) was considered acceptable. It was the best way to preserve Carrick in the long run as it would be handed over to the Government after the land exchange proposal was accepted. It would be more effective to preserve Carrick if it was handed over to the Government and might help its upgrading to monument in future. Option (i) had struck the right balance between the public interest and the owner’s interest.

60. Another Member considered that option (i) was the most preferred option in the interest of the public as Carrick would be handed over to the Government to become a public asset. As for the proposed development at the Southern Site, effort had been made to minimise its adverse impacts on the surroundings.

61. As Members generally agreed that Carrick should be preserved, the Chairman asked Members to consider the impacts of the proposed development at the Southern Site. Members considered that the visual impact induced by the proposed development would not be significant. Although the proposed development would involve tree felling, effort had been made by the applicant to minimise the impacts on the “GB”. Mr W. L. Tang, the Assistant Commissioner for Transport (Urban), TD, supplemented that TD would further liaise with the applicant to refine the road widening proposal of a 5.5m carriageway with 1.5m footpath at the section of Coombe Road outside the Southern Site in order to minimise the number of trees being affected. Appropriate traffic management measures might be adopted by the applicant, for example, to put up some road signs to remind the motorists that their sightlines might be blocked by the trees wherever appropriate.

*Option (ii)*

62. The Chairman said that taking Ho Tung Garden as an example, it was not the Government's existing practice to purchase a private property for its preservation.

63. The Vice-chairman considered that Carrick was different in development scale as compared to another case, King Yin Lei. While Carrick was a small family house, the historic building at King Yin Lei was too large to be used for a single family again. Option (ii) with the erection of a new building next to the historic building might be able to accommodate two families within the site.

64. The Chairman drew Members' attention to the comments made by CHO and AMO that addition of a new building in-situ was not preferred from heritage preservation point of view as one of the façades of the historic building would be blocked by the proposed new building. They also advised that this option might have a negative impact on its potential to be upgraded to declared monument.

65. A Member considered that if there were only two choices: one was the loss of the entire historic building and the other was the blocking of only one façade of the historic building, AMO might choose the latter. The Chairman said that AMO had already indicated their preference for preserving the entire ambience for the historic building including the space around the building from heritage preservation point of view.

66. The Vice-chairman said that it was the owner's intention to redevelop Carrick and if the Committee did not agree to the rezoning proposal, the owner would demolish Carrick. Obviously, it was not the owner's intention to add a new building next to the historic building. Considering that the owner had been liaising with DEVB for the past four years before coming up with the current rezoning proposal, the prospect of implementation should be taken into consideration when the Committee decided on the two s.12A applications.

67. A Member considered that with option (ii), Carrick would still be owned privately and its preservation in the long run might not be secured. In this regard, option (ii) was considered not as good as option (i).

68. Members generally considered that option (ii) would affect the public viewing of the façade as well as the ambience of the historic building and there was no guarantee that the historic building could be preserved. Hence, it was considered not acceptable.

*Option (iii)*

69. The Vice-chairman said that the proposed development at the Northern Site would generate significant visual impact. A Member concurred and said that the Northern Site was not acceptable as it was located in a prominent location which would induce significant visual impacts on the surroundings.

70. Members generally considered that option (iii) was not acceptable as the technical feasibility of the Northern Site had yet to be demonstrated.

71. The Committee generally agreed that the proposed development at the Southern Site was acceptable from land use point of view as the applicant had taken measures to minimise its impacts and option (i) was the most preferred option in striking a balance among various considerations including land use, visual, landscape, heritage conservation, public interest and respect for private development right.

72. Regarding the PR restriction for the Southern Site on the OZP, the Committee agreed that the maximum PR should be 0.5 instead of 0.51 as proposed by the applicant to tally with the PR restriction of the “R(C)2” zone along Coombe Road.

73. Regarding the zoning of the Carrick Site, the Committee agreed that no amendment was required at this stage in order to allow flexibility for the concerned departments to work out the possible uses of the historic building and the appropriate development restrictions on the OZP.

74. After deliberation, the Committee decided to partially agree to Application No. Y/H14/4 that the “R(C)6” zone be restricted to a maximum PR of 0.5 to achieve consistency with the “R(C)2” sites in the surrounding of the application site and a maximum BH of 2 storeys including carports and 260mPD taking into account the overall visual quality of the

area. Flexibility for applying for minor relaxation of PR was allowed for the applicant should there be changing circumstances on the demonstration of the existing development intensity of the Carrick Site. The relevant proposed amendments to the Approved The Peak Area OZP No. S/H14/11 would be submitted to the Committee for agreement prior to gazetting under section 5 of the Ordinance.

