

## **TOWN PLANNING BOARD**

### **Minutes of 577th Meeting of the Metro Planning Committee held at 9:00 a.m. on 17.3.2017**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

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

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

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

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 Dominic K.K. Lam

Mr Thomas O.S. Ho

**In Attendance**

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

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

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

**Agenda Item 1**

Confirmation of the Draft Minutes of the 576th MPC Meeting held on 3.3.2017

[Open Meeting]

1. The draft minutes of the 576th MPC meeting held on 3.3.2017 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 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/KC/9                      Application for Amendment to the Draft Kwai Chung Outline Zoning Plan No. S/KC/28, To rezone the application site from "Industrial" to "Other Specified Uses" annotated "Industrial and Columbarium", 24-28 Wing Lap Street, Kwai Chung  
(MPC Paper No. Y/KC/9)

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Presentation and Question Sessions

3. The following representatives from the Planning Department (PlanD) and the applicant's representatives were invited to the meeting at this point:

Mr Lawrence Y.C. Chau        - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), PlanD

Ms Fannie F.L. Hung	Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), PlanD
Mr Gary So	]
	]
Mr So Tze Kwan	]
	]
Ms Betty Ho	]
	]
Ms Cheung Hoi Yee	]
	]
Mr Sam Cheng	]
	]
Mr K.K. Yip	] Applicant's representatives
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Mr K.L. Chow	]
	]
Ms Anna Kwong	]
	]
Ms Grace Leung	]
	]
Mr Calvin Chan	]
	]
Mr Stanley Chan	]

4. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Ms Fannie F.L. Hung, STP/TWK, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Ms Hung presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed rezoning application to facilitate an industrial-cum-

columbarium development;

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport (C for T) had reservation on the application as the applicant could not demonstrate that the proposed development would not have adverse traffic impact on the existing road network and the effectiveness of the proposed traffic management measures was not demonstrated. The Commissioner of Police (C of P) objected to the application since Tai Ho Road was not suitable for the proposed Owner/Operator Arranged Bus (OAB) lay-by in view of the considerable traffic volume on the road and lay-by area concerned. The Director of Fire Services (D of FS) objected to the application as the industrial portion and columbarium portion were interconnected on some floors of the building which was considered not acceptable from the fire safety aspect. Other relevant departments had no objection to or no adverse comment on the application;
  
- (d) during the first three weeks of the statutory publication periods, a total of nine adverse public comments were received with six comments submitted by three Kwai Tsing District Council members and three comments submitted by individuals. The major grounds of objection were set out in paragraph 9 of the Paper;
  
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The proposed columbarium development was considered incompatible with the surrounding developments which were predominately industrial in character. It was the recommendation of the '2014 Area Assessment of Industrial Land in the Territory' (2014 Area Assessment) to retain the subject "Industrial" ("I") zone. Given that there was already a large supply of both public and private columbarium niches in Kwai Chung, there was no strong justification for sacrificing potential industrial floor space for the proposed columbarium use. D of FS objected to the application as the applicant failed to demonstrate that the proposed mixed

uses at the application site (the Site) were feasible and could meet the relevant statutory requirements. The applicant also failed to demonstrate that the proposed columbarium development would not have adverse traffic and crowd management impact on the surrounding areas in particular during festive periods. The approval of the application would set an undesirable precedent and encourage similar applications falling within the same “I” zone. The cumulative effect of approving such applications would aggravate the adverse traffic impact in the area and affect the supply of industrial floor space in the “I” zone. Regarding the adverse public comments, the comments of relevant government departments and planning assessments above were relevant.

5. The Chairman then invited the applicant’s representatives to elaborate on the application. With the aid of a PowerPoint presentation, Ms Betty Ho and Ms Anna Kwong, the applicant’s representatives, made the following main points:

Background

- (a) the Site was located at the fringe of the Kwai Chung Industrial Area, far away from the residential area. The Tsuen Wan Chinese Permanent Cemetery, Tsuen Wan Columbarium, Kwai Chung Crematorium and Columbarium, Kwai Chung Public Mortuary and a site which was recently rezoned to “Other Specified Uses” annotated “Columbarium (1)” (“OU(Columbarium(1))”) were located in the vicinity of the Site;
- (b) according to Chapter 4 of the Director of Audit’s Report No. 65 published in October 2015, there was overwhelming demand for columbarium niches in Hong Kong while the combined provision of niches by the Food and Environmental Hygiene Department and the Board of Management of Chinese Permanent Cemeteries was unable to meet the on-going local demand;
- (c) although the 2014 Area Assessment revealed that the vacancy rate of the industrial buildings of the subject “I” zone was very low, the data from

Rating and Valuation Department (R&VD) showed the contrary. Besides, the 2014 Area Assessment also revealed that the predominant uses in industrial buildings in Southwest Kwai Chung were warehouse/storage and office instead of manufacturing industry;

### The Proposal

- (d) with a site area of 929m<sup>2</sup>, the proposed redevelopment comprised an industrial block and a columbarium block, both of 15 storeys high (not more than 105mPD), with separate entrances to the two blocks on the ground floor. The total gross floor area (GFA) was 8,810 m<sup>2</sup> with about 4,954m<sup>2</sup> (56%) for columbarium use (with the provision of 20,000 niches) and about 3,856m<sup>2</sup> (44%) for industrial use;
- (e) edge planters with trees, shrubs and creeping plants were proposed from 4/F to 14/F to soften building edges. Besides, a landscaped garden was proposed at the roof level for visual enhancement;

### Planning Justifications

- (f) the proposed rezoning for “Other Specified Uses” annotated “Industrial and Columbarium” (“OU(I and Columbarium)”) use for the proposed redevelopment was in line with the Government’s policies on columbarium and industrial land as it would provide both additional niches and industrial floor space to meet the local demand;
- (g) the proposed columbarium development complied with the Food and Health Bureau (FHB)’s Guideline for Provision of Columbarium Facilities;
- (h) the proposed industrial-cum-columbarium development was compatible with the existing land uses in the surrounding area;
- (i) since the original industrial building at the Site was under-utilised with total GFA of only about 1,452m<sup>2</sup>, the redevelopment of industrial building

would increase the supply of industrial floor spaces for the area;

- (j) compatible design was adopted for the proposed columbarium and industrial uses. The two building blocks were interconnected only in the basement (B/F), on the ground floor (G/F) and the roof (R/F) which were mainly used as electrical and mechanical rooms (B/F and R/F) and entrance (G/F); and
- (k) the proposed rezoning to “OU(I and Columbarium)” with ‘Columbarium’ use under Column 2 would ensure the supply of industrial floor space and allow appropriate planning control of columbarium use with flexibility.

