

TOWN PLANNING BOARD

Minutes of 574th Meeting of the Metro Planning Committee held at 9:00 a.m. on 3.2.2017

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

Mr Sunny L.K. Ho

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

Chief Traffic Engineer (Hong Kong), Transport Department
Mr Peter C.K. Mak

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
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Dr Wilton W.T. Fok

Mr Dominic K.K. Lam

Dr Frankie W.C. Yeung

In Attendance

Chief Town Planner/Town Planning Board
Ms Sally S.Y. Fong

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

Agenda Item 1

Confirmation of the Draft Minutes of the 573rd MPC Meeting held on 13.1.2017

[Open Meeting]

1. The draft minutes of the 573rd MPC meeting held on 13.1.2017 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/6 Proposed Place of Recreation, Sports or Culture in "Unspecified Use" zone, Lots 10, 11, 12, 13, 14, 15, 16, 17 and 135 in D.D. 359, Ha Fa Shan, Tsuen Wan

(MPC Paper No. A/DPA/TW-CLHFS/6)

3. The Secretary reported that Kenneth To & Associates Limited (KTA) was one of the consultants of the applicant. Mr Patrick H.T. Lau had declared interest on the item as he had current business dealings with KTA.
4. The Committee noted that the applicant had requested deferment of consideration of the application. As Mr Patrick H.T. Lau had no involvement in the application, the Committee agreed that he could stay in the meeting.
5. The Committee noted that the applicant requested on 12.1.2017 for deferment of

the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the comments from government departments. It was the first time that the applicant requested 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 two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 4

Section 16 Application

[Open Meeting]

A/TY/134 Proposed Temporary Concrete Batching Plant for a Period of 5 Years partly in "Other Specified Uses" annotated "Boatyard and Marine-oriented Industrial Uses" zone and partly outside the Outline Zoning Planing Scheme Boundary, Tsing Yi Town Lot Nos. 14 and 15 and adjoining Government Land, Tam Kon Shan Road, Tsing Yi

(MPC Paper No. A/TY/134A)

7. The Secretary reported that the site was located in Tsing Yi area and LLA Consultancy Limited (LLA) and BMT Asia Pacific Limited (BMT) were two of the consultants of the applicant. The following Members had declared interests on the item:

Mr Patrick H.T. Lau - having current business dealings with LLA and BMT;

Mr Thomas O.S. Ho - having past business dealings with BMT; and

Mr Peter C.K. Mak - co-owning with spouse a flat in Tsing Yi.

8. The Committee noted that the applicant had requested deferment of consideration of the application. As Mr Patrick H.T. Lau and Mr Thomas O.S. Ho had no involvement in the application and the flat co-owned by Mr Peter C.K. Mak and his spouse did not have a direct view of the site, the Committee agreed that they could stay in the meeting.

9. The Committee noted that the applicant requested on 11.1.2017 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the comments from government departments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted responses to departmental comments, a revised traffic impact assessment, a revised environmental impact assessment and a barging operation plan in support of the application.

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

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

Hong Kong District

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H17/136 Proposed Minor Relaxation of Site Coverage Restriction from 25% to 30% for Permitted Flat Development in "Residential (Group C) 3" zone, 2 Headland Road, South Bay
(MPC Paper No. A/H17/136)

11. The Secretary reported that Townland Consultants Limited (Townland) and Urbis Limited (Urbis) were two of the consultants of the applicant. The following Members had declared interests on the item:

- Mr Patrick H.T. Lau - having current business dealings with Townland;
- Mr K.K. Cheung - his firm having current business dealings with Urbis;
- Mr Thomas O.S. Ho - having past business dealings with Townland and his firm having current business dealings with Urbis; and
- Mr Franklin Yu - having past business dealings with Urbis.

12. As Mr Patrick H.T. Lau, Mr K.K. Cheung, 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.

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed minor relaxation of site coverage (SC) restriction from 25% to 30% for permitted flat development;
- (c) departmental comments – departmental comments were set out in paragraph 9 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 period, one public comment was received. Details of the public comment were set out in paragraph 10 and Appendix III of the Paper; 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 complied with the criteria set out in the general guidelines for SC relaxation as agreed by the Town Planning Board (the Board) in that the proposed relaxation of SC was for design flexibility and would not exceed the maximum permissible level adopted by the Board. Other proposed development parameters including plot ratio (PR) and building height (BH) were within the restrictions under the Outline Zoning Plan (OZP). The proposed development would not have any significant adverse landscape and visual impacts. Regarding the public comment, the comments of government departments and planning assessments above were relevant.

