

TOWN PLANNING BOARD

**Minutes of 615th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 2.11.2018**

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Sunny L.K. Ho

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor Jonathan W.C. Wong

Assistant Commissioner for Transport (Urban),
Transport Department
Mr Michael H.S. Law

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr C. F. Wong

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 Lincoln L.H. Huang

Vice-chairman

Mr Stephen H.B. Yau

Dr Frankie W.C. Yeung

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Mr Franklin Yu

Professor John C.Y. Ng

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 Anita M.Y. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 614th MPC Meeting held on 19.10.2018

[Open Meeting]

1. The draft minutes of the 614th MPC meeting held on 19.10.2018 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/K20/131 Proposed Comprehensive Hotel Development in “Comprehensive Development Area (2)” Zone, New Kowloon Inland Lot No. 6550, Lai Ying Street, Cheung Sha Wan, Kowloon (Off Hing Wah Street West)
(MPC Paper No. A/K20/131)

Presentation and Question Sessions

3. The Secretary reported that the application was submitted by Fedder Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK). Kenneth To & Associates Limited (KTA), Sun Hung Kai Architects and Engineers Limited, a subsidiary of SHK, and AECOM Asia Company Limited (AECOM) were three of the consultants of the applicant. The following Members had declared interests on the item:

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| Mr Thomas O.S. Ho | - having current business dealings with SHK and AECOM; |
| Mr Alex T.H. Lai | - his firm having current business dealings with SHK and AECOM; |
| Mr Franklin Yu | - having past business dealings with SHK and his spouse being an employee of SHK; and |
| Mr Daniel K.S. Lau | - being an ex-employee of the Hong Kong Housing Society which had current business dealings with KTA. |

4. The Committee noted that Messrs Thomas O.S. Ho, Alex T.H. Lai and Franklin Yu had tendered apologies for being unable to attend the meeting and the applicant had

requested for deferment of consideration of the application. As the interest of Mr Daniel K.S. Lau was indirect, the Committee agreed that he should be allowed to stay in the meeting.

5. The Committee noted that the applicant's representative requested on 19.10.2018 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 first time that the applicant requested deferment of the application.

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

[Mr Anthony K.O. Luk, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Hong Kong District

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/411 Proposed Office, Shop and Services, Eating Place, Exhibition Hall, Convention Hall, Educational Institution, Place of Entertainment and Place of Recreation Sports or Culture, and Minor Relaxation of Building Height Restriction in “Residential (Group A)” Zone, 46-56 Queen's Road East, 2-12 Anton Street and 1-11 Landale Street, Wan Chai, Hong Kong (MPC Paper No. A/H5/411B)

7. The Secretary reported that the application site was located in Wan Chai and the application was submitted by Cherish Shine Limited, which was a subsidiary of Swire Properties Limited (Swire). Ove Arup & Partners Hong Kong Limited (ARUP), MVA Hong Kong Limited (MVA) and Wong & Ouyang (HK) Limited (WOL) were three of the consultants of the applicant. The following Members had declared interests on the item:

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| Mr Thomas O.S. Ho | - having current business dealings with Swire and MVA |
| Mr Alex T.H. Lai | - his firm having current business dealings with ARUP and MVA; |
| Mr Franklin Yu | - having current business dealings with WOL and past business dealings with ARUP and MVA; and |
| Mr Stephen H.B. Yau | - his office locating at Southorn Centre, Wan Chai. |

8. The Committee noted that Messrs Thomas O.S. Ho, Alex T.H. Lai, Franklin Yu and Stephen H.B. Yau had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

9. With the aid of a PowerPoint presentation, Mr Anthony K.O. Luk, STP/HK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed office, shop and services, eating place, exhibition hall, convention hall, educational institution, place of entertainment and place of recreation, sports or culture, and minor relaxation of building height restriction;
- (c) departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods, a total of 322 public comments from Wan Chai District Council members, Designing Hong Kong, Central and Western Concern Group, Green Animals Association Limited and members of the public were received. Amongst them, 206 supported, 76 objected to and 40 indicated concerns on the application. Major views were set out in paragraph 11 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 12 of the Paper. Although the proposed development was not entirely in line with the planning intention of the “Residential (Group A)” (“R(A)”) zone, the application site and the nearby sites were included in the Land Use Review 2008 (the 2008 LUR) which concluded that the concerned area possessed great potential to be redeveloped for commercial use as its location was adjacent to the central business district (CBD) at Central and Admiralty. However, in view of the traffic concerns, redevelopment was suggested to be considered by way of planning application to ensure no adverse traffic impact would arise from such redevelopments. Moreover, part of the

application site was subject of two previous applications for office development (No. A/H5/377 and A/H5/372) which were approved by the Committee and the Town Planning Board (the Board) upon review on 7.11.2008 and 28.11.2018 respectively after considering the findings of the 2008 LUR. Hence, the current application might warrant a special consideration given that the Commissioner for Transport (C for T) had no in-principle objection to the application. The application site generally complied with Town Planning Board Guidelines No. 5 in that it was easily accessible and well served by public transport, within walking distance from Admiralty and Wan Chai Stations, the proposed development was considered not incompatible with the existing land uses of the locality, and the site was large enough to achieve a properly designed office building. The proposed building height was not incompatible with other predominantly commercial developments in the vicinity, and also generally tallied with the building height profile of a standard commercial building fulfilling the Sustainable Building Design (SBD) Guidelines requirements. Concerned government departments had no objection to or no adverse comment on the application in terms of visual, air ventilation, environmental, drainage, sewerage, water supplies and fire safety aspects. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

[Ms Sandy H.Y. Wong arrived to join the meeting during the presentation.]

