

TOWN PLANNING BOARD

Minutes of 581st Meeting of the Metro Planning Committee held at 9:00 a.m. on 26.5.2017

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 Wilson Y.W. Fung

Professor T.S. Liu

Miss 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 Paul Y.K. Au

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

Assistant Director (R1), 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 K. K. Cheung

Mr Thomas O.S. Ho

In Attendance

Assistant Director of Planning/Board
Ms Sally S.Y. Fong

Chief Town Planner/Town Planning Board
Mr Kevin C.P. Ng

Town Planner/Town Planning Board
Mr Harris K.C. Liu

Agenda Item 1

Confirmation of the Draft Minutes of the 580th MPC Meeting held on 12.5.2017

[Open Meeting]

1. The draft minutes of the 580th MPC meeting held on 12.5.2017 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/K4/1 Application for Amendment to the Approved Shek Kip Mei Outline Zoning Plan No. S/K4/29, To amend the notes of Approved Shek Kip Mei Outline Zoning Plan No. S/K4/29 for "Comprehensive Development Area" Zone, Tai Hang Sai Estate, Shek Kip Mei, Kowloon (New Kowloon Inland Lot No. 4479)

(MPC Paper No. Y/K4/1A)

3. The Secretary reported that the site was located in Shek Kip Mei and Dr Lawrence W.C. Poon had declared an interest on the item as he was working in the City University of Hong Kong and living in its staff quarters in Kowloon Tong covered by the Shek Kip Mei Outline Zoning Plan (OZP). Since Dr Lawrence W.C. Poon's residence did not have a direct view of the site, the Committee agreed that he could stay in the meeting.

4. The Secretary reported that a petition letter from 大坑西邨居民權益關注組 (Tai Hang Sai Estate Residents Right Concern Group (THSCG)) shown on the visualiser was received before the meeting. The Committee noted that the petition letter mainly set out the findings of a questionnaire survey conducted in 2016, recapitulated the major views of the public comments and indicated support to the proposal of reserving not less than 85% domestic gross floor area (GFA) of the future redevelopment of Tai Hang Sai Estate (THSE) for subsidized rental flats (SRFs).

5. The following representatives from the Planning Department (PlanD), the applicant and his 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 Esther M.Y. Tang	-	Senior Town Planner/ Tsuen Wan and West Kowloon (STP/TWK), PlanD
Mr Tsui Kwan Kuen	-	The Applicant
Ms Chan Po Kuen]	
Mr Tsang Kin Wah]	
Mr Huang Sheng Wei]	Applicant's representatives
Mr Wong Yiu Cho]	
Ms Lam Tsz Kwan]	

Presentation and Question Sessions

6. The Chairman extended a welcome and explained the procedure of the hearing. He then invited PlanD's representatives to brief Members on the background of the application. With the aid of a PowerPoint presentation, Ms Esther M.Y. Tang, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed amendments to the Notes for "Comprehensive Development Area" ("CDA") zone;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Secretary for Transport and Housing commented that the Hong Kong Settlers Housing Corporation Limited (HKSHCL) should not proceed with the redevelopment proposal for THSE if it failed to reach an agreement with the existing tenants on the rehousing/decanting arrangement and the proposed rehousing/decanting arrangement under the current application should be considered by HKSHCL. The Secretary for Food and Health indicated that there was no plan to provide a clinic at the site as new and similar facilities were planned in the area. The Director of Social Welfare also had no plan to provide

other social welfare facilities at the site at the moment. The Director of Leisure and Cultural Services commented that the department would not take up the responsibility of construction, maintenance and management of the proposed swimming pool. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of statutory publication period, a total of 736 comments were received. Among them, 729 were supportive comments submitted by THSCG and individuals, one objected to and six raised concerns on the application. The major supportive views, grounds of objection and concerns were set out in paragraph 10 of the Paper.

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The statutory plan aimed to control land use, hence restriction on housing type was not stipulated and the current Notes would not pre-empt the future proponent from proposing an appropriate mix of housing type for the redevelopment of THSE. The approved Tai Po OZP, as quoted by the applicant as an example, was not applicable to the current application since those sites were intended to be developed by the Hong Kong Housing Authority for public housing development and, even so, there was no further restriction on the provision of public rental housing (PRH) or subsidized sale flats (SSFs). As for the application site, it was held under private treaty grant and imposing restrictions on housing type was considered not necessary. Regarding rehousing arrangement of THSE, advisory clauses had been incorporated into the planning permission of application No. A/K4/67 urging HKSHCL to provide SRFs within the redevelopment to meet the needs of the affected existing tenants of THSE and requesting the Government not to execute the lease modification for the redevelopment proposal before the rehousing arrangement had been satisfactorily resolved. As for the proposed increase in the maximum plot ratio (PR) from 5.5 to 6.6, flexibility for minor relaxation of PR had been provided under the Remarks of the Notes for the “CDA” zone and thus it was not necessary to amend the PR restriction on the OZP. There was also no strong

justification for imposing the proposed restrictions on the type or size of retail activities. Besides, the provision of government, institution or community (GIC) and recreational facilities as proposed by the applicant was not required by the relevant bureaux and department at this juncture. Regarding the public comments, the comments of concerned bureaux/departments and the planning assessments above were relevant.

7. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Ms Lam Tsz Kwan, the applicant's representative, made the following main points:

- (a) the subject application aimed to reflect the deficiencies of the redevelopment proposal of HKSHCL;
- (b) THSE was granted to HKSHCL at concessionary premium with a view to providing SRFs to those in need. Such original objective in granting the site to HKSHCL should be an important consideration in allowing the redevelopment and lease modification of the site;
- (c) the current application offered a four-win option for the Government, HKSHCL, the existing tenants and those eligible individuals on the waiting list for PRH. For the Government, the proposal would create more than 5,000 PRH units in the urban area to meet the keen housing demand and could avoid developing such controversial sites as Wang Chau. Since more than 80% of respondents to their survey indicated their preference of SRFs over SSFs, returning the site to the Government might be a better solution to HKSHCL in view of the difficulty in reaching a consensus with the affected tenants on the rehousing arrangement and the fact that providing a large number of SRFs in the redevelopment proposal might not be financially viable for HKSHCL. It could address the tenants' concern on possible high selling price of SSFs and also provide more rental flats for eligible individuals, thus shortening the waiting time for PRH; and
- (d) it was doubtful if Man Tai House in the HKSHCL's revised rehousing

proposal would be permanently retained as it was located on the proposed wind corridor and had been proposed to be demolished in the approved redevelopment scheme. If this was the case, it would affect the total number of SRF available for decanting the existing tenants. HKSHCL should explain in detail the implementation arrangement of Phase 2 redevelopment.

