

## **TOWN PLANNING BOARD**

### **Minutes of 620<sup>th</sup> Meeting of the Metro Planning Committee held at 9:00 a.m. on 18.1.2019**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairman

Mr Lincoln L.H. Huang

Vice-chairman

Mr Sunny L.K. Ho

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

Chief Traffic Engineer/Hong Kong, Transport Department  
Mr Eddie S.K. Leung

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

Principal Environmental Protection Officer (Metro Assessment),  
Environmental Protection Department  
Dr. Sunny C.W. Cheung

Assistant Director (Regional 1), Lands Department  
Mr Simon S.W. Wang

Deputy Director of Planning/District  
Ms Jacinta K. C. Woo

Secretary

**Absent with Apologies**

Mr Stephen H.B. Yau

Mr Stanley T.S. Choi

Professor Jonathan W.C. Wong

**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  
Mr Harris K.C. Liu

**Agenda Item 1**

Confirmation of the Draft Minutes of the 619<sup>th</sup> MPC Meeting held on 4.1.2019

[Open Meeting]

1. The Secretary reported that subsequent to the circulation of the draft minutes of the 619<sup>th</sup> MPC meeting to Members, the following proposed amendments to paragraph 30 were received :

“A Member also suggested that consideration could be given to display the history of the Maryknoll House in the library *of the Stanley Municipal Services Building* instead of at the Stanley Promenade.”

2. The Committee agreed that the draft minutes of the 619<sup>th</sup> MPC meeting held on 4.1.2019 were confirmed subject to the above amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Hong Kong District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H3/6                      Reconsideration of Application for Amendment to the Draft Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/32, To Rezone the Application Site from “Open Space” and area shown as ‘Pedestrian Precinct/Street’ to “Residential (Group A) 23”, and Stipulate Building Height Restriction of 120mPD for the Zone, 1-7, Tak Sing Lane, Sai Ying Pun, Hong Kong  
(MPC Paper No. Y/H3/6B)

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4.                      The Secretary reported that K&W Architects Limited (K&W) was one of the consultants of the applicant. Mr Alex T.H. Lai had declared an interest on the item as his firm was having current business dealings with K&W. Since Mr Alex T.H. Lai had no involvement in the application, Members agreed that he could stay in the meeting.

Presentation and Question Sessions

5.                      The following representatives from the Planning Department (PlanD), the applicant and its representatives were invited to the meeting at this point:

PlanD’s Representatives

Mr Louis K.H. Kau                      - District Planning Officer/Hong Kong (DPO/HK)

Mr J.J. Austin                      - Senior Town Planner/Hong Kong (STP/HK)

Applicant and its Representatives

*Jonnex International Limited*

Mr Leung Chung Ching, Edwin ]

Ms Wong Fung San, Hanny ]

*Kenneth To & Associates Limited*

Mr To Lap Kee, Kenneth ]

Ms Lam Tsz Kwan, Camille ]

*K&W Architects Limited*

Mr Kwan Wing Hong, Dominic ]

Mr Yu Kwun Ho, Kenneth ]

Applicant's representatives

*Ramboll Hong Kong Limited*

Mr Cheng Chi Ming, Tony ]

Mr Lo Lam, Steve ]

*Kassod Arbor Tree Consultancy*

*Services Limited*

Ms Liu Wing Ting, Phoebe ]

Mr Keung Man Hong, Stephen ]

Mr Chan Kwok Keung ]

6. The Committee noted that a replacement page (page 10 of the Paper), with revised comments of the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD, had been dispatched to Members before meeting, while two replacement pages (pages 7 and 8 of the Paper), rectifying typographic errors, were tabled at the meeting for Members' reference. With the aid of a PowerPoint presentation, Mr J. J. Austin, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – the subject application was first submitted by the applicant on 28.8.2014. On 17.4.2015, the Committee decided not

to agree to the rezoning application for reasons of (i) the “Open Space” (“O”) zoning for the site being appropriate, (ii) rezoning of the site from “O” to residential use resulting in a permanent loss of open space and further aggravating the shortfall of local open space provision in Sai Ying Pun and Sheung Wan area, (iii) no strong planning justification nor merit for the rezoning proposal, and (iv) setting an undesirable precedent for similar applications. The applicant subsequently lodged a judicial review (JR) application on 16.7.2015 against the decision of the Committee. The Court of First Instance (CFI) on 12.1.2018 handed down the Judgment allowing the JR. The CFI ruled that, among others, rejection reason (d) in respect of setting an undesirable precedent for similar applications was *Wednesbury* unreasonable and remitted the application to the Committee for reconsideration. On 19.9.2018 and 31.10.2018, the applicant submitted further information providing a revised scheme and updated technical assessments in support of the application;

- (b) the proposed rezoning of the site from “O” and an area shown as ‘Pedestrian Precinct/Street’ (‘PPS’) to “Residential (Group A) 23” (“R(A)23”), and stipulation of building height restriction (BHR) of 120mPD for the zone. Due to the change in planning circumstances, the applicant revised the proposed zoning of the site from “R(A)23” to “R(A)24”;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. CTP/UD&L, PlanD had some reservations on the application in that the loss of “O” for development uses would permanently deprive the built environment of the much needed spatial and visual reliefs, the proposed open space for public use could not fully address the permanent loss of an area zoned “O” in terms of quantity, and pruning of existing trees within the site might have implications on tree stability. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a total of

1,301 public comments were received. Among which, 7 supportive comments and 4 comments with no content were submitted by individuals. The remaining 1,290 adverse comments were submitted by a Legislative Council member, Central and Western District Council (C&WDC) members, Democratic Party, Designing Hong Kong Limited, Incorporated Owners/Owners' Committees of nearby buildings and individuals. Major supporting/objecting grounds were set out in paragraph 10.3 of the Paper. The District Officer (Central and Western) reiterated that at the Food, Environment, Hygiene & Works Committee of C&WDC held on 23.10.2014, C&WDC members had strong reservation to the application on the grounds of adverse impacts on visual, environment, air ventilation, possible blockage to emergency vehicular access and privacy; and

- (e) the PlanD's views – based on the assessments set out in paragraph 11 of the Paper, PlanD had no in-principle objection to the application and recommended to rezone the site to an appropriate sub-zone of “R(A)” with stipulation of a maximum building height (BH) of 120mPD and the requirement for provision of a 24-hour public access through the site. The site was surrounded by high-rise residential developments to the north, west and south, which were mainly zoned “R(A)8” with BHR of 120mPD, and four 2-storey residential buildings on David Lane to the immediate east, zoned “Government, Institution or Community” (“G/IC”). The proposed 25-storey residential development was not incompatible with the surrounding neighbourhood. The site had been zoned “O” since 1970. However, there was no programme to implement the zoned use and the prospect for its implementation was slim. Despite the deficit in existing and planned provision of local open space in the Sai Ying Pun and Sheung Wan area, the overall provision of open space in C&W District was currently at a surplus. Rezoning the site for residential use would increase the housing land supply and was in line with the prevailing housing policy. Regarding the applicant's proposal of providing a 24-hour public access within the site connecting the existing staircase at Second Street and the existing pedestrian access on Third Street, it could be regarded as a planning gain to further enhance the pedestrian connectivity of the area.