14. A Member asked why the maximum SC of 25% was imposed for the site, whether the proposed relaxation of SC to 30% was appropriate and the extent of relaxation of SC sought in the similar applications.

15. Miss Jessica K.T. Lee, STP/HK, made the following responses:

- (a) the SC of 25% was imposed since the publication in the Gazette of the notice of the first Shouson Hill & Repulse Bay OZP taking account of the low-rise, low density developments in the area. In 2000, the Board agreed to adopt as general guidelines the relaxation of maximum SC to 66% and

50% for sites within Residential Zones 2 and 3 respectively to cater for site constraints and to allow design flexibility. The minor relaxation clause in the Notes of the OZP would allow application for SC relaxation for consideration of the Board on individual merits. The subject site fell within Residential Zone 3. The current application for minor relaxation of SC to 30% did not exceed the maximum SC of 50% under the Board's general guidelines and would allow the applicant to allocate some gross floor areas of the upper floors to the lower floors in building design, while PR and BH would remain within the restrictions of the OZP. The proposed minor relaxation would not have any adverse visual and landscape impacts; and

- (b) referring to Plan A-1a and Appendix II of the Paper, there were three similar applications for minor relaxation of SC approved by the Committee in the vicinity of the site. Two of the applications were for relaxation of SC from 25% to 35% and one from 25% to 27%.

16. A Member raised the following questions:

- (a) noting that the proposed SC relaxation would allow the incorporation of verandas and balconies, whether such specific building design would be adhered to the future redevelopment;
- (b) there was one public comment raising concerns on the potential adverse, traffic, environmental, visual and landscape impacts arising from the proposed development, whereas concerned government departments had no objection to or no adverse comment on the application, whether it implied that the proposed minor relaxation of SC would have no insurmountable technical problems; and
- (c) whether there were any visuals on the proposed development scheme for comparison against the existing development.

17. Miss Jessica K.T. Lee made the following responses:

- (a) if the application was approved, any changes in the design of the future development would need to be within the approved development parameters. If the area for the veranda was changed to other uses, which were accountable for gross floor area (GFA) calculation, the floor area in other parts of the development would need to be adjusted so that the overall GFA of the development would not exceed that permissible for the site;
- (b) concerned government departments had no objection to or no adverse comment on the application. The Commissioner for Transport considered the provision of seven parking spaces at the application site acceptable. The Director of Environmental Protection commented that there would be only slight increase in number of residents after the house redevelopment and major environmental pollution issue arising from the proposed development was not expected. The Chief Town Planner/Urban Design & Landscape, PlanD considered that no significant adverse visual impact arising from the proposed development was anticipated as the proposed BH was similar to that of the existing house. As the two existing trees within the site would be preserved, there would be no adverse impact on the landscape resources; and
- (c) the applicant had not submitted any visuals for comparison of the existing and the proposed buildings. Nevertheless, the BH of the proposed development would be about 106 mPD which would be slightly lower than that of the existing house (i.e. about 107 mPD).

18. Some Members raised the following questions:

- (a) should the application be approved and the site was redeveloped with the relaxed SC, whether the relaxed SC of 30% would apply to any future redevelopment of the site, say 30 years later; and
- (b) whether there were any cases for redevelopment of a site which was developed with relaxed development parameters approved in the past.

19. In response, the Secretary made the following main points:
- (a) in general, when a development or redevelopment was undertaken as always permitted in terms of the Plan or in accordance with a permission granted by the Board, all permissions granted by the Board in respect of the site of the development or redevelopment would lapse. This would avoid perpetuation of the approval. Future redevelopment would be subject to the restrictions of the prevailing OZP; and
 - (b) there were rare cases of redevelopment of which the existing development was the subject of relaxation of development parameters approved in the past.

Deliberation Session

20. A Member supported the application as the proposed minor relaxation of SC to 30% was within the maximum SC of 50% as per the Board's general guidelines, other development parameters were within the OZP restrictions and no adverse traffic, environmental, visual and landscape impacts were anticipated.