6. With the aid of a PowerPoint presentation, Mr Stanley Chan, the applicant’s representative, made the following main points:

Traffic Concerns

- (a) the proposed traffic and crowd management measures were comparable to those proposed in application No. A/KC/437 which was approved by the Committee earlier;
- (b) the proposed pick-up/drop-off point at Wing Lap Street was within the applicant’s own site while the coaches would be parked along Wing Lap Street. Since escalators were proposed to serve the columbarium block (no escalator was provided under application No. A/KC/437), the waiting time of visitors on the ground floor would be minimized;
- (c) although C for T advised that the laybys at Tai Ho Road were close to saturation, such advice was based on weekdays peak hours. The traffic condition during festive periods would be very different from that during weekdays. For the proposed columbarium development, it was estimated that about 100 visitors would queue up along the laybys and the boarding and alighting activities would be about 5 minutes only;



- (d) in response to the comments of the Transport Department (TD), a new layby was proposed at Wing Lap Street just in front of the Site. Although Wing Lap Street would be closed during festive periods due to crowd control management by the Hong Kong Police Force (HKPF), based on their observation since 2010, coaches were allowed to enter Wing Lap Street for boarding and alighting activities;
- (e) apart from Wing Lap Street, Wing Kei Road (which was currently closed during festive periods) could also be considered for boarding and alighting activities; and
- (f) despite the fact that the applicant had not yet resolved the traffic issues, application No. Y/KC/3 was partially agreed by the Committee in 2013. In this regard, the Committee should agree to the proposed rezoning under application. Since columbarium use was a proposed Column 2 use, a s.16 application for columbarium development would be required. The applicant could further revise the proposal in terms of building design, technical details, and transport, traffic and crowd management measures for the Committee's consideration.

7. Ms Betty Ho made the following concluding remarks:

- (a) although the two building blocks were interconnected on some floors, there should be no fire safety concern;
- (b) changing an under-utilised industrial building for the provision of both industrial and columbarium uses would result in a number of planning gains which included meeting the urgent community needs for both industrial floor spaces and columbarium niches and the proposed redevelopment would improve the visual and landscape amenity in the area significantly;
- (c) there was already a large supply of columbarium in Kwai Chung area which demonstrated that the area was suitable for columbarium

development; and

- (d) making reference to application No. Y/KC/3, the Committee could agree in principle to the proposed rezoning under application while technical issues could be resolved during the s.16 application stage. If the current application was agreed by the Committee, the applicant would continue to liaise with relevant government departments to resolve the technical issues.

8. Some Members raised the following questions:

- (a) the major concerns of the Committee in considering application No. Y/KC/3;
- (b) the planned provision of columbarium in the next decade, the provision in Kwai Chung in relation to the overall columbarium provision in Hong Kong, and whether the future provision of columbarium would be able to meet the territorial demand as estimated in the Audit's Report No. 65;
- (c) whether the proposed building height (BH) complied with the BH restrictions as stipulated on the OZP; and
- (d) whether there was any religious and cultural considerations for the proposed columbarium development.

9. Mr Lawrence Y.C. Chau, DPO/TWK, made the following responses:

- (a) although the Committee decided to partially agree to application No. Y/KC/3, the Committee did not agree to the large number of niches proposed by the applicant and expressed concern on the adverse visual impact arising from the proposed BH of the columbarium development. Upon review by PlanD, the Committee considered that the suitable development scale should be reduced to 50mPD in height with 23,000 niches;

- (b) according to FHB's submission to the Panel on Food Safety and Environmental Hygiene, Legislative Council, in May 2016, a total of 24 potential sites had been identified in the 18 districts for columbarium development. Out of the 24 potential sites, FHB had consulted the relevant district councils (DCs) on the projects at eight sites, and all the respective DCs indicated support or had no objection to the projects. The eight projects would provide more than 450,000 new niches in total. Among the eight potential sites, two sites (with a total of about 90,000 niches) were located in the Kwai Chung area. As for the planned columbarium provision in Kwai Chung, it was estimated that about 195,000 niches would be provided, including the approved 23,000 niches under application No. A/KC/437, the new columbarium development at ex-incinerator at Kwai Tai Road sites and Tsing Tsuen Road site. Together with the existing 82,000 niches in Kwai Chung, there was already a large supply of columbarium in the area; and
- (c) the proposed BH of the current application complied with the BH restrictions of 105mPD on the OZP.

10. In response, Ms Betty Ho said that although no burning of incense and ritual paper, etc. would be allowed within the proposed columbarium development, the religious belief and cultural differences of visitors would be duly respected since private rooms would be provided for visitors to pay tribute to their ancestors.

11. The Vice-chairman and some Members raised the following questions:

- (a) the existing traffic conditions in the surrounding area particularly during festive periods;
- (b) the traffic arrangement proposed in application No. A/KC/437;
- (c) the cumulative traffic impact to be induced by the proposal under application together with the planned and previously approved columbarium developments in Kwai Chung; and

- (d) whether there were any alternative proposals by the applicant if HKPF did not allow the proposed OAB coaches to enter Wing Lap Street during festive periods.

12. Mr Lawrence Y.C. Chau, DPO/TWK, made the following responses:

- (a) with the aid of the PowerPoint slides, the proposed queuing areas (about 50m) at Tai Ho Road and the planned public transport interchange (PTI) at Container Port Road under application No. A/KC/437 was shown to Members; and
- (b) as advised by C for T, the proposed layby at Tai Ho Road would be close to saturation, taking into account the planned development under application No. A/KC/437 and other planned columbarium developments. Similarly, the proposed layby at Container Port Road would cause traffic and queuing problems. There was also not enough room for boarding and alighting activities at the planned PTI at Container Port Road since only one parking space was proposed. The two OAB loading/unloading spaces at Wing Lap Street could not provide adequate space for the boarding and alighting activities, and Wing Lap Street would be closed by HKPF during festive periods.

13. Mr Stanley Chan, the applicant's representative, made the following responses:

- (a) although Wing Lap Street would be closed during festive periods, based on their observation since 2010, coaches were allowed to enter Wing Lap Street for boarding and alighting activities. In case HKPF did not allow their OAB coaches to enter Wing Lap Street, Wing Kei Road could be an alternative option. It was observed that during festive periods when Wing Kei Road was closed, Kowloon Motor Bus route No. 38S and the Green Mini-bus route No. 404M were allowed to enter Wing Kei Road. If the Committee approved the application, the applicant would liaise with HKPF and TD for using either Wing Lap Street or Wing Kei Road for the OAB

pick-up/drop-off point. If both options were not acceptable to HKPF and TD, Kwai Hei Street could be another alternative;

- (b) given that application No. A/KC/437 proposed to use public area for boarding and alighting activities and was approved by the Committee, the applicant could not see why the Committee could not approve the current application as the proposed pick-up/drop-off point for two OAB coaches would require a curb of only 30m in length; and
- (c) a traffic impact assessment (TIA) was conducted which covered every road junction in the area. To alleviate the possible traffic impact, mitigation measures including traffic light arrangement and realignment of curb, etc. were recommended. Since the proposed routing via Wing Lap Street and Kwai Hei Street would be similar, the traffic impacts of the two proposals were expected to be comparable.