Suitable control for the provision of 24-hour public access should be stipulated on the OZP if the rezoning application was approved. The applicant also proposed to provide an open space of about 127m<sup>2</sup> on 1/F of the proposed development for public use. The substantial increase in BH of the proposed development would inevitably affect the existing visual relief space of surrounding developments. Nevertheless, the proposed development was not incompatible visually with the surrounding areas. Technical assessments submitted by the applicant had demonstrated that the proposed development would have no adverse sewerage, air ventilation and visual impacts on surrounding areas. To address CTP/UD&L, PlanD's comments, reduction in the podium footprint and setback of the residential tower were proposed in the current scheme to create room for retaining two existing wall trees. As for the precedential effect, approval of the application might only set a precedent for the private land portion of the "O" site at Ui On Lane. However, provision of open space at the remaining portion of the Ui On Lane "O" site would not be affected as they comprised of government land. Regarding the objecting public comments, views of concerned departments in paragraph 9 of the Paper and the planning assessments above were relevant.

7. The Chairman then invited the applicant and its representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr To Lap Kee, Kenneth, the applicant's representative, made the following main points:

- (a) details of rezoning proposal and the proposed residential development – although Tak Sing Lane (TSL) fell within the site, the proposed residential development would not encroach upon TSL which would be reserved as part of the 24-hour public access;
- (b) the existing residential developments on the site were completed before the gazette of the first statutory plan covering the area. Even though the site was zoned "O", the Leisure and Cultural Services Department (LCSD) had indicated no intention to resume the site for implementing the zoned use in 2006 and 2018. The applicant was facing a dilemma of being restricted

from redevelopment and the site not being resumed by the Government. On the contrary, surrounding sites had been redeveloped into high-rise residential developments in the 1980s and 1990s;

- (c) the planning gain of the proposal included the proposed 24-hour public access on the western side of the proposed residential development connecting Third Street and Second Street via TSL which would improve the pedestrian accessibility. The applicant also proposed to surrender the proposed staircase within the site to the Government. If not accepted by the Government, the applicant could take up the management and maintenance responsibilities of the proposed 24-hour public access at its own cost. In addition, the open space on 1/F would be open for public use, which could also serve as a visual corridor connecting Second Street and Third Street; and
- (d) given that the Government had no intention to implement the planned open space and the site had been restricted from redevelopment, the applicant's development right at the site had been deprived of without legitimate compensation. The applicant urged the Town Planning Board (the Board) to approve the current application so as to resolve the dilemma faced by the applicant.

8. Mr Leung Chung Ching, Edwin, the applicant's representative, continued to make the following main points:

- (a) the applicant was not a property developer but a family business co-owned by himself and his spouse. The existing buildings were completed in 1950s and restricted to a low-rise development by the then buildings regulation. Since the designation of "O" zone at the site, the Government held up the development right of the site and had not offered any compensation proposal. It was unfair to the applicant and did not make good utilization of the land resource in urban area; and
- (b) the applicant had gradually unified the ownership of the site as other

owners had sold their properties due to huge maintenance cost and substandard conditions of the existing buildings. The applicant submitted the current application to facilitate the redevelopment of the site for residential use.

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

9. As the presentations of PlanD's representative and applicant's representatives were completed, the Chairman invited questions from Members.

*The "O" Zoning and Conditions of the Existing Buildings*

10. Some Members raised the following questions:

- (a) conditions of the existing buildings at the site and whether all flats within the existing buildings were rented out;
- (b) whether the site could be redeveloped at the same building bulk as the existing buildings, if the subject application was rejected;
- (c) the historical background for zoning the site as "O";
- (d) the reasons for not implementing the zoned use and any mechanism for the applicant to seek compensation from the Government; and
- (e) whether the applicant had attempted to liaise with the Government for resuming the site.

11. In response, Mr Louis K.H. Kau, DPO/HK, made the following main points:

- (a) with reference of the site photos in Plan FZ-6 of the Paper, the existing buildings were generally well-maintained;
- (b) the existing residential buildings were regarded as an existing use which

was tolerated under the Outline Zoning Plan (OZP). However, any material change of such use or any redevelopment of the site must conform with the provisions of OZP. According to the Notes for the “O” zone, ‘Flat’ use was neither a Column 1 nor Column 2 use. Therefore, a rezoning application was required to facilitate the redevelopment of the site for residential use; and

- (c) the history of “O” zoning at the site was set out in paragraph 5 of the Paper. In gist, there had been a deficiency of public open space and recreational facilities in the area at the time of preparing the first statutory plan in 1970. A number of suitable sites, including the site, were therefore identified and zoned as “O” to address the deficiency; and
- (d) when formulating a statutory plan, PlanD would generally designate different land use zonings at appropriate locations based on various planning consideration. Relevant departments would then implement the zoned use (e.g. “G/IC” and “O” sites) taking into account their own priority and resource availability. In general, when a relevant development proceeds to implement the proposed open space development, funding for its implementation including that for land resumption would be sought. However, as advised by LCSD, there was no programme to implement the zoned open space use at the moment.

12. In response, Mr Leung Chung Ching, Edwin and Mr To Lap Kee, Kenneth, the applicant’s representatives, made the following main points:

- (a) with reference to the site photos in 2007 as shown in applicant’s PowerPoint presentation, the existing buildings were in a dilapidated conditions. Some original owners sold their units due to huge maintenance costs and poor living environment, and the applicant had gradually unified the ownerships of the site. Even with great efforts to manage and maintain those existing buildings, the conditions of some units were still not satisfactory and some units could not be rented out; and

- (b) the applicant had never requested the Government to resume the site.

