

TOWN PLANNING BOARD

Minutes of 560th Meeting of the Metro Planning Committee held at 9:00 a.m. on 24.6.2016

Present

Director of Planning
Mr K.K. Ling

Chairman

Mr Lincoln L. H. Huang

Vice-chairman

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

Mr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Ms Sandy H.Y. Wong

Mr Franklin Yu

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

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

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

Assistant Director (Regional 1), Lands Department
Mr Simon S.W. Wang

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

Secretary

Absent with Apologies

Mr Dominic K.K. Lam

Mr K.K. Cheung

Mr T.Y. Ip

Professor T.S. Liu

In Attendance

Assistant Director of Planning/Board
Ms Lily Y.M. Yam

Town Planner/Town Planning Board
Mr Dennis C.C. Tsang

Agenda Item 1

Confirmation of the Draft Minutes of the 559th MPC Meeting held on 10.6.2016

[Open Meeting]

1. The draft minutes of the 559th MPC meeting held on 10.6.2016 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]

Y/H15/11 Application for Amendment to the Draft Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/30 to rezone the application site from "Government, Institution or Community" and an area shown as 'Road' to "Residential (Group A)", Junction of Shek Pai Wan Road and Tin Wan Hill Road, Tin Wan, Aberdeen

(MPC Paper No. Y/H15/11)

3. The Secretary reported that the application was submitted by the Hong Kong Housing Society (HKHS) with Townland Consultants Limited (TCL), Dennis Lau & Ng Chun Man Architects & Engineers (HK) Limited (DLN), and C.M. Wong & Associates Limited (CMW) as three of the consultants of the applicant. The following Members had declared interests in the item:

- Mr K.K. Ling - being an ex-officio member of the Supervisory Board of
(the Chairman) *as the* the HKHS
Director of Planning
- Mr Patrick H.T. Lau - having current business dealings with TCL and DLN
- Mr Dominic K.K. Lam - having past business dealings with HKHS
- Mr Thomas O.S. Ho - having past business dealings with HKHS, TCL, DLN
and CMW
- Mr Franklin Yu - having past business dealings with CMW

4. Dr Lawrence W.C. Poon declared interest in the item as he was an ex-employee of HKHS.

5. The Committee noted that Dominic K.K. Lam had tendered apologies for being unable to attend the meeting. The Committee also noted that the applicant had requested for deferral of consideration of the application. As Mr Patrick H.T. Lau, Dr Lawrence W.C. Poon, Mr Thomas O.S. Ho and Mr Franklin Yu had no involvement in the application, the Committee agreed that they could stay in the meeting. As the interest of the Chairman was direct, the Committee agreed that he could be allowed to stay in the meeting but should refrain from participating in the discussion and the discussion of the item would be chaired by the Vice-Chairman.

6. The Committee noted that the applicant requested on 8.6.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of government departments. It was the first time that the applicant requested for deferment of the application.

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

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

10. The Secretary reported that a petition letter from 大坑西邨居民權益關注組 was received before the meeting. The concern group requested that the proposed redevelopment should be stopped; and before an agreement on the rehousing of the existing tenants had been reached, the proposed redevelopment of Tai Hang Sai Estate (THSE) should not proceed. The Secretary said that the request / ground of objection had already been covered in public comments received during the publication periods and covered in the Paper and would be taken into account during consideration of the application. The letter was circulated to Members at the meeting.

Presentation and Question Sessions

11. With the aid of a PowerPoint presentation, Mr Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed comprehensive redevelopment of THSE (including flats and shop and services) and minor relaxation of plot ratio (PR) and building height (BH) restrictions;

[Mr Franklin Yu arrived to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper which were summarised as follows;
 - (i) the Secretary for Transport and Housing commented that the replacement of aged units by new units and the net addition of more than 3,300 new subsidised housing units would be in line with the Long Term Housing Strategy of leveraging private sector capacity in helping the government achieve the public housing supply target. However, if the applicant failed to reach an agreement with existing tenants on rehousing / decanting arrangements, the development should not proceed; and neither the government nor the Hong Kong Housing Authority (HKHA) was in a position to use its scarce public

rental housing resources to rehouse the affected tenants;