Application Site and its Surroundings

10. The Chairman and some Members raised the following questions:
 - (a) the land uses and building height profile in the vicinity of the application site;
 - (b) the development parameters of the existing buildings at the site and the plot ratio (PR), gross floor area (GFA) and number of flats that could be produced should the application site be redeveloped for residential use;

- (c) whether the existing buildings at the site were vacant and whether they could be used for transitional housing before the site was redeveloped;
- (d) the conditions of existing buildings in the surrounding area and how many of which were in need to be redeveloped; and
- (e) whether the application site and its vicinity would be considered as a major residential area in Wan Chai.

11. Mr Anthony K.O. Luk, STP/HK, made the following responses:

- (a) the area along Queen's Road East (QRE) mainly comprised a mixture of residential and commercial developments. A large number of sites in the immediate vicinity of the application site had been converted to commercial use while a few sites were still retained as residential use. With regard to the building height (BH) profile, the BH of the proposed development was about 130mPD, which was the same as the Phase I development, at 28 Hennessy Road. Other commercial developments in the vicinity had a BH ranging from about 48mPD to 115mPD. Three Pacific Place, which was opposite to the proposed development, had a BH of about 177.8mPD. The BH of the residential developments in the vicinity ranged from 52mPD to 85mPD;
- (b) the existing buildings at the application site ranged from six storeys to 14 storeys. There was no information currently available regarding the GFA of the existing buildings. There was no plot ratio restriction for the "R(A)" zone under the Wan Chai Outline Zoning Plan. According to the Building (Planning) Regulations (B(P)R), the site was classified as a Class C site, where the maximum permissible PR for domestic development was 10. Should the site be redeveloped for residential use, the maximum GFA would be about 13,410m², which would likely be higher than that of the existing buildings at the site. Assuming an average flat size of 50m² per flat, it would yield about 260 flats;

- (c) the existing buildings at the application site were built in the 1950s to 1960s and were currently vacant. The application site was zoned “R(A)” where ‘Flat’ use was always permitted. The use of the site as transitional housing would not be in contravention of the Outline Zoning Plan. However, it would be the decision of the applicant whether to use the existing buildings at the site as transitional housing before redevelopment took place;
- (d) along QRE, there were residential buildings that were built in the 1970s to 1980s. There was no information on hand as to whether there were any buildings of poor conditions in need of redevelopment in the area; and
- (e) the application site and its immediate vicinity were not the major residential cluster in Wan Chai. The area north of Johnston Road and Hennessy Road was mostly zoned “Commercial” while the area fronting onto QRE was a mix of residential and commercial developments. The major residential areas in Wan Chai were mainly located to the further south near Start Street and near Stone Nullah Lane.

The Proposed Development

12. With regard to the proposed development at the application site, some Members raised the following questions:

- (a) the anticipated completion year of the proposed development, the calculation of the bonus GFA of 224m² and whether it was in accordance with the SBD Guidelines;
- (b) the use of the special purpose floors at 2/F and 3/F of the proposed development and whether it would be made available for public use;
- (c) noting from Drawing A-1 of the Paper that a possible pop-up store would span across the G/F of the existing commercial building at 28 Hennessy

Road (also known as Phase I development) and the application site, how the GFA of the pop-up store would be calculated;

- (d) elaboration on the proposed resting area at the G/F of the proposed development and whether there would be street performance activities similar to those at Times Square or alfresco dining facilities at the sitting out area and whether such activities would affect pedestrian circulation;
- (e) whether the applicant had proposed to connect the proposed development with Pacific Place Phases 1 to 3; and
- (f) whether there were similar applications in the vicinity of the application site and whether the approval of the current application would set a precedent for similar uses to deviate from the planning intention of a land use zone.