*Proposed Residential Development*

- 13. Some Members raised the following questions:
  - (a) the average flat size and arrangement of emergency access of the proposed residential development;
  - (b) the proposed mitigation measures to address potential noise nuisance generated by the retail uses at G/F and 1/F and potential impact on the nearby four 2-storey buildings located at David Lane;
  - (c) whether the proposed BH of 120mPD was adequately justified; and
  - (d) noting that two existing trees would be affected, whether those trees could be preserved.
  
- 14. In response, Mr To Lap Kee, Kenneth, made the following main points:
  - (a) the proposed average flat size was about 34.8m<sup>2</sup>. A barrier-free access connecting Third Street and 1/F of the proposed residential development would be provided, which could serve as an emergency access;
  - (b) it was not uncommon to have retail shops and eating places on the ground floor of surrounding developments. Significant noise nuisance generated by those uses was not anticipated. Also, the four 2-storey buildings at David Lane were already surrounded by “R(A)8” zone with BHR of 120mPD to its north and south. Nonetheless, a public toilet located to the east of the four buildings was low-rise; and
  - (c) with reference to a drawing showing the locations of existing trees, namely T1 and T2, in the applicant’s PowerPoint presentation, reduced footprint of podium and setback of residential block were recommended in the current

scheme so as to avoid pruning of key branches and to allow more space to preserve T1.

15. In response, Mr Louis K.H. Kau, made the following main points:

- (a) the mean level of the site was about 28mPD and, as in the case of Wan Chai OZP, a BH of 110mPD (assuming a site level up to about 18mPD) for the residential development with the incorporation of sustainable building design guidelines was generally required. Therefore, the proposed BHR of 120mPD for the site was considered not excessive; and
- (b) T1 fell within the area owned by the applicant, while T2 fell within the area of other property located in David Lane. Therefore, any preservation works with respect of T2 should require consent from the respective owner(s) before commencement.

*Proposed 24-hour Public Access and Open Space*

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

- (a) mechanism to ensure that the proposed open space in the private development would be open to the public and the design requirements for barrier free access for the proposed open space;
- (b) apart from lease conditions, any other mechanism to ensure the provision and management of the proposed open space;
- (c) whether the entire TSL would form part of the proposed 24-hour public access and whether the applicant would be responsible for the management and maintenance of the proposed open space and 24-hour public access; and
- (d) the possibility to handover the proposed open space and 24-hour public access to the Government by way of surrender and regrant of the

development site.

17. In response, Mr Louis K.H. Kau, made the following main points:

- (a) the Development Bureau had published the *Public Open Space in Private Developments Design and Management Guidelines* (the POSPD Guidelines) in 2009. The POSPD Guidelines should be applied to new and existing public open space (POS) as permitted under the leases or the Deed of Dedication, if appropriate. Besides, according to the *Summary of Refined Arrangement for Provision of POS in Future Private Development*, relevant departments should not recommend the Board to accept POS in a development governed by an unrestricted lease or the provision of POS could not practically be imposed in the lease. Since there was no requirement on provision of POS in the existing lease of the site and implementation of the proposed residential development would not require lease modification, there was no effective mechanism to require the provision of POS within the private residential development; and
- (b) TSL was not owned by the applicant, but would form part of the 24-hour public access as proposed by the applicant. TSL could be rezoned to 'PPS' to ensure the provision of 24-hour public access, should the rezoning application be approved.

18. In response, Mr Leung Chung Ching, Edwin and Mr To Lap Kee, Kenneth, made the following main points:

- (a) in terms of the design of the proposed open space, signage would be put up at prominent locations to inform members of the public of the direction to the proposed open space, and barrier-free access would be provided to connect the proposed open space and Third Street. However, due to the site constraints, no barrier-free access could be provided for visitors arriving from Second Street. Besides, the proposed open space would also serve as the access point to the proposed retail shops on the same floor, so that it would be open to the public. Nonetheless, the open space would

remain under private ownership. The applicant would follow the management guidelines of the POSPD Guidelines as far as possible; and

- (b) the applicant was willing to handover the proposed 24-hour public access and open space to the Government for management, upon request by the Government. In the interim, the applicant could take up the management and maintenance responsibilities for the proposed open space and 24-hour public access. However, surrender and regrant of the development site was not a favourable option to the applicant as the subject lease was unrestricted for a term of 999 years.

*The “O” Site at Ui On Lane and the Adjoining “G/IC” Site*

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

- (a) noting that the CFI ruled against the Committee mainly on the grounds that the Committee failed to explain on what basis the site and another “O” site at Ui On Lane were treated alike, what the differences were between the two sites and the implication on the “O” site at Ui On Lane if the current application was approved;
- (b) any designated Government, Institution and Community (GIC) use for the adjoining “G/IC” site, its programme for implementation and the history of the “G/IC” zoning; and
- (c) whether the applicant had any discussion with the owners of David Lane.

20. In response, Mr Louis K.H. Kau, made the following main points:

- (a) only 23% of area for the “O” site at Ui On Lane was private land, while the application site was entirely under private ownership. In this regard, approval of the current application might set a precedent only for the private land portion of the “O” site at Ui On Lane, whilst the remaining government land portion would not be affected; and

- (b) with reference to the first statutory plan covering Sai Ying Pun and Sheung Wan area, the adjoining “G/IC” site had already been zoned for Government use. Except the existing public toilet, no GIC facility was planned for the remaining part of the “G/IC” site.

21. Mr Leung Chung Ching, Edwin and Mr To Lap Kee, Kenneth added that the applicant had not discussed with the owners of the existing buildings at David Lane. In any case, the development at David Lane was constrained due to the level difference with TSL, and it was only accessible via Centre Street.

Others

22. Some Members raised the following questions:

- (a) Since the neighbouring developments were designed based on the fact that the site was planned as a future open space, whether residential development at the site would cause any non-compliance with building regulations for those neighbouring developments, for example, the requirements for prescribed window for lighting and ventilation; and
- (b) the statutory status of the Urban Renewal District OZP (URDOZP) mentioned in the Paper.

23. In response, Mr Louis K.H. Kau, made the following main points:

- (a) given that TSL would remain as a buffer area between the proposed development and surrounding buildings, there would be no non-compliance with building regulations for those neighbouring developments. Regarding the proposed residential development, it had to comply with relevant requirements as specified in the building regulations; and
- (b) as shown on the visualizer, the URDOZP No. 3/48 was the first statutory plan gazetted to cover the Sai Ying Pun and Sheung Wan area.