75. After deliberation, the Committee decided not to support both Options 1 and 2 under Application No. Y/H14/5 for the reasons as follows:

Option 1

- “(a) the applicant fails to demonstrate that the proposed development within the same site would not affect the structural stability of the Grade 1 historic building therein;
- (b) the applicant fails to demonstrate that the proposed development within the same site would not block one of the façades of the historic building as well as undermine the setting and environment of the historic building, and in turn, its heritage value;
- (c) the applicant fails to demonstrate that the proposed development would not have significant adverse technical impacts; and
- (d) as the applicant has failed to demonstrate the technical feasibility and impacts of the proposed Option 1, it is pre-mature to consider the proposed “Other Specified Uses” (“OU”) annotated “Historic Building Preservation and Residential Development” for the Carrick Site.”

Option 2

- “(a) the applicant fails to demonstrate that the impacts on the existing trees on the Northern Site would not be unacceptable;
- (b) the applicant fails to demonstrate that the proposed development on the Northern Site would not have significant adverse technical impacts; and

- (c) as the applicant has failed to demonstrate the technical feasibility and impacts of the proposed Option 2, it is pre-mature to consider the proposed rezoning of the Northern site from “Green Belt” to “Residential (Group C)2” (“R(C)2”) nor the Carrick Site from “R(C)2” to “OU” annotated “Historic Building Preservation”.

[Miss Jessica K.T. Lee, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/265                      Proposed Hotel in “Other Specified Uses” annotated “Business(2)” zone,  
41-43 Wong Chuk Hang Road, Aberdeen, Hong Kong  
(MPC Paper No. A/H15/265)

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76.            The Chairman suggested and Members agreed to advance the discussion of Agenda Item 11.

77.            The Secretary reported that the application was submitted by Ever Success Holdings Limited, with Kenneth To & Associates Limited (KTA), LLA Consultancy Limited (LLA) and Environ Hong Kong Limited (Environ) as three of the consultants of the applicant. The following Members had declared interests in the item:

Mr Patrick H.T. Lau	-	having current business dealings with KTA and LLA
Mr Dominic K.K. Lam	-	having current business dealings with KTA, LLA and Environ
Ms Julia M.K. Lau	]	having current business dealings with Environ
Mr H.W. Cheung	]	
Dr Wilton W.T. Fok	-	owing a flat in Ap Lei Chau

78. The Committee noted that Mr Lau, Mr Cheung and Dr Fok had tendered apologies for being unable to attend the meeting and Ms Lau had already left the meeting. As Mr Lam had no involvement in the application, the Committee agreed that he could stay in the meeting.

#### Presentation and Question Sessions

79. With the aid of a PowerPoint presentation, Miss Jessica Lee, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Tourism (C for Tourism) supported the proposed hotel development in Wong Chuk Hang as it would increase the number of hotel rooms, broaden the range of accommodations for the visitors, and support the rapid development of convention and exhibition, tourism and hotel industries. Other relevant departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Southern); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed hotel development was in line with the planning intention of the “Other Specified Uses” annotated “Business(2)” zone. It would help facilitate the transformation of the Wong Chuk Hang area into a business area. The site was the subject of a previous application (No. A/H15/258) for wholesale conversion of an existing industrial building into hotel use which was approved with conditions by the Committee on 6.9.2013.

There was no change in major development parameters, including the overall gross floor area (GFA), in the current application as compared with that of the previously approved scheme. Besides, there was no change in the planning circumstances pertaining to the site since the approval of the previous application.

80. Members had no question on the application.

#### Deliberation Session

81. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.11.2019, 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 proposed hotel development is subject to a maximum gross floor area (GFA) of 7,969m<sup>2</sup>. Any floor space that is constructed or intended for use as additional plant rooms and back of house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations shall be included in the GFA calculation;
- (b) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of TPB;
- (c) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of TPB;
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of TPB;

- (e) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of TPB; and
- (f) the provision of fire service installations and water supplies for fire-fighting being provided to the satisfaction of the Director of Fire Services or of TPB.”

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

- “(a) the approval of the application does not imply that the proposed non-domestic plot ratio (PR) of the proposed hotel development will be granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. In addition, if hotel concession for the non-domestic PR of the development is not granted by the BA and major changes to the current scheme are required, a fresh planning application to TPB may be required;
- (b) to apply to the District Lands Officer/Hong Kong West and South, Lands Department, for the lease modification for the hotel development at the site;
- (c) to note the comments of the Director of Environmental Protection in paragraph 8.1.3 of the Paper regarding the provision of central air condition system and selection of a proper location for fresh-air intake at the detailed design stage;
- (d) to note the comments of the Chief Building Surveyor/Hong Kong West, BD, in paragraph 8.1.4 of the Paper regarding the requirements laid down under the Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-40;
- (e) to note the comments of the Director of Fire Services in paragraph 8.1.5 of the Paper regarding the requirement for compliance with the Code of Practice for Fire Safety in Building being administered by BD;

- (f) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department, in paragraph 8.1.6 of the Paper regarding the architectural design shown on the architectural layout drawings;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department, in paragraph 8.1.8 of the Paper regarding the provision of vertical greening on façade and landscape planting on podiums/flat roofs; and
- (h) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department, in paragraph 8.1.10 of the Paper regarding the licensing requirements for hotel use under the Hotel and Guesthouse Accommodation Ordinance.”

