

## **TOWN PLANNING BOARD**

### **Minutes of 571<sup>st</sup> Meeting of the Metro Planning Committee held at 9:00 a.m. on 9.12.2016**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

Dr Wilton W.T. Fok

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Assistant Commissioner for Transport (Urban),  
Transport Department  
Mr Wilson W.S. Pang

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

Principal Environmental Protection Officer (Metro Assessment),  
Environmental Protection Department  
Mr Tony W.H. Cheung

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

Deputy Director of Planning/District  
Ms Jacinta K.C. Woo

Secretary

**Absent with Apologies**

Mr Sunny L.K. Ho

Dr Frankie W.C. Yeung

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Mr Kepler S.Y. Yuen

Town Planner/Town Planning Board  
Miss Gloria Y.L. Sze

**Agenda Item 1**

Confirmation of the Draft Minutes of the 570<sup>th</sup> MPC Meeting held on 25.11.2016

[Open Meeting]

1. The draft minutes of the 570<sup>th</sup> MPC meeting held on 25.11.2016 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Tsuen Wan and West Kowloon District**

**Agenda Item 3**

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 389 (Part) and Adjoining Government Land, Chuen Lung, Tsuen Wan  
(MPC Paper No. A/DPA/TW-CLHFS/3C)

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3. The Secretary reported that Albert So Surveyors Ltd. (ASL), Urbis Ltd. (Urbis), and WSP Parsons Brinkerhoff (Asia) Ltd. (WSP) were three of the consultants of the applicant. The following Members had declared interests in the item:

- |                   |   |  |
|-------------------|---|--|
| Mr Thomas O.S. Ho | - | his firm having current business dealing with Urbis; and past business dealing with ASL; |
| Mr Franklin Yu    | - | having past business dealings with Urbis and WSP; and                                    |

Mr K. K. Cheung - his firm having current business dealings with Urbis.

4. The Committee noted that Mr Franklin Yu had not yet arrived to join the meeting. The Committee also noted that the applicant had requested for deferment of the consideration of the application and agreed that as Messrs Thomas O.S. Ho and K.K. Cheung had no involvement in the application, they could stay in the meeting.

5. The Committee noted that the applicant requested on 24.11.2016 for deferment of the consideration of the application for one month in order to allow time for preparation of further information to address departmental comments. It was the fourth time that the applicant requested for deferment of the application.

6. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that a further period of one month was allowed for preparation of the submission of the further information. Since it was the fourth deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of five months including the previous deferments for preparation of submission of further information, this was the last deferment and no further deferment would be granted.

[Ms Michelle M.S. Yuen, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]



- (i) the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD) advised that the subject lot was granted to SAHK in January 1990 for the Headquarters for SAHK and the ancillary accommodation and facilities should be approved by the Director of Social Welfare (DSW) (now the Secretary for Home Affairs (SHA)). The lot owner had submitted a waiver application to effect the applied use and was under consideration by LandsD;
  - (ii) the Director of Food and Environmental Hygiene advised that the applicant was required to apply for a food business licence if food business falling within the definition in section 31 of the Food Business Regulation, Cap 132X was to be conducted at the application premises; and
  - (iii) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 19 public comments were received, all objecting to the application. Major objection grounds were set out in paragraph 11.2 of the Paper. No local objection/view was received by the District Officer (Yau Tsim Mong); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary eating place (restaurant) could be tolerated for a period of 6 years based on the assessments set out in paragraph 12 of the Paper. The application would not contravene the main planning criteria as stated in the Town Planning Board Guidelines for 'Application for Development/Redevelopment within "G/IC" zone for uses other than GIC uses under Section 16 of the Town Planning Ordinance' (TPB PG-No. 16). The use as a temporary eating place would unlikely frustrate the planning intention of the "G/IC" zone, and was not incompatible with the surrounding commercial and residential developments. It was not anticipated that there would be significant adverse traffic, environmental,

drainage, sewerage and fire safety impacts on Hong Kong Scout Centre (HKSC) and the surrounding areas and concerned government departments had no objection to or adverse comment on the application. Regarding the adverse public comments, the assessments above were relevant.