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

### Deliberation Session

25. Some Members supported the proposed residential use at the site on the consideration that the "O" zoning had not been implemented by the Government for almost 50 years, the prospect for implementing a public open space at the site was slim, residential use had been in existence before the designation of "O" zoning, the proposed 24-hour public access could be regarded as planning gain to enhance pedestrian connectivity in the area, and the submitted technical assessments had demonstrated no adverse impacts on the surrounding areas. Although the proposed open space did not meet the definition set out in the POSPD Guidelines, the applicant was willing to hand it over to the Government for management upon request or to take up the management and maintenance responsibilities at its own cost, so that it could bring benefit to the community.

26. A Member expressed that the intention of designating "O" zoning at the site was to provide a visual relief in a crowded built environment. The proposed open space as shown in the indicative scheme could somehow serve the purpose. However, the effect was limited due to the small site area. PlanD should review the land use zoning of the adjoining "G/IC" site to explore the possibility of encouraging site amalgamation and provision of a larger open space to achieve the original planning intention. Another Member said that the proposed development would inevitably worsen the urban design of the area and suggested to incorporate requirements to provide space for visual relief as far as possible when formulating development restrictions of the land use zoning. A Member echoed the views above and urged the relevant department to identify possible solution to ensure provision of POS within the site.

27. Some Members were concerned about whether it would be feasible to partially surrender the proposed open space to the Government or to specify the provision of open space for public use in the Deed of Mutual Covenant (DMC) of the future development at the site. Mr Simon S.W. Wang, Assistant Director (Regional 1), Lands Department (LandsD), explained that since the proposed open space was located on 1/F of the proposed residential development, partial surrender or carve-out of the proposed open space to the Government was not feasible. Subject to concerned departments agreeing to take over the POS, ownership of the proposed open space could be transferred to the Government in form of undivided shares. While the management and maintenance responsibilities of open space for public use could be specified in the DMC, the DMC would be prepared by the developer and not require approval from LandsD. In considering whether to take up the management and maintenance responsibilities of the proposed open space, the Government Property Agency would examine whether the relevant terms and conditions stipulated in the DMC were acceptable. In view of the above, a Member noted that as neither partial surrender nor DMC were feasible options, opening of the proposed open space to the general public was entirely at the discretion of the applicant or future land owner.

28. The Chairman summarised that Members were generally sympathetic to the application and considered that rezoning of the site to residential use to facilitate the redevelopment was acceptable. While some Members raised concerns on urban design aspect as well as the provision of POS within the site, it was agreed that the provision of POS or future management of the proposed open space was not the key consideration in assessing the rezoning application. Some Members suggested to take into account the adjoining "G/IC" site in the review of land use zoning of the site.

29. After further deliberation, the Committee decided to partially agree to the application by rezoning the site to an appropriate sub-zone of "R(A)" with stipulation of a maximum BH of 120mPD and the requirement for provision of a 24-hour public access through the site on the OZP, and noted that the relevant proposed amendments to the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/32 would be submitted to the Committee for agreement prior to gazetting under the Town Planning Ordinance.

**Tsuen Wan and West Kowloon District**

**Agenda Item 4**

**Section 16 Application**

[Open Meeting]

A/K3/580                      Proposed Shop and Services, Eating Place and Office in “Residential (Group E)” Zone, 4-4A Mong Kok Road, Mong Kok, Kowloon  
(MPC Paper No. A/K3/580)

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30.            The Secretary reported that the site was located in Mong Kok area. The application was submitted by Crystal Enterprises Company Limited (CECL) and Southland Company Limited. MVA Hong Kong Limited (MVA), AGC Design Limited (AGC) and BMT Hong Kong Limited (BMT) were three of the consultants of the applicants. The following Members had declared interests on the item :

- Mr Alex T.H. Lai                      - his firm having current business dealings with CECL, MVA, and AGC;
  
- Mr Thomas O.S. Ho                      - having current business dealings with MVA and past business dealings with BMT;
  
- Mr Franklin Yu                              - having past business dealings with MVA; and
  
- Mr Stanley T.S. Choi                      - his spouse being a director of a company, which owned properties in Mong Kok area.

31.            The Committee noted that Mr Stanley T.S. Choi had tendered an apology for being unable to attend the meeting. Since Mr Alex T.H. Lai and Mr Thomas O.S. Ho had no involvement in the application and the interest of Mr Franklin Yu was indirect, the Committee agreed that they could stay in the meeting.

32.            The Secretary reported that the Planning Department (PlanD) recommended deferment of the consideration of the application as the building height restriction of the site was the subject of one of the amendment items under the draft Mong Kong Outline Zoning

Plan (OZP) No. S/K3/31 and adverse representations were received during the exhibition period of the draft OZP. According to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), a decision on the current application should be deferred until the Chief Executive in Council (CE in C) considered the draft OZP and the representations.

33. After deliberation, the Committee decided to defer a decision on the application as recommended by PlanD. The Committee agreed that the application should be submitted for its consideration after CE in C considered the draft OZP and the representations.

[Mr Alex T.H. Lai left the meeting and Ms Lilian S.K. Law arrived to join the meeting at this point.]

[Ms Katy C.W. Fung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK) was invited to the meeting at this point.]

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/801            Proposed Shop and Services and Storage in “Other Specified Uses” annotated “Business (4)” Zone, Portion of G/F including Portion of Cockloft, Wing Ming Industrial Centre, 15 Cheung Yue Street, Cheung Sha Wan, Kowloon  
(MPC Paper No. A/K5/801A)

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34. The Secretary reported that the application was submitted by Wing Ming Garment Factory Limited (WMGFL). Mr Alex T.H. Lai had declared an interest on the item as he had past business dealings with WMGFL. The Committee noted that Mr Alex T.H. Lai had already left the meeting.