14. The Vice-chairman and some Members raised the following questions:

- (a) the reasons why there was a discrepancy in the overall vacancy rate of industrial land quoted by PlanD (i.e. 1.6%) and the applicant's representative (i.e. 3.9%);
- (b) the major concerns of D of FS and whether the proposed industrial-cum-columbarium development complied with FSD Circular Letter No. 4/96; and
- (c) given that there were over 1,000 niches on each floor, whether the provision of toilets within the columbarium block was sufficient particularly during peak hours as only one toilet was proposed on each floor; and whether there were toilets for the disabled.

15. In response, Mr Lawrence Y.C. Chau, DPO/TWK, made the following points:

- (a) according to the 2014 Area Assessment which included actual site

inspection, the overall vacancy rate of industrial land in the Kwai Tsing/Tsuen Wan district was about 1.6%, whereas the figure quoted by the applicant's consultant was derived from R&VD's raw data which were based on a very different set of assumptions; and

- (b) the industrial portion and columbarium portion were interconnected on some floors of the building which would violate Compatibility of Occupancy stipulated in the FSD Circular Letter No. 4/96. The major concern of D of FS was the potential fire risk to users considering that the proposed columbarium development would attract a substantial amount of visitors, including the elderly and children, to the building.

16. In response, Ms Anna Kwong and Ms Betty Ho, the applicant's representatives, made the following points:

- (a) the FSD Circular Letter No. 4/96 only listed out the compatible and non-compatible uses. In fact, the industrial and columbarium blocks were separated from the mezzanine floor to the top floor and separate means of escape would be provided. The technical issues could be resolved during the s.16 planning application stage if the Committee agreed to the proposed rezoning;
- (b) the current proposal was only an indicative scheme. Sufficient toilets would be provided on the mezzanine floor and first floor while toilets would be provided on every floor. Adequate means of escape, staircases and access for persons with disability would be provided; and
- (c) the Architectural Services Department had been consulted on the technical issues. Besides, the proposed design complied with the Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers on Design Requirements for Columbarium Facilities issued by the Buildings Department.

17. In response to a Member's enquiry, Mr Lawrence Y.C. Chau, DPO/TWK, said that there was no precedent case to apply for industrial and columbarium uses on the same site. Another Member enquired about the intended selling price of each niche under the proposed columbarium development. In response, Ms Anna Kwong stated that the selling price of each niche was yet to be determined by the applicant. Notwithstanding that, the applicant had committed to set aside a certain percentage of the profit from selling the niches to set up a management and operation fund for future maintenance and renovation works of the columbarium development.

18. As the applicant and the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed the applicant's representatives that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform them of the Committee's decision in due course. The Chairman thanked the representatives of PlanD and the applicant's representatives for attending the meeting. They left the meeting at this point.

#### Deliberation Session

19. A Member raised concerns on the traffic and fire safety issues. The traffic arrangement proposed by the applicant was considered not acceptable by C for T since the proposed laybys at both Tsuen Wan Tai Ho Road and Container Port Road was close to saturation. Besides, the cumulative traffic impact of the current application together with the planned columbarium developments in Kwai Chung area might be substantial. Moreover, the interconnected design of the two proposed building blocks did not comply with the fire safety requirements of FSD. The applicant's representatives claimed that those technical issues could be resolved during the s.16 planning application stage, however, the Committee should consider whether those technical issues were insurmountable based on its current proposal.

20. Some Members considered that there was already a large supply of columbarium in Kwai Chung area and future provision of columbarium to meet the territorial demand should be considered in other districts. Since industrial and columbarium uses were very different in nature, the proposed columbarium development was considered incompatible

with the proposed industrial use on the same site and the existing industrial developments in the vicinity. The Site should be retained for industrial use. Given that application No. Y/KC/5 was rejected for similar concerns, the current application for rezoning the Site for industrial-cum-columbarium development should not be agreed by the Committee.

21. A Member considered that the Site was suitable for columbarium development given that there were already a number of columbarium developments in Kwai Chung area and there were not many public concerns for the current application. However, the Member considered that the number of niches should be reduced if the Committee agreed to the proposed rezoning.

22. In response to the Chairman's question, Mr Wilson W.S. Pang, Assistant Commissioner for Transport (Urban), TD, said that TD had reservation on the submitted TIA as the applicant could not demonstrate that the proposed development would not have adverse traffic impact on the surrounding road network. The TIA conducted by the applicant was based on a notional scheme, and the methodology and assumptions were similar to those of application no. Y/KC/3, however, the results were very different. Since the TIA conducted for the current application had to take into account the additional traffic generated by application no. Y/KC/3, the cumulative traffic impact on Tai Ho Road had become substantial. If the applicant could propose alternative locations for the boarding and alighting activities of the OAB, TD would consider upon receiving the proposal submitted by the applicant. As for the current proposal, TD considered that the proposed traffic management measures were not satisfactory.

23. Members generally considered that the proposed columbarium use was not compatible with the surrounding industrial uses. It was also doubtful whether the alternative pick-up/drop-off locations suggested by the applicant at the meeting would be acceptable. Since the traffic concerns had not yet been addressed, approval of the application would set an undesirable precedent and the cumulative effect of approving such applications would aggravate the adverse traffic impact in the area.

24. After further deliberation, the Committee decided not to agree to the application for the following reasons:



- “(a) the planning intention of the “Industrial” (“I”) zone is to reserve land primarily for general industrial uses to ensure an adequate supply of industrial floor space. The application site is situated in a major industrial area and is surrounded by industrial buildings which are still in active operation. The proposed columbarium development is considered incompatible with the surrounding developments which are predominately industrial in character;
- (b) the vacancy rate of the industrial buildings of the subject “I” zone is very low. It is the recommendation of the ‘2014 Area Assessment of Industrial Land in the Territory’ to retain the subject “I” zone. Given that there is already a large supply of both public and private columbarium niches in Kwai Chung, there is no strong justification for sacrificing potential industrial floor space for the proposed columbarium use in view of the vibrancy of the industrial activities around the application site;
- (c) the applicant fails to demonstrate that the proposed mixed uses at the application site are feasible and can meet relevant statutory requirements such as the Fire Safety Code under the Buildings Ordinance;
- (d) the applicant fails to demonstrate that the proposed columbarium development would not have adverse traffic and crowd management impact in the area in particular during festive periods; and
- (e) the approval of the application will set an undesirable precedent and encourage similar applications falling within the same “I” zone. The cumulative effect of approving such applications would aggravate the adverse traffic impact in the area and affect the supply of industrial floor space in the “I” zone.”