[The Chairman thanked Miss Jessica K.T. Lee, STP/HK, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

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

#### **Agenda Item 5**

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

[Open Meeting]

Y/KC/7

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 “Industrial and Columbarium”, Nos. 24 - 28 Wing Lap Street, Kwai Chung  
(MPC Paper No. Y/KC/7)

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

83. The Committee noted that the applicant requested on 19.10.2015 for deferment of the consideration of the application for two months in order to allow time to carry out assessment and prepare further information to respond to departmental comments. It was the first time that the applicant requested for deferment of the application.

84. 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 and no further deferment would be granted unless under very special circumstances.

## **Agenda Item 6**

### **Section 16 Application**

[Open Meeting]

A/TY/127                      Proposed Temporary Concrete Batching Plant for a Period of 5 Years in "Other Specified Uses" annotated "Boatyard and Marine-oriented Industrial Uses" zone and an area partly outside the Boundary of Planning Scheme, Tam Kon Shan Road, Tsing Yi Town Lot Nos. 14 and 15 and Adjoining Government Land, Tsing Yi  
(MPC Paper No. A/TY/127)

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### **Presentation and Question Sessions**

85. The Secretary reported that the application was submitted by Supreme Enterprises Limited, with AECOM Asia Company Limited (AECOM), LLA Consultancy Limited (LLA) and BMT Asia Pacific Limited (BMT) as three of the consultants of the applicant. The following Members had declared interests in the item:

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

86. The Committee noted that Mr Lau had tendered apologies for being unable to attend the meeting and Ms Lau and Professor Ho had already left the meeting. As the applicant had requested for a deferral of consideration of the application and Mr Lam had no involvement in the application, the Committee agreed that he could stay in the meeting.

87. The Committee noted that the applicant's agent requested on 20.10.2015 for deferment of the consideration of the application for two months in order to allow time for preparation and submission of further information and technical clarifications to respond to departmental comments. It was the fourth time that the applicant requested for deferment of the application.

88. 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 fourth deferment of the application and a total of eight months had been allowed, no further deferment should be granted.

**Agenda Item 7**

**Section 16 Application**

[Open Meeting]

A/K20/125 Proposed Religious Institution in “Residential (Group A)1” Zone, 1-2/F(part) with Entrance on G/F, Commercial Podium of Imperial Cullinan, 10 Hoi Fai Road, Tai Kok Tsui, Kowloon  
(MPC Paper No. A/K20/125)

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**Presentation and Question Sessions**

89. The Secretary reported that the application was submitted by Smart Globe Limited, with Llewelyn-Davies Hong Kong Limited (LD) and AECOM Asia Company Limited (AECOM) as two of the consultants of the applicant. The following Members had declared interests in the item:

Mr Patrick H.T. Lau	-	having current business dealings with LD and AECOM
Mr Dominic K.K. Lam	]	
Ms Julia M.K. Lau	]	having current business dealings with AECOM
Professor P.P. Ho	]	

90. The Committee noted that Mr Lau had tendered apologies for being unable to attend the meeting and Ms Lau and Professor Ho had already left the meeting. As the applicant had requested for a deferral of consideration of the application and Mr Lam had no involvement in the application, the Committee agreed that he could stay in the meeting.

91. The Committee noted that the applicant requested on 19.10.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of a complete set of updated further information to better address the departmental and public comments. It was the second time that the applicant requested for deferment of the application.

92. 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 second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

### **Hong Kong District**

#### **Agenda Item 8**

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

[Open Meeting]

A/H10/90                      Proposed School (Kindergarten and Nursery) in "Residential (Group B)" zone, Shop No. 101, Chi Fu Landmark, Chi Fu Fa Yuen, Pok Fu Lam, Hong Kong  
(MPC Paper No. A/H10/90)

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

93.            The Committee noted that the applicant requested on 26.10.2015 for deferment of the consideration of the application for one month in order to provide more information and necessary documents regarding the application as required by relevant government departments. It was the first time that the applicant requested for deferment of the application.