13. Mr Anthony K.O. Luk made the following responses:

- (a) according to the applicant, the anticipated completion year of the proposed development would be mid-2023. The bonus GFA of 224m² was calculated based on the setback from the lot boundaries fronting Anton Street and Landale Street. This was in accordance with the criteria set out in the SBD Guidelines;
- (b) the special purpose floors on 2/F and 3/F of the proposed development were for office, educational institution, exhibition hall, convention hall, place of entertainment or place of recreation, sports or culture uses, which were column 2 uses in the “R(A)” zone. They would not be opened for public use. The applicant had applied for such uses in order to allow flexibility in the uses of these two floors;
- (c) majority of the retail facilities of the proposed development were located on G/F (facing QRE) and 1/F, which would account for 41m² of the total GFA of the proposed development. The possible pop-up store was indicated in

case the retail use would be relocated;

- (d) the resting area at G/F was located within the lot boundary and was a private landscaped area with some benches serving as a sitting out area with unrestricted access. A retail shop was located adjacent to the resting area. The applicant did not provide details on the future management of the resting area and did not indicate whether any alfresco facilities at the resting area would be proposed or whether street performances would be allowed;
- (e) the applicant did not indicate whether the existing underground connection between Pacific Place 1 to 3 would be extended to the application site;
- (f) aside from the current application and another application for proposed commercial development at QRE near Hopewell Centre (application No. A/H5/412), there were no other planning applications received for commercial developments in “R(A)” zone; and
- (g) for future commercial developments in the “R(A)” zone along QRE, planning permission would be required from the Board and it would be assessed in accordance with the criteria set out in Town Planning Board Guidelines No. 5. Each application would be considered based on its individual merits.

Traffic Aspects

14. Some Members raised the following questions:

- (a) noting that the site was near the intersections of Queensway, Hennessy Road, Johnston Road and QRE with future commercial developments nearby, whether the traffic impact assessment (TIA) conducted by the applicant had taken into account those the cumulative traffic impact;
- (b) whether the provision of two car lifts was sufficient in serving the proposed

88 car parking and 5 motorcycle spaces without causing traffic queuing back onto Anton Street;

- (c) noting from C for T's comment that the number of car parking spaces provided in the proposed development was the lower end of the requirement under the Hong Kong Planning Standard and Guidelines (HKPSG), why the lower end of the requirement was considered sufficient, and what the difference in car parking provision was, should the site be redeveloped into residential use; and
- (d) details on the operation of the mechanical parking system as mentioned in the applicant's justifications.

15. In response, Mr Anthony K.O. Luk made the following points:

- (a) the TIA submitted by the applicant had taken into account the known and planned development projects in the area. The ingress/egress of the proposed development was at the middle section of Anton Street relatively far away from the junctions of Johnston Road and QRE. Loading/unloading and motorcycle parking facilities were provided at G/F. The loading/unloading bays could also serve as waiting space for car lift. A Car Lift Capacity Assessment conducted as part of the TIA had demonstrated that it would not cause traffic queuing back onto Anton Street. C for T had no in-principle objection to the application including the TIA and the car lift analysis;
- (b) should the application site be redeveloped into residential development, 12 to 18 car parking spaces would be required based on an assumption of 260 flats. The provision of 88 car parking spaces in the proposed commercial development had taken into account the site constraints and the underground car parking provision. Moreover, according to the B(P)R, separate staircase for each basement car park floors was required. Additional basement car parks would require extra staircases which would affect the efficiency of usable floor area. Having regard to the above, C

for T had no in-principle objection to the proposed number of car parking spaces; and

- (c) as regard to the mechanical parking system, it was a system where drivers would drop off their car at a designated location and an automated lift would park the car at basement. The advantages of such system was that it would reduce the circulation and maneuvering space required in a conventional car park, in turn maximising car parking provision. The applicant was willing to explore the possibility of providing such system at the site. However, no such system was currently in use in Hong Kong and details on fire safety and building safety would need to be worked out in the detailed design stage.

Demographics and demand of residential units and commercial floor space

16. Some Members raised the following enquiries:

- (a) the current and future population in the Wan Chai area and whether there were any estimation of the number of flats required to meet the future population in the Wan Chai area; and
- (b) whether there were any assessments conducted on the demand of commercial floor space in the area.

17. Mr Anthony K.O. Luk, STP/HK, made the following responses:

- (a) the current population in the Wan Chai area was about 180,000 persons. It was projected that the planned population in Wan Chai area would have a slight increase but it was estimated to decrease in the long run. There was no evidence indicating direct correlation between the decrease in population and converting sites zoned “R(A)” to commercial uses. The decrease in population was mainly attributed by the ageing population and decrease in household size. In fact, there were redevelopment projects in the Wan Chai area in recent years which were primarily for residential use,

such as the redevelopment of Lee Tung Street and McGregor Street by the Urban Renewal Authority; and

- (b) there had been assessments conducted by PlanD to assess the vacancy rate of office space in the CBD area and the assessments concluded that the office space in CBD had a low vacancy rate. Although there were no assessments conducted specifically on the supply and demand of office space in the Wan Chai area, consideration on whether a site was suitable for commercial development could make reference to the general vacancy rate of office space and whether the location of the site was suitable for office development.

Land Use Review

18. With regards to the LUR conducted in 2008, some Members raised the following questions:

- (a) whether the 2008 LUR covered other parts of the Wan Chai area and whether there were other areas in Wan Chai that were identified as having potential for commercial development; and
- (b) whether a comprehensive land use review would be conducted to assess the development potential of the entire Wan Chai area.