10. In response to a Member's enquiry on the requirements for operation of eating place within "G/IC" zone, Ms Michelle M.S. Yuen said that uses ancillary to the permitted uses under the "G/IC" zone were always permitted and planning permission might not be required. For HKSC, the ancillary accommodation and facilities of HKSC should be approved by the SHA as stipulated under the lease. As SHA advised that the applied eating place use was not an ancillary facility, planning permission was thus required. Eating place should also comply with the licensing requirements of other ordinances. She supplemented that the application generally complied with the criteria in TPB PG-No. 16 and concerned departments had no objection to the application.

11. In response to the enquires of the same Member and the Chairman, Ms Michelle M.S. Yuen said that according to the general building plans and Occupation Permit (OP) for HKSC approved and issued in 1993, the basement of HKSC was earmarked as a canteen. It was later changed into a restaurant with food business licence. PlanD was not consulted on the restaurant licence applications before it was first issued by FEHD. When FEHD recently consulted PlanD on the issue of restaurant licence to a new restaurant operator, FEHD was informed that planning permission was required for the eating place use at the subject premises.

12. Noting that there were catering facilities and hostel use within HKSC, another Member asked about the differences between the eating place use under the current application and those catering facilities; if the catering facilities for SAHK and hostel use require planning permission; if the whole HKSC was designated for the use of SAHK only; and the seating capacity of the catering facilities on 8/F and the application premises. In response, Ms Michelle M.S. Yuen said that with reference to the OP in 1993 (Appendix III of the Paper), uses such as supporting facilities of SAHK, car parking spaces, a telephone exchange and hostel were permitted. Catering facilities for SAHK and hostel were found on the upper ground floor and 8/F of the subject building, and were ancillary to HKSC uses, and planning permission was not required. Ms Michelle M.S. Yuen said that the seating

capacity for the application premises was about 800, but she had no information at hand on the seating capacity of the ancillary catering facilities on 8/F.

13. In response to a Member's enquiry, Ms Michelle M.S. Yuen said that as the application was for a temporary period of six years, the current application was assessed based on the timeframe of six years. If the current application was approved and a renewal application was submitted afterwards, all relevant planning circumstances such as land use compatibility, traffic, environmental and sewerage considerations would be reviewed in considering the renewal application.

14. In response to another Member's enquiry, Ms Michelle M.S. Yuen explained the definitions of 'Eating Place' and 'Canteen' according to the Definitions of Terms Used in Statutory Plans. The former included both canteen and restaurant, while the latter referred to any premises where food or drinks were sold for consumption on the premises exclusively to persons working in the building or on the site where the premises were located, or exclusively to members of a particular organization and the premises were located within the compound of the organization.

15. Regarding the parking and loading/unloading arrangement, Ms Michelle M.S. Yuen, in response to two Members' enquiries, said that a total of 529 parking spaces were provided within HKSC and the utilisation rate was about 60% in the past six months according to the applicant's survey. About seven to ten parking spaces would be required for the applied use according to the Hong Kong Planning Standards and Guidelines and there should be sufficient car parking spaces for the applied use. The applicant had proposed to have loading/unloading of goods at the basement floor of HKSC, bus lay-by at Scout Path during weekday lunch hours, and coaches drop off point at Shanghai Street opposite to HKSC during weekday evening hours and Saturdays. Mr Wilson W.S. Pang, Assistant Commissioner for Transport (Urban), Transport Department supplemented that the provision of parking, and loading/unloading spaces for the HKSC site was acceptable, taking into account the demand of parking and loading/unloading spaces and public transport services in surrounding areas.

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

16. In response to two Members' enquiries regarding the priority booking system for members of SAHK proposed by the applicant, Ms Michelle M.S. Yuen said that no detailed information was provided by the applicant.

