

TOWN PLANNING BOARD

Minutes of 576th Meeting of the Metro Planning Committee held at 9:00 a.m. on 3.3.2017

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 Frankie W.C. Yeung

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

In Attendance

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

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

Town Planner/Town Planning Board
Miss Karmin Tong

Agenda Item 1

Confirmation of the Draft Minutes of the 575th MPC Meeting held on 17.2.2017

[Open Meeting]

1. The Secretary reported that Mr Martin W.C. Kwan, the Chief Engineer (Works) of the Home Affairs Department, had proposed amendment to the first sentence of paragraph 47 (page 29) of the draft minutes of the 575th MPC meeting held on 17.2.2017, which was set out below :

“47. In response to the Chairman’s enquiry, Mr Martin W.C. Kwan, the Chief Engineer (Works) of the Home Affairs Department, said that the *applicant had not presented the application to DC, and thus DC had no comment DC had not been consulted* on the application.”

2. The Committee agreed that the minutes of 575th MPC meeting held on 17.2.2017 were confirmed subject to the incorporation of the above amendment.

Agenda Item 2

Matters Arising

[Open Meeting]

3. The secretary reported that there were no matters arising.

Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/K11/5 Application for Amendment to the Approved Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan No. S/K11/29, To rezone the application site from “Government, Institution or Community” to “Residential (Group B)”, 99 Shatin Pass Road and Adjoining Government Land, Wong Tai Sin, Kowloon
(MPC Paper No. Y/K11/5)

4. The Secretary reported that BMT Asia Pacific Limited (BMT) was one 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 BMT; and

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

5. The Committee noted that the applicant had requested deferment of the consideration of the application and agreed that Mr Patrick H.T. Lau and Mr Thomas O.S. Ho could stay in the meeting as they had no involvement in the application.

6. The Committee noted that on 27.2.2017, after issuance of the Paper, the applicant’s representative wrote to the Town Planning Board requesting deferment of consideration of the application for one month as more time was required for the applicant to prepare further information to address departmental comments. The letter from the applicant’s representative was tabled at the meeting for Members’ consideration. This was the third time that the applicant requested deferment of the application.

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

applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for Committee's consideration. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information. Since it was the third 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.

[Mr Philip Y.L. Chum, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Tsuen Wan and West Kowloon District

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/779 Proposed Commercial Uses (including Eating Place and Shop and Services) at 3/F and 4/F of the Proposed Composite Commercial/Residential Development in "Residential (Group A)6" Zone, 270-286 Tung Chau Street and 1-5 Kweilin Street, Sham Shui Po, Kowloon
(MPC Paper No. A/K5/779)

8. The Secretary reported that the application was submitted by the Urban Renewal Authority (URA). The following Members had declared interests on the item:

Mr Raymond K.W. Lee - being a non-executive director of the Board of
(the Chairman) URA;
as the Director of Planning

- Mr Lincoln L.H. Huang (the Vice-Chairman) - being the Deputy Chairman of the Appeal Board Panel 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;
- Mr Wilson Y.W. Fung - being a director of the Board of the Urban Renewal Fund of URA; and
- Mr Stephen H.B. Yau - being a past member of the then Wan Chai District Advisory Committee of URA.

9. 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, 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 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 Vice-chairman took over chairmanship at this point.

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed commercial uses (including eating place and shop and services) at 3/F and 4/F of the proposed composite commercial/residential development;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Consulted 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 objecting to the application was received from an individual. Major grounds of objection were set out in paragraph 10; 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 proposed commercial uses at the 3/F and 4/F of the proposed composite development were intended to mitigate noise impact from the West Kowloon Corridor (WKC). The Director of Environmental Protection (DEP) had no objection to the application having regard to the submitted Environmental Assessment report. The submitted technical assessments showed that the proposal would not generate adverse traffic, environmental, visual and air ventilation impacts on the surrounding areas and relevant government departments had no in-principle objection to or no adverse comment on the application. The proposed composite development with a total plot ratio (PR) of 9 (i.e. domestic PR of 6.1 and non-domestic PR of 2.9 based on the notional scheme) complied with the development restrictions under the OZP. The proposed commercial uses at the 3/F and 4/F of the proposed composite development were considered

not incompatible with the residential use above and the resultant 5-storey commercial podium was also not incompatible with the surrounding developments. Regarding the adverse public comment, the above assessments were relevant.