19. In response, Mr Anthony K.O. Luk said that the 2008 LUR only covered the part of the Wan Chai area shown in Plan A-5 of the Paper and was conducted with a view to identifying sites that possessed development potential for commercial development. The 2008 LUR concluded that the study area was suitable for commercial development in view of its proximity to CBD. No other area in Wan Chai had been identified for study. As commercial developments in “R(A)” zone required planning permission from the Town Planning Board, each application would be considered based on its individual merits and would be assessed against the criteria set out in the relevant TPB Guidelines. There was currently no plan to conduct LUR for the entire Wan Chai area.

Deliberation Session

Suitability of the Application Site for Commercial Use

20. A Member did not support the application and said that in view of the acute housing demand in the territory, strong justifications were required to justify the change of the site for commercial use. The 2008 LUR was only conducted for that part of the Wan Chai area covering the application site instead of a comprehensive LUR covering the entire Wan Chai area. There was insufficient information available to comprehensively assess whether the proposed commercial use at the site would have an impact on the housing supply in the territory and whether other potential uses of the site that might benefit the community would be compromised. In addition, given the existing buildings at the site were vacant, this Member opined that it could be better utilised as transitional housing in the interim.

21. Another Member also did not support the application and considered that in the absence of sufficient information on the overall planning of the Wan Chai area, it was difficult to determine the most suitable use for the application site. A LUR of the entire Wan Chai area should be conducted to facilitate comprehensive planning of the area as the circumstances since the completion of 2008 LUR had changed. While commercial use and residential use were of equal importance in Wan Chai, it was observed that recent redevelopment projects in the QRE area were mainly mixed use in nature. This Member considered that the application site was conveniently located and opined that it might seem 'unfair' if such convenient sites in the urban area were developed for commercial uses while sites at more remote locations, such as Tuen Mun, were identified for residential development.

22. Although the application site might warrant special consideration based on the findings of the 2008 LUR, a Member did not consider such reason sufficient taking into account the residential nature of the Wan Chai area. As the population in the Wan Chai area was estimated to slightly increase, suitable sites should be retained for residential development in order to meet the increase in population so that a more lively community could be maintained. As such, this Member did not support the application.

23. Some Members supported the application and said that although there was an acute housing demand in the territory, the site was the subject of a LUR in 2008 which concluded that the site had potential for commercial development. The findings of the 2008 LUR should be respected, which warranted special consideration of the application. The LUR only covered a small part of Wan Chai and would unlikely cause a surge of similar applications in the area. Besides, each application would be considered individually based on its own merits. The proposed development was not incompatible with the surrounding site context. Moreover, as the proposed development would be connected to the Phase I development at 28 Hennessy Road, it would result in a more comprehensively planned development.

24. The Chairman said that the 2008 LUR was conducted having regard to the expansion of the CBD areas. At that time, the Committee was concerned with the possible traffic impact, and considered wholesale rezoning of the “R(A)” sites to “Commercial” to permit commercial development as of right was not ideal and considered it more appropriate to retain the sites as “R(A)” such that commercial uses would need to undergo the planning application system so that it could ensure necessary improvement works and parking and loading/unloading facilities, if required, would be provided through the imposition of approval conditions. The Committee had recently processed a number of applications for commercial developments in Wan Chai, they were mostly located in this locality and the area near Hopewell Centre. As for redevelopments in the area, they were mostly mixed use developments with commercial uses at the lowest three floors with residential uses above.

25. In response to Members’ enquiries, the Chairman said that the population in the Wan Chai district was projected to slightly decrease in the long term from about 180,000 persons in 2016 to about 150,000 persons in 2026 mainly due to smaller household size. The Chairman also said that there was a high demand for office space in Hong Kong, in particular Grade A office space. The rent of Grade A office in traditional CBD areas was high and the vacancy rate was low. It was estimated that there was a shortage of 1,000,000m² of Grade A office space in the long run.

Traffic and Landscape Concerns

26. As regard to Members’ concerns on car parking spaces and mechanical car

parking system, the Chairman said that the Transport Department (TD) had been requesting additional provision of car parking spaces in private developments and government buildings for public use. In addition, TD, the Urban Renewal Authority and private developers had also been actively exploring the use of mechanical car parking system, but there were technical and non-technical issues that needed to be dealt with. In the current application, the applicant had provided the necessary car parking spaces to meet the requirements of TD and had indicated that they would actively explore the possibility of adopting the mechanical car parking system at the proposed development. Should the technical issues be resolved, the mechanical car parking system could be dealt with and implemented through the approval conditions to the satisfaction of TD.

27. Mr Michael H.S. Law, Assistant Commissioner for Traffic (Urban), TD, said that Members' concern on the possible traffic tail back from the proposed development was noted and the provision of mechanical car parking system at the site could be explored by the applicant at the detailed design stage. In fact, TD had been studying a pilot scheme on the provision of mechanical car parking system and would identify suitable sites for installation of such system for testing purpose in the future.