#### Deliberation Session

17. The Vice-chairman considered that the application generally complied with the assessment criteria in TPB PG-No.16 in that the temporary eating place use would not adversely affect the normal operation of the existing GIC facilities within the "G/IC" site; it was compatible in land-use terms with the GIC uses on the site and the surrounding areas; it would be sustainable in terms of the capacities of existing and planned infrastructure as concerned departments had no objection to or adverse comment on the application. There was no strong reason to reject the application. There were also examples of approved planning applications for eating place use within "G/IC" zones in other districts.

18. A few Members considered that HKSC was zoned "G/IC" and was intended for GIC and not other uses. The Vice-chairman opined that it might be too restrictive only permitting GIC uses within the "G/IC" zone as non-GIC uses might be permitted within the "G/IC" zone if they generally complied with the assessment criteria in TPB PG-No. 16.

19. A Member opined that the eating place use could be tolerated as it was anticipated that it would not cause significant adverse traffic impact on the surrounding areas. The Member also considered that the "G/IC" zone should be for use by the whole community, instead of SAHK members only, and quoted examples of eating place uses at universities and hospitals within "G/IC" zones, which were for the use of students, staff and also members of the public.

20. A Member opined that the application could be considered from two perspectives. From land administration perspective, HKSC was intended for the use of SAHK only instead of open to the public or for business operation. From planning point of view, the applied temporary eating place use could be tolerated provided that the entrance/exit of the eating place would be separated from that of HKSC. The same Member also considered that there were broadly speaking two types of GIC developments, one was for serving the whole community such as government buildings or universities, while the other was for institutions

or organizations such as SAHK or other private clubs.

21. Some Members considered that the eating place use could be tolerated if the priority booking system as proposed by the applicant could genuinely ensure that the interests of SAHK members would not be adversely affected while ensuring the spare capacities of the eating place could be better utilised.

22. Noting that the eating place had previously been in operation without planning permission, a Member raised concerns that approval of the application would set an undesirable precedent, and could be misread by the general public as encouraging uses to commence without planning permission. The Member opined that there was no information in the application on whether and how the eating place use could financially support the existing operation of SAHK; and whether it would affect other operations within HKSC. The Member also raised a concern on whether the premises should be reserved for provision of other GIC facilities for the community, such as integrated family centre or childcare facilities. The Member suggested to defer the consideration of the application and request the applicant and/or concerned government departments to provide more information regarding the aforementioned enquiries. Another Member supplemented that there was also no information in the application to demonstrate that the original canteen was no longer required by SAHK.

23. Noting that SHA had no objection to the application, a Member doubted if SHA had duly considered whether the spare accommodation of the HKSC was required by other non-government organizations (NGOs) or social enterprises. The Member was of the view that a review should be conducted by SHA prior to approving the subject premises for non-GIC uses.

24. Taking into account some Members' concerns, a Member suggested to approve the application on a temporary basis for a shorter period of three years, in order to examine the possibility of allocating the subject premises to other NGOs or social enterprises for other GIC uses. Some Members supported the suggestion.

25. Another Member remarked that if no alternative GIC uses at the subject premises were identified at the moment, the application could be approved for a period of three years.

Some Members considered that future renewal application should be assessed on whether alternative GIC uses could be identified and the basis of the prevailing circumstances at that time.

26. A Member was of view that a clear message should be conveyed to the applicant that prior planning permission should have been obtained before commencing the applied use at the subject premises.

27. The Chairman concluded that the majority of the Members considered the temporary eating place use was not incompatible with the surrounding areas and no adverse impact was anticipated, and a shorter temporary approval of three years should be granted in order to review the possibility of accommodating other GIC uses at the subject premises in the future. An advisory clause reminding the applicant that prior planning permission should have been obtained before commencing the applied use had been recommended in paragraph (a) of Appendix V of the Paper. Members agreed.

28. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, instead of 6 years sought, until 9.12.2019, on the terms of the application as submitted to the TPB and subject to the following conditions:

- “(a) the submission and implementation of fire service installations and water supplies for fire fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.6.2017; and
- (b) if the above approval condition is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

29. 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 Michelle M.S. Yuen, STP/TWK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Mr Stephen H.B. Yau returned to join the meeting at this point.]