21. Another Member had no objection to the application but enquired whether it was appropriate to add an advisory clause to remind the applicant or future buyer that the planning permission would lapse when the proposed development was undertaken and future redevelopment of the site would be subject to the restrictions of the prevailing OZP. In response, the Secretary said that this general principle had been included in the Covering Notes of the OZP and it was not usually included as an advisory clause in planning permissions. Considering the Member's suggestion, the Chairman said that an advisory clause could be included, where appropriate, to remind the applicant or future buyer of the provisions on the OZP.

22. 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 3.2.2021, 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 landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire service installations for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

23. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper in addition to the following:

- “(d) when the redevelopment is undertaken, the planning permission granted by the TPB in respect of the redevelopment shall lapse.”

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

Agenda Item 6

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/H3/432A)

24. The Secretary reported that Lanbase Surveyors Limited (Lanbase) and T.K. Tsui & Associates Limited (TKT) were two of the consultants of the applicant. The following Members had declared interests on the item:

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

Mr K.K. Cheung

- his firm having current business dealings with TKT.

25. The Committee noted that the applicant had requested deferment of consideration of the application. As Mr Patrick H.T. Lau and Mr K.K. Cheung had no involvement in the application, the Committee agreed that they could stay in the meeting.

26. The Committee noted that the applicant requested on 10.1.2017 deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to respond to comments of government departments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted responses to departmental comments and revised junction performance of the surveyed junctions in support of the application.

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

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/405 Further Consideration of Proposed Alfresco Dining Facilities/Outdoor Sitting Areas (Amendments to an Approved Master Layout Plan) in "Comprehensive Development Area" zone, G/F, The Avenue, No. 200 Queen's Road East, Hong Kong
(MPC Paper No. A/H5/405B)

28. The Secretary reported that the site was located in Wan Chai area and the application was submitted by the Urban Renewal Authority (URA) with Ronald Lu & Partners (Hong Kong) Limited (RLP) as one of the consultants of the applicant. The following Members had declared interests on the item:

- Mr Raymond K.W. Lee - being a non-executive director of the Board of URA;
(the Chairman)
as the Director of Planning
- Mr Lincoln L.H. Huang - being the Deputy Chairman of the Appeal Board Panel
(the Vice-Chairman) of URA;
- Mr Patrick H.T. Lau - having current business dealings with URA;
- Dr Lawrence W.C. Poon - being a non-executive director of the Board of URA and
a member of the Lands, Rehousing and Compensation
Committee of URA;
- Mr K.K. Cheung - his firm having current business dealings with URA and
RLP;
- Mr Wilson Y.W. Fung - being a director of the Board of the Urban Renewal
Fund of URA;

- Mr Thomas O.S. Ho - having current business dealings with RLP; and
- Mr Stephen H.B. Yau - being a past member of the then Wan Chai District Advisory Committee of URA and his office locating in Wan Chai.

29. As the interests of the Chairman, the Vice-chairman, Mr Patrick H.T. Lau, Dr Lawrence W.C. Poon, and Mr K.K. Cheung were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item. The Committee also noted that according to the procedure and practice adopted by the Board, as a matter of necessity, the Chairman or the Vice-chairman should continue to assume the chairmanship. As the interest of the Vice-chairman was comparatively less direct than the Chairman and the last meeting on 14.10.2016 when the subject application was first considered by the Committee was chaired by the Vice-chairman, the Committee agreed that the Vice-chairman should take over the chairmanship but a conscious effort should be made to contain his scope of involvement in an administrative role to minimise any risk that he might be challenged. As Mr Wilson Y.W. Fung and Mr Thomas O.S. Ho had no involvement in the application and the interest of Mr Stephen H.B. Yau was indirect, the Committee agreed that they could stay in the meeting.

[The Chairman, Dr Lawrence W.C. Poon and Mr. K.K. Cheung left the meeting temporarily and Mr Patrick H.T. Lau left the meeting at this point.]

30. The Secretary reported that three e-mails, with two from members of the public and one from the Central and Western Concern Group, were received on 1.2.2017 and 2.2.2017 providing views on the application. The e-mails were tabled at the meeting for Members' information. As the submissions were made after the statutory public inspection period, the Committee agreed that they should be treated as not having been made under s.16(2H)(a) of the Town Planning Ordinance.