28. With regard to the use of open space at the proposed development and those at Times Square in Causeway Bay, Members noted that the open space provided at Times Square was in fact public open space in private developments (POSPD), where such area was required under lease to be opened for public use and its management was subject to relevant regulations. The open space under the subject application was located within a private lot that was designed to allow public access but was not dedicated as POSPD.

29. A Member opined that while the proposed setback area was a planning gain, it did not bring about any improvements to the pedestrian environment as it would be blocked by planters. The landscape design on G/F should be suitably reviewed so that pedestrian accessibility could be improved. The Secretary said that an approval condition was recommended requiring the submission and implementation of a landscape proposal. Relevant government departments would take note of Member's concern when considering the applicant's submission for compliance with the condition.

30. 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 2.11.2022, 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 design and provision of car parking spaces, loading/unloading facilities and ingress/egress and pedestrian access arrangement for the proposed development to the satisfaction of Commissioner for Transport or of the TPB;
- (b) the provision of fire service installations and water supplies for fire fighting including Emergency Vehicular Access to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H9/79 Proposed Shop and Services (Footbridge) in an area shown as ‘Road’ and “Other Specified Uses” annotated “Business” and “Other Specified Uses” annotated “Business (1)” Zones, Above Tung Wong Road Connecting 3 and 5 A Kung Ngam Village Road, Shau Kei Wan, Hong Kong

(MPC Paper No. A/H9/79A)

32. The Secretary reported that the application site was located in Shau Kei Wan and the application was submitted by Million Hope International Limited and Billion Field Enterprises Limited, which were subsidiaries of the Hong Kong Sanatorium & Hospital (HKSH). MVA Hong Kong Limited (MVA), Ove Arup & Partners Hong Kong Limited (ARUP), Ronald Lu & Partners (Hong Kong) Limited (RLP) and Savills (Hong Kong) Limited (Savills) were four of the consultants of the applicants. The following Members had declared interests on the item:

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| Mr Alex T.H. Lai | - his firm having current business dealings with HKSH, ARUP, MVA and Savills; |
| Mr Thomas O.S. Ho | - having current business dealings with MVA and RLP; |
| Mr Franklin Yu | - having past business dealings with MVA and ARUP |
| Mr Simon S.W. Wang | - his family members living in Ming Wah Dai Ha, Shau Kei Wan; and |
| Ms Jacinta K.C. Woo | - owning a flat in Shau Kei Wan. |

33. The Committee noted that Messrs Alex T.H. Lai, Thomas O.S. Ho and Franklin Yu had tendered apologies for not being able to attend the meeting. The Committee agreed

that if the property of Mr Simon S.W. Wang's family members had no direct view of the application site, he could stay in the meeting. As the interest of Ms Jacinta K.C. Woo, as the Secretary, was remote, she should also be allowed to stay in the meeting.

Presentation and Question Sessions

34. With the aid of a PowerPoint presentation, Mr Anthony K.O. Luk, STP/HK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed shop and services (footbridge);
- (c) departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two public comments from the building manager of an adjacent industrial/office building and a member of the public was received objecting to the application. Major objection grounds were set out in paragraph 9 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed footbridge, which connected the proposed hospital at 3 A Kung Ngam Village Road (AKNVR) and the supporting services building at Eastwood Centre at 5 AKNVR, was considered not incompatible with the surrounding setting, which was predominantly industrial and industrial/office buildings, in both land use and visual terms. The proposed footbridge at 7/F was not intended for general public use but only for the staff and users of the two connecting buildings. Concerned government departments had no objection to or no adverse comments on the application. Regarding the public comments, the comments of

government departments and the planning assessments above were relevant.

35. Some Members raised the following questions:

The Proposed Footbridge

- (a) which building the gross floor area (GFA) of the proposed footbridge would be counted towards;
- (b) the rationale behind the proposed footbridge alignment and why it was proposed to provide connection on 7/F of the two buildings;
- (c) noting the proposed footbridge was a private footbridge that spanned across government land, whether there were any similar planning applications previously considered by the Committee and whether the footbridge design required approval from the Advisory Committee of the Appearance of Bridges and Associated Structures (ACABAS);

The Buildings at 3 AKNVR and 5 AKNVR

- (d) the uses of the buildings at 3 AKNVR and 5 AKNVR and the locations of the pedestrian and vehicular access of the two buildings;

The Comments of the Department of Health

- (e) elaboration of the Department of Health (DH)'s comments regarding the licensing requirement of the proposed footbridge under the Private Healthcare Facilities Bill; and

Public Comment and Visual Impact

- (f) whether the public comment submitted by the building manager of an adjacent building was referring to the Sing Tao News Corporation Building

(Sing Tao Building) and whether the applicant had submitted a photomontage illustrating the visual impact of the proposed footbridge on the Sing Tao Building.