8. Mr Tsui Kwan Kuen, the applicant, made the following main points:
- (a) he had been living in THSE since 1968. Due to the poor building management of HKSHCL, there were many maintenance works from time to time and THSE was no longer a decent living place;
 - (b) since the approval of HKSHCL's planning application in June 2016, HKSHCL had not made contact with the existing tenants nor conducted home visit or survey to collect tenants' views on the rehousing arrangement. HKSHCL had made no genuine effort to resolve the rehousing issue;
 - (c) according to the survey conducted by the THSCG, about 300 respondents indicated their preference of SRFs over SSFs. Despite the revised rehousing arrangement as announced by HKSHCL in February 2017, the number of SRFs to be provided was still unable to accommodate all the affected tenants. Besides, there was no information on the total number of SRFs to be provided upon the full redevelopment of THSE;
 - (d) tenants of Man Hong House and Man Lok House, mostly elderly, were rehoused to vacant units at the upper floors in buildings with no elevator. Such arrangement was not acceptable and the intention behind was skeptical; and
 - (e) the current proposal of developing five towers for SRFs and one tower for SSFs could provide significant number of SRFs to meet the rehousing needs of the existing tenants and help address the need for PRH by the general public.

9. Mr Tsang Kin Wah, the applicant's representative, made the following main point:

- (a) he was a representative of 深水埗無人士房屋關注組 (SSPCG). SSPCG supported the applicant's proposal of providing SRFs and SSFs at a ratio of 5:1;
- (b) the average waiting time for PRH had been extended from three years to about four years and seven months and about 280,000 households were waiting for the allocation of PRH units. However, only 75,000 PRH units would be constructed in the coming five years and there was no new PRH development in the Sham Shui Po area. Redeveloping THSE by HKSHCL to provide SSFs would be a waste of scarce land resource in the urban area;
- (c) the Government and concerned departments had the responsibilities to ensure that the redevelopment of THSE would be in line with the original intention of granting the site to HKSHCL and to monitor the selling price of SSFs; and
- (d) SSPCG considered that HKSHCL would be unable to redevelop THSE to provide sufficient number of SRFs and urged the Government to resume the site for developing PRH.

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

10. Ms Chan Po Kuen, the applicant's representative, made the following main points:

- (a) she was a resident in a subdivided flat in Sham Shui Po and considered that more GIC facilities and small retail shops should be provided to meet the needs of low-income group in the district. In particular, small retail shops would provide diversified choices and affordable goods; and

- (b) since Sham Shui Po district had a high percentage of aged population, more elderly facilities such as residential care home for the elderly (RCHE) should be provided.

11. With the aid of a PowerPoint presentation, Ms Lam Tsz Kwan supplemented the following main points:

- (a) the requests for providing more GIC facilities and small retail shops were based on the findings of an opinion survey of 400 persons conducted in July and August 2016, which was enclosed at Attachment III of the submitted planning statement. The 5:1 option was also supported by most of the respondents;
- (b) though concerned departments considered it not necessary to provide additional GIC and recreational facilities and PlanD considered it not appropriate to impose restrictions on types of retail activities, the proposals under the current application were to reflect community needs;
- (c) Lok Fu Bazaar was an example illustrating the provision of a number of small retail shops for running small businesses without chain stores, which could provide diversified choices to the local residents.

12. Some Members raised the following questions:

Resumption of THSE for PRH Development

- (a) whether the applicant's proposal of resuming THSE for PRH development was feasible and, if so, the resumption mechanism;

Land Lease of THSE

- (b) the difference between the lease of THSE and other land lease for private developments;

- (c) whether the lease modification of the subject site would require policy approval from the Government;
- (d) whether the lease modification was being processed, and the details regarding the terms of the lease modification;

Operation of HKSHCL

- (e) whether there was any control on how HKSHCL distributed its profits;
- (f) the composition of HKSHCL and whether it was a non-profit making company;

Implementation Mechanism

- (g) whether there was any mechanism to ensure that the proposed non-domestic GFA were designated specifically for small businesses; and
- (h) whether there was any mechanism regulating and monitoring the rental and selling prices of future SRFs and SSFs in THSE.

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

Resumption of THSE for PRH Development

- (a) resumption of land for public purpose, where required, would be undertaken in accordance with the Lands Resumption Ordinance. The THSE was a privately owned housing estate and the redevelopment by HKSHCL was in line with the planning intention of the “CDA” zone;

Land Lease of THSE

- (b) unlike other private developments, the subject site was granted to

HKSHCL by private treaty at concessionary premium and it was specified in the lease that no less than 1,600 flats should be provided for persons of small means. Lease modification or land exchange would be required for HKSHCL to implement the THSE redevelopment scheme approved by the Board. Approval of the land exchange and lease modification would be subject to policy directive and the lease terms would be subject to the negotiation between the Government and HKSHCL;

- (c) according to the Lands Department (LandsD), no application for lease modification at the site had been submitted so far. The advisory clauses of application No. A/K4/67 had advised the applicant of that case to note the Committee's request that the Government should not execute the lease modification for the redevelopment proposal of THSE before the rehousing arrangement for the existing tenants had been satisfactorily resolved;

Operation of HKSHCL

- (d) there was no information on how HKSHCL distributed its profit. Nevertheless, HKSHCL was a private limited company. With reference to the HKSHCL's Memorandum of Association, one of the key objectives of its establishment was to develop housing units for the occupation by settlers and other residents whose total incomes did not exceed certain amount;
- (e) there was no information on the current composition of the Board of Directors of HKSHCL;

Implementation Scheme

- (f) it was uncommon to control the specific type and size of shops on the OZP, which should primarily be a market-driven decision determined by the service providers; and
- (g) the rent and selling price of future SRFs and SSFs respectively would

depend on prevailing government policy, the negotiation between the Government and HKSHCL, and the details of the lease terms.