[Mr Martin W.C. Kwan left the meeting and Mr K.F. Tang left the meeting temporarily at this point.]

**Agenda Item 4**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/443                      Shop and Services (Pharmacy) in "Other Specified Uses" annotated  
"Business" Zone, Workshop No. 15, LG/F, Man Lee Industrial Building,  
10-14 Kin Chuen Street, Kwai Chung  
(MPC Paper No. A/KC/443)

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**Presentation and Question Sessions**

25.                      With the aid of a PowerPoint presentation, Ms. Fannie F.L. Hung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the shop and services (pharmacy);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (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 applied use at the Premises was previously approved by the Committee on 5.2.2016 and was permitted under a temporary waiver. The small scale of the applied use would unlikely generate adverse traffic or environmental impacts on the surrounding areas. It also complied with the Town Planning Board Guidelines No. 22D in terms of fire safety, land use, traffic and environmental impacts. Relevant government departments had no objection to or no adverse comment on the application.

26. Members had no question on the application.

Deliberation Session

27. 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 was subject to the following conditions:

- “(a) the provision of fire service installations within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.9.2017; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

28. 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 Fannie F.L. Hung, STP/TWK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

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

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

## **Agenda Item 5**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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29. The Secretary reported that Albert So Surveyors Limited (ASL), Urbis Limited (Urbis), Ho & Partners Architects (HPA) and WSP Parsons Brinckerhoff (Asia) Limited (WSP) were four of the consultants of the applicants. The following Members had declared interests in the item:

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

Mr Thomas O.S. Ho - his company having current business dealings with Urbis and having past business dealings with ASL

Mr Franklin Yu - having past business dealings with Urbis and WSP

30. The Committee noted that Mr Thomas O.S. Ho had tendered apologies for being unable to attend the meeting and Mr Franklin Yu had not yet arrived at the meeting. Since Mr K.K. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

### **Presentation and Question Sessions**

31. 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 residential development (houses) and excavation of land;

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (LandsD) advised that the proposed development (houses) at the application site (the Site) was in breach of the lease conditions of the New Grant. The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) objected to the application as the applicant could not obtain the confirmation of the Drainage Services Department (DSD) regarding the proposed utilisation of existing/proposed DSD sewerage system for the collection of sewage generated from the proposed development. As such, the sewage discharged from the proposed development would be vulnerable to cause pollution to water gathering ground (WGG). The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation on the application as the approval of the application might set an undesirable precedent encouraging similar residential development nearby, the cumulative impact of which would result in general degradation of the rural landscape quality of the surrounding Tai Lam Country Park and Tai Mo Shan Country Park. 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 periods, a total of 53 public comments were received. Among them, 52 comments objecting to the application were submitted by a Legislative Council member, two Tsuen Wan District Council members, the Chuen Lung Village Office, a member of Tsuen Wan West Area Committee, The Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong, a staff of Ho Koon Nature Education cum Astronomical Centre and individuals. Major objection grounds were set out in paragraph 10 of the Paper. The remaining comment submitted by Hong Kong and China Gas Company Limited advised the applicants to consult the company during design and construction stages; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed residential development was considered not in line with the general planning intention for the area. The proposed residential development was considered not compatible with the surrounding natural environment and the Country Parks. Approval of the application might set an undesirable precedent encouraging similar residential developments nearby, the cumulative impact of which would result in general degradation of the rural landscape quality of the surrounding Country Parks. The Site fell within the upper indirect WGG, CE/C, WSD objected to the proposed development as the risk of pollution to the WGG was not yet eliminated. Regarding the adverse public comments, the comments of relevant government departments and planning assessments above were relevant.

32. The Chairman and some Members raised the following questions:

- (a) the background of the Site, including land status under lease and zoning history;
- (b) whether the approved general building plans (GBP) for the golf club development included a golf course and the reasons why the golf club development had not yet been completed, and whether the existing building on the Site was in operation;
- (c) whether golf club development was a Column 1 use when the GBP was approved; and
- (d) the status of the draft Chuen Lung and Ha Fa Shan Outline Zoning Plan (OZP) No. S/TW-CLHFS/1.

33. Mr Walter W.N. Kwong, STP/TWK, made the following responses:

- (a) the Site, covering portion of Tsuen Wan Town Lot 389 and the adjoining government land, was granted by way of land exchange in 2003 for a recreational club building and a golf driving range. According to the lease conditions, recreational use was permissible on the lot but the club building shall not be used for residential purposes except for staff quarters;
- (b) during the publication of the representations of the draft Chuen Lung and Ha Fa Shan Development Permission Area (DPA) Plan, one comment was submitted by the applicant, which proposed to include club and hotel as Column 1 uses under the “Unspecified Use” (“UNSP”) area. After giving considerations to the representations, the Board considered that as detailed analysis and assessment of land use proposals of the area, including the Site, would be carried out during the OZP preparation, it was not appropriate to include club and hotel as permitted uses in the “UNSP” area;
- (c) the Site was zoned “Recreation” on the OZP due to its proximity to the Tai Lam Country Park and Tai Mo Shan Country Park. The general planning intention of the area was to protect the natural habitats and the rural landscape which complemented the overall natural environment and the landscape beauty of the surrounding Country Parks and to prevent haphazard developments;
- (d) based on the approved GBP in 2008, the golf club development included a golf club building and a golf driving range. Despite the completion of the golf club building with an occupation permit issued in 2009, the golf driving range had not yet been built and the remaining area of the Site was still covered by vegetation;
- (e) PlanD had conducted site visits during the OZP preparation stage and recently, it was found that the existing 3-storey golf club building at the Site was vacant;
- (f) since the Site was not covered by any statutory plan at the time of GBP approval, no s.16 application was required; and

- (g) at the end of the exhibition period of the draft OZP on 9.2.2017, a total of 259 representations were received but none of the representations was related to the Site.

#### Deliberation Session

34. Members generally considered that there was no strong reason to approve the application.

35. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the proposed residential development is considered not in line with the general planning intention for the Chuen Lung and Ha Fa Shan area to protect the natural habitats and the rural landscape which complement the overall natural environment and the landscape beauty of the surrounding Country Parks;
- (b) the proposed residential development is considered not compatible with the surrounding natural environment and Country Parks. Approval of the application may set an undesirable precedent encouraging similar residential development nearby, the cumulative impact of which would result in general degradation of the rural landscape quality of the surrounding Country Parks; and
- (c) the applicants fail to demonstrate that the proposed residential development would not induce any adverse impact on the water gathering ground.”