- (ii) the District Officer (Sham Shui Po), Home Affairs Department conveyed that in April 2016, the Sham Shui Po District Council had passed a motion supporting that the redevelopment scheme of the THSE should be decided in 2016 and the government should assist in the redevelopment; and
 - (iii) other concerned departments had no objection to or no adverse comment on the application; and
- (d) during the first three weeks of the three statutory publication periods, a total of 1,594 public comments on the application were received. Most of the public comments objected to the application mainly on grounds of unsatisfactory rehousing arrangements, change in nature of the estate from rental housing to flats for sale, lack of consultation, unacceptable increase in development intensity, adverse impacts on traffic / environmental / visual / air ventilation impacts, building safety / environmental nuisance problems during construction, as well as social impacts and adequacy of provision of community facilities. A total of 97 comments supported the application mainly on grounds that the proposed development would increase housing supply and facilitate urban renewal; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed redevelopment was generally in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone and compatible with the predominantly residential character of the surrounding neighbourhood; the design concept requirements stipulated in the Shek Kip Mei OZP, including the requirements for building gaps, preservation of the visual and air ventilation corridors and provision of ancillary car parking facilities, had broadly been incorporated in the proposal; the proposed minor relaxation of PR and BH restrictions would contribute to an increased provision of residential flats, and had the planning merit of providing housing units for decanting purposes; the proposed

redevelopment would improve the air ventilation and had no adverse visual, landscape, environmental, traffic and sewerage impacts; the comprehensiveness of the proposed redevelopment would not be compromised by the proposed phasing of the redevelopment; the proposed redevelopment was in line with the Government policy of leveraging private sector capacity in helping the government to achieve the public housing supply target. Regarding the main public concern on the rehousing arrangement, the applicant would conduct community consultation proposing rehousing choices for all the affected tenants should the application be approved by the Committee.

Rehousing Arrangements

12. The Vice-chairman noted the Transport and Housing Bureau (THB) had commented that if the applicant failed to reach an agreement with the existing tenants on rehousing/decanting arrangements, the development should not proceed. This had not been incorporated as a suggested approval condition in the Paper. He asked whether the lease concerned was a suitable vehicle to ensure such a requirement. A Member also asked whether the applicant could terminate the existing tenancy with the existing tenants and whether the existing tenancy could be inherited to the tenants' children. Mr Lawrence Y.C. Chau, DPO/TWK, said that the applicant had proposed three rehousing choices for all affected tenants, including (i) purchasing the subsidised housing units after redevelopment of the two blocks in Phase 1; (ii) receiving cash compensation for off-site rental or purchase of another unit based on individual preference; and (iii) continuing to rent a unit in THSE until 2024/2025 as an interim arrangement. He explained that THB's concerns had already been included as a suggested advisory clause and the applicant would also be reminded of applying to the Lands Department (LandsD) for lease modification / land exchange in another advisory clause should the application be approved. Mr Chau further said that there was also no information regarding the inheritance of the existing rental flats in THSE.

13. A Member opined that THB's comment requiring an agreement to be reached between the applicant and the existing tenants on the rehousing arrangement was too general and enquired if THB had specified the minimum percentage of tenants' agreement that should be sought before the proposed redevelopment could proceed. Mr Lawrence Y.C.

Chau, DPO/TWK, replied that THB had not specified any such requirement.

14. A Member supported the redevelopment of THSE which was already very old and in a poor condition and the proposed setback of the buildings could justify an increase in BH to accommodate more residents. The Member asked whether sufficient flats could be provided in the two blocks of Phase 1 redevelopment to rehouse the existing tenants who were mainly elderly and could not afford to rent a flat elsewhere, and how would the special rehousing team help rehouse the tenants. Mr Lawrence Y.C. Chau, DPO/TWK, said that there were 1,335 existing flats in THSE and a total of 1,289 flats would be provided in the two blocks of Phase 1 redevelopment for rehousing the existing tenants. In response to further enquiries from the same Member, Mr Chau said that the average flat size of the redevelopment would be about 26.7m², which was slightly smaller than the current average flat size of about 30m². The new flats would include one to two-room units to cater for the need of various groups including youngsters and young families. The special rehousing team would conduct rehousing engagement to communicate with the existing tenants of THSE and to follow-up with those in special needs. In response to the same Member's enquiry, Mr Chau said that an advisory clause was included specifying that if the applicant failed to reach an agreement with the existing tenants on rehousing/decanting arrangements, the development should not proceed.

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

15. The Chairman expressed concern on the strong objection from the existing tenants on rehousing arrangement as reported by the press and asked the number of public comments submitted by the existing tenants on the matter. In response, Mr Lawrence Y.C. Chau, DPO/TWK, said that a total of 1,594 public comments had been received and most of the public comments were against the application, mainly on grounds of unsatisfactory rehousing arrangements, change in nature of THSE from rental housing to flats for sale, and other technical issues. However, there was no information on how many of those adverse public comments were from the existing tenants of THSE.

16. In response to a Member's enquiries on whether the sales terms and the lease conditions of the redevelopment proposal would be similar to those of the Private Sector Participation Scheme, Mr Lawrence Y.C. Chau, DPO/TWK, said that THB supported the

proposal for subsidised sales flats within the broad policy context of leveraging private sector capacity in helping the Government to achieve the public housing supply target and government's requirements would be sorted out in the context of the lease modification application to be submitted by the applicant if the application was approved by the Committee.