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

11. A Member enquired whether there were other redevelopment projects along the WKC that were also subject to traffic noise problem and requiring similar noise abatement measures. In response, Mr Philip Y.L. Chum, STP/TWK, said that the nearby area was an old neighbourhood and the developments along WKC were mainly residential uses. There was an URA Hai Tan Street/Kweilin Street and Pei Ho Street Development Scheme project to the southeast of the site which was zoned “Comprehensive Development Area” on the Development Scheme Plan. The building design and noise mitigation measures of that development had been duly considered when the application was approved by the Town Planning Board. For other private residential developments along WKC, there was no mechanism to impose requirements on the submission and implementation of noise impact measures or achievement of an acceptable noise compliance rate unless such requirements could be specified in the lease conditions. It would be up to the developers to adopt appropriate measures on building layout and orientation to alleviate the possible traffic noise problem.

12. Regarding the same Member’s question about the possibility of installing noise barriers along WKC to address the noise issue at source, Mr Tony W.H. Cheung, the Principal Environmental Protection Officer (Metro Assessment) of the Environmental Protection Department (PEPO(MA), EPD), explained that, according to the Environmental Impact Assessment Ordinance, an Environmental Impact Assessment (EIA) was required to be undertaken for new roads and major carriageways, such as those similar to the scale of WKC and traffic noise mitigation measures along the road source would normally be provided. In view that WKC was constructed many years ago and that the subject application was a new development project by URA, there were no noise barriers proposed along WKC for the purpose of protecting this new project. Regarding the Government’s policy on retrofitting of noise barriers on existing roads, where practicable, Mr Tony W.H. Cheung advised that the Highways Department had previously assessed that noise barrier

retrofitting works for this section of WKC was considered technically infeasible. Nevertheless, it should be noted that there was a mechanism to accord priority to retrofitting of noise barriers on existing roads, which were based on criteria including the number of residential dwellings affected and the maximum noise levels that they were exposed to.

13. Some Members expressed concerns on the reduction in flat production due to the proposed additional commercial floor spaces and doubted the sustainability of increasing commercial floor spaces at the site and the general neighbourhood. They made the following main points/questions:

- (a) whether the provision of 5 storeys of commercial uses at the site was sustainable and whether the local community could support the additional commercial spaces generated if all redevelopment projects along WKC adopted similar measures through providing additional commercial floors above the lowest three floors of the podium to address the noise problem;
- (b) whether the building design could be altered, say to accommodate the sky garden on the lower floors, so as to reduce the need to provide additional commercial floor space in lieu of residential floor space;
- (c) the reduction in the number of storeys for residential use for mitigating noise impact might not be the only option. Drawing from the experience of another residential development in Tsing Yi, whether the issue on adverse noise impact could be addressed through the provision of other suitable mitigation measures;
- (d) the types of commercial activities at the existing developments in the vicinity along WKC; and
- (e) how a flat production target of 200 units for the subject URA demand-led project was derived.