14. A Member raised the following questions:

- (a) whether the applicant had carried out any assessment or study on the financial viability of his proposal;
- (b) the views of the applicant or the residents of THSE if HKSHCL decided to maintain the status quo of THSE without redevelopment due to financial consideration; and
- (c) whether THSE was still accepting new tenants to move in;

15. Ms Lam Tsz Kwan made the following responses:

- (a) there should not be only two options (i.e. redeveloping THSE according to HKSHCL's proposal or maintaining the status quo of THSE). The current proposal of HKSHCL was unfair to the existing tenants as they might not be able to afford buying SSFs upon redevelopment of THSE; and
- (b) the applicant was unable to carry out a financial analysis on the proposals. Nevertheless, it was acknowledged that it might not be financially viable for HKSHCL to provide a large number of SRFs in the redeveloped THSE. Therefore, the applicant considered it appropriate for the Government to resume the site for PRH development. Besides, the details of the rehousing arrangement would be subject to the new lease terms upon lease modification and the existing residents had no right to participate in the process. There was no guarantee that the concerns of the existing tenants would be adequately addressed.

16. Mr Tsui Kwan Kuen also responded that according to his observation, there was no new tenant moving into THSE in the past 10 years.

17. Some Members raised the following questions:

HKSHCL's Revised Rehousing Arrangement

- (a) the applicant's concerns regarding the retention of Man Tai House for rehousing purpose;
- (b) any information from HKSHCL on the consultation with the existing tenants of THSE on the rehousing proposal;
- (c) noting that THSE currently had 1,603 rental flats and only 1,289 units would be provided in Phase 1 for rehousing the affected tenants, any information on how HKSHCL would handle the rehousing of the remaining tenants;
- (d) how the rehousing arrangement could be regarded as being satisfactorily resolved;

Neighbourhood Elderly Centre and RCHE

- (e) according to HKSHCL's approved scheme, a neighbourhood elderly centre (NEC) would be provided within the site while the applicant proposed a RCHE instead, what the difference between NEC and RCHE was;
- (f) the demand for NEC or RCHE in Sham Shui Po district according to the Hong Kong Planning Standards and Guidelines (HKPSG); and

Specifying Housing Type on OZP

- (g) apart from Tai Po OZP, whether there was any other example with the Notes of the OZP specifying the provision of subsidized housing.

18. In response, Ms Lam Tsz Kwan said that according to HKSHCL's revised rehousing proposal, Man Tai House would be retained for rehousing purpose but it was

located on a wind corridor according to the approved scheme under application No. A/K4/67. It was unclear if Man Tai House would be permanently retained.

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

HKSHCL's Revised Rehousing Arrangement

- (a) Man Tai House would be demolished in Phase 2 according to the planning application No. A/K4/67 as approved in June 2016. However, according to HKSHCL's notice on the revised rehousing arrangement in February 2017, the implementation details of Phase 2 redevelopment would be finalized depending on the consensus to be reached with the residents and social needs. HKSHCL would conduct home visit to solicit tenants' views and the Housing Affairs Committee of the Sham Shui Po District Council had also requested HKSHCL to report the latest progress of rehousing at suitable juncture;
- (b) currently, about 1,335 out of 1,603 flats were being occupied. Based on HKSHCL's latest rehousing proposal, Phase 1 with a total of 1,289 flats would comprise 560 SRFs and 729 SSFs for the existing tenants. Man Tai House with 263 rental flats could also be used for rental purpose in Phase 1. There was however no information from HKSHCL on how to handle the remaining rehousing demand;
- (c) on the rehousing issue, it would depend on the future negotiation between HKSHCL and the existing tenants with a view to resolving the issue satisfactorily;

NEC and RCHE

- (d) a NEC provided day time community support to elderly at neighbourhood level while a RCHE provided residential care and facilities to the elderly;
- (e) in planning for NEC and RCHE, instead of population-based, the Social

Welfare Department (SWD) would take into account the demand for NEC and RCHE in district level. Besides, SWD had been consulted on the proposed RCHE at the site under the application and advised that there was no plan to provide such facility at the site; and

- (f) except for those sites allocated to HKHA for public housing development, there were no other cases that the Notes of the OZP had specified the development of subsidized housing.

20. Mr Tsui Kwan Kuen supplemented that, to his knowledge, no home visit had been conducted by HKSHCL so far.

21. Some Members raised the following questions:

- (a) noting that the HKSHCL's scheme was approved with a relaxation of the maximum PR to 6.8 while there was no technical assessment under the current application to support the proposed revision of the maximum PR to 6.6, whether the technical assessments submitted in the approved application No. A/K4/67 were scheme-specific;
- (b) whether the existing provision of 1,603 units at THSE had been limited by the construction technology available at that time; and
- (c) how to define persons of small means at that time and whether there was any mechanism for evicting well-off tenants.

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

- (a) the maximum PR was relaxed to 6.8 under Application No. A/K4/67 with the support of various technical assessments, which were scheme-specific, and the planning merits offered by the approved scheme; and
- (b) the design and scale of development of the THSE was determined by HKSHCL at that time.

23. Mr Tsui Kwan Kuen also responded that persons of small means should be defined by the Government or HKSHCL and he had no knowledge on the policy on evicting well-off tenants in THSE.

24. As the applicant and his representatives had no further points to raise and there were no further questions from the Members, the Chairman informed them 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 from PlanD and the applicant and his representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

25. The Chairman recapitulated that the application was a s.12A application to amend the Notes for the "CDA" zone specifying the planning intention of the site for development of subsidized residential and/or commercial uses, designating not less than 85% of the domestic GFA for SRFs, relaxing the maximum PR from 5.5 to 6.6 and specifying the provision of small retail shops as well as certain GIC and recreational facilities.

26. Some Members had the following major views:

- (a) the proposed housing mix of 5 blocks of SRFs and 1 block of SSFs were too restrictive. Given that there had yet to be any consensus between the HKSHCL and the existing tenants on the rehousing arrangement, specifying a ratio of SRFs and SSFs for the redevelopment would not be conducive to their ongoing discussion;
- (b) the OZP was not an appropriate mechanism to control the size of shops to be provided in the redevelopment of THSE;
- (c) there were no technical assessments in the current submission to support the relaxation of PR from 5.5 to 6.6; and

- (d) the concerns of the existing tenants were fully understood. LandsD should be the gatekeeper ensuring that the lease modification to effect the redevelopment proposal of THSE should not be executed before the rehousing arrangement had been satisfactorily resolved. Besides, noting that the retention of Man Tai House in Phase 1 was a transitional arrangement, the issue should be resolved before the commencement of Phase 2 redevelopment.

27. Members in general considered it not necessary to amend the Notes for the “CDA” zone as proposed by the applicant but reiterated their concern on the rehousing arrangement, in particular, whether the number of SRFs to be provided was sufficient to accommodate all the existing tenants in THSE. Members were of the view that their concerns as reflected in the two additional advisory clauses to the planning permission of the Application No. A/K4/67 were still valid.