Presentation and Question Sessions

31. With the aid of a PowerPoint presentation, Miss Josephine Y.M. Lo, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed alfresco dining facilities / outdoor sitting areas (amendments to an approved Master Layout Plan (MLP));
- (c) deferring a decision on the application by the Committee on 14.10.2016, pending the submission of further information from the applicant;
- (d) further information - on 9.12.2016 and 19.1.2017, the applicant submitted further information on the layout and demarcation of the application premises with appropriate design features, public circulation and engagement of public open space (POS), terms of the Deed of Mutual Covenant and Management Agreement (DMC), Emergency Vehicular Access, operation hours of the proposed alfresco dining facilities and control of potential noise nuisance as set out in paragraph 2 and F-Appendices III and IV of the Paper;
- (e) departmental comments – departmental comments were set out in paragraph 3 of the Paper. Concerned government departments had no objection to or no adverse comment on the application; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 4 of the Paper. The submitted further information had demonstrated that, with the proposed design measures, the existing POS and public circulation as designated on the MLP would not be affected. The applicant had also agreed to maintain proper management and monitoring of the proposed dining facilities to ensure that the POS would not be encroached on at any time. As for the potential noise nuisance, it would be subject to the control and enforcement action of the licensing authority, i.e. the Food and Environmental Hygiene Department (FEHD), and any noise and air pollution issues resulting from the proposed alfresco dining facilities would be controlled under the relevant pollution control ordinances. Regarding

the use of the application premises under DMC, the applicant had clarified that the application premises were designated as ‘Commercial Accommodation (excluding Commercial Carparking Spaces, Turnaround and Lay-by and Pavement and Public Open Space)’ on the DMC and did not form part of the POS or common areas. The application premises were solely owned by the applicant. Having considered the submitted further information, the planning consideration and assessments including those on public concerns as stated in paragraph 10 of the MPC Paper at F-Appendix I of the Paper remained valid.

Use and Planning Intention

32. Some Members raised the following questions/points:

- (a) whether the DMC or the MLP would govern the use of the application premises;
- (b) noting that the application premises were designated as “Commercial Accommodation” on the DMC but earmarked as “outdoor sitting area” adjoining POS on the MLP, there was ambiguity on whether the outdoor sitting area was intended for public use. The current mix of private and public open space at The Avenue created only a sense of a shopping mall instead of an open space for public enjoyment; and
- (c) whether it was common to provide POS intermixed with private spaces within a commercial development.

33. Miss Josephine Y.M. Lo, STP/HK, made the following responses:

- (a) the application premises were designated as “Commercial Accommodation (excluding Commercial Carparking Spaces, Turnaround and Lay-by and Pavement and Public Open Space)” under the DMC as against the residential portion within the development. The applicant solely owned the “Commercial Accommodation” and was responsible for its

management. On the approved building plans, the application premises were not roofed over areas and had no designated use. Notwithstanding that, the use of the application premises should comply with the use specified on the approved MLP, i.e. outdoor sitting area. As the applicant intended to use the application premises for outdoor alfresco dining, planning permission was sought to amend the MLP;

- (b) the design intention of the POS within The Avenue was to provide a pedestrianised street for passive recreational purpose, instead of an active open space; and
- (c) it was not uncommon to have POS provided within private developments. The POS within Times Square was one of the examples where POS was provided within a private commercial development in the form of a public square.

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

Design of the Application Premises

34. Some Members raised the following questions/points:

- (a) whether the proposed alfresco dining facilities would block the entrance to the existing restaurants;
- (b) noting that the applicant had proposed to build a raised platform or provide a fencing at Sites B and C, whether such design of the proposed alfresco dining facilities could integrate and visually connect with the adjoining POS;
- (c) noting that the proposed raised platforms might cause public safety concerns, whether such building works would require approval of the Buildings Department (BD) and whether the applicant had submitted any alternative design without the raised platforms;

- (d) whether the proposed raised platform at Site B would affect the existing street furniture;
- (e) whether the existing tree near the ramp within Site C would be affected; and
- (f) while supporting the provision of universal access, whether construction of a ramp at Site C was a statutory requirement under the Buildings Ordinance (BO).