**Agenda Item 5**

**Section 16 Application**

[Open Meeting]

A/K20/127                      Proposed ‘Flat’, ‘Office’, ‘Social Welfare Facilities’ (Special Child Care Centre cum Early Education and Training Centre), ‘Shop and Services’ and ‘Eating Place’ in “Residential (Group A) 3” Zone, 875-877 Lai Chi Kok Road and Adjoining Government Land, Kowloon  
(MPC Paper No. A/K20/127)

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30.            The Secretary reported that Kenneth To & Associates Ltd. (KTA) was one of the consultants of the applicant. Mr Patrick H.T. Lau had declared interest in the item for having current business dealings with KTA.

31.            The Committee noted that the applicant had requested for deferment of the consideration of the application. The Committee agreed that as Mr Patrick H.T. Lau had no involvement in the application, he could stay in the meeting.

32.            The Committee noted that the applicant requested on 21.11.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested for deferment of the application.

33.            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 Lawrence Y.C. Chau, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Mr Walter W.N. Kwong, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/480                      Proposed Comprehensive Residential and Commercial Development (including Flat, Office, Shop and Services and Eating Place) and Minor Relaxation of Gross Floor Area and Building Height Restrictions (Amendments to Approved Master Layout Plan) in “Comprehensive Development Area (7)” Zone, Tsuen Wan Town Lot 393 and Adjoining Government Land, Yeung Uk Road, Tsuen Wan  
(MPC Paper No. A/TW/480)

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34.                      The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Arup) and Hsin Yieh Architects & Engineers Ltd. (Hsin Yieh) were 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 Arup;
Mr Thomas O.S. Ho		
Mr Dominic K.K. Lam	}	having past business dealings with Arup; and
Mr Franklin Yu		
Mr K.K. Cheung	-	his firm having current business dealings with Arup and Hsin Yieh.

35.                      The Committee agreed that as Messrs Patrick H.T. Lau, Thomas O.S. Ho, Dominic K.K. Lam, Franklin Yu and K.K. Cheung had no involvement in the application, they could stay in the meeting.

Presentation and Question Sessions

36. 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 proposed comprehensive residential and commercial development (including flat, office, shop and services and eating place) and minor relaxation of gross floor area (GFA) and building height (BH) restrictions (amendments to approved master layout plan);
- (c) departmental comments – departmental comments were set out in paragraph 11 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 17 public comments were received. Amongst which, 12 commenters objected to the application. The major grounds were set out in paragraph 12 of the Paper;
- (e) the District Officer (Tsuen Wan) conveyed that several Tsuen Wan District Council members had expressed concerns on the application, which were set out in paragraph 11.1.14 of the Paper; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 13 of the Paper. The current scheme complied with the planning intention and requirements of the endorsed Planning Brief, and the overall massing of the current scheme was similar to that of the approved scheme. All concerned government departments had no objection to the application and detailed departmental comments could be addressed through the imposition of relevant approval conditions and advisory clauses. The proposed minor

relaxation of GFA was to account for GFA of the proposed 24-hour elevated pedestrian walkway which was not exempted from GFA calculation under the Building (Planning) Regulations, while the proposed minor relaxation of BH restriction for the provision of refuge floor cum sky garden at the proposed commercial tower had already been approved under the previous application. Regarding the adverse public comments and local views, the assessments above were relevant.

37. A Member asked about the connectivity between the proposed sky garden and the 24-hour pedestrian walkway as well as the accessibility to the two facilities. With reference to the landscape plan for the proposed sky garden and 1/F plan (Drawings A-13 and A-4 of the Paper respectively), Mr Lawrence Y.C. Chau, DPO/TWK, said that the proposed sky garden would be located on 19/F of the proposed commercial tower and the proposed 24-hour pedestrian walkway would be on 1/F linking the shopping mall and residential use of the proposed development. While there would be no direct connection between the proposed sky garden and pedestrian walkway, the public could access to the proposed sky garden by lifts and the pedestrian walkway would be connected with the adjacent developments.