36. Mr Anthony K.O. Luk, STP/HK, made the following responses:

The Proposed Footbridge

- (a) for the two ends of the footbridge that fell within the lot boundaries of the proposed hospital building and the proposed supporting services building (about 25m² in total), the GFA would be calculated respectively towards each of the buildings. The inclusion of such GFA would not exceed the respective maximum permissible GFA of both buildings. For the portion of the footbridge that spanned across public road and fell within government land, the applicant had proposed to apply for GFA exemption under the Buildings Ordinance. As advised by the Buildings Department, the granting of GFA exemption by the Building Authority would be subject to favourable comments from relevant departments including PlanD, Transport Department and Highways Department;
- (b) the applicant considered that the current alignment connecting 7/F of both buildings was the only effective connection point having regard to the structural and functional consideration of the two buildings. Although one public comment suggested connecting the two buildings via a tunnel, it should be noted that existing Eastwood Centre at 5 AKNVR did not have any basement floors;
- (c) the Committee had previously considered two planning applications at Causeway Bay (No. A/H6/78 and A/H6/79) for proposed underground vehicular tunnels connecting the car parks of Lee Garden One and the Sunning Plaza/Sunning Court redevelopment, and the car parks of Lee Garden One and Lee Garden Two respectively, which were approved with conditions in June 2016. Both applications involved an alignment that would traverse through government land underneath public roads and the

two proposed underground vehicular tunnel would only be accessible by the users of the car parks, hence planning permission from the Town Planning Board (the Board) was required. As the current application involved a proposed footbridge that was not intended for general public use, planning application to the Board was required;

- (d) the Civil Engineering and Development Department and the Highways Department had not indicated that the proposed footbridge would require approval from ACABAS;

The Buildings at 3 AKNVR and 5 AKNVR

- (e) the proposed building at 3 AKNVR was for a private hospital which was the subject of a planning application (No. A/H9/75) approved with conditions by the Committee on 8.1.2016. The building at 5 AKNVR was an existing 15-storey industrial building, where the Director of Lands had granted a Special Waiver in 2013 to allow wholesale conversion of the building to non-industrial uses. It was currently being converted to a non-industrial building providing supporting services (such as specialty out-patient services with other administrative and supporting laboratories) to the proposed private hospital at 3 AKNVR. For the proposed hospital building at 3 AKNVR, the pedestrian access was located at AKNVR while the vehicular access was located at Tung Wong Road. For the proposed supporting services building at 5 AKNVR, the pedestrian and vehicular access points were both located at Tung Wong Road;

The Comments of the Department of Health

- (f) as regard to the DH's comments on the application, the applicant clarified that the proposed hospital building at 3 AKNVR and the supporting services building at 5 AKNVR would be operated by distinct separate legal entities, with the former being registered under the Hospital, Nursing Homes and Maternity Registration Ordinance (Cap. 165) or the future Private Healthcare Facilities Ordinance (PHFO). As proposed by the

applicant, the proposed footbridge would form part of the supporting services building. The proposed footbridge was merely a passageway between the two buildings; it would not form part of the proposed hospital, and licensing under Cap. 165 or the future PHFO would not be necessary. In fact, as advised by DH, there were other private hospitals in Hong Kong that would rent premises outside the hospital for providing similar supporting services; and

Public Comment and Visual Impact

- (g) the applicant had submitted a photomontage showing the proposed footbridge when viewed from AKNVR which was in Drawing A-3 of the Paper. With reference to the said drawing, the building behind the proposed footbridge was the Sing Tao Building. As the proposed footbridge would be of transparent design, certain floors of the Sing Tao Building would have a direct view of the inside of the proposed footbridge. The public comment submitted by the building manager of Sing Tao Building had suggested an alignment perpendicular to the two buildings which would reduce the visual impact on their building but this was concluded not feasible by the applicant.

Deliberation Session

37. Members generally had no objection to the application. A Member was concerned that the proposed footbridge would cause visual impact on the adjacent Sing Tao Building and enquired whether it would violate any rights of the owner of the building. In response, the Chairman said that the proposed footbridge did not encroach upon the lot boundary of the Sing Tao Building. As the building manager had submitted a public comment on the application, the planning assessment and considerations of PlanD and the decision made by the Committee would have taken account of the public comment submitted. Another Member also supplemented that there should be no 'right to view' of a development in Hong Kong.

38. 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 2.11.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of a revised Traffic Impact Assessment before the construction of the footbridge to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the submission of a temporary traffic management scheme before the implementation of any works involving temporary closure of existing footpath or carriageway to the satisfaction of the Commissioner for Transport or of the TPB.”

39. 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 Anthony K.O. Luk (STP/HK) for his attendance to answer Members' enquiries. He left the meeting at this point.]