Planning Merits and Technical Aspects

17. A Member enquired on whether the proposed building separations could still be achieved if there was no provision of minor relaxation of BH restriction. In response, Mr Lawrence Y.C. Chau, DPO/TWK, said that according to the Shek Kip Mei Outline Zoning Plan, two visual corridors, including one in a north-south direction spanning from the Police Recreation Ground in the south to the Shek Kip Mei Park and Beacon Hill in the north, and another in the east-west direction from THSE in the east to the Shek Kip Mei Fresh Water Service Reservoir in the west, were required. Moreover, three visual corridors, which were also used for air ventilation purpose, were proposed by the applicant which could only be achieved by slightly increasing the BHs from 90 mPD to 94 mPD, and from 130 mPD to 131 mPD in the eastern and western parts of the site respectively. Mr Chau further explained that the proposed minor relaxation of PR restriction from 5.5 to 6.8 was to meet the high demand for housing without causing adverse technical impacts and to cater for the bonus PR as a result of the setback for road/pedestrian footpath improvements.

18. In response to the Chairman's enquiries on the setbacks proposed by the applicant, Mr W.L. Tang, Assistant Commissioner for Transport (Urban), Transport Department (TD), said that the setback proposed by the applicant would allow widening of the vehicular access to the site which would improve the traffic capacity, and enable widening of the footpath on the eastern side. Taking into consideration that the proposal would have traffic improvement and that the applicant would be responsible for the road improvement works, TD considered that the Traffic Impact Assessment (TIA) submitted by the applicant was acceptable.

19. On the Chairman's enquiries on the pedestrian environment and railway services in the area, Mr Lawrence Y.C. Chau, DPO/TWK, explained that the footpath connecting the site to the nearest Mass Transit Railway Shek Kip Mei Station would be widened to 5 m and

with the provision of pedestrian connections through the shopping malls in the area, the pedestrian environment would be improved. On the provision of railway services, Mr Chau said that following the operation of the Shatin-Central Link, some of the passengers currently using the MTR Kwun Tong Line (KTL) would be diverted and the railway services along KTL, including Shek Kip Mei Station, would not be affected by the increased population after the redevelopment of THSE.

Deliberation Session

20. The Secretary reported that a petition letter submitted by 深水埗N無人士房屋關注組 was received. The concern group was against the subject application mainly on the ground of unsatisfactory rehousing arrangements. The Secretary said that the request / ground of objection had already been covered in public comments received during the publication periods and covered in the Paper and would be taken into account during consideration of the application. The letter was circulated to Members at the meeting.

21. The Chairman said that the proposed development had planning merits by increasing the supply of subsidised housing which was in line with the government's policy objectives to generally increase the maximum domestic PR by 20% as appropriate. On the technical aspect, the proposed development would improve air ventilation as well as pedestrian and vehicular traffic. With respect to the housing types, the Chairman said that from the planning perspective, there was no material difference between subsidised sales flats and rental flats. The Vice-chairman opined that the type of housing to be provided was not a decisive factor on whether the application should be rejected, and suggested that should the application be approved, relevant advisory clause requesting the applicant to provide subsidised rental flats for the elderly could be included.

22. A Member was concerned that the proposed redevelopment targeting young families with children would generate additional traffic which would cause traffic congestion, particularly during the morning peak school hours. Mr W.L. Tang, Assistant Commissioner for Transport (Urban), TD, said that the accepted TIA had already taken into account the low trip rate and car ownership due to the small unit size of the proposed redevelopment, improvement in road junction capacities and good public transport services of the area.

23. A Member supported the application from the planning and technical aspects and said that the redevelopment proposal would help improve the environment in the area and better utilise the scarce land resources. Another Member said that the applicant should respond to the existing tenants' need for rental housing, and as there was no information in the applicant's rehousing plan that the need for rental flats had been addressed, the application should not be approved. The Member's views on the need to consider the social impacts were shared by another Member. Two Members supported the proposed increase in housing supply as a planning merit. They were concerned that if the application was rejected by the Committee, the redevelopment would not proceed and the existing tenants would continue to live in the poor environment. The two Members considered that the application could be approved with a condition requiring the applicant to provide rental flats for the existing tenants.

24. The Chairman said that details on the provision of housing type would be overseen by THB in the implementation, and lease modification stage. Mr Simon S.W. Wang, Assistant Director (Regional 1), LandsD, supplemented that if the application was approved by the Committee, the applicant would still be required to apply to LandsD for modification of the lease. LandsD would consult the concerned government departments, including THB and PlanD for comments. PlanD could convey the Committee's concern on provision of public rental flats at that time. However, not all comments/requests would be reflected into the proposed lease documents.

