

TOWN PLANNING BOARD

Minutes of 647th Meeting of the Metro Planning Committee held at 9:00 a.m. on 24.4.2020

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Wilson Y.W. Fung

Vice-chairman

Dr Lawrence W.C. Poon

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

Dr Roger C.K. Chan

Mr C.H. Tse

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

Chief Engineer (Works), Home Affairs Department
Mr Gavin C.T. Tse

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

Assistant Director (R1), Lands Department
Mr Simon S.W. Wang

Deputy Director of Planning/District
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Dr Frankie W.C. Yeung

Professor Jonathan W.C. Wong

In Attendance

Assistant Director of Planning/Board
Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board
Ms April K.Y. Kun

Town Planner/Town Planning Board
Ms Charlotte P.S. Ng

Welcoming Remarks

1. The Chairman said that it was the first meeting of the Metro Planning Committee (MPC) for the term 2020-2022. He was pleased to announce that Mr Wilson Y.W. Fung had been appointed as the Vice-chairman of the Committee. He then introduced two new Members, Dr Roger C.K. Chan and Mr C.H. Tse, and extended a welcome to them.

Agenda Item 1

Matters Arising

[Open Meeting]

2. The Secretary reported the following:
- (a) the regular MPC meeting originally scheduled for 3.4.2020 had been rescheduled in the light of the situation of COVID-19 and the special work arrangement for government departments;
 - (b) Members agreed by circulation on 27.3.2020 to adjourn the consideration of one section 12A application (No. Y/K15/5) under section 12A(20) of the Town Planning Ordinance, and to defer consideration of eight section 16 applications (No. A/KC/466, A/KC/468, A/TW/514, A/H19/80, A/H20/193, A/K11/236, A/K18/334 and A/K14/780) to another date. The respective applicants/agents of the applicants had been informed of the MPC's decision, and a meeting date would be fixed later to consider the applications; and
 - (c) the draft minutes of the 645th MPC meeting were confirmed by circulation on 7.4.2020 with the incorporation of minor textual amendments in paragraph 28 while the draft minutes of the 646th MPC meeting was confirmed by circulation on the same date with no amendment.

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

Tsuen Wan and West Kowloon District

Agenda Item 2

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/587 Proposed Wholesale Conversion of Existing Industrial Building for Office, Shop and Services and Eating Place Uses in “Residential (Group E)” Zone, 18 Bute Street, Mong Kok, Kowloon
(MPC Paper No. A/K3/587)

3. The Secretary reported that the application site was located in Mong Kok (MK). T.K. Tsui & Associates Limited (TKT) and WSP (Asia) Limited (WSP) were two of the consultants of the applicant. The following Members had declared interests on the item :

- Mr Alex T.H. Lai - his former firm had business dealings with WSP and TKT; and
- Mr C.H. Tse - owning a flat in MK.

4. Since Mr Alex T.H. Lai had no involvement in the application, and the property owned by Mr C.H. Tse had no direct view of the application site, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

5. With the aid of a PowerPoint presentation, Mr Clement Miu, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed wholesale conversion of existing industrial building for office, shop and services and eating place uses;

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The application site was the subject of a previous application (No. A/K3/564) submitted by the same applicant for the same use which was approved by the Committee in 2015 and the permission lapsed in 2019 due to technical difficulties in accommodating the proposed uses based on the approved internal layout and lack of E&M facilities. The current scheme only involved changes in the internal layout and an increase in the number of storey while other major development parameters remained unchanged comparing to the previously approved application. The application site was considered more conducive to the applied uses rather than residential use as it was surrounded by existing industrial buildings. The proposed wholesale conversion was generally in line with the planning intention of “Residential (Group E)” zone in facilitating the transformation of the area by phasing out the existing industrial uses. Concerned departments had no adverse comment on the application and relevant approval conditions were recommended to address their technical concerns.

6. Two Members raised the following questions:

- (a) type and location of E&M facilities proposed under the current application;
- (b) why the site was elongated in shape; and
- (c) noting that the proposed building was elongated in shape with a narrow frontage, whether the proposed development could comply with the requirements as stipulated under the Buildings Ordinance (BO), particularly on accessibility to the principal side of a building by

emergency vehicles, and whether the Fire Services Department (FSD) had adverse comments on the application.