Kowloon District

Agenda Item 6

Section 16 Application

[Open Meeting]

A/K11/232 Temporary Place of Recreation, Sports or Culture (Sports Training Ground) for a Period of 3 Years in “Other Specified Uses” annotated “Business” Zone, Units D and E, G/F, Prince Industrial Building, 706 Prince Edward Road East, San Po Kong, Kowloon
(MPC Paper No. A/K11/232)

40. The Secretary reported that the application site was located in San Po Kong. Mr Stanley T.S. Choi had declared an interest on the item as his spouse was a director of a company which owned property in Wong Tai Sin.

41. The Committee noted that the applicant had requested deferment of consideration of the application. Since the property owned by the company of Mr Stanley T.S. Choi’s spouse had no direct view of the application site, the Committee agreed that he could stay in the meeting.

42. The Committee noted that the applicant’s representative requested on 26.10.2018 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Fire Services Department. It was the first time that the applicant requested deferment of the application.

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

circumstances.

[Ms Sandy S.K. Ng, 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/K13/310 Temporary Shop and Services (Fast Food Shop) for a Period of 5 Years in “Other Specified Uses” annotated “Business” Zone, Unit 4A, G/F, Wing Fat Industrial Building, 12 Wang Tai Road, Kowloon Bay, Kowloon

(MPC Paper No. A/K13/310)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (fast food shop) for a period of 5 years;
- (c) departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments 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 was generally in line with the planning intention of the

“Other Specified Uses” annotated “Business” zone and was not incompatible with the surrounding area. The application complied with Town Planning Board Guidelines No. 22D in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and adjacent areas, and concerned government departments had no objection to or no adverse comment on the application.

45. Members had no question on the application.

Deliberation Session

46. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 2.11.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of the proposal for fire safety measures, including the provision of fire service installations in the application premises within three months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.2.2019;
- (b) the implementation of the proposal for fire safety measures, including the provision of fire service installations in the application premises within six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.5.2019; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified dates, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

[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 Chesterfield K.K. Lee, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K22/22 Proposed Social Welfare Facility (Residential Care Home for the Elderly and Child Care Centre) in "Residential (Group B) 5" Zone, Kai Tak Area 4A Site 1, Kai Tak Development, Kowloon (to be known as New Kowloon Inland Lot No. 6577)
(MPC Paper No. A/K22/22)

Presentation and Question Sessions

48. With the aid of a PowerPoint presentation, Mr Chesterfield K.K. Lee, STP/K, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed social welfare facility (SWF) (residential care home for the elderly (RCHE) and child care centre (CCC));
- (c) departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual was received supporting the application. Major supportive views were set out in paragraph 9 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. Whilst the proposed RCHE and CCC were not entirely in line with the planning intention of the “Residential (Group B)5” (“R(B)5”) zone, the proposed RCHE could provide residential care accommodation for the elderly to meet the keen demand for the aging society and the proposed CCC would provide full-day child care services to help meet the demand from the existing and the new population arising from the various residential developments in Kai Tak. The application was in line with the 2017 Policy Agenda and the government’s overall policy of augmenting the provision of welfare facilities which was in the public interest and the Labour and Welfare Bureau had given policy support for the proposal. The proposed RCHE and CCC were considered not incompatible with the surrounding residential developments and the private residential development to be developed on the site and would not cause adverse traffic and environmental impacts on the surrounding areas. Should the application be approved, the requirement for provision of the proposed RCHE and CCC would be incorporated into the land sale conditions. Detailed design of the proposed RCHE and CCC would be controlled through relevant ordinances and regulations including the statutory requirements governing the licensing of RCHEs and CCCs, the building plan submission, and the land sale conditions.

49. Some Members raised the following questions:

Planning Permission for ‘Social Welfare Facility’

- (a) whether the provision of RCHE and CCC could be incorporated in the land sale conditions and whether an en bloc approval for ‘SWF’ use in “R(B)” zone in Kai Tak area could be granted such that separate planning permission for each site would not be required;

Provision of SWF in Kai Tak

- (b) the rationale for identifying the application site for provision of SWF and whether there was a set of criteria to determine the suitability of a site for such provision;
- (c) whether there were other sites in the Kai Tak area that had provision for SWF;
- (d) noting that the development restrictions for a number of sites in Kai Tak had been relaxed which would lead to an increase in the future population, whether the provision of SWF in the area had been adjusted accordingly; and

Operation of the Proposed RCHE and CCC

- (e) the mode of operation and the targeted users of the proposed RCHE and CCC, whether the targeted users would be determined based on the income level, and whether the considerations would be different if the proposed RCHE and CCC were privately operated;

50. Mr Chesterfield K.K. Lee, STP/K, made the following responses:

Planning Permission for 'Social Welfare Facility'

- (a) according to the Notes of the Kai Tak Outline Zoning Plan (OZP), 'SWF' was a Column 2 use in the "R(B)" zone, and planning permission from the Town Planning Board would be required for the proposed 'SWF' use at the site. The Column 1 and Column 2 uses of the "R(B)" zones in the Kai Tak were formulated in accordance with the Master Schedule of Notes to Statutory Plans;