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



**Agenda Item 6**

**Section 16 Application**

[Open Meeting]

A/DPA/TW-CLHFS/5 Proposed Low-density Residential Development, Land Filling and Excavation of Land in "Unspecified Use" Zone, Lots 385, 386 RP, 387, 388, 389, 392, 394, 395, 396, 400 and 404 (Part) in D.D. 433 and Adjoining Government Land, Route Twisk, Chuen Lung, Tsuen Wan  
(MPC Paper No. A/DPA/TW-CLHFS/5A)

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36. The Secretary reported that AIM Group Limited (AIM) was one of the consultants of the applicant. Mr K.K. Cheung had declared interest in this item as his firm had current business dealings with AIM. As the applicant had requested for deferral of consideration of the application and Mr K.K. Cheung had no involvement in the application, the Committee agreed that he could stay in the meeting.

37. The Committee noted that the applicant's agent requested on 1.3.2017 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from government departments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information covering various technical assessments to address the departmental comments.

38. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of 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 Tom C.K. Yip, District Planning Officer/ Kowloon (DPO/K) and Ms Sandy S.K. Ng, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

**Kowloon District**

**Agenda Item 6A**

[Open Meeting]

Proposed Amendments to the Draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan

No. S/K13/28

(MPC Paper No. 1/17)

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39. The Secretary reported that since one of the proposed amendments involved rezoning of a site at Wang Chiu Road for public rental housing (PRH) development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had declared interests in the item:

Mr Raymond K.W. Lee (the Chairman) <i>as the Director of Planning</i>	- being a member of the Strategic Planning Committee and the Building Committee of HKHA
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Mr Martin W.C. Kwan <i>as the Chief Engineer (Works) of Home Affairs Department</i>	- being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee & Subsidized Housing Committee of HKHA
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Mr Patrick H.T. Lau	] having current business dealings with
	] HKHA
Mr Thomas O.S. Ho	]

Mr Dominic K.K. Lam	] having past business dealings with
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- Mr Franklin Yu ] HKHA  
] ]
- Dr Lawrence W.C. Poon - his wife working in HD but having no involvement in the proposed PRH development

40. The Committee noted that Mr Thomas O.S. Ho and Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting. According to the procedure and practice adopted by the Town Planning Board (the Board), as the proposed PRH development by HD in relation to the rezoning site was a subject of amendment to the Outline Zoning Plan (OZP) proposed by the Planning Department (PlanD), the Committee agreed that the interests of the Members in relation to HKHA would only need to be recorded and they could stay in the meeting.

41. With the aid of a PowerPoint presentation, Ms Sandy S.K. Ng, STP/K, presented the proposed amendments as detailed in the Paper and covered the following main points:

#### Background

##### *The site at Wang Chiu Road (the WCR site)*

- (a) a piece of government land at Wang Chiu Road had been identified for PRH development and a secondary school. The WCR site was part of a larger “Open Space” (“O”) zone intended for a district open space, which currently had no development programme. As there was sufficient provision of open space in the Kowloon Bay and Ngau Tau Kok areas, the Director of Leisure and Cultural Services (DLCS) had no objection to release the WCR site for other purposes;

##### *Kai Tak Mansion Site (the KTM site)*

- (b) the imposition of building height (BH), non-building areas (NBAs) and building gap (BG) restrictions on the KTM site was the subject of judicial reviews (JRs). According to the Court’s ruling, the above three restrictions for the KTM site were quashed and the OZP was remitted to the

Board for re-consideration. To follow up, PlanD had conducted a review on the site taking into account the relevant principles and considerations set out in the concerned Court's judgments;

- (c) after reviewing the stepped BH profile of the planning area, site constraints and taking into account the permissible development intensity for the site, the imposition of BH restriction (BHR) for the site was considered necessary in order to prevent out-of-context development. However, as there were various types of mitigation measures which might help address the potential adverse visual and air ventilation impacts on the surrounding areas, no NBA or BG restrictions were suggested to be imposed so as to allow for flexibility for the future developer to come up with appropriate and practical measures to address the impacts based on its own building design at the detailed design stage;

#### Proposed Amendments to the OZP

- (d) Item A – rezoning of two pieces of land (about 2.68ha) at the WCR site from “O” to “Residential (Group A)” (“R(A)”) with BHR of 120mPD;
- (e) Item B – rezoning of a piece of land (about 0.7ha) within the WCR site from “O” to “Government, Institution or Community” (“G/IC”) with BHR of eight storeys;
- (f) Item C – imposition of BHR of 140mPD on the KTM site (about 0.57ha);
- (g) Item D1 – rezoning of the existing Kowloon Bay Dry Weather Flow Interceptor Pumping Chamber (about 0.05ha) from “O” to “G/IC” with BHR of one storey;
- (h) Item D2 – rezoning of four pieces of land (about 0.6ha) being parts of various roads from “G/IC(2)” and “O” to areas shown as ‘Road’;

#### Technical Assessments

*The WCR site*

- (i) an Air Ventilation Assessment (AVA) by Expert Evaluation (EE) Study had been conducted by HD, some design features and mitigation measures were proposed to mitigate the potential adverse air ventilation impact on the surrounding areas. A quantitative AVA study would be carried out at the detailed design stage;
- (j) according to the Visual Appraisal conducted by HD, the proposed PRH development would not induce substantial visual impact on the surrounding areas;
- (k) there were approximately 470 trees at the site with no Old and Valuable Tree. It was estimated that 206 trees would be affected. A detailed tree survey and compensation proposal would be submitted in accordance with Development Bureau Technical Circular (Works) No. 10/2013 on Tree Preservation;
- (l) the Traffic Impact Assessment conducted by HD concluded that the proposed PRH and school developments would not induce adverse traffic impact on the surrounding road network;
- (m) HD had undertaken a Quantitative Risk Assessment (QRA) on the liquefied petroleum gas (LPG) store at Richland Gardens near the site. The QRA concluded that the risk posed by the LPG store satisfied the criteria stipulated in the Hong Kong Risk Guidelines;
- (n) the New Horizons Building (NHB), currently occupied by Christian Action (CA), had to be demolished for the proposed PRH and school developments at the WCR site. The Labour and Welfare Bureau (LWB) would liaise with CA on the reprovisioning arrangement;

*The KTM site*

- (o) PlanD had conducted a visual impact assessment (VIA) and an AVA for

the site. The proposed BHR of 140mPD would be compatible with the surrounding developments and the stepped BH profile as stipulated for the area on the OZP;