14. In response, Mr Philip Y.L. Chum, STP/TWK, made the following responses:

- (a) according to the Notes of the OZP for “R(A)” zone, a number of commercial uses, including ‘Eating Place’ and ‘Shop and Services’, were always permitted on the lowest three floors of a building, taken to include basement. That was applicable to the site and the adjacent blocks zoned “R(A)6” on the OZP. For the current application, the applicant proposed commercial uses at 3/F and 4/F of the proposed composite development mainly with a view to mitigating traffic noise impacts from WKC. Whether to develop the lowest three floors of a building for commercial uses or provide additional commercial floors above would depend on the decision of individual developers taking into consideration market conditions and financial viability;
- (b) according to the submission, the domestic PR would be decreased from the maximum permitted 7.5 to about 6.1, while the non-domestic PR would be increased from 1.5 to 2.9. Albeit the reduction in floor space for residential purpose, the estimated number of flats of 209 units was in line with the proposal submitted to the Secretary for Development (SDEV) under the Urban Renewal Authority Ordinance. The current application would help bring about a significant improvement to the noise levels that the residential units would be exposed to, particularly at the lower floors;
- (c) the applicant had proposed a number of environmental mitigation measures with a view to reducing noise impact. Those measures together with the provision of two additional commercial floors above the 3-storey commercial podium could provide an effective noise shielding performance and achieve a better overall noise compliance rate for the development;
- (d) whilst the developments along WKC were mainly residential buildings, sporadic commercial activities, such as seafood wholesale, were observed at the lower floors of some of the developments; and

- (e) demand-led redevelopment was URA's response to the requests by interested property owners to take forward redevelopment of their buildings/lots and the prevailing acquisition, compensation and rehousing policies would apply.

[Dr Frankie W.S. Yeung arrived to join the meeting at this point.]

Deliberation Session

Reduction in Domestic PR

15. Noting that the construction of two additional commercial floors would result in a reduction of domestic gross floor area (GFA) and that there was a keen demand for housing flat, some Members had reservation on the application. Despite the number of flats remained at above 200 units as originally proposed, some Members were concerned that the average flat size would be reduced which was not conducive to the promotion of quality living and small flats should not be encouraged.

Implication on other redevelopments along WKC

16. On the consideration that many sites directly fronting WKC would likely be subject to similar traffic noise problem from WKC, a Member opined that the subject application should be considered from a wider perspective. Another Member shared similar views and was concerned that the subject application would set a precedent for other applications along WKC.

17. Another Member supported the application and considered that given the close proximity of the proposed development to WKC, the provision of two more levels of commercial floors could not only mitigate the noise impact, but also avoid locating residential units at a level fronting directly onto the highway structures so as to create a better living environment.

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

Alternative Noise Mitigation Measures/Building Design

18. Some Members considered that the applicant should explore other alternative noise mitigation measures and building design to address the noise impact from WKC and there was insufficient information to demonstrate that it was absolutely necessary to add two additional commercial floors. The Secretary drew Members' attention to Table 1 on "Checklist for Innovative Noise Mitigation Designs and Measures adopted" and the indicative design of acoustic window and balcony at Appendix Ia of the Paper detailing the various noise mitigation measures adopted in the proposed development. Members could take into consideration that the applicant had explored and adopted a number of mitigation measures in formulating the current development proposal.

19. A Member had no strong view on the application, but drawing Members' attention to Figure 4.4 of Appendix Ia of the Paper, he queried whether more residential flats could be provided while achieving comparable noise compliance rate through the adoption of enhanced noise mitigation measures, such as longer architectural fins which might protrude from the application site onto Tung Chau Street or better building design such as setting back of the 3/F and 4/F from Tung Chau Street with modification to the internal layout. Another Member was of the view that since WKC was the main noise source, at-source mitigation measures, i.e. installation of noise barriers along WKC facing the residential developments, should be considered to resolve the noise issue.

20. Mr Tony W.H. Cheung, PEPO(MA), EPD, said that the submitted scheme could not fully comply with the noise standard as it could only achieve 84% noise compliance rate. The applicant would need to further liaise with EPD and explore other practicable noise mitigation measures to enhance the noise performance of the proposed development at the detailed design stage. Mr Tony W.H. Cheung said that unlike the new development areas where new roads and developments could be planned in a comprehensive manner to tackle road traffic noise problems, at-source noise mitigation for WKC, which was built many years ago, was technically difficult. Taking into consideration that there were a number of noise sources, including the noise impacts from WKC and nearby roads such as Tung Chau Street and Kweilin Street, traffic noise modelling would need to be carried out to ascertain whether the strengthening of the mitigation measures at lower floors of the proposed development could help achieve comparable noise shielding effect and performance.