35. Miss Josephine Y.M. Lo made the following responses:

- (a) the proposed alfresco dining facilities would not block the entrances to the existing restaurants. For Site A, restaurant users could also access the application premises through the openable doors on the side of the existing restaurant;
- (b) the level of Sites B and C would be raised to the same level as the adjoining restaurants for better integration and to provide a natural extension of the existing restaurants. The applicant had not submitted any alternative design with no raised platforms. If Members had concerns on pedestrian circulation, public safety and visual connection aspects, the Committee could provide clear guidance and impose an approval condition on the design of the proposed alfresco dining areas;
- (c) should the application be approved, the applicant would need to apply for a restaurant licence from FEHD and, through the licence application mechanism, concerned departments including BD, PlanD, the Environmental Protection Department and the Fire Services Department would be consulted, and the layout and design of the proposed alfresco dining facilities would be assessed under their respective purview accordingly. On the requirement for submission of Building Plans, the applicant indicated that the proposed raised platform was a minor works

which did not require approval of BD but BD would be notified upon completion of the minor works;

- (d) the existing bench within Site B was movable and could be placed within the POS if construction of the raised platform at Site B was to go ahead;
- (e) no trees would be affected within Site C. The annotation near the ramp as shown on plan indicated the turning area of wheelchair; and
- (f) there was no information in hand on whether the provision of a ramp within Site C was a statutory requirement under the BO.

Delineation of Boundaries and Encroachment onto POS

36. Some Members raised the following questions/points:

- (a) there were concerns about the effectiveness of using stainless steel lining on ground for demarcating Sites A and B from the POS as the two sites were relatively small to accommodate the proposed number of tables which might easily be extended outside the application premises; and
- (b) noting that there was a residual POS area between Site C and the partition wall, whether Site C could be shifted southward to include that residual POS area.

37. Miss Josephine Y.M. Lo made the following responses:

- (a) the proposed alfresco dining activities, if operated outside the application premises, would be subject to the enforcement of the concerned government departments and management of the applicant. Should there be any concerns about the effectiveness of the stainless steel lining on ground to demarcate the premises, Members might consider requiring the applicant to construct fencing should the application be approved;

- (b) the residual POS area to the south of Site C was currently occupied by a planter for landscaping purpose. The application premises were delineated to avoid encroachment onto the POS. Should Members consider it appropriate to shift the boundary of Site C southward to include the planter, the applicant should make amendments to the MLP as deemed necessary upon approval of the application by the Board; and
- (c) the residual POS area to the south of Site C could only be used for landscaping purpose. Should a change of use of the residual area be observed, concerned government departments would take enforcement action.

Building Structures before Approval

38. Noting that the applicant had already constructed the raised platform with tables and seats at Site C, a Member asked whether the proposed alfresco dining facilities had commenced operation.

39. Miss Josephine Lo made the following responses:

- (a) as the application premises were designated as ‘Outdoor Sitting Area’ on the MLP, seats, tables and other facilities could be provided within the area and no planning permission was required. Should the facilities be used for commercial purpose, planning permission of the Board would be required; and
- (b) although the raised platform had been constructed at Site C with seats and tables provided thereon, no commercial operation had been observed so far.

Other Aspects

40. A Member enquired about the reasons for exempting the further information submitted by the applicant from publication. In response, Miss Josephine Y.M. Lo said that as the further information did not contain any new technical assessment and there was no

change to the proposal originally submitted by the applicant, it was exempted from publication for public inspection according to the Town Planning Board Guidelines No. 32 (TPB PG-No. 32). The handling of the submitted further information had followed the established procedures and relevant guidelines.

41. A Member enquired whether the applicant would require to pay land premium/waiver fee for the alfresco dining use of the application premises. Mr Simon S.W. Wang, Assistant Director (Regional 1), Lands Department, said that whether land premium/waiver fee would be required would depend on the uses and terms specified in the concerned land lease and he had no information of the relevant lease in hand.

Deliberation Session

Use and Design Aspects

42. Some Members supported the use of the application premises for alfresco dining which could enhance the vibrancy of the pedestrian environment in the area though there were scopes for fine-tuning the design details to better integrate with the public spaces, such as lowering the level of the raised platforms and using lower height fencing to improve public safety and visual connection, and modifying the railing of the ramp outside Site C to avoid encroachment onto the POS. Besides, proper management of the use of the application premises was essential to avoid the alfresco dining facilities from encroaching upon the POS.