- (p) the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department, would be consulted on the redevelopment with regard to the potential impact on the adjacent Grade 1 historical building, i.e. the Headquarters Building of the ex-Royal Air Force (ex-RAF) Station (Kai Tak);
- (q) a quantitative AVA would be required to identify effective mitigation measures at the detailed design stage and such requirement would be considered in the lease modification stage;

#### Proposed Amendments to the Notes and Explanatory Statement (ES) of the OZP

- (r) it was proposed to incorporate ‘Art Studio (excluding those involving direct provision of services or goods)’ as a Column 1 use in Schedule II of the “Other Specified Uses” annotated “Business” zone;

#### Departmental Consultation

- (s) relevant government bureaux and departments had no objection to or no adverse comments on the proposed amendments;

#### Consultation with Kwun Tong District Council

- (t) on 10.1.2017, the Kwun Tong District Council (KTDC) was consulted on the proposed amendments to the draft OZP. For the WCR site, KTDC raised concerns on the traffic impact of the proposed development and inadequacy of Government, Institution and Community (GIC) facilities to serve the local community, and considered that the reprovisioning of CA should be properly handled. For the KTM site, some members raised comments on the proposed BHR; and

- (u) written submissions were received from Legislative Council members, KTDC members, CA, 麗晶居民權益關注組 and members of the general public. Besides, representatives of PlanD and HD attended a local forum organized by the concerned KTDC member on 20.1.2017. In general, all of them raised objections to or concerns on the proposed development at the WCR site.

*Amendment Items A and B*

42. The Chairman and some Members raised the following questions:

- (a) whether the provision of open space and major GIC facilities would be sufficient to meet the local demand and whether the provision of GIC facilities was estimated on a local or a district-wide basis. If there was sufficient provision, why there was still complaints from the local residents;
- (b) whether the existing open space and GIC facilities were easily accessible by the local residents; and
- (c) the selection criteria of viewing points adopted by PlanD for the VIA and how the assessment area was delineated.

43. Mr Tom C.K. Yip, DPO/K, made the following responses:

- (a) a table and a location plan on the provision of open space and major GIC facilities in the Ngau Tau Kok and Kowloon Bay OZP area were provided in Attachment VIII and Plan 14 of the Paper respectively. The existing and planned provision of open space and major GIC facilities in the OZP area generally met the requirements as set out in the Hong Kong Planning Standards and Guidelines (HKPSG). In general, the provision of large-scale GIC facilities, e.g. sports ground, was on a district-wide basis while other GIC facilities were mainly assessed on a local basis. For

instance, according to HKPSG, while three libraries were required for the current population of 700,000 in the Kwun Tong District, there were currently six libraries in the area. A secondary school was also proposed at the WCR site by the Education Bureau to serve a wider district. Besides, there were three existing markets in the vicinity of the proposed PRH development and the nearest one was the Kai Yip Market;

- (b) generally, the locations of GIC facilities in the area were easily accessible to the local residents. Besides, the WCR site was well served by public transport and major GIC facilities located within walking distance. Some concerns raised by the local residents were related to the services provided, rather than the location, e.g. there was complaint about the difficulty in making an appointment at a public clinic near Richland Garden; and
- (c) the methodology of the VIA and selection criteria of viewing points followed the Town Planning Board Guidelines No. 41 (TPB PG-No. 41). According to TPB PG-No. 41, it was more important to protect public views rather than private view and the viewing points for VIA should be easily accessible and popular to the public. Both strategic (i.e. the strategic viewing point at Quarry Bay on Hong Kong Island side for assessing ridgeline protection) and popular local viewing points (open space and major pedestrian corridors) had been selected to assess the possible visual impacts at different directions and distances. As for the delineation of initial assessment area boundary, a distance equal to three times of the BH of the proposed development was adopted.

44. Some Members raised the following questions:

- (a) noting that the planning scheme area was bisected by Kwun Tong Road, whether there were any proposals to enhance the pedestrian connectivity between both sides of the road near the WCR and KTM sites; and
- (b) the reprovisioning arrangement for CA upon demolition of the NHB at the WCR site.



45. Mr Tom C.K. Yip, DPO/K, made the following responses:

- (a) at present, there were one subway and one footbridge connecting people on both sides of Kwun Tung Road near the WCR and KTM sites. The Transport Department had not proposed a third connection across this section of Kwun Tong Road; and
- (b) the WCR site, currently occupied by the NHB, had been used by CA under short-term tenancy since 1998. NHB had to be demolished for the proposed PRH and school developments at the site. During the past two years or so, LWB had been in liaison with concerned bureaux and departments for the identification of suitable temporary premises for reprovisioning of CA's retraining facilities. NHB site was included in the second phase of the proposed PRH development. Recently, the District Lands Officer/Kowloon East, Lands Department, had extended the term of the current temporary allocation of NHB to CA until 30.6.2018. Besides, LWB would continue to liaise with CA on the reprovisioning arrangement.

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

*Amendment Item C*

46. The Vice-chairman and some Members raised the following questions:

- (a) the main considerations of the Court's judgments on the JRs on the imposition of development restrictions on the KTM site;
- (b) details of the review of development restrictions conducted by PlanD and the major control recommended by PlanD;
- (c) the reasons why no NBA and BG restrictions were proposed in the current amendments, and in what situations NBA and BG restrictions would be stipulated on the OZPs;

- (d) without OZP control, what the mechanism was to ensure appropriate design and mitigation measures would be adopted to alleviate the possible visual and air ventilation impacts. On the control through lease requirement, whether there was any precedent in the past; and
- (e) the considerations for determining the BH profile for a planning scheme area and the imposition of BHR for individual sites.

47. Mr Tom C.K. Yip, DPO/K, made the following responses:

- (a) according to the Court's judgment, the original BHR for the KTM site could be considered as in line with the stepped BH profile for the area on the OZP, but was quashed because it had not been demonstrated that the BHR could allow the development to accommodate an emergency vehicular access (EVA) and the bonus GFA from setting back of the site for provision of road widening. For the NBAs and BG restrictions, the Court considered that it had not been demonstrated that alternative options for addressing the visual and air ventilation concern had been considered before accepting the option proposed by PlanD. The Court considered that the imposition of development restrictions on a site should be backed up by cogent evidence that the measure could reasonably be regarded as necessary for achieving a particular planning objective;
- (b) with due reference to the judgment, PlanD had conducted a review of the appropriate development restrictions for the site including conducting a VIA and an AVA and preparation of a notional scheme to demonstrate that the permitted development intensity for the site could be achieved. Based on the assessments' results, it was revealed that a BHR of 140mPD would still be in line with the stepped BH profile for the area on the OZP while allowing for achieving the permitted development intensity for the site with incorporation of EVA, bonus GFA and design measures to address air ventilation and visual impacts;