25. A Member questioned the effectiveness of requesting the applicant to provide rental flats in the rehousing plan in the form of an advisory clause should the application be approved.

26. The Chairman said that if an agreement between the applicant and the existing tenants could not be reached, the proposed development could not proceed and the residents would continue to live in the poor condition of THSE. However, taking into account Members' concern if a planning permission was granted, the Committee could convey a strong message to the applicant to diligently liaise with the existing tenants on the provision of subsidised rental flats in the rehousing arrangements.

27. A Member said that while a strong message requiring the applicant to provide

public rental flats could be included in the advisory clause, an approval condition requiring the applicant to provide a specified percentage for public rental flats could also be considered if the application was approved. A Member also said that an approval condition requiring the applicant to provide the two blocks of Phase 1 redevelopment entirely for public rental housing could be considered. In response, the Chairman said that there was no material basis to specify a minimum provision of rental flats. The suggestion of making available all flats in Phase 1 for rental purpose might also be subject to challenge by tenants who would choose to buy a flat. He further said that the approval condition of a planning permission should be reasonable and enforceable. The Vice-chairman shared the Chairman's views that there was no material basis requiring the applicant to provide a specific number of public rental flats as there was no information on how many existing tenants would choose to buy or rent the flats. He was concerned on how an approval condition requiring the applicant to provide public rental flats for the existing tenants could be implemented. Nevertheless, he agreed that a strong message could be conveyed to the applicant requiring the provision of rental flats to those in need. A Member supplemented that there was no standard for setting the minimum provision of public rental flats and imposing such requirement would be subject to challenge.

28. After some discussion, the Chairman concluded that Members generally recognised the need for redevelopment of THSE and considered the proposal acceptable from planning and technical aspects, and hence the application could be approved. However, the Committee was very concerned about the rehousing arrangements for the existing tenants, particularly on the non-provision of subsidised rental flats in the proposal. In that regard, Members agreed to include an additional advisory clause requesting the applicant to provide subsidised rental flats with the redevelopment proposal to meet the needs of the existing tenants. Further, having noted the comments of THB that the redevelopment proposal should not proceed if the applicant failed to reach an agreement with the existing tenants on rehousing/decanting agreements, Members decided to request the Government not to execute the lease modification for the redevelopment proposal before the rehousing arrangement had been satisfactorily resolved, and the applicant would be advised accordingly.

29. 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 24.6.2020, and after the said date, the permission should cease to have

effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a revised Master Layout Plan to take into account the approval conditions as stated in paragraphs (b) to (j) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of Landscape Master Plan and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of vehicular access, car parking and loading / unloading facilities (up to the upper range of the Hong Kong Planning Standards and Guidelines requirements) to the satisfaction of the Commissioner for Transport (C for T) or of the TPB;
- (d) the implementation of the road improvement works as proposed in the Traffic Impact Assessment including the design and provision of bus stops / laybys and widening of pavements by the developer at his own costs and to the satisfaction of C for T or of the TPB;
- (e) the submission of an updated Noise Impact Assessment report and implementation of the noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the implementation of the local sewerage upgrading / sewerage connection works identified in the updated Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the design and provision of fire service installations and water supply for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (h) the design and provision of the Neighbourhood Elderly Centre to the

satisfaction of the Director of Social Welfare or of the TPB;

- (i) the design and provision of kindergarten facilities to the satisfaction of the Secretary for Education or of the TPB; and
- (j) the submission and implementation of a revised phasing plan and implementation programme to the satisfaction of the Director of Planning or of the TPB.”

30. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix II of the Paper and the following additional clauses:

- “(n) to provide subsidised rental flats within the redevelopment proposal to meet the needs of the affected existing tenants of Tai Hang Sai Estate; and
- (o) to note the Committee’s request that the Government should not execute the lease modification for the redevelopment proposal before the rehousing arrangement had been satisfactorily resolved.”

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

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

[Dr Wilton W.T. Fok and Mr Patrick H.T. Lau left the meeting at this point.]

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/TY/132 Proposed Temporary Concrete Batching Plant for a Period of 5 Years in
"Industrial" zone, Tsing Tim Street, Tsing Yi (Tsing Yi Town Lot 98)
(MPC Paper No. A/TY/132B)

35. The Secretary reported that AECOM Asia Company Limited (AECOM) was one of the consultants of the applicant. The following Members had declared interests in the item:

Mr Dominic K.K. Lam	}	having past business dealings with AECOM
Mr Franklin Yu		
Mr Patrick H.T. Lau	}	having current business dealings with AECOM
Mr Thomas O.S. Ho		

36. The Committee noted that Dominic K.K. Lam had tendered apologies for being unable to attend the meeting and Mr Patrick H.T. Lau had already left the meeting. As Mr Thomas O.S. Ho and Mr Franklin Yu had no involvement in the application, the Committee agreed that they could stay in the meeting.