Presentation and Question Sessions

35. The Committee noted that a replacement page (page 12 of the Paper), rectifying information on temporary waiver application, was tabled at the meeting for Members' reference. With the aid of a PowerPoint presentation, Ms Katy C.W. Fung, 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 and storage;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from the Incorporated Owners (IO) objecting to the application. Major objecting grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed uses were generally in line with the planning intention of the “Other Specified Use” annotated “Business (4)” zone and not incompatible with other uses of the same industrial building. The application complied with the Town Planning Board Guidelines No. 22D in that it would not induce adverse fire safety, traffic and infrastructural impacts on the subject building and the adjacent areas; concerned departments had no objection to or no adverse comment on the application; and the aggregate commercial floor areas on the G/F of the subject building would be within the maximum permissible limit of 460m<sup>2</sup>, should the current application be approved. As there was no change in planning circumstances, approval of the application would be consistent with the previous decisions of the Committee on similar applications. However, given the applicant's

non-compliance with an approval condition under the previous application for 'Shop and Services' use, a shorter compliance period was recommended to closely monitor the progress of compliance with the approval conditions. The issues mentioned in the adverse public comment were non-planning related and should be dealt with between the applicant and the IO separately.

36. Members had no question on the application.

### Deliberation Session

37. 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 18.1.2021, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission of fire safety measures, including the provision of fire service installations and equipment in the application premises and a means of escape separated from the industrial portion within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 18.4.2019;
- (b) the implementation of fire safety measures, including the provision of fire service installations and equipment in the application premises and a means of escape separated from the industrial portion within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 18.7.2019; and
- (c) if any of the above planning conditions (a) or (b) is not complied with before the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

[The Chairman thanked Ms Katy C.W. Fung, STP/TWK for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Mr K.S. Ng, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK) was invited to the meeting at this point.]

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/503                      Temporary Shop and Services (Motor-vehicle Showroom) and Temporary Minor Relaxation of Non-domestic Gross Floor Area Restriction for a Period of 3 Years in "Residential (Group A) 6" Zone, Portion of Carpark at Level 7, D. Park, 398 Castle Peak Road, Tsuen Wan, New Territories  
(MPC Paper No. A/TW/503)

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39.            The Secretary reported that the site was located in Tsuen Wan area. The application was submitted by Automall Discovery Park Limited (Automall). The following Members had declared interests on the item :

Mr Alex T.H. Lai            - his firm having current business dealings with Automall;

Mr Stanley T.S. Choi        - his spouse being a director of a company, which owned properties in Tsuen Wan area; and

Professor John C.Y. Ng     - his spouse owning a property in Tsuen Wan area.

40.            The Committee noted that Mr Stanley T.S. Choi had tendered an apology for being unable to attend the meeting and Mr Alex T.H. Lai had already left the meeting. As the interest of Professor John C.Y. Ng was direct, the Committee agreed that he should leave the meeting temporarily for the item.

[Professor John C.Y. Ng left the meeting temporarily at this point.]

### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (motor-vehicle showroom) and temporary minor relaxation of non-domestic gross floor area (GFA) restriction for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) did not support the application as the proposed mitigation measures of making use of unused loading/unloading spaces in the basement for public car parking spaces and the emergency vehicular access as queuing space for holding vehicles were unacceptable to address the shortfall of 58 nos. of public car parking spaces. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 126 public comments were received from a Legislative Council member, a District Council member, a member of the Tsuen Wan West Area Committee, Labour Party, the Owners' Committee of Discovery Park (Residential Portion) and individuals. There were two supporting the application, 123 objecting to the application and one providing comments. Major views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper.

Although the applied use was not incompatible with other uses within the subject development and did not result in any actual increase in development bulk or intensity, the applicant failed to demonstrate that the applied use with the mitigation measures to address the anticipated shortfall in car parking provision would be acceptable from traffic engineering point of view. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

42. In response to a Member's enquiry, Mr K.S. Ng, STP/TWK, indicated that the subject premises was subject to five previous planning permissions for temporary shop and services (motor-vehicle showroom) use and temporary minor relaxation of non-domestic GFA restrictions and had been used for the applied use for about 11 years. The Secretary supplemented that, in general, planning application for temporary uses would be assessed based on individual circumstances at the time of consideration.

#### Deliberation Session

43. Members noted that the previous planning applications were approved by the Committee or by the Town Planning Board as there was no shortfall in public car parking spaces in the district at the time of consideration. However, in view of the anticipated shortfall of car parking spaces in the district and the adverse comments of C for T on the application, PlanD did not support the subject planning application.

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

“the applicant fails to demonstrate that the proposed development with the mitigation measures to address the anticipated shortfall in car parking provision would be acceptable from traffic engineering point of view.”

[Professor John C.Y. Ng returned to join the meeting, and Mr Franklin Yu left the meeting at this point.]

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/110 Proposed House Development at Plot Ratio of 0.75 in “Residential (Group C)” Zone, Lots 210, 212, 213, 214, 215 s.A, 215 RP, 230, 231 RP, 234, 235 and 427 in D.D. 399 and Adjoining Government Land, Ting Kau, Tsuen Wan, New Territories  
(MPC Paper No. A/TWW/110C)

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**Presentation and Question Sessions**

45. The Committee noted that six additional pages (drawings of Appendix F-IVh of the Paper) were tabled at the meeting for Members’ reference. With the aid of a PowerPoint presentation, Mr K.S. Ng, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – during the consideration of the application on 11.11.2016, the Committee decided to defer making a decision on the application as Members had concerns on the visual impact of the proposed development on the surrounding areas having regard to the high site formation level and the possible impact of the proposed retaining wall on House No. 65 to the south of the site. The applicant was requested to provide further information (FI) to address the above concerns. FIs were submitted on the site formation level, the height of the retaining wall and the proposed landscaping treatment. Details of the applicant’s FIs were set out in paragraph 2 and Appendix F-IVa to IVi of the Paper;
- (b) the proposed house development at a plot ratio of 0.75;
- (c) departmental comments – departmental comments on the FIs were set out in paragraph 3 of the Paper. The Chief Town Planner/Urban Design and Landscape, the Planning Department (PlanD) considered that the applicant’s proposal of reducing the site formation level and the height of the retaining wall would respond better to the surrounding context, and the

tree screening in the buffer garden would help to soften the visual bulk of the retaining wall. The proposed development would unlikely have significant visual impact on the surrounding areas and House No. 65. The Chief Architect/Central Management Division 2, Architectural Services Department also noted that the applicant had satisfactorily responded to his comments regarding the visual impact and had no further comment on the application. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection periods for the FIs submitted, a total of 45 public comments were received from an Indigenous Inhabitant Representative of Ting Kau, the Resident Representative of Ting Kau and individuals. There were one supporting the application, 40 objecting to the application and four providing comments. Major views and objection grounds were set out in paragraph 4 of the Paper; and
- (e) PlanD's views – PlanD maintained its view of having no objection to the application based on the assessments set out in paragraph 5 of the Paper. To address the Committee's previous concerns, the applicant had submitted FIs providing information on the site formation level, the height of the retaining wall and the proposed landscaping treatment. Concerned departments had no objection to or no adverse comment on the application and the submitted FIs. Approval conditions were recommended to address the technical concerns of relevant departments. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

46. Some Members raised the following questions:

- (a) whether the subject site fell within the village 'environ' ('VE') of Ting Kau Village;
- (b) the location of the fruit trees mentioned in some public comments;

- (c) the distribution of the government land and private land within the site; and
- (d) the vehicular access of the proposed development.