- (c) as confirmed in the VIA and AVA conducted, there were many options to mitigate the possible visual and air ventilation impacts. Therefore, no NBA and BG restrictions were recommended in the current OZP amendments to allow for design flexibility for the future developer to come up with measures fitting in with their own design. For some sites in the Kai Tak area, similar approach was adopted to require the submission of detailed assessments including AVA through lease conditions at the detailed design stage;
- (d) a quantitative AVA would be required at the detailed design stage to identify effective mitigation measures. Besides, the future developer was encouraged to adopt suitable design measures to minimize the visual impact on the surrounding areas, and to consult AMO on the development proposal to minimize visual impact on the ex-RAF Compound. Such requirements would be considered in the lease modification stage;
- (e) generally, the imposition of NBA and BG restrictions on the OZPs could be considered if there was clear air ventilation benefit. For instance, for an individual site falling within an identified air path for an area which was recommended to be preserved by an AVA to facilitate the air ventilation in the region and district, NBA and BG restrictions could be considered; and
- (f) as for the imposition of BHR, a number of planning considerations including the BHs of existing developments, topography, surrounding land uses, strategic and local viewing points and urban design considerations, etc. had been taken into account. The proposed BHR of 140mPD for the site was considered compatible with the stepped BH profile of the area on the OZP which was formulated in 2010. Such stepped BH profile with BHs increasing from the lower part in the west along Kwun Tong Road to the uphill areas in the east, which generally followed the topography of the area, was accepted by the Court.

48. Some Members raised the following questions:

- (a) apart from the view at the ex-RAF Compound site, whether other local viewing points should be considered to assess the possible visual impact on the ex-RAF Compound, e.g. on the other side of Kwun Tong Road;
- (b) whether the proposed BHR of 140mPD would allow for design flexibility while achieving the permissible development intensity of the site;
- (c) the VIA conducted by PlanD had shown a blank façade for the proposed building at the site which was unrealistic and might lead to mis-interpretation of the visual impact; and
- (d) noting that the Sam Shan Kwok Wong Temple, a graded 3 historic building, was located in the vicinity of the site, whether advice from AMO would be sought.

49. Mr Tom C.K. Yip, DPO/K, made the following responses:

- (a) the VIA conducted by PlanD aimed at assessing whether the proposed development with a BH of 140mPD would be compatible with the surrounding developments and whether it would have adverse visual impact on the selected public viewing points. Since the ex-RAF Compound was a low-rise structure, as shown in some photomontages, the existing view to it from the other side of Kwun Tong Road had been largely blocked by the dense vegetation, the Sam Shan Kwok Wong Temple and schools fronting Kwun Tong Road;
- (b) a notional scheme was adopted by PlanD in the VIA. Various design features including a 20m-wide NBA at the southeastern boundary, 10m-wide NBA at northeastern boundary, a lower site coverage and a 15m-wide urban window spanning from 4/F to 19/F of the proposed building had been incorporated into the notional scheme. The notional scheme demonstrated that the proposed BHR of 140mPD would allow for design flexibility for the future developer to adopt effective mitigation measures to improve air and visual permeability while achieving the

permissible development intensity of the site;

- (c) the VIA study had adopted a blank building façade for the purpose of illustrating the possible visual impact of the building mass, and the future developer might work out its own façade design and treatment with greenery at the detailed design stage to further alleviate the visual impact; and
- (d) as for the Sam Shan Kwok Wong Temple, the future developer of the KTM site would be encouraged to consult AMO on the detailed design of their development.

50. In response to the enquiries from the Chairman and the Vice-chairman on whether the air ventilation consideration on a regional/district basis would be different from that at a specific site and the major findings of the AVA, Mr Tom C.K. Yip, DPO/K, said that for air ventilation assessment on a regional or district basis, the focus was on preservation of major air path, while the consideration for a specific site was more on how to achieve a good design to facilitate air ventilation on the local level. As such, it was normal to require a quantitative AVA for specific site at the detailed design stage to identify good design measures to facilitate air ventilation. In this regard, PlanD had commissioned an AVA consultant to conduct an AVA by EE for the KTM site in order to identify the prevailing local wind environment and major air paths in the area. It was revealed that the site was within a relatively open wind environment and the prevailing winds could travel along major air paths such as Kwun Tong Road. Although the proposed development would potentially block the prevailing winds from some directions and create wake regions in its immediate downstream areas, the findings of AVA showed that the potential adverse impacts on the pedestrian wind environment could be alleviated by incorporating appropriate mitigation/enhancement measures into the detailed design of the proposed development.

51. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft Ngau Tau Kok and Kowloon Bay OZP and that the draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/28A (to be renumbered as S/K13/29 upon exhibition) and its Notes

were suitable for exhibition under section 7 of the Town Planning Ordinance; and

- (b) adopt the revised ES for the draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/28A as an expression of the planning intentions and objectives of the Board for various land use zones of the OZP and agree that the revised ES was suitable for publication together with the OZP.

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

[Mr Stephen C.Y. Chan, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K22/17                      Minor Relaxation of Building Height Restriction for the Proposed Main Stadium at the Southern Portion of the Kai Tak Sports Park; Proposed Hotel and Eating Place in "Open Space (1)" and "Open Space (2)" and "Open Space" and "Other Specified Uses" annotated "Stadium" Zone and an area shown as 'Road', Kai Tak Sports Park, Kowloon (North Apron of Kai Tak Development)  
(MPC Paper No. A/K22/17)

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52.                      The Secretary reported that the application was submitted by the Home Affairs Bureau (HAB), with Leigh & Orange Limited (LOL), WSP Parsons Brinckerhoff (WSP), Urbis Limited (Urbis), BMT Asia Pacific Limited (BMT), MVA Hong Kong Limited (MVA) and AECOM Asia Company Limited (AECOM) as six of the consultants of the applicant. The following Members had declared interests in the item:

Mr Martin W.C. Kwan                      -    being the Chief Engineer (Works) of

Home Affairs Department (HAD) which was an executive arm of HAB

- Mr Patrick H.T. Lau - having current business dealings with HAD, BMT, MVA and AECOM
- Mr Dominic K.K. Lam - having current business dealings with LOL and having past business dealings with AECOM
- Mr Stephen H.B. Yau - working in an organization which had a project funded by HAD and being one of the directors of the Hong Kong Football Association which was funded by HAD
- Dr Frankie W.C. Yeung - being the chairman and vice-chairman of several sub-committees of HAD but having no involvement in the subject application
- Mr Thomas O.S. Ho - his company having current business dealings with Urbis and MVA and having past business dealings with BMT and AECOM
- Ms Sandy H.Y. Wong - being a member of one sub-committee of HAD but having no involvement in the subject application
- Mr Franklin Yu - having past business dealings with WSP, Urbis, MVA and AECOM and his firm having past business dealings with HAD

53. The Committee noted that Mr Dominic K.K. Lam and Mr Thomas O.S. Ho had

tendered apologies for being unable to attend the meeting and Mr Martin W.C. Kwan had already left the meeting. As the interest of Mr Patrick H.T. Lau was direct, the Committee agreed that he should be invited to leave the meeting temporarily. As the interest of Mr Franklin Yu was indirect and Mr Stephen H.B. Yau, Dr Frankie W.C. Yeung and Ms Sandy H.Y. Wong had no involvement in the application, the Committee agreed that they could stay in the meeting.