21. The Secretary reminded Members that the notional scheme submitted by the applicant was indicative in nature. The future developer may come up with a different scheme in developing the site. Nevertheless, the applicant would be required to submit a noise impact assessment and implement the noise mitigation measures identified therein under the land grant application.

Alternative Use of Lower Floors

22. Some Members were of the view that the applicant should explore alternative uses of the lower floors of the proposed development, such as youth hostels or residential care homes for the elderly (RCHE), which could better meet the need of the community. The Secretary drew Members' attention that youth hostel and RCHE were regarded as 'residential institution' and 'social welfare facility' uses respectively which were different from the uses under application.

23. In summary, the Vice-Chairman said that the Committee could defer the application pending the applicant's submission of additional information, including alternative building design or mitigation measures to address the traffic noise problem, or approve the application subject to imposition of relevant approval conditions and advisory clauses. Concerned government departments might also need to look at the traffic noise issues generated by the existing highways on the surrounding sensitive receivers from a wider perspective.

24. After further discussion, Members in majority had no objection to the application and agreed that additional advisory clauses be incorporated advising the applicant to explore alternative noise mitigation measures so as to maximise the domestic GFA in the future development and to consider accommodating other commercial uses within the lower floors of proposed development to better meet the community needs. A Member added that approval of the subject application should not be taken as a precedent for other similar developments along WKC to address the traffic noise problem.

25. 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 3.3.2021, 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 fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

26. 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 :

“(g) the applicant should explore other alternative noise mitigation measures with a view to maximising the domestic gross floor area at the proposed development; and

(h) the applicant should consider accommodating other commercial uses within the lower floors of the proposed development to better meet the community needs.”

[The Vice-Chairman thanked Mr Philip Y.L. Chum, STP/TWK, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

[The Chairman, Dr Lawrence W.C. Poon and Mr Patrick H.T. Lau returned to join the meeting and Mr Walter W.N. Kwong, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/486 Proposed Public Utility Installation (Package Substation) in “Village Type Development” Zone, Lo Wai Road, Lo Wai, Tsuen Wan
(MPC Paper No. A/TW/486)

27. The application was submitted by CLP Power Hong Kong Limited (CLP), which was a subsidiary of CLP Holdings Limited. Mr K.K. Cheung had declared interest on the item as his firm had current business dealings with CLP. The Committee noted that Mr K.K. Cheung had left the meeting temporarily.

Presentation and Question Sessions

28. 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 public utility installation (package substation);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one supporting public comment was received. The supporting views 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. The proposed package substation was an essential facility for providing electricity supply to the existing and future developments in the vicinity and in line with the planning intention of the “Village Type Development”

("V") zone. The proposed substation, which occupied an area of less than 12m², was of small scale and considered not incompatible with the surrounding rural character and the village type developments within the "V" zone. Other concerned departments had no objection to or no adverse comment on the application.

29. The Vice-Chairman enquired the rationale for not imposing a landscape condition for the subject application. Referring to the comments of the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD), Mr Walter W.N. Kwong, STP/TWK, said that there was no scope for additional landscaping within the site as the proposed building footprint had already covered the entire application site, and thus no approval condition on the landscape aspect was recommended.

30. With reference to Drawing A-1 of the Paper, a Member noted that the dimension of the proposed structure was about 5m x 2.4m x 3m (L x W x H) and that its proposed location on a traffic island was visually prominent. This Member considered that the comments of CTP/UD&L, PlanD regarding the adoption of an aesthetically pleasing design were particularly relevant and should be duly reflected in the advisory clauses.

Deliberation Session

31. A Member was of the view that given the location of the site was visually prominent, there was a need to ensure that the design of the proposed package substation would be acceptable.

32. Another Member, though expressed no objection to the application, opined that as such public utility installations often took up small pockets of public spaces, a better design should be employed to improve the visual amenity. That Member also considered that public utility installations should be accommodated within new developments, where practicable, to serve the nearby areas.