47. In response, Mr K.S. Ng, STP/TWK, made the main points:

- (a) with reference to Plan FA-2 of the Paper, the site fell within the ‘VE’ of Ting Kau Village but outside the “Village Type Development” zone;
- (b) the concerned fruit trees were located within the private lots of the site;
- (c) as shown in Plan FA-3 of the Paper, about 25% of the land within the site was government land; and
- (d) the proposed vehicular access would be fronting Castle Peak Road - Ting Kau.

#### Deliberation Session

48. Members generally agreed that the applicant had addressed the Committee’s previous concerns.

49. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.1.2023, 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 noise mitigation measures as proposed in the Traffic Noise and Air Quality Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) 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; and

- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

[The Chairman thanked Mr K.S. Ng, STP/TWK for his attendance to answer Members' enquiries. He left the meeting at this point.]

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting]

A/TWW/117 Proposed House Development at Plot Ratio of 0.75 in “Residential (Group C)” Zone, Lot 407 in D.D. 399 and Adjoining Government Land, Ting Kau, Tsuen Wan West, New Territories  
(MPC Paper No. A/TWW/117A)

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51. The Secretary reported that Ove Arup & Partners Hong Kong Limited (Arup) and Vibro (H.K.) Limited (Vibro) were two of the consultants of the applicant. The following Members had declared interests on the item:

Mr Alex T.H. Lai - his firm having current business dealings with Arup and Vibro;

Mr Thomas O.S. Ho - having current business dealings with Arup; and

Mr Franklin Yu - having past business dealings with Arup.

52. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Alex T.H. Lai and Mr Franklin Yu had already left the meeting. As Mr Thomas O.S. Ho had no involvement in the application, the Committee agreed that he

could stay in the meeting.

53. The Committee noted that the applicant's representative requested on 3.1.2019 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

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

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

## **Agenda Item 9**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/455                      Proposed Shop and Services in “Industrial” Zone, Portion of Workshop B (B3), G/F, Effort Industrial Building, 2-8 Kung Yip Street, Kwai Chung, New Territories  
(MPC Paper No. A/KC/455)

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### **Presentation and Question Sessions**

55.                      With the aid of a PowerPoint presentation, Mr Stephen C.Y. Chan, 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 government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a District Council member who indicated no comment on the application; 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. Although the application was not entirely in line with the planning intention of the “Industrial” zone, the proposed shop and services could meet such demand in the area. It was also considered not incompatible with other uses within the subject building and the surrounding developments. The application 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; concerned departments had no objection to and no adverse comment on the application; and the aggregate commercial floor areas on the G/F of the subject building would be within the maximum permissible limit of 460m<sup>2</sup>, should the current application be approved. In order not to jeopardize the long-term planning intention of the industrial use for the subject premises, an approval on a temporary basis for a period of five years was recommended. This was also consistent with the Committee's previous decisions on approving similar applications.

56. Members had no question on the application.

### Deliberation Session

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 18.1.2024, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of fire safety measures, including the provision of fire service installations and water supplies for firefighting in the application premises and a means of escape separated from the industrial portion 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 (a) is not complied with before operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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



Dr Lawrence W.C. Poon ]

Mr Alex T.H. Lai - his firm having current business dealings with HKHS, AECOM, L&O, Virbo and Meinhardt;

Mr Thomas O.S. Ho - having past business dealings with HKHS and BMT, and having current business dealings with AECOM;

Mr Franklin Yu - having past business dealings with AECOM;

Ms Jacinta K.C. Woo - owning a flat in Shau Kei Wan area; and  
(*The Secretary*)

Mr Simon S.W. Wang - his family members living in MWDH.

60. Ms Lilian S.K. Law also declared an interest on the item as she was a committee member of the Boys' & Girls' Clubs Association of Hong Kong which had a service unit located in MWDH and would be affected by the redevelopment.

61. The Committee noted that Mr Thomas O.S. Ho, Mr Alex T.H. Lai and Mr Franklin Yu had already left the meeting. Since the interests of Mr Raymond K.W. Lee (the Chairman), Mr Simon S.W. Wang, Ms Lilian S.K. Law and Mr Daniel K.S. Lau who was involved in the project in the past year were direct, the Committee agreed that they should leave the meeting temporarily for the item. As the interest of Dr Lawrence W.C. Poon was indirect and the interest of Ms Jacinta K.C. Woo (the Secretary) was remote, the Committee agreed that they could stay in the meeting.

[Mr Raymond K.W. Lee, Mr Simon S.W. Wang, Ms Lilian S.K. Law and Mr Daniel K.S. Lau left the meeting temporarily at this point.]

62. Mr Lincoln L.H. Huang, the Vice-chairman, took up chairmanship at this point.

#### Presentation and Question Sessions

63. 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 Comprehensive Redevelopment of Ming Wah Dai Ha (MWDH) (including flats, shop and services and social welfare facilities) (Proposed Amendments to Approved Master Layout Plan (MLP));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of statutory publication periods, nine public comments were received from the Hong Kong and China Gas Company Limited, Incorporated Owners of the Gayland and individuals, all raising objections to or concerns on the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application for proposed amendment to the approved MLP was generally in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone and complied with the major planning and design principles as well as development parameters as set out in the planning brief (PB). Concerned departments had no objection to or adverse comment on the proposed change in flat mix to provide 750 subsidised sale flats, increase in non-domestic gross floor area to provide a central community hub for provision of Government, Institution and Community (GIC) facilities together with retails facilities, and reduced open space provision by 2,800m<sup>2</sup>. Also the submitted technical assessments had demonstrated that the revised scheme would not cause significant air ventilation, visual, landscape, traffic, environmental, geotechnical, sewerage and drainage impacts. The applicant would still

be required to implement several road and pedestrian improvement measures as stipulated in the PB and under the previous approved application, including to study the feasibility of providing an additional pedestrian access connecting Phase 3 of the proposed redevelopment to the Shau Kei Wan MTR Station. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