7. In response, Mr Clement Miu, STP/TWK, made the following main points:
- (a) according to the applicant, a water tank and an electricity generator room would be provided on the roof floor of the proposed building under the current application as it was not possible to accommodate all the necessary E&M facilities on other floors of the building under the previously approved scheme;
 - (b) regarding the configuration of the lot, it might have been carved out from a bigger lot noting that the existing industrial building was built in 1976 occupying Kowloon Inland Lot No. 2789 S.D RP; and
 - (c) emergency vehicles had to access the proposed building along Butt Street even though a service lane was located to the west of the application site which could only be used for pedestrian access as it was only 4.5m in width. As set out in paragraph 8.1.6 of the Paper, FSD had no adverse comment on the application from the fire safety perspective subject to fire service installations and water supplies for firefighting to be provided to his satisfaction.

[Ms Sandy H.Y. Wong arrived to join the meeting at this point.]

Deliberation Session

8. The Chairman remarked that the development had to comply with BO and its regulations and the applicant would need to submit general building plans for the Building Authority's approval to ensure that all requirements, including those related to fire safety, as stipulated under the BO were fully complied with upon obtaining planning permission from the Committee.

9. 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 24.4.2024, 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 firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in planning condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB.”

10. 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 Clement Miu, STP/TWK, for his attendance to answer Members' enquiries. He left 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 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/814 Proposed Hotel in “Residential (Group A) 6” Zone, 56G-56H and
56J-56K Yen Chow Street, Sham Shui Po, Kowloon
(MPC Paper No. A/K5/814)

Presentation and Question Sessions

11. 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 hotel;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication periods, a total of 433 public comments, with 430 supporting comments, mainly in form of standard letters, from individuals and three objecting comments from the Owners’ Corporation of Milan Place and an individual, were received. Major views 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 10 of the Paper. Although the proposed hotel development was considered not incompatible with the surrounding development, it would result in the reduction of housing land and flat units and it was not fully in line with the planning intention of the “Residential (Group A)” (“R(A)”) zone. Regarding the applicant’s claim that the proposed hotel could echo the Government’s intention in turning the district into a design and fashion landmark, the Secretary for Commerce and Economic Development was unable to

support the claims for potential benefits of the proposed hotel in promoting creative industries in Sham Shui Po (SSP) nor had any ground for objection from the creative industries policy perspective. The Commissioner for Transport (C for T) did not support the application as the submitted traffic impact assessment and the proposed loading/uploading bay at Ki Lung Street were unable to demonstrate that proposed hotel development would not generate adverse traffic impact on the surrounding areas. The applicant claimed that various planning gains for public use could be achieved through the proposed development. Whilst the applicant had proposed various building designs, they were measures proposed to address the traffic impact arising from the proposed development rather than planning gains. C for T considered the footbridge was a minor enhancement while barrier-free access (BFA) crossing facility was adequate in the area. Although similar applications had been approved by the Committee, they were subject to different circumstances from the current application. The approval of the application would set an undesirable precedent for other similar applications and the cumulative impacts of such similar applications would aggravate the shortfall in the supply of housing land. Regarding the adverse public comment, the comments of government departments and the planning assessments above were relevant.

12. In response to a Member's inquiry on the relationship between the applicant and the Dragon Centre, Ms Katy C.W. Fung, STP/TWK, said the applicant was a subsidiary owned by the owner of the Dragon Centre.

13. A Member asked whether the Government's policy in transforming SSP into a design and fashion landmark, as mentioned in paragraph 11.6 of the Paper, was still relevant. Ms Katy C.W. Fung affirmed that it was still the Government's policy to support the design and fashion sector. She highlighted that the Government had mentioned in the 2018 Policy Address to transform the district, which was the traditional base for apparel and fabrics, in supporting the design and fashion sector. In the 2019 Policy Address, the Government reinstated its continual support of the cultural and creative industries. The Government's intent to develop SSP into a design and fashion landmark was also mentioned in a Legislative

Council (LegCo) paper submitted in October 2019 on the policy initiatives of the Commerce and Economic Development Bureau (CEDB) under the Chief Executive's 2019 Policy Address.

14. The same Member sought clarification on whether the Government's plan to revitalize SSP into a design and fashion landmark as mentioned in the LegCo Paper was only limited to an Urban Renewal Authority (URA) redevelopment project in SSP or it was applicable district-wide. In response, Ms Katy C.W. Fung, STP/TWK, said that the Government had intended to revitalize the district into a fashion and design landmark while URA's redevelopment project was one of the projects.