28. The Chairman concluded that Members generally did not support the current application and considered it appropriate to leave the rehousing arrangement to HKSHCL for further discussion with the existing tenants. Nevertheless, Members reiterated their concern that the rehousing arrangement should be satisfactorily resolved, including additional provision of SRFs when necessary, before the commencement of the redevelopment of THSE.

29. The Vice-chairman proposed and the Committee agreed that LandsD should be made aware of the concerns of the Committee on the rehousing arrangement and reminded not to execute the lease modification for the redevelopment proposal of THSE before the rehousing arrangement had been satisfactorily resolved.

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

- “(a) there is no strong justification to impose additional control on the housing type of the development under the “Comprehensive Development Area” zone;

- (b) the current plot ratio (PR) restriction of 5.5 is appropriate taking into account the technical assessments conducted in the review of the Outline Zoning Plan (OZP). The provision of a minor relaxation clause would allow for increase in PR with adequate justifications and technical assessments. There is no strong justification to change the PR restriction to 6.6;
- (c) the OZP is not a tool for regulating the type of retail facilities and there is no strong justification to impose restrictions on type and size of shops; and
- (d) the provision of a residential care home for the elderly, clinic and swimming pool is not required by the concerned departments.

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

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

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TY/1 Application for Amendment to the Approved Tsing Yi Outline Zoning Plan No. S/TY/28, To rezone the application site from "Residential (Group A) 4" to "Open Space", Government Land at the Junction of Tsing Hung Road and Tsing Yi Road, Tsing Yi
(MPC Paper No. Y/TY/1)

31. The Committee noted that a replacement page (page 11 of the Paper), rectifying a typographic error in paragraph 11.2(b), had been despatched to Members for reference.

32. The Secretary reported that the site had been earmarked for public housing development by the Hong Kong Housing Authority (HKHA). The following Members had declared interest on the item:

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| 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 the HKHA; |
| Mr Patrick H.T. Lau |] having current business dealings with HKHA; |
| Mr Thomas O.S. Ho |]] |
| Mr K.K. Cheung | - his firm having current business dealings with HKHA; |
| Mr Franklin Yu | - having past business dealings with HKHA; and |
| Dr Lawrence W.C. Poon | - his spouse working in the Housing Department, which is the executive arm of the HKHA, but had no involvement in planning work. |

33. The Committee noted that Mr K.K. Cheung and Mr Thomas O.S. Ho had tendered apologies for being unable to attend the meeting and Dr Lawrence W.C. Poon had already left the meeting. As the interests of the Chairman and Mr Patrick H.T. Lau were direct, the Committee agreed that they should leave the meeting temporarily for the item. The Committee also agreed that Mr Franklin Yu could stay in the meeting as his interest was indirect. The Vice-chairman took up chairmanship at this point.

[The Chairman and Mr Patrick H.T. Lau left the meeting temporarily at this point.]

34. The following representatives from the Planning Department (PlanD) and the representatives of the applicant 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 Chau Man Hon]

Mr Chu Ka Leung]

Mr Lai Chung Ming] Applicant's representatives

Mr Chan Wai Yip]

Mr Poon Chi Shing]

Presentation and Question Sessions

35. The Vice-chairman extended a welcome and explained the procedure of the hearing. He then invited PlanD's representatives to brief Members on the background of the application. 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 proposed rezoning of the application site from "Residential (Group A)

4” (“R(A)4”) to “Open Space” (“O”);

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Director of Housing (D of H) objected to the application as the rezoning application would adversely affect the proposed public rental housing (PRH) development at the site which was expected for completion in 2022. Besides, the site had been retained as “R(A)4” zone after the Board’s deliberation on the representations/comments/further representations to the draft Tsing Yi Outline Zoning Plan (OZP) No. S/TY/27 and it was considered suitable for residential use. 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, a total of 386 public comments were received, of which 384 comments from the Owner’s Committee of Rambler Crest (i.e. the applicant), the Incorporated Owners of Mayfair Gardens and individuals supported the application and the remaining two, including one from a member of Kwai Tsing District Council (K&TDC), provided comments on the application. The major supportive views and comments 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 justifications put forth by the applicant were similar to the grounds of representations, comments and further representations in respect of the draft Tsing Yi OZP No. S/TY/27. No technical assessment had been submitted to demonstrate that the site was not suitable for the proposed PRH development and there was no strong justification to warrant a deviation from the Board’s previous decision on the “R(A)4” zoning of the site. Though the site had formed part of a larger “O” zone serving as a buffer between industrial uses and the nearby residential and other sensitive uses as recommended in the “South-East Tsing Yi Port Development Planning and Engineering Feasibility Study for the Container Terminal 9” (“the CT9 Study”), after the rezoning of the Rambler Crest site from “Industrial” (“I”) to

“Commercial” (“C”) in 1997, the buffer function at the site was no longer required. Regarding open space provision, there would be about 68 ha of open space in Tsing Yi which, together with the planned provision, had exceeded the requirements set out in the Hong Kong Planning Standards and Guidelines (HKPSG). Given that there was no deficit in the open space provision in the area and no strong justification had been provided in support of the rezoning, approval of the application would set an undesirable precedent for other similar rezoning applications. Regarding the public comments, comments of the concerned departments and the planning assessments above were relevant.

36. The Vice-chairman then invited the applicant’s representatives to elaborate on the application. Mr Chau Man Hon, the applicant’s representative, made the following main points:

- (a) he was the Chairman of the Owners’ Committee of Rambler Crest. They objected to the zoning of the site as “R(A)4” to facilitate a PRH development and submitted the current rezoning application to revert the site back to “O” zone;

Buffer Area

- (b) during the planning of CT9 development, to address the strong public objections, the Government proposed a buffer area including the site between CT9 and the nearby residential developments (e.g. Mayfair Garden and Cheung Ching Estate) to minimize potential environmental impacts on noise, air quality and glare aspects. The requirement of a buffer area as a mitigation measure for CT9 development had been clearly stated in the CT9 Study. In 2016, the Government reneged on its promises and proposed to rezone the site from “O” to “R(A)4” for public housing development. This was a violation of the recommendations of the CT9 Study;

Lacking of Open Space in Tsing Yi South

- (c) according to the HKPSG, a minimum 20 ha of open space per 100,000 persons should be provided. The current open space provision and population in Tsing Yi were about 43.74 ha and about 210,000 persons respectively. Upon completion of the future residential developments in the area, including the proposed PRH development at the subject site, the population forecast would be 260,000 in 2018. Taking into account the increase in population and the loss of open space due to the rezoning of the site to “R(A)4”, there would be about 10ha deficit in open space provision in Tsing Yi. Furthermore, open space were mostly located in Tsing Yi North and not within the 200m walking distance of the residential developments in Tsing Yi South; and

Potential Traffic Impact

- (d) the traffic impact assessment conducted by the Government had serious errors and inaccuracies which had led to the underestimation of the potential traffic impact to be generated from the proposed PRH development. Besides, container vehicles using the local traffic network might impose road safety concerns to both existing and future residents.