64. The Vice-chairman and some Members raised the following questions:
- (a) noting a tram turning circle was located at Kam Wa Street to the west of the site, whether it would generate noise nuisance to the proposed development;
  - (b) noting that sky gardens were introduced in Blocks 1 to 5, whether the proposal could enhance air ventilation performance of the site;
  - (c) the summer wind conditions and details of wind corridors; and
  - (d) details of the additional pedestrian access to the Shau Kei Wan MTR Station and whether it would be a covered walkway.
65. In response, Mr Anthony K.O. Luk, STP/HK, made the following main points:
- (a) an approval condition was recommended to require the applicant to submit and implement noise mitigation measures to ensure that the proposed development would not be subject to unacceptable noise impact;
  - (b) sky gardens for Blocks 4 and 5 would be air-permeable. No similar low-level sky gardens were provided in other blocks which were located on a podium with the ground floor level generally on par with A Kung Ngam Road;
  - (c) the prevailing wind directions in summer time were mainly east, northeast

and southeast. The PB had specified the requirements of reservation of three air/visual corridors across the site. According to the air ventilation assessment submitted by the applicant under the current application, the air ventilation performance had been slightly improved as compared to the approved scheme. The three wind corridors, two of which were parallel to Factory Street and Kam Wa Street, could facilitate prevailing wind from eastern direction to penetrate into inner Shau Kei Wan area; and

- (d) since all residential blocks were located on a podium and only one pedestrian entrance was located at Kam Wa Street on the western side of the site, an additional pedestrian access had been recommended under the previous approval to connect Phase 3 of the proposed development to the Shau Kei Wan MTR Station in order to enhance the pedestrian connectivity. The pedestrian access would be extended outside the site to connect to the MTR station in form of a footbridge, but detailed design of the pedestrian access would be subject to further study.

### Deliberation Session

66. 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 18.1.2023, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a revised Master Layout Plan, taking into account the approval conditions (b) and (i) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a revised Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission and implementation of a Landscape Master Plan with tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;

- (d) the submission and implementation of the noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB;
- (g) the design and provision of car parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the setting back of the south-eastern corner of the site to provide a wider footpath to cater for possible future improvement at junction of Chai Wan Road and A Kung Ngam Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the design and provision of an additional pedestrian access connecting Phase 3 of the proposed redevelopment and the MTR Station to the satisfaction of the Commissioner for Transport or of the TPB; and
- (j) the design and construction of the improvement works for the junction of Chai Wan Road and A Kung Ngam Road no later than mid-2023 to the satisfaction of the Commissioner for Transport or of the TPB.

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

[The Vice-chairman thanked Mr Anthony K.O. Luk, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]



Presentation and Question Sessions

70. The Secretary reported that a petition letter was received from the Office of Clarisse Yeung District Councillor and a comment was received from Tai Hang Concern Association before the meeting. While views raised by the former had already been covered in the public comment submitted during the publication period and in the Paper, both the petition letter and the comment of the latter were submitted after the expiry of publication period which should be treated as not having been made.

71. With the aid of a PowerPoint presentation, Mr T.W. Ng, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 'Flat' use (access road for residential development and pedestrian link);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) considered that there was no strong justification for the proposed vehicular access at the upper section of Tai Hang Road (upper Tai Hang Road) as it would not bring overall traffic benefit to the adjacent road network. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) commented that the proposed new access road from upper Tai Hang Road was not the only viable alternative. The Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) considered that the proposed access road would set an undesirable precedent and the proposed footbridge structure running across Tai Hang Road would have significant undesirable visual impact. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the impact on the existing landscape resources imposed by the proposed development remained substantial after mitigation and the overall visual impact was yet to be ascertained. Other

concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication periods, a total of 9,229 public comments were received. Among which, 5,693 supportive comments, including 5,689 comments in form of standard letters and/or with the same content, were submitted by residents living in the locality and individuals. The remaining 3,536 objecting comments, including 3,391 standard letters and/or with the same content, were submitted by two Legislative Council members, three Wan Chai District Council (WCDC) members, 19 Incorporated Owners and management offices of nearby residential developments, nearby residents and individuals. Major views were set out in paragraph 10 of the Paper. The District Officer (Wan Chai) conveyed that at the Development, Transport and Planning Committee of the WCDC held on 26.7.2018, WCDC members expressed strong views opposing the application. Their views were set out in paragraph 9.1.16 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed access road falling within an area zoned “Green Belt” (“GB”) would serve exclusively the nearby planned residential development. As there was a general presumption against development in “GB” zone and H(GEO) considered that proposed access road was not the only viable alternative, it was not in line with the planning intention of the “GB” zone. Also, C for T, CA/CMD2, ArchSD and CTP/UD&L, PlanD had reservation or adverse comments on the application. The applicant failed to demonstrate the proposed access road would bring overall traffic benefit and would not cause adverse streetscape, visual and landscape impacts on surrounding areas. As such, it did not comply with the Town Planning Board Guidelines No. 10. Regarding the proposed pedestrian link, its technical feasibility, implementation, management and maintenance arrangements had yet to be satisfactorily established in the submission. Also, no technical assessments on environmental and visual impacts arising from the

proposed pedestrian link had been made in the submission. The applicant failed to demonstrate the benefits and implementability of the proposed pedestrian link. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

72. A Member asked the following questions:

- (a) the ingress/egress point of the existing building at 4 – 4C Tai Hang Road; and
- (b) details of C for T’s comments on the proposed access road and pedestrian link as well as their impacts on the surrounding areas.

73. In response, Mr T.W. Ng, STP/HK, made the following main points:

- (a) with reference to a site photo showing the existing building, car parking spaces were located on G/F of the building abutting the lower section of Tai Hang Road; and
- (b) C for T commented that the proposed vehicular access and traffic arrangement would not bring overall traffic benefit to the adjacent road network. Besides, the applicant did not submit any assessment on the utilisation of the proposed pedestrian link in support of the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for conservation of the natural environment and to safeguard it from encroachment by urban-type development. There is a general presumption against development in “GB” zone, and there is no strong justification for a departure from such

planning intention;

- (b) the applicant fails to demonstrate that the proposed access road is the only viable option in geotechnical terms to serve the planned residential development and that the proposed access road does not result in adverse visual and landscape impacts; and
- (c) the applicant fails to demonstrate the implementability of the proposed pedestrian link and that the proposed link does not result in adverse visual and landscape impacts.”