33. A Member shared the view on the need for a better design considering that the proposed development would take up an amenity area, and thus diminishing the landscape quality in the area.

34. The Chairman drew Members' attention that comment regarding the adoption of an aesthetically pleasing design for the proposed substation had already been incorporated in the advisory clauses as set out at Appendix IV of the Paper. Should the application be approved, the applicant would be advised to note the advisory clauses attached to the approval letter. Alternatively, if Members consider it appropriate to impose an approval condition on the design aspect, the applicant would be required to submit and implement the design proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

35. After further discussion, Members generally had no objection to the application and considered that it was not necessary to impose an approval condition on the design of the proposed substation. The Chairman said that Members' views on the design of the proposed substation would be reflected in the minutes of the meeting, which would be issued to the applicant.

36. 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 3.3.2021, 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 firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

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

Hong Kong District

Agenda Item 6

Section 16 Application

[Open Meeting]

A/H19/74 Proposed Minor Relaxation of Building Height Restriction for Permitted Hotel Development within “Commercial (1)” Zone and Proposed ‘Hotel’ Use within an area shown as ‘Pedestrian Precinct/Street’, 7 Stanley Market Road and 78 and 79 Stanley Main Street, Stanley (Stanley Inland Lot 124, Stanley Lots 427 and 428), Hong Kong
(MPC Paper No. A/H19/74A)

38. The Secretary reported that Barrie Ho Architecture Interiors Limited (BHA) was one of the consultants of the applicant. Mr K.K. Cheung had declared interest on the item as his firm had current business dealings with BHA. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that Mr K.K. Cheung could stay in the meeting as he had no involvement in the application.

39. The Committee noted that the applicant’s representative requested on 14.2.2017 deferment of the consideration of the application for two months in order to allow time to undertake technical assessments and prepare responses to comments from relevant government departments and the public. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant’s representative had submitted further information, including responses to comments and revised technical assessments.

40. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the

applicant that two months were allowed for preparation of the submission of the further information. Since it was the 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.

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

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H21/144 Proposed Shop and Services (Retail Shop and Fast Food Shop) in “Open Space” Zone, Portion of Sai Wan Ho Ferry Pier, Tai Hong Street, Sai Wan Ho, Hong Kong
(MPC Paper No. A/H21/144)

41. The Secretary reported that the site was located in Sai Wan Ho and the following Members had declared interest on the item:

Dr Wilton W.T. Fok - co-owning a flat with his spouse in Quarry Bay;

Mr Wilson Y.W. Fung - co-owning a flat with his spouse in Taikoo Shing;

Mr Thomas O.S. Ho - owning a flat in Taikoo Shing; and

Mr Martin W.C. Kwan - co-owning two flats with his spouse in Taikoo Shing.

42. The Committee noted that Dr Wilton W.T. Fok and Mr Thomas O.S. Ho had already left the meeting and agreed that Mr Wilson Y.W. Fung and Mr Martin W.C. Kwan could stay in the meeting as their properties did not have direct view of the site.

Presentation and Question Sessions

43. 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 shop and services (retail shop and fast food shop);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Consulted departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received from members of the public. Three of the comments objected to the application, while one indicated no comment on the application. Major objection grounds 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. The premises was located within the existing Sai Wan Ho Ferry Pier. While the proposed use might not be fully in line with the planning intention of the “Open Space” (“O”) zone, the pier was still in use and there was no implementation programme for the planned open space. The proposed use, with a floor area of 17.44m², was of small scale and not incompatible with the surrounding residential neighbourhood. The Commissioner for Transport supported the application as it would help reduce the pressure on fares and the proposed use would not affect the ferry operation. Regarding the adverse public comments, the assessments above were relevant. As regard the concerns on environmental hygiene and blockage of footpath, the proposed use would be subject to licensing control by the Food and Environmental Hygiene Department and the

proposed shop would not affect the pedestrian flow as it was physically separated from the footpath of Tai Hong Street by railings.