37. Mr Poon Chi Shing, the applicant representative, made the following main points:

Responses to Departmental Comments

- (a) he was a member of K&TDC. He did not agree to D of H’s comments that members of K&TDC in general had no objection to the proposed PRH development. Various concerns were raised by members at K&TDC meeting and relevant departments, including the Housing Department (HD) and the Transport Department (TD), were requested to address/follow up those concerns. K&TDC also requested HD to submit a revised proposal for further consultation;
- (b) regarding the comments of the Social Welfare Department (SWD) which

supported the proposed PRH development with the incorporation of social welfare facilities, it was questionable why SWD did not support their proposal which also incorporated social welfare facilities;

- (c) the comments of the District Officer (Kwai Tsing) that K&TDC had no objection to the PRH development were incorrect. Various concerns were raised at the DC meeting and K&TDC objected to the proposed PRH development unless the potential environmental and traffic impacts would be properly addressed;

Latest Progress of the Proposed PRH Development

- (d) according to HD's reply to his letter dated 27.4.2017, site investigation works was being carried out for the proposed PRH development. However, the Paper indicated that the site was handed over to HD for carrying out the construction of the PRH development. The Committee was urged to note the discrepancy and not to be misled by the departmental comments;

Others

- (e) the recommended rejection reason of setting an undesirable precedent for other similar rezoning applications and aggravating the shortage of housing land was also not agreeable as the application itself would not cause such an impact; and
- (f) noting that a multi-storey container vehicles park might be developed to the southeast of the site, the cumulative increase in traffic flow would likely bring adverse traffic impact to the surrounding areas.

38. Mr Lai Chung Ming, the applicant's representative, made the following main points:

- (a) he was a member of the Owners' Committee of Rambler Crest;

- (b) it was illogical to argue that there would be no insurmountable technical problems for the PRH development at the site, so the PRH use of the site was acceptable. Land use consideration should be a more important consideration than technical aspects;
- (c) with reference to paragraph 10.4 of the Paper, the statement that “the buffer requirement at the site to separate industrial uses and sensitive receivers was no longer applicable” contradicted to the findings of the CT9 Study which clearly stated that the site should be served as a buffer to separate the technical college (i.e. Institute of Vocational Education (Tsing Yi) (IVE(Tsing Yi))) from the industrial activities;
- (d) despite the rezoning of the Rambler Crest Site from “I” to “C” in 1997, the Explanatory Statement (ES) of the Tsing Yi OZP had stated that the original “O” site served as a buffer. This statement in relation to the buffer function of the “O” zone was deliberately deleted from the ES by PlanD before the gazettal of the draft Tsing Yi OZP No. S/TY/26 in order to facilitate the rezoning of the subject site;
- (e) the rejection reason (a) in paragraph 11.2 of the Paper was not agreeable as the justifications put forth by the applicant were mainly based on the CT9 Study, which was still valid. Also, the rejection reason (b) was considered illogical as each application should be considered by the Committee on its own merits; and
- (f) the current application intended to revert the site back to “O” zone and maintain its status quo. Reversing the site back to “O” could set a good precedent to demonstrate that the Committee had duly considered the application without being affected by the misleading departmental comments and the previous decision of the Board.

39. Mr Chan Wai Yip, the applicant’s representative, made the following main points:

- (a) with reference to the conceptual land-use plan of the CT9 Study, the “I” zone was designated to serve as a buffer for screening noise and glare impacts generated by CT9. Though the “I” zone at the Rambler Crest site was rezoned to “C” and the remaining “I” zone was rezoned to “Other Specified Uses” annotated “Container Related Uses” (“OU(Container Related Uses)”), there might still be chances to develop those “OU(Container Related Uses)” sites for industrial-related developments, thus generating environmental nuisance. Therefore, the subject site was still required to serve as a buffer area to separate the potential environmental impacts arising from such industrial-related activities; and
- (b) each application should be considered on its own merits and no insurmountable technical problems should only be one of the considerations and should not outweigh the planning intention.

40. A Member raised the following questions:

- (a) regarding the concerns and recommendations on traffic and environmental aspects raised by the Board during the consideration of representations/comments/further representations in respect of the draft Tsing Yi OZP, the latest progress of the proposed PRH development and whether there was any timetable for implementing measures to address those concerns and recommendations; and
- (b) the development history of the site and its surrounding areas, and whether the buffer function of the site was still valid.

41. In response, Mr Poon Chi Shing said that HD had consulted K&TDC after the draft OZP was approved. K&TDC had requested the concerned departments to update the progress of follow up actions in addressing the concerns and recommendations raised by the Board, however no details were provided. Having regard to the experience of Kwai Luen Estate, TD failed to provide additional bus service, which had been committed as a mitigation measure, since the occupation of the PRH. He worried that the same situation would

happen for the proposed PRH development.

42. Regarding the development history of the site, Mr Lawrence Y.C. Chau, DPO/TWK, said based on the proposed development layout and landscape proposal under the CT9 Study, “I” zone was designated along CT9 to serve as a barrier for screening noise and glare impacts that might be generated by the operation of CT9. A buffer area of 100m wide was also designated to provide separation between the “I” zone and those sensitive uses (e.g. Mayfair Garden and IVE(Tsing Yi)), in order to fulfil the requirements of HKPSG and the buffer area was zoned as “O”. Subsequently, the “I” zone at the Rambler Crest site was rezoned to “C” which continued to serve as the environmental shields to the nearby sensitive uses and the remaining “I” zone was rezoned to “OU(Container Related Uses)”. In view of the change in land use zoning of the area over the years, the buffer function of the site was no longer required. Given that the proposed PRH was located in close proximity to the container-related uses, environmental assessment had been conducted to demonstrate that it would not be subject to unacceptable environmental impacts with the implementation of suitable mitigation measures.