43. A Member also supported the application and considered that the application premises had been well designed with various design features and would not obstruct the emergency vehicular access or affect the pedestrian circulation area.

44. Another Member, however, considered that The Avenue had a very high pedestrian flow and there was a bottleneck at Site C. Although no objection to the application was raised, this Member remarked that the applicant seemed to have an intention at the outset to use the application premises for commercial purpose.

Building Structure before Approval

45. A Member was concerned about the construction of the raised platform at Site C prior to obtaining planning permission from the Board. However, some Members opined that the owner had the right to put structures, decoration or planting within the application premises, provided that there was no change to the use as per the approved MLP and those structures did not encroach upon the POS.

Noise Nuisance

46. Some Members raised concerns on the potential noise nuisance arising from the proposed use at the application premises. While there was a suggestion to include an advisory clause to restrict the serving of alcohol at the application premises, the Committee noted that the proposed alfresco dining facilities would be subject to the licensing requirements for restaurant and was obliged to observe relevant environmental requirements stated in the guidelines issued by FEHD, and the issue on noise nuisance would be controlled under the relevant Ordinance as set out in paragraph 3.1.4 of the Paper.

Land Premium and Precedent

47. A Member had no strong view on the application for converting the outdoor sitting area to alfresco dining use but opined that the applicant should pay land premium for the change of use. That view was shared by another Member.

48. A Member expressed concern that approving the subject application might set a precedent for similar applications to convert private space for alfresco dining use or other commercial purposes. In this regard, the Committee noted that in 2008, a planning approval was granted to convert part of the POS at the podium of “Elements” for alfresco dining use. However, there was no information on whether the applicant had paid premium for the conversion.

49. Members generally had no objection to the application. As Members had divided views on the design aspects, the Committee agreed that it not necessary to impose an approval condition on the design of the application premises. Regarding the management of

the alfresco dining facilities, the Committee was of the general view that such matter was the responsibility of the applicant and their enforcement/control could be handled by the concerned government departments and the licensing authorities.

50. After deliberation, the Committee decided to approve the Master Layout Plan and the application under sections 4A and 16 of the Town Planning Ordinance on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 3.2.2021, 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 condition :

“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.”

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

[The Chairman, Dr Lawrence W.C. Poon and Mr. K.K. Cheung returned to join the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H9/76 Proposed Shop and Services in "Residential (Group A)" zone and an area shown as 'Road', 6 Shau Kei Wan Main Street East, Shau Kei Wan, Hong Kong

(MPC Paper No. A/H9/76)

Presentation and Question Sessions

52. With the aid of a PowerPoint presentation, Miss Josephine Y.M. Lo, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Architect/Central Management Division 2, Architectural Services Department (ArchSD) commented that the site might not be the best to develop the proposed 2-storey shop building in view of its small size. 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, three public comments were received, including two objected and one supported the application. Major supportive views and objection grounds were set out in paragraph 10 of the Paper; 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 was the subject of a previous application for a 7-storey commercial/residential development approved with conditions by the Committee in 2015 taking account of the development right on the lot and that the portion of 'Road' area within the site was no longer required for widening of Shau Kei Wan Main Street East. The subject proposal was smaller in scale than the previous approved scheme and there was no change in planning circumstances since the previous planning approval. Regarding the public concern on potential structural impacts on the adjoining Tung Po Mansion, and noise and air pollution during construction, the building safety and health aspects would be controlled under the Buildings Ordinance and relevant environmental pollution and control ordinances, whereas the potential issue on environmental hygiene at the narrow gap between Tung Po Mansion and the proposed development would be controlled under the Public Health and Municipal Services Ordinance. On the potential impacts on traffic and pedestrian safety

during the construction phase, no construction vehicles would be permitted to queue and wait outside the construction site and the loading/unloading activities of construction vehicles should be confined within the construction site. The applicant should also provide safety and temporary traffic measures in accordance with the relevant Code of Practice to ensure road safety during construction stage. Regarding the suggestion of providing community facilities at the site, the site was under private ownership and the use of the site would be subject to the owner's decision.