44. A Member raised the following questions:

- (a) whether the Sai Wan Ho Ferry Pier, which was located within an area zoned “O” on the OZP, was an existing use;
- (b) whether planning permission was required for using a portion of the existing Sai Wan Ho Ferry Pier for ‘Shop and Services’ use; and
- (c) whether commercial activities were allowed within the premises of ferry piers in general.

45. Ms Irene W.S. Lai, STP/HK, made the following responses:

- (a) the Sai Wan Ho Ferry Pier was built in 1985. It had been in operation at the subject location before the waterfront area was rezoned to “O” on the OZP intended for the development of a waterfront promenade upon relocation of the nearby Marine Police Harbour Divisional Headquarters;
- (b) ‘Shop and Services’ use was under Column 2 of the Notes for the “O” zone and planning permission from the Town Planning Board was required; and
- (c) under the existing mechanism, ferry operators were allowed to sublet surplus spaces within ferry piers for commercial concessions as long as the proposed subletting would not affect the ferry operation. Notwithstanding that, the use of the premises would still need to comply with the provisions of the OZP.

Deliberation Session

46. A Member queried why planning permission would be required for small scale commercial uses which seemed to be ancillary to the pier use. In response, the Chairman

said that, in general, ferry piers were zoned “Other Specified Uses” annotated “Pier” where kiosks not greater than 10m² and not more than a specified number for use as shop and services were considered as ancillary to pier use. There were two recent applications for ‘Shop and Services’ and ‘Eating Place’ uses involving a larger floor area within the Tung Chung Pier and North Point Ferry Pier considered by the Committee. For the current application, the application premises was zoned “O” on the OZP and planning permission was required for the proposed ‘Shop and Services’ use.

47. The same Member noted that the proposed ‘Shop and Services’ use was in support of the ferry operation, but raised concern on whether approving such application would encourage non-conforming uses in the “O” zone. The Chairman explained that the area was rezoned to “O” on the OZP with a view to achieving a continuous waterfront promenade pending the relocation of the Marine Police Harbour Divisional Headquarters. Considering that the ferry pier was still in operation and there was currently no programme for development of the “O” zone, the Chairman said that any proposed uses could be considered on a case-by-case basis in accordance with the provisions of the OZP.

48. Another Member expressed no objection to the application and remarked that kiosks were often provided within open space as supporting facilities and the proposed ‘Shop and Services’ use could also serve users of the adjoining open space.

49. 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 3.3.2021, 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 fire service installations and equipment to the satisfaction of the Director of Fire Services or of the TPB.”

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H6/81 Proposed Minor Relaxation of Non-building Area Restriction for Proposed Footbridge connecting Lee Garden Two and Lee Garden Five in an area shown as 'Road' and "Commercial" Zone, Yun Ping Road (between Lee Garden Two (28 Yun Ping Road) and Lee Garden Five (18 Hysan Avenue)), Causeway Bay, Hong Kong
(MPC Paper No. A/H6/81A)

51. The Secretary reported that the application was submitted by Minsal Limited and Barrowgate Limited, which were the subsidiaries of Hysan Development Company Limited (Hysan). MVA Hong Kong Limited (MVA), Ove Arup & Partners Hong Kong Limited (Arup), Savills (Hong Kong) Limited (Savills) and Wong & Ouyang (HK) Limited (Wong & Ouyang) were four of the consultants of the applicants. The following Members had declared interests on the item:

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|---------------------|---|---|
| Mr Thomas O.S. Ho | - | his company having current business dealings with Hysan and MVA; |
| Mr Patrick H.T. Lau | - | having current business dealings with MVA and Arup; |
| Mr K.K. Cheung | - | his firm having current business dealings with Arup, Savills and Wong & Ouyang; |
| Mr Franklin Yu | - | having past business dealings with MVA and Arup; and |
| Mr Dominic K.K. Lam | - | having past business dealings with Arup. |