43. Mr Lai Chung Ming supplemented that though the Rambler Crest site had been rezoned to “C”, the present of “OU(Container Related Uses)” zone located to the south of the subject site would still generate environmental nuisance to the nearby sensitive receivers and the buffer function of the subject site should be maintained.

44. As the applicant’s representatives had no further points to raise and there were no further questions from the Members, the Vice-chairman informed them 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 Vice-chairman thanked the representatives from PlanD and the applicant’s representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

45. A Member did not support the application as no new justifications had been put forth to warrant a departure from the previous decision of the Board. Nonetheless, this Member expressed concern on the slow progress of concerned departments in taking steps to

address the traffic and environmental concerns raised by the Board. This view was generally shared by other Members. Members agreed that HD should be reminded to follow up the matter with the concerned departments in the planning and development of the proposed PRH at the site.

46. Regarding the applicant's view that the development at the "OU(Container Related Uses)" zone might generate environmental nuisance to the surrounding areas, a Member considered such impact not as severe as the operation of CT9 and that the technical assessments undertaken by HD had demonstrated that the proposed PRH development would not be subject to insurmountable environmental problems.

47. Members generally did not support the rezoning application and were of the view that the justifications put forth by the applicant under the rezoning application had been considered thoroughly by the Board during consideration of representations/comments/further representations in respect of the draft Tsing Yi OZP. As there was no new information submitted by the applicant, there was no strong reason for the Committee to deviate from the Board's previous decision. Members agreed that this should be included as one of the rejection reasons.

48. Besides, Members agreed that the rejection reason (b) should be revised to reflect clearly that as no strong justification had been provided by the applicant for the rezoning application, the approval of which would set an undesirable precedent for other similar rezoning applications.

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

- “(a) the site is suitable for public housing development and the Hong Kong Housing Authority is in the process of implementing the public rental housing project with about 2,800 flats. The “Residential (Group A) 4” (“R(A)4”) zone at the site is considered appropriate. The applicant has not provided strong planning justification for the proposed rezoning of the Site from “R(A)4” to “Open Space”;

- (b) as no strong justification has been provided to support the rezoning of the site to “Open Space” and there is no deficit in the open space provision in the area, the approval of the rezoning proposal will set an undesirable precedent for other similar rezoning applications; and
- (c) the justifications put forth by the applicant under the current rezoning application had been duly considered by the Town Planning Board (TPB) during the considerations of representations/comments/further representations in respect of the draft Tsing Yi Outline Zoning Plan No. S/TY/26. There is no new information submitted which warrant a deviation from the previous decision of the TPB.”

[The Chairman and Mr Patrick H.T. Lau returned to join the meeting at this point.]

Hong Kong District

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H9/4 Application for Amendment to the Approved Shau Kei Wan Outline Zoning Plan No. S/H9/18, To rezone the application site from "Other Specified Uses" annotated "Business" to "Other Specified Uses" annotated "Business(2)", 3A and 3C, A Kung Ngam Village, Shau Kei Wan, Hong Kong
(MPC Paper No. Y/H9/4)

Presentation and Question Sessions

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

Mr Louis K.H. Kau	- District Planning Officer/Hong Kong (DPO/HK), PlanD
Miss Josephine Y.M. Lo	- Senior Town Planner/Hong Kong (STP/HK), PlanD
Ms Chan Kwan Yi Elsie]
Ms Chan Wing Yee]
Mr Hui Kin Pong] Applicant's representatives
Ms Ma Sui Ki]
Ms Yip Siu Kwan, Sandra]

51. The Chairman extended a welcome and explained the procedure of the hearing. He then invited PlanD's representatives to brief Members on the background of the application. With the aid of a PowerPoint presentation, Miss Josephine Y.M. Lo, STP/HK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposal:
 - (i) to rezone the site from "Other Specified Uses" annotated "Business" ("OU(B)") to "OU(B)2"; and
 - (ii) to add 'House (for "OU(B)2" only)' in Column 2 under Schedule I of the Notes for the "OU(B)" zone;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The application was to rezone only a very small part of the “OU(B)” zone to “OU(B)2” which was considered piecemeal and not conducive to comprehensive planning and long-term business development of the area. The approval of the application would set an undesirable precedent for other similar applications which might jeopardise the integrity and implementation of the “OU(B)” zone as a whole. To cater for the need for improving the condition of the existing houses at the site, according to the covering Notes of the Outline Zoning Plan (OZP), minor alteration and/or modification to an existing building was always permitted.

52. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Ms Yip Sui Kwan, Sandra, the applicant's representative, made the following main points:

- (a) the site was subject to a land lease with terms for 999 years from 1894. The occupation permit of the subject village houses was obtained in 1953 and the houses were designated for domestic purpose. The applicant questioned whether the “OU(B)” zoning of the site was appropriate. The existing village houses were in poor conditions and there was an urgent need to redevelop them. The redevelopment proposal was compatible with the existing surrounding land uses predominated by some residential settlements and there was a proper footpath connecting the site and the A Kung Ngam Village (AKNV) Lane. No environmental impact was expected and other technical concerns could be tackled in the s.16 application stage. There were precedent cases approved for hospital and hotel uses in the vicinity;
- (b) the historical survey records indicated that the site had been occupied by the subject village houses since 1962. ‘House’ was a Column 2 use under the previous “Government, Institution or Community” (“G/IC”) zone on the then statutory plan gazetted in 1967. Since 2002, AKNV including the site and the surrounding industrial area had been rezoned to “OU(B)”

where 'House' had become neither Column 1 nor 2 use;

- (c) in response to PlanD's comments on the intention of "OU(B)" zone which was to provide incentive to initiate private redevelopment and facilitate land use restructuring, the applicant opined that land use restructuring intended for the subject area would be complicated and time-consuming. On the other hand, the proposed redevelopment was comparatively simple as the site was owned by a single owner and no lease modification would be required;
- (d) regarding PlanD's comments on piecemeal planning, pre-empting the comprehensive planning of the area and setting an undesirable precedent, it should be noted that the existing village houses had an approved building plan and occupation permit, which were different from other domestic structures in the area. Besides, the site was located far away from and on a higher elevation than other "OU(B)" developments; and
- (e) as for PlanD's comment that minor alteration and/or modification to the existing village houses were always permitted, the applicant strived to ensure building and fire safety and improve living conditions for her family. Minor alteration and addition (A&A) works could not remedy serious building defects, address building irregularities and extend building life expectancy.