53. Some Members raised the following questions:

- (a) whether the site was aligned with the perimeter wall of podium of the adjoining Tung Po Mansion and whether it would encroach onto the existing footpath;
- (b) should the subject application be approved, whether the previous planning permission would still be valid; and
- (c) what type of shop and services would be provided in the proposed development.

54. Miss Josephine Lo made the following responses:

- (a) the site was aligned with the perimeter wall of the podium of the adjoining Tung Po Mansion and would not encroach onto the existing footpath;
- (b) should the subject application be approved, there would be two valid planning permissions. The applicant could develop the site based on either planning permission; and
- (c) the applicant had not specified the exact type of shop and services to be provided. Nonetheless, 'shop and services' was defined under the 'Definition of Terms' issued by the Board. Such uses as retail shops and medical clinic were within the range of uses allowed under 'Shop and

Services’.

Deliberation Session

55. 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 3.2.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of fire services installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

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

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

[Dr Lawrence W.C. Poon left the meeting at this point.]

Dr Lawrence W.C. Poon - his spouse being an employee of HD but not involved in planning work; and

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

58. The Committee noted that Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting, and Mr Martin W.C. Kwan, Mr Patrick H.T. Lau and Dr Lawrence W.C. Poon had left the meeting. As the interests of the Chairman, Mr Thomas O.S. Ho and Mr K.K. Cheung were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item. As the Chairman had declared interest, the Committee agreed that the Vice-chairman should take over the chairmanship for the item. As Mr Franklin Yu had no involvement in the application, the Committee agreed that he could stay in the meeting.

[The Chairman and Mr K.K. Cheung left the meeting temporarily and Mr Thomas O.S. Ho left the meeting at this point.]

Presentation and Question Sessions

59. With the aid of a PowerPoint presentation, Ms Sandy S.K. Ng, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) (surplus vehicle parking spaces only) for a period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport (C for T) suggested to impose an approval condition requiring the applicant to give priority to the residents and that annual reviews of the demand of parking spaces from the residents should be carried out. 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, three public comments were received, including two objected to the application and one raised queries on the extension of the application period. Major objection grounds and details of the queries on the application were set out in paragraph 9 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. There were surplus vehicle parking spaces in the subject housing estates, and the letting of the surplus parking spaces to non-residents would help utilise the parking spaces more efficiently. According to the applicant, the residents would be accorded the highest priority in the letting of vehicle parking spaces and the future demand of the parking spaces from the residents of Choi Fook Estate Phase III would be taken into account upon occupation of the estate. As only surplus monthly vehicle parking spaces would be let out to non-residents, the need of residents would not be compromised. The proposed approval period of five years, instead of three years as previously applied, was considered acceptable. The proposal would not generate additional traffic flow nor worsen the environmental conditions in the area. C for T's concerns on priority use of the parking spaces and the public concerns on adequacy of parking provision to the residents could be addressed by including a relevant approval condition. The applicant had also undertaken to continue liaising with the concerned Estate Management Advisory Committees (EMACs) where objections were raised. Regarding the suggestion on alternative use of the parking spaces for the benefits of the community, an advisory clause was recommended to suggest the applicant to review the possibility of converting surplus parking spaces to other community uses.

60. The Vice-chairman and a Member asked why the application for temporary vehicle park was for five years instead of three years as in previous applications and whether it was the first application for letting out of vehicle parking spaces in public housing estates for five years. In response, Ms Sandy Ng said that the letting out of car parks was subject to

the vacancy rate of vehicle parks in individual housing estates, the demands of parking spaces from the residents and the policy of priority use of the parking spaces by the resident. By allowing a longer period of the temporary approval, more flexibility would be allowed without the need for frequent renewal of the planning permissions.

61. The Secretary supplemented with the following main points:

- (a) though planning permission for public vehicle park on permanent basis could be sought as the use was under Column 2 of the “Residential (Group A)” zone, applications for public vehicle parks in public housing estates were usually on a temporary basis of three years for monitoring of residents’ demand and utilisation of the parking spaces;
- (b) as the car parks were ancillary facilities to public housing estates and intended for use of the residents, the residents should have the highest priority to use the car parks and such priority was reflected in the approval condition;
- (c) the proposed number of vehicle parking spaces to be let to non-residents should also be agreed with the Transport Department (TD); and
- (d) the subject application was the first case for letting out surplus vehicle parking spaces in public housing estates to non-residents for a temporary period of five years. The longer approval period was an outcome of discussion with the applicant based on Members’ suggestion to streamline the application process when considering past planning applications of similar nature. While letting out the surplus vehicle parking spaces on permanent basis was considered not suitable, a longer approval period of five years was considered more acceptable.