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

Presentation and Question Sessions

53. 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 minor relaxation of Non-building Area (NBA) restriction for proposed footbridge connecting Lee Garden Two (LG Two) and Lee Garden Five (LG Five);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) had no objection to the application subject to imposition of relevant approval conditions to ensure that the construction of the proposed footbridge would not cause adverse traffic impact on the nearby public carriageways and footpaths. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that no significant visual and air ventilation impacts arising from the proposal was anticipated. 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 objecting public comments were received from the management office of an adjacent commercial building and an individual. Major 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 proposed footbridge would intrude into part of the 2m wide NBA from the lot boundary fronting Yun Ping Road which was already largely occupied by the existing LG Two. The proposed footbridge was to provide an alternative weather-proof connection for pedestrians travelling

between LG Two and LG Five without the need to cross Yun Ping Road. Concerned government departments had no objection to or no adverse comment on the application. Regarding the adverse public comments, the assessments above were relevant. Any impacts during the construction stage would be subject to control under the relevant ordinances.

54. Some Members raised the following points/questions:

- (a) whether the proposed footbridge would have to be built in accordance with the submitted scheme should the application be approved;
- (b) whether commercial activities were allowed in footbridges falling within areas shown as 'Road';
- (c) regarding the construction method of the proposed footbridge, whether the applicant had submitted any further information on how the protective scaffolding on the construction platform would be erected and what safety precautionary measures would be adopted; and
- (d) noting the designation of the 2m wide NBA on the OZP was intended to allow building setback along Yun Ping Road upon redevelopment of LG Two, whether there would be any implication on the realization of the NBA in future if the subject application was approved.

55. Ms Irene W.S. Lai, STP/HK, made the following responses:

- (a) the construction of footbridge on areas shown as 'Road' was always permitted in accordance with the OZP. However, as the proposed footbridge under application would intrude into the NBA as stipulated on the OZP, planning permission for minor relaxation of NBA restriction was therefore required. The subject application was considered based on the proposed scheme and would be subject to the terms of the application as submitted to the Town Planning Board. If the application was approved, any changes in the design of the footbridge would be assessed in

accordance with the relevant guidelines;

- (b) planning permission from the Town Planning Board would be required for commercial uses in areas shown as 'Road';
- (c) the applicant had provided further information showing the construction method at various stages at Appendix Ie of the Paper. Works to be carried out during the construction stage, including adoption of on-site safety precautionary measures, would be subject to control under the Buildings Ordinance; and
- (d) upon redevelopment of LG Two in future, the new building would be required to set back from the NBA along Yun Ping Road. If the developer intended to erect a footbridge within the 2m wide NBA in the future development, planning permission from the Town Planning Board would be required.

Deliberation Session

56. A Member supported the application as the proposed footbridge would help improve pedestrian circulation in the area and opined that the construction works, in particular the erection of protective scaffoldings and associated works on the permanent construction platform, should be carried out at night to avoid endangering the safety of road users and pedestrians.

57. Regarding the design of the proposed footbridge, a Member opined that the proposed footbridge should not be enclosed to minimise possible visual and air ventilation impacts. However, some Members had a different view and considered that an enclosed design would provide a safer, weather-proof and more comfortable connection for pedestrians.

58. The Chairman drew Members' attention that footbridge use was always permitted in area shown as 'Road' and the subject application was submitted merely to seek planning permission to relax the NBA restriction as a small portion of the proposed footbridge would

encroach onto the NBA. While there were diverse views on the design of the proposed footbridge, Members in general had no objection to the application.