37. The Committee noted that the applicant requested on 13.6.2016 for further deferment of the consideration of the application for two months so as to allow sufficient time for preparation of further information/technical clarifications to address the departmental comments. It was the third time that the applicant requested for deferment of the application.

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

[Mr Walter W.N. Kwong, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK) was invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/111 Minor Relaxation of Maximum Non-domestic Gross Floor Area Restriction for Permitted Temporary School (Tutorial Service) for a Period of 3 Years in "Residential (Group A) 3" zone, Level 5 (Part), Bellagio Mall, Bellagio, 33 Castle Peak Road - Sham Tseng, Sham Tseng, Tsuen Wan
(MPC Paper No. A/TWW/111)

Presentation and Question Sessions

39. With the aid of a PowerPoint presentation, Mr Walter W.N. Kwong, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the minor relaxation of maximum non-domestic gross floor area (GFA) restriction for permitted temporary school (tutorial service) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tsuen Wan), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The additional GFA for the temporary tutorial school would not result in any actual increase in the development bulk. The application was in line with the Town Planning Board Guidelines for Application for Tutorial School under Section 16 of the Town Planning Ordinance (TPB PG-No. 40) in that the concerned government bureau and departments had no objection to or no adverse comment on the application. The premises was the subject of two previously approved applications for the same temporary use and the approval conditions on the provision of fire services installations of the last application had been complied with. The approval of the application on a temporary basis for 3 years would not jeopardise the long-term planned kindergarten at the Premises to serve the local community.

40. Members had no question on the application.

Deliberation Session

41. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.6.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the provision of fire service installations and water supplies for fire-fighting at the application premises within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2017; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

42. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix III of the Paper.

[The Chairman thanked Mr Walter W.N. Kwong, STP/TWK, for his attendance to answer Members' enquiries. Mr Kwong left the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting]

A/DPA/TW-CLHFS/3 Proposed Residential Development (Houses) and Excavation of Land in "Unspecified Use" Area, Tsuen Wan Town Lot No. 389 (Part) and adjoining Government Land, Chuen Lung, Tsuen Wan
(MPC Paper No. A/DPA/TW-CLHFS/3A)

43. The Secretary reported that Albert So Surveyors Limited (ASL) and Urbis Limited (Urbis) were two of the consultants of the applicants. The following Members had

declared interests in the item:

Mr Thomas O.S. Ho - having past business dealings with ASL

Mr Franklin Yu - having past business dealings with Urbis

44. As Mr Thomas O.S. Ho and Mr Franklin Yu had no involvement in the application, the Committee agreed that they could stay in the meeting.

45. The Committee noted that the applicants requested on 6.6.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the second time that the applicants requested for deferment of the application.

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

Hong Kong District

Agenda Item 9

Section 16 Application

[Open Meeting]

A/H3/430 Proposed Hotel (Guesthouse) in "Residential (Group A)" zone, Shop Nos. 4-9, G/F & Cockloft, Kwan Yick Building Phase III, Nos. 271-285 Des Voeux Road West and No. 158A Connaught Road West, Hong Kong
(MPC Paper No. A/H3/430)

47. The Secretary reported that Lanbase Surveyors Limited (Lanbase) was the consultant of the applicant. The following Members had declared interests in the item:

Mr Dominic K.K. Lam - having past business dealings with Lanbase

Mr Patrick H.T. Lau - having current business dealings with Lanbase

48. The Committee noted that Dominic K.K. Lam had tendered apologies for being unable to attend the meeting and Mr Patrick H.T. Lau had already left the meeting.

49. The Committee noted that the applicant requested on 6.6.2016 for deferment of the consideration of the application for two months so as to allow time for preparation of technical information to respond to departmental comments. It was the first time that the applicant requested for deferment of the application.

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

[Mr Thomas O.S. Ho left the meeting at this point.]

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

Agenda Items 10 and 11

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/H6/78 Proposed Underground Vehicular Tunnel (Connecting Lee Garden One and the Sunning Plaza/Sunning Court Redevelopment) in "Commercial" zone and an area shown as 'Road', Area below Hysan Avenue between Lee Garden One (33 Hysan Avenue) and 10 Hysan Avenue (the Sunning Plaza/Sunning Court Redevelopment)

(MPC Paper No. A/H6/78A)

A/H6/79 Proposed Underground Vehicular Tunnel (Connecting Lee Garden One and Lee Garden Two) in "Commercial" and "Commercial (2)" zones and an area shown as 'Road', Under Yun Ping Road between Lee Garden One (33 Hysan Avenue) and Lee Garden Two (2-38 Yun Ping Road)

(MPC Paper No. A/H6/79A)

51. The Committee agreed that the two applications should be considered together since they were similar in nature and the sites were located in close proximity to each other.