53. With the aid of a PowerPoint presentation, Mr Hui Kin Pong, the applicant's representative, made the following main points:

- (a) the existing village houses were in poor conditions with serious problems such as water seepage, raising damp in the lower part of the concrete structure, structural spalling and cracks in structural elements, etc. All these defects could cause building safety issues;
- (b) building irregularities found in the existing village houses included substandard staircase, substandard protective barrier and nil provision of

facilities for disabled person; and

- (c) extensive repair to extend lifespan was not an economical solution and continued maintenance would be subject to high cost.

54. With the aid of a PowerPoint presentation, Ms Yip Sui Kwan, Sandra continued to make the following main points:

- (a) according to the redevelopment proposal, there was no major change in the development parameters, except a minor reduction in site coverage and a minor increase in building height for providing sufficient headroom;
- (b) photomontages were presented to illustrate no significant visual impact arising from the redevelopment proposal. No public objection and adverse departmental comment were received. Technical issues raised by the concerned departments could be addressed at s.16 application stage; and
- (c) the 2014 Area Assessment was only a land use survey and analysis without engaging the local community to solicit their views on AGNV. The applicant urged the Committee to approve the current rezoning application to facilitate the redevelopment of the existing village houses and thereby improving the applicant's living conditions.

55. Some Members raised the following questions:

- (a) why the redevelopment proposal was considered as piecemeal planning and pre-empting the comprehensive planning of the area if the residential use at the site remained unchanged after redevelopment,
- (b) whether there was any restriction on the use of the existing village houses under the lease and whether redevelopment of the houses for residential purpose at the site was permitted;

- (c) whether any planning application for redevelopment was approved within the subject “OU(B)” zone;
- (d) whether the site boundary of the current application tallied with its lot boundary and whether the site fell entirely within the “OU(B)” zone; and
- (e) whether the applicant had raised objection against or comments on the “OU(B)” zone when the relevant OZP was gazetted.

56. Mr Louis K.H. Kau, DPO/HK, made the following responses:

- (a) the designation of “OU(B)” zone in AKNV was to facilitate land use restructuring by providing incentive for private redevelopment. Although residential use was not incompatible with the existing surrounding land uses, redevelopment of the village houses might reduce incentive and hinder the area from land use restructuring. Besides, the application might set a precedent encouraging surrounding residential structures to seek planning permission for redevelopment, the cumulative impact of which might undermine the planning intention of the “OU(B)” zone;
- (b) the land lease of the two houses had no specific user restrictions. Since the site fell within the “OU(B)” zone and ‘House’ use was neither Column 1 nor 2 use under the “OU(B)” zone, there was no provision for redevelopment of the existing village house for residential use; and
- (c) a s.16 application No. A/H9/54 for hotel development at the Hang Tung Resources Centre to the northwest of the site was approved by the Committee in 2004. Though general building plan was approved, the proposed hotel had yet to be constructed. There was no other redevelopment proposal received at the subject “OU(B)” zone.

57. In response, Ms Yip Sui Kwan, Sandra said that the boundary of the site was exactly the same as the lot boundary as shown on the lot index plan and the site fell entirely within the “OU(B)” zone.

58. Ms Chan Kwan Yi, Elsie, the applicant's representative, also responded that when the then OZP was gazetted to rezone AKNV to "OU(B)" zone, she and her family members were not aware of the changes in land use zoning at the site and they were not notified of the changes.

59. The Chairman raised the following questions:

- (a) whether the building adjoining the site was constructed together with the subject village houses;
- (b) whether the adjoining building was recently renovated and its current situation; and
- (c) the programme for the redevelopment and the current use of the village houses.

60. In response, Ms Yip Sui Kwan, Sandra said that according to the approved building plan, the adjoining building was constructed together with the subject village houses in 1953. Subsequently, the adjoining building was sold to others.

61. Mr Hui Kin Pong supplemented that, while the adjoining building was recently renovated, problems such as water accumulation at the roof top and concrete cracks were observed. The subject village houses were currently occupied by the applicant and her family members. Should the rezoning application be approved, the applicant's consultants would proceed with the follow up actions, including submission of a s.16 application and general building plan. It was estimated that the whole process would last for at least six months.

62. Ms Chan Wing Yee and Ms Chan Kwan Yi, Elsie added that the village houses were in very poor conditions, suffering from severe water seepage with cracks on the structure while the maintenance and repair costs were high. The redevelopment proposal was primarily for improving the living conditions of their family members and there would be no major change in the building bulk after the redevelopment.

63. In response to the Vice-chairman's question, Mr Louis K.H. Kau said that he had no information on the current conditions of the surrounding residential structures. With reference to the site photos, he said that those residential structures on government land were generally temporary structures.

64. As 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

65. A Member sought clarification on whether redevelopment of an existing use would be permitted in accordance with the provision of the OZP. The Chairman and the Secretary explained that, according to the Covering Notes of the OZP, "any material change of use or any other development (except minor alteration and/or modification to the development of the land or building in respect of the existing use which is always permitted) or redevelopment must be always permitted in terms of the Plan or, if permission is required, in accordance with the permission granted by the Board." The provision was different from those in the Covering Notes of rural OZPs in that "replacement of an existing domestic structure" or "rebuilding of a New Territories Exempted House" was generally permitted, except in conservation zonings or such uses were specified in Column 2 of the Notes of individual zones. Nevertheless, maintenance and repair works to the existing buildings in the urban and new town areas were always permitted.

66. Noting the current conditions of the village houses, Members generally were sympathetic towards the application and were of the view that while it was a good intention to promote private initiated redevelopment through the "OU(B)" zoning, as no redevelopment proposal had so far been implemented in the subject "OU(B)" zone and only minor alteration and maintenance works to the existing residential structures were allowed, the living environment of AKNV had been degraded and would continue to deteriorate. Given that

there had only been one hotel application approved since the area was rezoned to “OU(B)”, Members had doubt on whether the “OU(B)” zoning was conducive to the land use restructuring for AKNV. In this regard, some Members considered that the current application which sought to allow a provision for redevelopment of the existing residential structures through the planning permission system could be an acceptable approach.