38. Noting from a public comment that the use of reflective glass should be avoided for the external wall of the proposed buildings, a Member asked if there would be any control on the materials of the external wall. In response, Mr Lawrence Y.C. Chau said that according to the applicant's submission, insulated glazing units with low-e coating would be used instead of reflective glass in order to reduce glare penetration.

#### Deliberation Session

39. 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 9.12.2020, 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 incorporate the approval conditions as stipulated in conditions (b) to (g)

below to the satisfaction of the Director of Planning or of the TPB;

- (b) the submission and implementation of a revised implementation programme to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of a revised Landscape Master Plan including the tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of a sky garden open for the public enjoyment at reasonable hours, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB;
- (e) the submission of a revised Traffic Impact Assessment, design and provision of vehicular access, pedestrian circulation system, car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the submission of a revised Noise Impact Assessment and implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (g) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

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

[Mr J.J. Austin, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

**Hong Kong District**

**Agenda Item 7**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/187                      Renewal of Planning Approval for Temporary Shop and Services (Retail Shop) for a Period of 3 Years in “Industrial” Zone, Workshop 8, G/F, Ming Pao Industrial Centre, 18 Ka Yip Street, Chai Wan, Hong Kong  
(MPC Paper No. A/H20/187)

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41.            The Secretary reported that the site was located in Chai Wan area. The following Members had declared interests in the item:

- Mr Raymond K.W. Lee       -    owning a property in Chai Wan area and his spouse also owning a property in Chai Wan area;  
(the Chairman)
  
- Mr Sunny L.K. Ho            -    owning a flat and a car parking space in Chai Wan area and co-owning with his spouse another flat in Chai Wan area; and
  
- Mr Dominic K.K. Lam       -    being a Director of a company which owned a property in Chai Wan area.

42.            The Committee noted that Mr Sunny L.K. Ho had tendered apologies for being unable to attend the meeting. The Committee agreed that as the properties of the Chairman and/or his spouse and Mr Dominic K.K. Lam’s company had no direct view on the site, they could stay in the meeting.

43.            The Committee noted that one replacement page (page 8 of the Paper) incorporating the revised paragraph 12.2 of the Paper was dispatched to Members before the meeting.

Presentation and Question Sessions

44.            With the aid of a PowerPoint presentation, Mr J.J. Austin, STP/HK, presented the

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary shop and services (retail shop) for a period of three years;

[Dr Wilton W.T. Fok left the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) had no objection in principle to the application subject to the condition that no structure extending from the application premises onto the public footpath was allowed. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from individual, which were set out in paragraph 10 of the Paper. No local objection/view was received by the District Officer (Eastern); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application generally complied with the Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) in that there had been no major change in planning circumstances since the last approval; no adverse planning implication would arise from the renewal of the planning approval; all the approval conditions under the previously approved application No. A/H20/180 had been complied with; and the renewal period sought was reasonable. The public concern on the possible obstruction to the footpath could be addressed by the approval condition suggested by C for T.

45. Members had no question on the application.

Deliberation Session

46. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 4.1.2017 until 3.1.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no structure is allowed to extend from the application premises onto the public footpath;
- (b) the submission and implementation of the fire safety measures including the provision of fire service installations and equipment, and means of escape separated from the industrial portion within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.7.2017;
- (c) if the above approval condition (a) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (d) if the above approval condition (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

47. 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 J.J. Austin, STP/HK, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

## **Agenda Item 8**

### **Section 16 Application**

[Open Meeting]

A/H3/432                      Proposed Office, Eating Place and Shop and Services in “Residential (Group A)” Zone, 2-4 Shelley Street, Sheung Wan, Hong Kong  
(MPC Paper No. A/H3/432)

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48.                      The Secretary reported that the site was located in Sai Ying Pun and Sheung Wan area and Lanbase Surveyors Ltd. (Lanbase) was one 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 Lanbase;  
and

Mr Wilson W.S. Pang                      -    owning a flat and a car parking space in Sai  
Ying Pun and Sheung Wan area.