[Mr Patrick H.T. Lau left the meeting at this point.]

### Presentation and Question Sessions

54. With the aid of a PowerPoint presentation, Mr Stephen C.Y. Chan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction (BHR) of the Main Stadium (MS) from 55mPD to 70mPD (+15m), the proposed hotel to the west of the MS and the proposed eating place;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Tourism supported the proposed hotel development as it would increase the number of hotel rooms, broaden the range of accommodations for visitors, and support the rapid development of convention and exhibition, tourism and hotel industries. The Task Force on Kai Tak Harboufront Development of the Harbourfront Commission was consulted and had no objection to the proposal while expressing some concerns on the technical issues which the project proponent had agreed to take into account during detailed design stage. Other relevant departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, two public comments objecting to the application were received from



individuals. The major grounds of objection 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. After considering the site constraints, visual impacts and environmental/operational requirements, the proposed minor relaxation of BHR for the MS from 55mPD to 70mPD (+15m) was considered acceptable from planning perspective. The proposed hotel was compatible with the surrounding uses and could be considered as a supporting and complementary use to the Kai Tak Sports Park (KTSP). The technical assessments demonstrated that the proposed hotel would not create adverse traffic, environmental, air ventilation, drainage, water supply impacts on the surrounding areas. In view of the nature and small scale of the proposed eating place, which could be considered as directly related and ancillary to the open space, planning permission was not required for such use. Regarding the adverse public comments, the comments of relevant government departments and planning assessments above were relevant.

55. Some Members raised the following questions:

- (a) the detailed proposal in relation to the MS;
- (b) how the existing road network would constrain the footprint of the MS; and
- (c) the supply of hotels in the Kai Tak area.

56. Mr Tom C.K. Yip, DPO/K, made the following responses:

- (a) the MS with a capacity of 50,000 spectators (45,000 in the original proposal) was intended to be the largest stadium in Hong Kong capable of holding major international sports events as well as cultural/entertainment events;

- (b) the footprint of the MS was constrained by the planned Road D2 and Central Kowloon Route; and
  
- (c) although there were five proposed hotels in the Runway Area, Area 1 and Tourism Node within Kai Tak Development Area, the market positioning of the proposed hotel under application was different as it was intended mainly to provide accommodation for athletes, officials and staff participating in the events within the KTSP.

[Mr K.K. Cheung and Dr Frankie W.C. Yeung left the meeting at this point.]

### Deliberation Session

57. 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 17.3.2021, 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 submission and implementation of the design of vehicular access, parking facilities, loading/unloading spaces and lay-bys for the proposed hotel development to the satisfaction of the Commissioner for Transport or of the TPB.”

58. 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 Mr Tom C.K. Yip, DPO/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/268                      Proposed Private Club in "Other Specified Uses" annotated "Business" Zone, Units A & B, 1/F. Eldex Industrial Building, 21 Ma Tau Wai Road, Hung Hom, Kowloon  
(MPC Paper No. A/K9/268)

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59.            The Secretary reported that Kenneth To & Associates Limited (KTA) and Associated Architects Limited (AAL) were two consultants of the applicant. The following Members had declared interests in the item:

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

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

60.            The Committee noted that Mr Patrick H.T. Lau and Mr K.K. Cheung had already left the meeting.

**Presentation and Question Sessions**

61.            With the aid of a PowerPoint presentation, Mr Stephen C.Y. Chan, 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 S) objected to the application as the visitors would be exposed to risks which they would be neither aware of nor prepared to face. Other relevant departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application were received from a member of the general public. The major grounds of objection 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 applied use at the subject premises was considered generally in line with the planning intention, the proposed private club use did not comply with the Town Planning Board Guidelines No. 22D in that it would induce adverse fire safety impact and D of FS was not satisfied on the risk likely to arise or increase from the proposed use.

62. Members had no question on the application.

#### Deliberation Session

63. 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 Mr Stephen C.Y. Chan, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

**Agenda Item 9**

**Section 16 Application**

[Open Meeting]

A/K18/322                      Proposed Religious Institution (Redevelopment of Bethel Bible Seminary with In-situ Preservation of Sun Hok Building) in "Government, Institution or Community (12)" Zone, 45 - 47 Grampian Road, Kowloon City, Kowloon  
(MPC Paper No. A/K18/322)

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64.            The Secretary reported that Ho Tin & Associate Consulting Engineers Limited (HTA) was one of the consultants of the applicant. Mr Patrick H.T. Lau had declared interest in the item as he had current business dealings with HTA. The Committee noted that the applicant had requested a deferral of consideration of the application and Mr Patrick H.T. Lau had already left the meeting.

65.            The Committee noted that the applicant requested on 14.3.2017 for deferment of the consideration of the application for two months in order to address comments from the Architectural Services Department and Transport Department. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information covering an Air Ventilation Assessment, a Noise Impact Assessment, a set of revised architectural drawings and floor layout plans, and technical clarifications and explanations relating to the Traffic Impact Assessment.

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

**Agenda Item 10**

Any Other Business

[Open Meeting]

A/K5/777-2            Application for Extension of Time for Compliance with Planning Conditions, Flat D1B (Portion) on G/F., Garment Centre, 576-586 Castle Peak Road, Cheung Sha Wan, Kowloon

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67.            The Secretary reported that application No. A/K5/777 was approved with conditions by the Committee on 10.6.2016 and the deadline for compliance with approval condition (a) was 10.3.2017. An application for extension of time for three months for compliance with approval condition (a) up till 10.6.2017 was received by the Town Planning Board on 3.3.2017, which was six working days before the expiry of the specified time limit for the approval condition (a).

68.            After deliberation, the Committee agreed that the subject application for extension of time could not be considered for reason that the time limit for compliance with approval condition (a) had already expired on 10.3.2017 and the planning approval for the subject application had ceased to have effect and had on the same date been revoked. The Committee could not consider the subject application as the planning permission no longer existed at the time of consideration.

69.            There being no other business, the meeting closed at 1:10 p.m..