67. While Members generally considered that allowing a provision on the OZP for redevelopment of the existing residential structures subject to the approval of the Board could be a possible solution, it was noted that the general planning intention of the “OU(B)” zone was primarily for general business uses and the proposal of incorporating ‘House’ as a Column 2 use which might allow residential-related uses on application to the Board was not in line with the planning intention of the “OU(B)” zone. In this regard, whilst Members were sympathetic to the application and acknowledged the genuine and imminent need of the applicant to redevelop the village houses, Member considered it more appropriate to review the “OU(B)” zone for the AKNV comprehensively to better reflect the planning intention.

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

- “(a) the rezoning of the “OU(B)” zone in a piecemeal manner may pre-empt the comprehensive planning of the area; and
- (b) approval of the application may set an undesirable precedent for other similar applications within the “OU(B)” zone and the cumulative effect of which may jeopardise the integrity and implementation prospect of the “OU(B)” zone as a whole.”

69. The Committee also agreed to request PlanD to undertake a review of the “OU(B)” zone for AKNV and submit the recommendations to the Committee for consideration as appropriate.

General

Agenda Item 6

[Open Meeting]

Review of Sites Designated “Comprehensive Development Area” on Statutory Plans in the Metro Area for the Years 2015/2017

(MPC Paper No.4/17)

70. Due to insufficient time to consider the item, Members agreed to reschedule the consideration of the item to the next meeting.

[Mr Walter W.N. Kwong, 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 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/485 Proposed Shop and Services in "Industrial" Zone, G/F Workshop, 8 Fui Yiu Kok Street, Tsuen Wan

(MPC Paper No. A/TW/485B)

71. The Secretary reported that Centaline Property Agency Limited (CPA) was one of the consultants of the applicant and Mr K.K. Cheung had declared an interest on the item as his firm had current business dealings with CPA. The Committee noted that Mr K.K. Cheung had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

72. 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 shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director-General of Trade and Industry had no comment of the application if a temporary approval of a period of three years was imposed as it would not jeopardise the long term use of the premises for industrial-related uses. Other concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was considered not entirely in line with the planning intention of the “Industrial” zone, it could meet such demand in the area and it was not incompatible with the subject building and the surrounding developments. The application generally complied with the Town Planning Board Guidelines No. 25D in that it would not have adverse traffic or environmental impact on the developments within the subject building and the adjacent areas and, if the application was approved, the aggregate commercial floor area of the subject building would be 189.67m², which was still within the permissible limit of 460m². A temporary approval period of three years was recommended in order not to jeopardise the long-term planning intention of the industrial use for the premises.

73. Members had no question on the application.

Deliberation Session

74. 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 on a temporary basis for a period of three years until 26.5.2020 and subject to the following conditions :

- “(a) the submission of the proposal for the fire service measures, including the provision of means of escape separated from the industrial portion and fire service installations and equipment at the application premises within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.11.2017;
- (b) the implementation of the proposal for the fire service measures, including the provision of means of escape separated from the industrial portion and fire service installations and equipment at the application premises within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.2.2018; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/490 Proposed Shop and Services in "Other Specified Uses" annotated
"Business" Zone, Workshop B4, G/F, Superluck Industrial Centre Phase
2, 57 Sha Tsui Road and 30-38 Tai Chung Road, Tsuen Wan
(MPC Paper No. A/TW/490)

Presentation and Question Sessions

76. 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 shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; 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 use was considered generally in line with the planning intention of the "Other Specified Uses" annotated "Business" zone and was not incompatible with the surrounding areas. There were several approved planning applications for shop and services in the subject building as well as in other buildings in the Chai Wan Kok Industrial/Business Area. The proposed use complied with the Town Planning Board Guidelines No. 22D in that it would not induce possible adverse fire safety, traffic, environmental and infrastructural impact on the

developments within the subject building and the adjacent areas and the aggregate commercial floor area on the G/F, including the application premises, would amount to 122.44 m², which was still within the permissible limit of 460m².

77. Members had no question on the application.

Deliberation Session

78. 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 26.5.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of the proposal for the fire safety measures, including the provision of means of escape completely separated from the industrial portion and fire service installations and equipment in the application premises, before operation of the use to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition is not complied with before the operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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

Kowloon District

Agenda Item 9

Section 16 Application

[Open Meeting]

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

80. The Secretary reported that the application was submitted by Charm Smart Development Limited, Glory Mission Development Limited, Hoover (China) Limited and Lucken Limited, which were all subsidiaries of Yuexiu Property (YP). Ho & Partners Architects (HPA), LLA Consultancy Limited (LLA), Kenneth Ng & Associates Limited (KNA), MAA Engineering Consultants (H.K.) Limited (MAA) and T.K. Tsui Chartered Engineering & Architect (TKT) were five of the consultants of the applicants. The following Members had declared interests on the item:

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

81. The Committee noted that Mr K.K. Cheung had tendered apology for being unable to attend the meeting. The Committee also noted that the applicant had requested deferment of the consideration of the application and agreed that Mr Patrick H.T. Lau could stay in the meeting as his interest was indirect.

82. The Committee noted that the applicant's representative requested on 12.5.2017 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 relevant departments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information including responses to departmental comments, new and revised technical assessments, urban design proposal and revised Master Layout Plan to address departmental comments.

83. 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 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.

Agenda Item 10

Section 16 Application

[Open Meeting]

A/K9/269 Temporary School (International Primary School) for a Period of 5 Years
in "Comprehensive Development Area (2)" Zone, G/F, 1/F and R/F,
Cheung Kei Center Tower B, One Harbourgate, 18 Hung Luen Road,
Hung Hom, Kowloon

(MPC Paper No. A/K9/269)

84. The Secretary reported that Lanbase Surveyors Limited (Lanbase) and Ronald Lu & Partners (Hong Kong) Limited (RLPL) were two of the consultants of the applicant. The following Members had declared interests on the item:

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

Mr Thomas O.S. Ho - having current business dealings with RLPL.

85. Miss Sandy H.Y. Wong declared an interest on the item as RLPL was working for the Hong Kong Baptist University of which she was a Member of the Council.

86. The Committee noted that Mr Thomas O.S. Ho had tendered apology for being unable to attend the meeting. The Committee also noted that the applicant had requested deferment of the consideration of the application and agreed that Mr Patrick H.T. Lau and Miss Sandy H.Y. Wong could stay in the meeting as they had no involvement in the application.

87. The Committee noted that the applicant requested on 16.5.2017 deferment of the consideration of the application for two months in order to allow time for preparation of further information in response to departmental comments. It was the first time that the applicant requested deferment of the application.

88. 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 shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 11

Any Other Business

89. There being no other business, the meeting closed at 1:30 p.m..