52. The Secretary reported that application No. A/H6/78 was submitted by Perfect Win Properties Limited and Silver Nicety Company Limited, and application No. A/H6/79 was submitted by Perfect Win Properties Limited and Barrowgate Limited, all of which were subsidiaries of Hysan Development Company Limited (Hysan) with MVA Asia Limited (MVA), Ove Arup & Partners Hong Kong Limited (OAP), and WSP Parsons Brinckerhoff (Asia) Limited (WSP) as three of the consultants of the applicants. The following Members had declared interests in the items:

Mr Dominic K.K. Lam - having past business dealings with OAP

- Mr Patrick H.T. Lau - having current business dealings with MVA and OAP
- Mr Thomas O.S. Ho - having current business dealings with Hysan and MVA
- Mr Franklin Yu - having past business dealings with MVA, OAP and WSP

53. The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting, and Mr Patrick H.T. Lau and Mr Thomas O.S. Ho had already left the meeting. As Mr Franklin Yu had no involvement in the applications, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed underground vehicular tunnel at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 7 of the Papers. The Commissioner of Police (C of P) had no objection to the application but raised concerns on the possible traffic impacts caused by the transportation of construction waste of the proposed tunnels on Lan Fong Road having noted that there were more than 100 public traffic complaints in the past three months in the area, including the applicants' proposed periods for construction vehicles to access Lee Garden One. Other departments consulted had no objection to or no adverse comment on the applications. For application No. A/H6/78, although the Director of Leisure and Cultural Services (DLCS) noted that the proposed Tunnel T1 would be beyond the tree protection zone of the five existing Old and Valuable Trees (OVTs) along Hysan Avenue, there was concern on the detailed arrangements of the OVTs during various

stages of development;

- (d) during the first three weeks of the statutory publication period, a total of 25 public comments were received for application No. A/H6/78 and 23 for application No. A/H6/79. A total of 13 public comments raised objections to each of the applications mainly on the grounds that the applicants had not provided information on the traffic arrangements during the construction of the tunnels; there was doubt that the proposed developments would improve the traffic condition in the Lee Garden area; the proposed tunnels would only facilitate the internal traffic within the paid areas of car parks and the applicants' claim of 'reduction of vehicles at-grade' was unjustifiable; the heavily congested traffic condition would worsen during the construction phase; there was no need to provide the underground tunnels; the works would affect the structural safety of the buildings nearby; the construction of the underground tunnels would increase the risk of road subsidence; the proposed developments would only benefit the private developments instead of the wider public; the proposed developments would in effect allow the developer to acquire additional gross floor area under public domain; and the approval of the applications might cause other car park operators to follow suit by integrating their underground car parks, resulting in price control. The remaining public comments did not state whether they supported or were against the applications but shared similar concerns as the adverse public comments. No local objection to/view on the applications was received by the District Officer (Wan Chai), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 9 of the Papers. The proposed vehicular tunnels would reduce the traffic flows along Hysan Avenue, Yun Ping Road and Lan Fong Road, and provide alternative route choices for vehicles to access and leave the car parks of the commercial buildings particularly Lee Garden One, which would help segregating the through traffic along the busy road section of Lan Fong Road where there were Green Mini-Bus stops and frequent on-street loading/unloading

activities. Since the proposal only involved the use of underground space as an alternative to at-grade vehicular routes, no land use incompatibility and visual impact on public realm were anticipated. To address the concerns of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department on the technical feasibility of the works from public safety point of view, the applicants would submit a detailed technical proposal on the design and construction methods and precautionary measures after the applications were approved. To address DLCS's concern on the detailed arrangement on the OVTs during various stages of development, relevant approval conditions were recommended to require the applicants to submit a tree protection proposal and monthly tree monitoring reports should the application be approved. Regarding the public comments, the departmental comments above were relevant.

55. A Member enquired on a number of issues, including (i) materials used for the grouting zone for the protection of the existing OVTs; (ii) whether the existing ingress/egress of Lee Garden One car park would be permanently closed upon completion of the tunnel proposal; (iii) information on the supply of car parking spaces during and after the completion of the proposal; (iv) the lease aspect; and (v) the impact of possible change in ownership on the use of the tunnels. In response, Ms Irene W.S. Lai, STP/HK, said that whilst there was no information in the application on the grouting material used, LCSD would monitor the impact of the tunnel construction on the existing OVTs by requiring the applicants to submit a tree protection proposal and monthly tree monitoring reports for the OVTs to the satisfaction of the DLCS should the applications be approved. She further said that the applicants had not provided any information in the application on whether the said ingress/egress of Lee Garden One at Lan Fong Road would be closed permanently and the number of existing car parking spaces to be affected by the proposal. However, at the building plans submission stage, the Transport Department (TD) would examine in detail the provision of car parking spaces of the concerned buildings. On the land administration aspect, should the applications be approved, the applicants would be required to apply to the Lands Department (LandsD) for appropriate land documentation to the affected lots so as to permit the vehicular tunnels as proposed. On the operation of the car parks, Ms Lai said that the applicants had indicated that the carparks would open from 7:30 a.m. to 12:30 midnight. Such requirement could be included in the necessary land document and should not be

affected by any change in ownership of the carpark.