Provision of Social Welfare Facilities in Kai Tak

- (b) the application site was identified as suitable for providing SWF in view that the site was relatively large and conveniently located to serve the future population;
- (c) in recent years, the Development Bureau and LWB had been identifying suitable sites for incorporating the requirement of provision of SWF in the land sale conditions. In addition to the sites in Kai Tak, one site in Cheung Sha Wan sold in 2017 for commercial use had also incorporated the requirement for provision of ‘SWF’ use (i.e. a CCC and a neighbourhood elderly centre) in the land sale conditions. It was the Government’s intention of providing SWF at suitable locations where circumstances permitted, but a balance needed to be struck between provision of those facilities and loss of floor area for residential/commercial development;
- (d) with regard to the requirement for provision of ‘SWF’ use in other sites in Kai Tak, there were four sites near the Kai Tak Sports Park zoned “Residential (Group A)” where ‘SWF’ was an always permitted use. Another site in Kai Tak (Site 1F1) near San Po Kong zoned “Other Specified Uses” annotated “Mixed Use (2)”, which was disposed of by land sale in May 2018, had also incorporated the requirement for provision of two RCHEs and two day care centres for the elderly in the land sale conditions. Moreover, a site zoned “Government, Institution or Community” (“G/IC”) adjacent to Shing Kai Road in Area 1J of Kai Tak that was reserved for an integrated family services centre;
- (e) apart from provision of SWF in future land sale sites, SWF would also be provided in public housing estates, developments by the Urban Renewal Authority, and sites zoned “G/IC” as appropriate. The Chief Executive in June 2018 had announced that three land sale sites in Kai Tak would be converted to public housing developments and the Social Welfare Department (SWD) had been liaising with relevant government

departments in formulating the required SWF to be provided within the future public housing developments; and

Operation of the Proposed RCHE and CCC

- (f) in accordance with the land sale conditions, the future developer of the site would be responsible for the design and construction of bare shell premises for the proposed RCHE and CCC as part of the private development and handing back the facilities to the government upon completion. The proposed RCHE and CCC would be operated by service operators to be identified by the SWD through invitation of tender and invitation for proposals open to non-government organisations respectively. As regards to the targeted users, the RCHE was aimed at serving waitlistees on the central waiting list who were over 65 years of age while the CCC was aimed at serving children between 0 and 3 years of age.

51. A Member supplemented that according to the applicant's submission, the cost of design and construction of the proposed RCHE and CCC would be met by the Lotteries Fund and the service operators would be identified by SWD through invitation of tender and invitation for proposals respectively. The allocation of the residential care service places for the elderly would be subject to the central waiting list, thus the users of the proposed RCHE might not be limited to a certain income level. As for privately operated RCHE, they were subject to licensing requirements under the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459).

Deliberation Session

52. Members noted that the planning and provision of SWF would be provided in accordance with the Hong Kong Planning Standard and Guidelines (HKPSG) and a number of sites had already been reserved in the Kai Tak for SWF. However, there was currently no population-based standard on the provision of RCHE under the HKPSG. The Chairman said that PlanD was currently examining with SWD on the suggestion by the Elderly Commission in providing a population-based standard for provision of RCHE. There was a high demand for provision of RCHE in view of the ageing population. As such, the

government had been identifying suitable land sale sites for accommodating SWF. However, there was a need to strike a balance between a number of factors including whether the provision of RCHE would adversely affect flat production, and whether it would meet SWD's operational and funding programme. As such, an en bloc approval for 'SWF' use was not appropriate. For future land sale sites where 'SWF' use was an always permitted use on the OZP, the requirement on the provision of SWF could be included in the land sale conditions if considered necessary. As the application site was zoned "R(B)", planning permission for 'SWF' use was sought before the requirement for provision of SWF was incorporated into the land sale conditions. A recent similar application at Yau King Lane, Tai Po was approved by the Rural and New Town Planning Committee at its last meeting held on 19.10.2018.

53. Members also noted that there were 11 residential sites in the Kai Tak Runway area and it was anticipated that it would have a flat yield of about 9,000 flats which would have a population of about 26,000 persons. The location of the application site was relatively convenient as it was located at the junction of two major roads and was considered a suitable site for provision of SWF.

54. Members generally supported the application. A Member opined that every district should have some communal SWF accessible to people from different backgrounds, and suggested that flexibility could be given to permitting 'SWF' use in all "R(B)" sites so that planning permission would not be required. In response, the Chairman said that there would be difficulties to justify an en bloc approval to allow 'SWF' in all "R(B)" zones in Hong Kong having regard to the planning intention of the "R(B)" zone. Member's suggestion on providing flexibility in the uses could be considered in future plan-making process on individual OZP.

55. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 2.11.2022, 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 Chairman thanked Mr Chesterfield K.K. Lee, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 9

Any Other Business

56. There being no other business, the meeting closed at 11:58 a.m..