49.                      The Committee noted that the applicant had requested for deferment of the consideration of the application and agreed that Mr Wilson W.S. Pang could stay in the meeting if his flat had no direct view on the site.    The Committee also agreed that Mr Patrick H.T. Lau could stay in the meeting as he had no involvement in the application.

50.                      The Committee noted that the applicant requested on 29.11.2016 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments.    It was the first time that the applicant requested for deferment of the application.

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

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H21/143                      Proposed Comprehensive Development for Office, Shop and Services, Eating Place, Place of Recreation, Sports or Culture (Fitness Centre or Art Gallery) and Private Club Uses, and Minor Relaxation of Building Height Restriction for Phase 2B of Redevelopment of Taikoo Place (Amendments to an Approved Master Layout Plan) in “Comprehensive Development Area” Zone, Taikoo Place, 979 King's Road, Quarry Bay, Hong Kong  
  
(MPC Paper No. A/H21/143A)

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52.                      The Secretary reported that the site was located in Quarry Bay area and the application was submitted by Taikoo Place Holdings Ltd., which was a subsidiary of Swire Properties Ltd. (Swire). Urbis Ltd. (Urbis), Wong & Ouyang (HK) Ltd. (WOL) and MVA Hong Kong Ltd. (MVA) were three of the consultants of the applicant. The following Members had declared interests in the item:

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|-------------------|--|
| Mr Thomas O.S. Ho | - having current business dealings with Swire and MVA; and his firm having current business dealings with Urbis; |
|                   | - owning a flat in Quarry Bay area;  |
| Mr K.K. Cheung    | - his firm having current business dealings with Swire and Urbis; and having current business dealings with WOL; |

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|---------------------|--|
| Mr Patrick H.T. Lau | - having current business dealings with MVA and past business dealings with Swire; |
| Mr Franklin Yu      | - having past business dealings with Urbis and MVA;                                |
| Dr Wilton W.T. Fok  | } co-owning a flat in Quarry Bay area with spouse;                                 |
| Mr Wilson Y.W. Fung |  |
| Mr Martin W.C. Kwan | - co-owning two properties in Quarry Bay area with spouse; and                     |
| Mr Simon S.W. Wang  | - co-owning a flat in Quarry Bay area with spouse.                                 |

53. The Committee noted that Dr Wilton W.T. Fok had already left the meeting. As the interests of Messrs Thomas O.S. Ho and K.K. Cheung were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item. The Committee also agreed that as Messrs Patrick H.T. Lau and Franklin Yu had no involvement in the application, and the properties of Messrs Wilson Y.W. Fung, Martin W.C. Kwan and Simon S.W. Wang and/or their spouses had no direct view on the site, they could stay in the meeting.

[Messrs Thomas O.S. Ho and K.K. Cheung left the meeting at this point.]

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed comprehensive development for office, shop and services (SS), eating place (EP), place of recreation, sports or culture (PRSC) (fitness centre or art gallery) and private club (PC) uses, and minor relaxation of building height restriction (BHR) for Phase 2B of redevelopment of Taikoo Place (amendments to an approved master layout

plan (MLP));