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

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

**Agenda Item 9**

**Section 16 Application**

[Open Meeting]

A/H3/427                      Proposed Composite Commercial/Residential Development ('Flat', 'Eating Place' and 'Shop and Services' Uses) and Minor Relaxation of Building Height Restriction in "Government, Institution or Community" and "Residential (Group A) 7" zones, 6-18 Chung Ching Street, Sai Ying Pun  
(MPC Paper No. A/H3/427)

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**Presentation and Question Sessions**

95.            The Secretary reported that the application was submitted by Camluck Development Limited with Kenneth To & Associates Limited (KTA) as the consultant of the applicant. The following Members had declared interests in the 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 Lane |
| Mr Clarence W.C. Leung | - his mother owning a flat in Sai Ying Pun                            |

96.            The Committee noted that Mr Lau had tendered apologies for being unable to attend the meeting and Professor Ho had already left the meeting. As the applicant had

requested for a deferral of consideration of the application and Mr Lam had no involvement in the application and the property of Mr Leung's mother did not have a direct view of the site, the Committee agreed that they could stay in the meeting.

97. The Committee noted that the applicant requested on 28.10.2015 for deferment of the consideration of the application for two months in order to allow time to prepare further information to respond to relevant departmental comments. It was the first time that the applicant requested for deferment of the application.

98. 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 10**

### **Section 16 Application**

[Open Meeting]

A/H15/264                      Proposed Hotel in "Other Specified Uses" annotated "Business(1)" zone,  
43 Heung Yip Road, Wong Chuk Hang, Hong Kong  
(MPC Paper No. A/H15/264)

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### **Presentation and Question Sessions**

99. Dr Wilton W.T. Fok had declared an interest in the item as he owned a flat in Ap Lei Chau. The Committee noted that Dr Fok had tendered apologies for being unable to attend the meeting.

100. The Committee noted that the applicant requested on 23.10.2015 for deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of the Drainage Services Department and Environmental Protection Department. It was the first time that the applicant requested for deferment of the application.

101. 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 12**

### **Section 16 Application**

[Open Meeting]

A/H7/171 Proposed Minor Relaxation of Building Height Restriction for Proposed Residential Development with 'Eating Place' use on Ground Floor in "Residential (Group A)" zone, No. 25 Wong Nai Chung Road, Happy Valley, Hong Kong  
(MPC Paper No. A/H7/171)

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### **Presentation and Question Sessions**

102. The Secretary reported that the application was submitted by City Cheer Company Limited with Lanbase Surveyors Limited (Lanbase) as the consultant of the applicant. The following Members had declared interests in the item:

- Mr Patrick H.T. Lau - having current business dealings with Lanbase, owing a flat in Happy Valley and being the Chairman of the Happy Valley Residents' Association
- Mr Dominic K.K. Lam - having current business dealings with Lanbase and owing a flat in Causeway Bay
- Ms Bonnie J.Y. Chan - her family having a property in Happy Valley, a property at Blue Pool Road and 2 carparking spaces at Tai Hang Drive
- Dr Wilton W.T. Fok - his parents owing a property at Blue Pool Road

103. The Committee noted that Mr Lau, Ms Chan and Dr Fok had tendered apologies for being unable to attend the meeting. As the applicant had requested for a deferral of consideration of the application and Mr Lam had no involvement in the application and his property did not have a direct view of the site, the Committee agreed that he could stay in the meeting.

104. The Committee noted that the applicant requested on 26.10.2015 for deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of relevant government departments. It was the first time that the applicant requested for deferment of the application.

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

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting]

A/H9/75                      Proposed Hospital in “Other Specified Uses” annotated “Business (1)”  
zone, 3 A Kung Ngam Village Road, Shau Kei Wan, Hong Kong  
(MPC Paper No. A/H9/75)

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

106.            The Secretary reported that the application was submitted by Hong Kong Sanatorium & Hospital, with Townland Consultants Limited (TCL), MVA Hong Kong Limited (MVA) and Ove Arup & Partners Hong Kong Limited (Arup) as three of the consultants of the applicant.    The following Members had declared interests in the item:

Mr Patrick H.T. Lau	]	having current business dealings with TCL, MVA and Arup
Mr Dominic K.K. Lam	]	
Ms Julia M.K. Lau	-	having current business dealings with MVA
Professor P.P. Ho	-	having current business dealings with TCL and Arup

107.            The Committee noted that Mr Lau had tendered apologies for being unable to attend the meeting and Ms Lau and Professor Ho had already left the meeting.    As the applicant had requested for a deferral of consideration of the application and Mr Lam had no involvement in the application, the Committee agreed that he could stay in the meeting.

108.            The Committee noted that the applicant requested on 23.10.2015 for deferment of the consideration of the application for two months in order to allow additional time for the

applicant to review and clarify responses to the recent comments from the Transport Department. It was the third time that the applicant requested for deferment 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. 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 14**

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

110. There being no other business, the meeting closed at 1:50 p.m..