59. 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 3.3.2021, 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) no pier and foundation works shall be carried out on public roads or streets for construction of the proposed footbridge; and
- (b) the submission and implementation of a Construction Traffic Management Scheme to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

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

Kowloon District

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/742 Proposed Private Club in “Other Specified Uses” annotated “Business”
Zone, 1/F, Fook Cheong Building, 63 Hoi Yuen Road, Kwun Tong,
Kowloon
(MPC Paper No. A/K14/742)

61. 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. The Committee agreed that Mr Patrick H.T. Lau could stay in the meeting as he had no involvement in the application.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed private club;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Fire Services (D of FS) raised objection to the application from fire safety point of view. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three objecting public comments were received from the Incorporated Owners of the subject building and two individual owners/users. Major objection grounds were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was considered generally in line with the planning intention of “Other Specified Uses” annotated “Business” (“OU(B)”) zone, it would induce unacceptable fire safety impacts. D of FS had raised objection to the application from fire safety point of view. The proposed use was also not in line with the Town Planning Board Guidelines No. 22D (TPB PG-No. 22D) in that it would induce adverse fire safety impact. There had been no material change in planning circumstances since the rejection of the previous application. All three similar applications for the same use within the “OU(B)” zone in the Kwun Tong Business Area were also rejected by the Committee on fire safety grounds. Regarding the adverse public comments, the assessments above and the comments of the Lands Department as set out in paragraph 9.1.1 of the Paper were relevant.

63. Members had no question on the application.

Deliberation Session

64. Members noted that D of FS objected to the application from the fire safety point of view as the proposed use within industrial building would attract persons who could be exposed to fire risks which they would neither be aware of nor prepared to face. Members also noted that the majority of the subject building had already been converted for non-industrial uses and that the proposed private club use was not in conflict with the planning intention of the “OU(B)” zone and could promote its transformation from industrial use to general business use. In this regard, some Members made the following main points/suggestions:

- (a) the fire safety requirements of the Fire Services Department (FSD) might be too stringent. As a wide range of commercial uses such as showroom and office (excluding those involving direct provision of customer services or goods) were always permitted within industrial buildings in the “OU(B)”

zone and that the existing industrial building was no longer used for industrial purpose or had largely been converted to non-industrial uses, the fire risk posed to the visitors of the proposed 'private club' use might not be as high. As such, the fire safety concerns raised by D of FS for the subject application might not be fully justified;

- (b) whether a temporary approval of say 2 years, instead of permanent approval, could be given to the application to monitor the situation. The Committee could review whether renewal of planning approval should be granted taking into account any changes in the planning circumstances in future; and
- (c) whether it was possible to give favourable consideration to applications involving premises above ground floor of industrial buildings if they had satisfactorily demonstrated the provision of direct means of escape to the ground level. Liaison with FSD to work out a more pragmatic and flexible approach in the handling of similar applications involving premises within industrial buildings would be required.

65. The Chairman recalled that when the Committee considered some similar applications in the past, there were cases where Members were generally sympathetic towards the applications from land use planning perspective, but the applications were ultimately rejected in view of fire safety concerns.

66. The Chairman continued to state that there had been on-going discussion between PlanD and relevant departments, including FSD, with a view to exploring more permissible uses in industrial buildings. A recent effort was the incorporation of 'Art Studio (excluding those involving direct provision of services or goods)' use as a Column 1 use in certain zones. In response to a Member's enquiry, the Chairman said that there was no timetable on reaching a consensus with relevant departments on resolving the issues on fire safety requirements. Nevertheless, it was noted that a Bill related to the amendment of the Fire Services Ordinance and certification of fire service installations by registered fire engineering professional had recently been introduced to the Legislative Council. Further discussion among the relevant departments would continue with a view to working out an approach to

allow better utilisation of existing industrial buildings.

67. The Vice-Chairman and a Member were of the view that FSD should take into account the operation and nature of the proposed uses, the type of buildings involved and the actual situation of the use of the buildings when assessing the potential impacts on fire safety. For example, for existing industrial buildings within “OU(B)” zone, only ‘non-polluting industrial use’ would be permitted as-of-right and the fire risk should be considered on that basis. The Member also suggested that a representative from FSD should be invited to the meeting to elaborate on the department’s stance on the potential fire risks associated with the applied uses when considering similar applications in future. The Committee agreed to convey Members’ views to D of FS.

68. After deliberation, the Committee decided to reject the application. The reason was :

“the proposed private club is considered not acceptable in an industrial building from fire safety point of view.”

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

Agenda Item 10

Any Other Business

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