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Major departmental comments were summarised as follows:
- (i) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) advised that the approved BH for Building 2B (195mPD) had already protruded into the 20% building free zone when viewed from the public vantage point at the waterfront of Kai Tak Development. The proposed aggregate increase in floor height would further encroach onto the building free zone and reduce the visible area of the green backdrop. Strong justifications should be provided for encroachment onto the building free zone. Approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such applications would result in incremental erosion of the natural backdrop;
  - (ii) the Chief Architect/Central Management Division 2, Architectural Services Department advised that the proposed BH (212mPD) might project over the ridgeline of the hill behind and had adverse impact on the surroundings, and the proposed headroom of the office (4.9m to 5.65m) and podium at Building 2B (12.5m) appeared excessive;
  - (iii) the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department considered that the high headroom for the floor of 5.65m, 12.5m on 4/F and 7m on 1/F at Building 2B should be justified by the applicant; and
  - (iv) other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, a total of 1,424 public comments were received from two Eastern District Council (EDC) members, three art groups, local residents, office tenants and individuals. Amongst which, 1,384 supported the application, four raised objections and 36 did not state their stance on the application. The major grounds were set out in paragraph 10.3 of the Paper. The District Officer (Eastern) anticipated that EDC members, if consulted, would raise concerns on the height limit and traffic implication; and
- (e) PlanD's views – PlanD had no objection to the proposed comprehensive development for office, SS, EP, PRSC (fitness centre and art gallery) and PC uses and the proposed addition of outside seating accommodation (OSA) for alfresco dining, but did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed commercial uses were in line with the planning intention of the “CDA” zone and were not incompatible with the surrounding commercial and residential developments. The total gross floor area (GFA) of the proposed development complied with the GFA restriction under the Outline Zoning Plan and the proposed conversion of office GFA to non-office commercial GFA was considered acceptable. However, the approved BH of Building 2B (i.e. 195mPD) under the previous application had already protruded into the 20% building free zone when viewed from the vantage point at the former Kai Tak Runway under the Urban Design Guidelines. The aggregate increase in floor height would further encroach onto the building free zone and reduce the visible area of the green backdrop, add to the bulk and dominance of the tall building cluster in the area, and undermine the visual presence of the ridgeline in the backdrop. No further encroachment onto the building free zone should be allowed unless for proposals with strong justifications and clear planning merits. Approval of the proposed relaxation of BHR would set an undesirable precedent.

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

55. A Member enquired if there would be any planning control on the future use of the space proposed for the ArtisTree and if the increase in FTFH of the reprovisioned ArtisTree was related to changes in its uses. In response, Ms Irene W.S. Lai, STP/HK, said that ArtisTree was regarded as a 'Place of Recreation, Sports or Culture' use and according to the applicant, the future uses at the reprovisioned ArtisTree would be similar to that of the existing one at Cornwall House. The mechanism for controlling the use of the space proposed for ArtisTree was through approval of general building plans (GBPs). With regard to FTFH of exhibition areas, Ms Irene W.S. Lai quoted examples at Hong Kong Convention and Exhibition Centre and the International Trade & Exhibition Centre in Kowloon Bay, where the FTFHs ranged from 10.5m to 11.9m.

56. In response to the Chairman's enquiry, Ms Irene W.S. Lai said that the FTFH and clear headroom of the existing ArtisTree at Cornwall House were about 8m and 6.5m respectively. The existing ArtisTree was indicated as multi-media arts space in the approved GBPs.

57. In response to two Members' enquires about the implications on the design of the reprovisioned ArtisTree should the minor relaxation of BHR application be rejected, Ms Irene W.S. Lai said that the applicant would need to review the design of the building as a whole in order to accommodate the reprovisioned ArtisTree within the approved BH of 195mPD and submission of revised MLP would be required.

58. A Member asked if it would be appropriate to approve the application for minor relaxation of BHR for the reprovisioning of ArtisTree only. In response, the Chairman said that the applicant would need to review the whole development scheme, if other parts of the proposal were rejected.

59. Another Member asked if there were technical justifications for increasing the FTFH for typical floors from 4.2m to 4.3m and the proposed uses on the top four floors of Building 2B. In response, Ms Irene W.S. Lai said that according to the applicant's submission, the FTFH of 4.3m (with a clear height of 3m) was a minimum requirement for Grade A offices taking account of long window to wall span requiring a deep structural zone combined with standard electrical and mechanical (E&M) zone at the ceiling and raised floor. The top four floors would be used for special office uses such as trading floors and

conference uses.

60. In response to the Chairman's enquiry on the FTFHs for typical office floors in other districts such as Central and Causeway Bay, Ms Irene W.S. Lai quoted the examples of One and Two International Finance Centre (ranging from 4.05m to 4.17m), CCB Tower (4.5m), Hysan Place (4.5m) and 353 Jaffe Road (4.32m).

#### Deliberation Session

61. The Chairman said that the application covered three aspects, namely (a) redistribution of GFA from office use to other commercial uses; (b) inclusion of OSA for alfresco dining; and (c) relaxation of BHR for Building 2B by 17m.