56. In response to the Chairman, Mr W.L. Tang, Assistant Commissioner for Transport (Urban), TD, said that his department was concerned about the transport arrangement during the construction of the tunnels, having noted that there were traffic complaints in the area received. In that regard, TD had already suggested the imposition of an approval condition requiring the applicants to submit and implement a Construction Traffic Management Scheme (CTMS) should the application be approved by the Committee. On the ingress/egress of the concerned carparks, Mr Tang said that there was concern on traffic queuing for entering the existing car parks, particularly at Lan Fong Road and Pennington Street during public holidays. In that regard, Mr Tang suggested that an additional approval condition on the provision of ingress and egress of the carparks to the satisfaction of C for T should be imposed so that TD could ensure the traffic condition in the area would not be worsened.

57. A Member said that there was serious traffic congestion problem in the area and asked why the TIA covered only weekdays but not weekends. Mr W.L. Tang, Assistant Commissioner for Transport (Urban), TD, said that TD was aware of the traffic congestion problem during the weekends and in the CTMS, construction vehicles would not be allowed to get access to the carpark(s) on Saturdays and Sundays. Subject to the results of the trials to be conducted under the CTMS, access of construction vehicles to the carpark(s) might only be allowed after 8:00 p.m.

58. In response to the same Member's enquiry on whether the government would receive premium through the modification of lease for the proposed tunnels, Mr Simon S.W. Wang, Assistant Director (Regional 1), LandsD, said that unless there were policy considerations, generally a full market value premium reflecting the enhancement in value would be charged should there be a modification of the lease. The Chairman supplemented that whether the Government would receive any premium from the proposal was not a planning consideration of the applications.

Deliberation Session

59. A Member expressed concerns on the grouting material used, which might have

adverse impacts on the existing OVTs along Hysen Avenue and considered that LCSD should monitor the possible impact on the trees. The same Member also said that it would be good if the existing ingress/egress point of the carpark of Lee Garden One at Lan Fong Road would be maintained as it would help provide an alternative to facilitate traffic circulation. In that regard, Mr W.L. Tang, Assistant Commissioner for Transport (Urban), TD, reiterated his request on the inclusion of an approval condition on the provision of ingress/egress of the carparks to the satisfaction of C for T. On the provision of car parking spaces/compensatory car park and operation of the car parks, the same Member said that an assessment on the provision of car parking spaces should be conducted while the conditions of the relevant lease should be carefully considered to ensure the smooth and continued operation of the carparks. To address the Members concern on the carparking spaces, Mr W. L. Tang suggested that an additional approval condition on the submission and implementation of a car parking layout could be included so that TD could review the provision of car parking spaces in the application sites. The Committee agreed to the proposed inclusion of the two additional approval conditions.

60. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 24.6.2020, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were subject to the following conditions :

Application No. A/H6/78

- “(a) no excavation works on public roads for construction of the proposed tunnel is allowed;
- (b) the submission and implementation of a Construction Traffic Management Scheme to the satisfaction of the Commissioner for Transport (C for T) or of the TPB;
- (c) the provision of ingress/egress of the carparks to the satisfaction of C for T or of the TPB;
- (d) the submission and implementation of a car parking layout to the

satisfaction of C for T or of the TPB;

- (e) the submission of a tree protection proposal for the Old and Valuable Trees (OVTs) on Hysan Avenue before commencement of construction works to the satisfaction of the Director of Leisure and Cultural Services (DLCS) or of the TPB;
- (f) the implementation of a tree protection proposal for the OVTs on Hysan Avenue to the satisfaction of the DLCS or of the TPB;
- (g) the submission of monthly tree monitoring reports for the OVTs at least 3 months before the commencement of construction works for the proposed tunnel until 12 months after works completion to the satisfaction of the DLCS or of the TPB; and
- (h) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.”

Application No. A/H6/79

- “(a) no excavation works on public roads for construction of the proposed tunnel is allowed;
- (b) the submission and implementation of a Construction Traffic Management Scheme to the satisfaction of the Commissioner for Transport (C for T) or of the TPB;
- (c) the provision of ingress/egress of carparks to the satisfaction of C for T or of the TPB;
- (d) the submission and implementation of a car parking layout to the satisfaction of C for T or of the TPB; and
- (e) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.”