62. A Member asked how the EMAC managed and controlled the letting out of vehicle parks to non-residents. In response, Ms Sandy Ng said that the proposals for letting out the surplus vehicle parking spaces were discussed at the EMAC. In Ping Shek and Lower Ngau Tau Kok Estates, residents expressed their concerns that letting out of the

vehicle parking spaces to non-residents would lead to a short-fall of parking spaces for residents. Similar concerns were raised by residents of Choi Fook Estate on the ground that there would be more demand for parking spaces after the completion of Phase III of the Estate. The residents were assured that the highest priority would be given to the residents in letting of the vehicle parking spaces and only surplus monthly parking spaces were to be let out to non-residents. HD would continue to review and agreed with TD the number of parking spaces available for non-residents on a regular basis to ensure that the residents' demand for vehicle parking spaces would not be affected.

Deliberation Session

63. A Member supported the application and the extension of the approval period to five years as a longer period would enhance administrative efficiency.

64. The Vice-chairman said that apart from letting out surplus vehicle parking spaces to non-residents, consideration should be given to converting surplus parking spaces for community use, as in the case in Ping Shek Estate. In that regard, HD should review the utilisation of the vehicle parks on a regular basis throughout the five-year approval period. A Member suggested that HD should be encouraged to liaise with the EMACs and the residents on a regular basis regarding the letting out of surplus vehicle parking spaces to non-residents. The Vice-chairman said that Members' suggestions should be conveyed to HD.

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 3.2.2022, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

“Priority should be accorded to the residents of Choi Fook Estate, Ping Shek Estate and Lower Ngau Tau Kok Estate in the letting of the surplus monthly vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.”

66. 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 Ms Sandy S.K. Ng, STP/K, for her attendance to answer Members' enquiries. Ms Ng left the meeting at this point.]

[The Chairman and Mr K.K. Cheung returned to join the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting]

A/K15/119 Proposed Flat (Comprehensive Residential Development) in "Comprehensive Development Area (3)" zone and an area shown as 'Road', Yau Tong Inland Lots 4B and 9, Yau Tong Marine Lot 57, and adjoining Government Land, Tung Yuen Street, Yau Tong, Kowloon
(MPC Paper No. A/K15/119)

67. The Secretary reported that Charm Smart Development Limited, Glory Mission Development Limited, Hoover (China) Limited and Lucken Limited were the applicants which were all subsidiaries of Yuexiu Property (YP). Ho & Partners Architects (HPA), LLA Consultancy Limited (LLA), Kenneth Ng & Associates Limited (KNA), Ove Arup & Partners Hong Kong Limited (Arup) and MAA Engineering Consultants (H.K.) Limited (MAA) were five of the consultants of the applicants. The following Members had declared interests on this item:

- | | |
|---------------------|---|
| Mr Patrick H.T. Lau | - having current business dealings with LLA and Arup, and being the Director of Association of Landscape Consultants, for which Mr Kenneth Ng (of KNA) was also the Director; |
| Mr K.K. Cheung | - his firm having current business dealings with YP, HPA, Arup and MAA; and |

Mr Dominic K.K. Lam	}	having past business dealings with Arup.
Mr Franklin Yu		

68. The Committee noted that Mr Dominic K.K. Lam had tendered apology for being unable to attend the meeting and Mr Patrick H.T. Lau had left the meeting. The Committee noted that the applicants had requested deferment of consideration of the application. As interest of Mr K.K. Cheung was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion. As Franklin Yu had no involvement in the application, the Committee agreed that he could stay in the meeting.

69. The Committee noted that the applicants requested on 12.1.2017 for deferment of the consideration of the application for two months in order to allow time for the applicants to prepare further information to address the comments of relevant government departments. It was the first time that the applicants requested deferment of the application.

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

Agenda Item 11

Any Other Business

71. There being no other business, the meeting closed at 11:35 a.m..