62. Two Members supported the redistribution of GFA from office use to other commercial uses and inclusion of OSA for alfresco dining. One of them was of view that the provision of commercial uses at lower floors was proposed by the applicant in response to market demand and the OSA could be treated as an ancillary use to the commercial uses.

#### *OSA*

63. Regarding the OSA use, a Member supported the provision of OSA for workers and visitors, but raised concerns on the design and the provision of non-smoking areas. The Member suggested to improve the design of the OSA by providing more public open spaces and non-smoking areas.

64. Another Member considered that there was too much hard paving in the OSA and suggested more greening and planters in the OSA should be provided.

#### *Reprovisioning of ArtisTree*

65. A few Members supported the proposal of ArtisTree as it provided a venue for installation art. One of them opined that ArtisTree might require a higher FTFH for art events, but had reservation on relaxing the BHR for Building 2B to accommodate the reprovisioned ArtisTree as it was a matter of design, and the applicant could revise the GBPs

to fit in the commercial and art uses. Another Member considered that minor BH relaxation for accommodating the ArtisTree, for example, up to 8m, could be acceptable.

66. Another Member suggested to reduce the floor area of the reprovisioned ArtisTree with a higher FTFH so that the remaining area could accommodate other commercial uses on two levels. As a result, the overall BH could be reduced while achieving the same GFA.

### *Visual Impact*

67. A Member was of the view that it might not be necessary to rigidly follow the urban design guidelines regarding the 20% building free zone under the Hong Kong Planning Standards and Guidelines (HKPSG). The visual impact would be less apparent if the concerned building was located in close proximity to other tall buildings in the area. However, the Member opined that as the rooftop of the proposed Building 2B looked relatively flat, the adverse visual impact of the intrusion of Building 2B into the 20% building free zone became more significant. The Member was of view that the building design could be improved by the applicant.

68. With reference to the photomontage showing the view point from the middle of Kai Tak runway (Drawing A-18 of the Paper), a Member supported PlanD's view that proposed Building 2B had already protruded into the 20% building free zone and the urban design guidelines on protecting the ridgeline of Hong Kong Island under the HKPSG should be adhered to. Otherwise, the visible area of the green backdrop would be reduced. Some Members shared similar view.

69. The Vice-chairman indicated that as the proposed building already protruded into the 20% building free zone, strong justifications and planning merits should be provided to substantiate the application for further relaxation of BHR. It appeared that the applicant could review the design to accommodate the proposed uses with no increase in the approved BH of 195mPD. Another Member supported the view.

70. The same Member opined that the FTFHs for other floors could be reduced, in particular, the top four floors in order to accommodate the reprovisioned ArtisTree with a

higher FTFH.

71. The Chairman concluded that Members had no objection to the redistribution of GFA from office to other commercial uses, in particular, the re-provisioning of ArtisTree with a higher FTFH and the inclusion of OSA for alfresco dining, but did not support the relaxation of BHR for Building 2B by 17m (up to 212mPD). Members generally considered that the urban design guidelines on protecting the ridgeline of Hong Kong Island under the HKPSG should be adhered to. The proposed aggregate increase in BH would further encroach onto the 20% building free zone and reduce the visible area of the green backdrop. Also, there would be alternatives for the applicant to accommodate the proposed uses with no increase in the approved BH of 195mPD. Members agreed.

72. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the applicant fails to demonstrate that there are sufficient planning merits and public benefits to justify the proposed relaxation of building height restriction for Building 2B;
- (b) the proposed building height of Building 2B would further encroach onto the 20% building free zone from the public vantage point at the former Kai Tak Runway under the Urban Design Guidelines, which is not acceptable; and
- (c) approving the proposed relaxation of building height restriction would set an undesirable precedent for similar applications not fully justified by planning merits and public benefits, the cumulative effect of which would lead to incremental erosion of the natural backdrop and jeopardise the urban design efforts to preserve this valuable asset of our cityscape.”

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

**Agenda Item 10**

**Any Other Business**

73.           There being no other business, the meeting closed at 12:20 p.m..