61. The Committee also agreed to advise the applicants to note the advisory clauses as set out at Appendix V of the Papers.

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

Kowloon District

Agenda Item 12

Section 16 Application

[Open Meeting]

A/K18/320 Proposed Institutional Use (Educational Research Institute) in "Residential (Group C) 1" zone, 15 Kent Road, Kowloon Tong, Kowloon (MPC Paper No. A/K18/320)

62. The Secretary reported that Lanbase Surveyors Limited (Lanbase) was the consultant of the applicant. The following Members had declared interests in the item:

Mr Dominic K.K. Lam - having past business dealings with Lanbase

Mr Patrick H.T. Lau - having current business dealings with Lanbase

Dr Lawrence W.C. Poon - living in Kowloon Tong

63. The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting and Mr Patrick H.T. Lau had already left the meeting. As the residence of Dr Lawrence W.C. Poon did not have a direct view of the site, the Committee agreed that he could stay in the meeting.

64. The Committee noted that the applicant requested on 16.6.2016 for deferment of the consideration of the application for two months so as to allow time for the applicant to

prepare response to the comments of the Commissioner for Transport. It was the first time that the applicant requested for deferment of the application.

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

[Ms Johanna W.Y. Cheng, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/112 Proposed Minor Relaxation of Plot Ratio from 0.6 to 0.6513 (for KIL No. 6812RP), 0.6634 (for KIL No. 6813RP) and 0.6446 (for KIL No. 6814RP) and Minor Relaxation of Building Height Restriction from 2 to 3 storeys to allow for one storey of basement for parking and ancillary plant room use for the proposed residential development in "Residential (Group C)" zone, Nos. 10, 12 and 14 Braga Circuit, Ho Man Tin, Kowloon (Kowloon Inland Lot Nos. 6812RP, 6813RP and 6814RP)
(MPC Paper No. A/K7/112A)

66. The Secretary reported that Llewelyn-Davies Hong Kong Limited (LD), PYPUN Engineering Consultants Limited (PYPUN), Geotechnics & Concrete Engineering (H.K.) Limited (GCE) and Ronald Lu & Partners (HK) Limited (RL) were four 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

Mr Thomas O.S. Ho - having current business dealings with PYPUN, GCE and RL

67. The Committee noted that Mr Patrick H.T. Lau and Mr Thomas O.S. Ho had already left the meeting.

Presentation and Question Sessions

68. With the aid of a PowerPoint presentation, Ms Johanna W.Y. Cheng, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio (PR) restriction from 0.6 to 0.6513 (for KIL No. 6812RP), 0.6634 (for KIL No. 6813RP) and 0.6446 (for KIL No. 6814RP) and minor relaxation of building height (BH) restriction from 2 to 3 storeys to allow for one storey of basement for parking and ancillary plant room use for the proposed residential development;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments from the same residential building (i.e. St. George Apartments) to the north of the site were received. The commenter objected to the application mainly on the grounds that the proposed development would create pressure on the stability of surrounding slope and retaining wall; bring about air and noise pollution and vibration nuisance to surrounding

buildings during construction; and the applicant had not submitted any assessments regarding sewerage and environmental impacts;

- (e) the District Officer (Kowloon City), Home Affairs Department, commented that the Committee should take into account all the comments gathered in the consultation exercise in the decision-making process. Should the application be approved, the applicant should take appropriate measures to address the residents' concern; and
- (f) 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 minor relaxation of PR restriction was in line with the Government's existing practice that private land proposed for surrender for street widening could be included in the site area for PR calculation upon its first redevelopment. The relaxation of PR sought was considered minor, and adverse impacts due to the relaxation of PR were not anticipated. Moreover, the proposed addition of a basement floor for car parking and plant rooms would have no impact on the BH and the visual impacts of the development would be insignificant and would not be incompatible with the surrounding buildings. Regarding the public comments objecting to the application, the comments of the concerned government departments were relevant.

69. In response to a Member's enquiry, Ms Johanna W.Y. Cheng, STP/K, said that the height restriction stipulated for the site on the Outline Zoning Plan was in terms of number of storeys.

Deliberation Session

70. 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 24.6.2020, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the design and provision of vehicular access and car parking facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (d) the submission of a noise impact assessment and implementation of the noise mitigation measures identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB.”

71. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix V of the Paper.

[The Chairman thanked Ms Johanna W.Y. Cheng, STP/K, for her attendance to answer Members’ enquiries. She left the meeting at this point.]

Agenda Item 14

Any Other Business

72. There being no other business, the meeting closed at 12:15 p.m..