[The Chairman thanked Mr T.W. Ng, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr Vincent W.Y. Wong, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/279                      Ship-building, Ship-breaking and Ship-repairing (excluding building and/or repairing of steel ships or boats) in “Industrial” Zone and an area shown as ‘Road’, No. 29, Ap Lei Chau Praya Road, Ap Lei Chau, Aberdeen, Hong Kong  
(MPC Paper No. A/H15/279)

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### **Presentation and Question Sessions**

75.                      The Committee noted that a replacement page (page 11 of the Paper), rectifying typographic errors, had been dispatched to Members for reference. With the aid of a PowerPoint presentation, Mr Vincent W.Y. Wong, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the ship-building, ship-breaking and ship-repairing (excluding building and/or repairing of steel ships or boats);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection did not support the application as no practical mitigation measure could fully resolve the Industrial/Residential (I/R) interface problem. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 39 public comments were received from a Southern District Council member, Larvotto Owners' Committee, Marina South Owners' Committee, the Owners' Committee of Sham Wan Towers and individuals. Among which one comment supported, 35 comments objected to and 3 comments provided views on the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The site fell within an area zoned "Industrial" ("I") to facilitate the re-provisioning of boatyards in Aberdeen and Ap Lei Chau affected by reclamation in 1980s. There was a demand for shipyards to provide maintenance and repairing services of ships and boats in the typhoon shelter area and, except shipyards in Po Chong Wan, there was no other shipyard site in the southern part of Hong Kong Island. A residential development, namely Larvotto, located next to the site was subject to a planning application approved with conditions by the Town Planning Board on review on 16.1.2004. An approval condition requiring the implementation of noise mitigation measures had been imposed in the planning permission to address the potential noise nuisance arising from the uses within the "I" zone. Besides, Ship-breaking was not one of the

permissible uses under the current and proposed Short Term Tenancy (STT) governing the site. To address potential noise nuisance, building and/or repairing of steel ships and boats were not permitted under the tenancy term. Other tenancy conditions would be incorporated in the new STT upon relevant bureau/departments' advice so as to ensure no misuse of the shipyards. Fire safety requirement would also have to be complied with in the granting of STT. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

76. The Chairman and a Member raised the following questions:

- (a) whether building and/or repairing of wooden and fiberglass ships and boats were allowed at the site;
- (b) the reasons of restricting building and/or repairing of steel ships and boats; and
- (c) the distribution of shipyards in the typhoon shelter area.

77. In response, Mr Vincent W.Y. Wong, STP/HK, made the following main points:

- (a) building and/or repairing of wooden and fiberglass ships and boats were allowed at the site;
- (b) the restriction was incorporated to address possible complaints relating to noise nuisance; and
- (c) with reference to an aerial photo showing the site and surrounding areas, a number of shipyards were located in the same "I" zone. Shum Wan Shipyards and Po Chong Wan Industrial Area were located to the east across the typhoon shelter.

78. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. 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 Vincent W.Y. Wong, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

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

### **Kowloon District**

#### **Agenda Item 13**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/116                      Proposed School (Tutorial School) in “Residential (Group B)” Zone,  
G/F, 124 Waterloo Road, Kowloon  
(MPC Paper No. A/K7/116)

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79. The Secretary reported that the application site was located in Ho Man Tin area. Mr Stanley T.S. Choi had declared an interest on the item as he co-owned with his spouse a flat, and his spouse, being a director of a company, which owned a property in Ho Man Tin area. The Committee noted that Mr Stanley T.S. Choi had tendered an apology for being unable to attend the meeting.

##### **Presentation and Question Sessions**

80. With the aid of a PowerPoint presentation, Mr C.H. Mak, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed school (tutorial school);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of statutory publication period, 17 public comments were received from the residents/owners of the neighbourhood and the upper floors of the same building, raising objections to or concerns on the application. Major views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application complied with the Town Planning Board Guidelines No. 40 in that the proposed use was not incompatible with other uses within the same building, the entrance/exit to the application premises was separated from that of the domestic portion of the building, and concerned departments had no objection to or adverse comment on the application. There were 29 similar applications approved by the Committee in the locality, including one located in the same building on the same street frontage. Approval of the application was not inconsistent with the previous decisions of the Committee. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

81. A Member raised the following questions:

- (a) details of the approved similar applications and whether the approved similar applications would exceed the educational needs of the area as mentioned in the public comments;
- (b) the ownership of the parking spaces in front of the subject building and

whether the parking spaces would be used by the visitors of proposed use;  
and

- (c) clarification on the illegal structures of doorsteps in front of the subject premises.

82. In response, Mr C.H. Mak, STP/K, made the following main points:

- (a) about 29 planning applications for tutorial school were approved within the “Residential (Group B)” (“R(B)”) zone in the locality, while 8 similar applications were rejected mainly on the grounds of causing nuisance and security concerns to the local as well as lack of separate access;
- (b) the parking spaces were not owned by the applicant and the current application did not cover those parking spaces. According to the applicant, most of their students would walk to/from the application premises. The Commissioner for Transport had no comment on the application; and
- (c) although the concerned doorsteps were not found in the approved building plan record, residents of the building would not pass through the concerned doorsteps as there was separate entrance of the domestic portion of the building.

#### Deliberation Session

83. A Member was sympathetic to the concerns of the local residents and did not support the application as the proposed use might generate nuisance to the residents living in the same building, for example unauthorised occupation of parking space or illegal parking. Furthermore, those approved similar applications had changed the tranquil environment of the “R(B)” zone. The Committee noted that some previously approved similar applications were in old residential buildings which had already been redeveloped.

84. Some Members supported the application on the considerations that the proposed use was not incompatible with the surrounding areas, a similar application had been approved

in the same building, a separate entrance to the application premises was provided, and the mode of operation of the proposed use, which mainly in day time, would not create much noise nuisance to the residents living in the same building.

85. 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 18.1.2023, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“the submission and implementation of fire service installations and water supplies for firefighting prior to commencement of school operation to the satisfaction of the Director of Fire Services or of the TPB.”

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

[The Chairman thanked Mr C.H. Mak, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

#### **Agenda Item 14**

##### **Any Other Business**

87. There being no other business, the meeting closed at 1:00 p.m..