15. Noting the Government's policy objective to transform SSP into a fashion and design landmark, a Member asked whether policy support was available to cater for some ancillary facilities, such as office, convention and exhibition spaces and hotel accommodations. In response, Ms Katy C.W. Fung, STP/TWK, said that she had no information in hand on whether the policy had included support to the provision of such facilities. Yet, the Tourism Commission had organized several promotional activities with elements of fashion and other design disciplines in SSP in 2018.

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

16. Some Members raised the following questions:
- (a) the number of hotel rooms in the applicant's proposal and the number of flats that could be provided if the application site was redeveloped for residential use;
 - (b) domestic gross floor area (GFA) and plot ratio (PR) of the existing building;
 - (c) whether the application site would be entitled to a PR of 7.5 as stipulated on the OZP if it was redeveloped for residential use;
 - (d) the number of hotels in the district and whether they were located in "R(A)" zone;

- (e) the types of government, institution and community (GIC) facilities in SSP that were in shortfall;
- (f) noting that the applicant had proposed a communal landscaped garden which would be open to the general public from 8 a.m. to 6 p.m. on the 4/F of the proposed hotel, whether there was a shortage of open space in the district, how big the proposed garden was and whether the proposed opening hour was sufficient, and whether such provision was common in SSP;
- (g) elaboration on the applicant's claims on planning gains related to a footbridge extension; and
- (h) location of hotel supporting facilities in the proposed development which would be exempted from GFA calculation.

17. In response, Ms Katy C.W. Fung, STP/TWK, made the following main points:

- (a) based on the information provided by the applicant, the proposed hotel could provide 70 hotel rooms. As for residential development at the application site, reference could be drawn to Milan Place, which was a residential building located to the immediate east of the application site with 48 flats;
- (b) the existing 6-storey tenement building, with retail activities located on the ground floor, obtained occupancy permit in 1958. According to the building plans approved in 1957, the intensity of the development was measured in building volume. The applicant did not provide information on a converted GFA or PR of the existing building;
- (c) as stipulated on the OZP, development on the site was restricted to a maximum PR of 7.5 for a domestic building or 9.0 for a partly domestic and partly non-domestic building;

- (d) four similar applications for hotel developments within “R(A)” zone on the OZP had been approved by the Committee since 2000. The approved use under two applications (No. A/K5/718 and A/K5/730) were not implemented and the planning approvals had lapsed. The other two applications (No. A/K5/696 and A/K5/724), with the hotels developed, were approved by the Committee in 2011 and 2012 for the reasons that they were not incompatible with the surrounding areas, and their development intensities and building heights complied with the OZP restrictions without significant traffic impacts. The two hotels had fulfilled the licensing requirements under the Hotel and Guesthouse Accommodation Ordinance and 80 and 48 hotel rooms were provided respectively with no convention and exhibition floorspace therein;
- (e) there were deficits in the provision of district open space, secondary school, child care centre, residential care home for the elderly and community care and support facilities for the elderly in the Cheung Sha Wan district based on the OZP boundary. On the other hand, the provision of local open space, kindergarten, primary school, clinic, integrated child and youth services centre, and integrated family service centre was sufficient in meeting the local demand;
- (f) the applicant had not provided information on the area of the proposed landscaped garden and the provision of public open space on podium level was not common in SSP;
- (g) an existing footbridge was already in place to connect the Dragon Centre to Ki Lung Street, however, it only had an escalator going up to the footbridge and pedestrians had to use the staircase for going down to the street level. Therefore, the applicant had proposed a footbridge extension on the 2/F of the proposed hotel connecting to the existing footbridge and claimed that accessibility of pedestrians could be enhanced as pedestrians could make use of the lift and staircase in the hotel. As pointed out by the Transport Department, the benefit of the footbridge proposal was minor in nature because a BFA (i.e. a road crossing) was just about 40m from the

application site; and

- (h) with reference to drawing A-3 of the Paper, the hotel supporting facilities, including a linen room and a rest room for staff, were located on the 2/F of the proposed hotel.

18. A Member noted from the applicant's justification that the tenement building could be redeveloped for residential use and operated as a hotel-like service apartment (SA), and asked whether such use would require planning permission from the Town Planning Board (TPB). The Secretary clarified that in view of the difficulties encountered in defining SA in enforceable legal terms, the Board had decided to delete the term SA from the Notes of all statutory plans. The revised TPB Guidelines No. 2B on "Interim Planning Control on Service Apartment" (the Guidelines) had been promulgated to provide guidance on the interpretation of SA for planning control purpose. Under the Guidelines, hotel-like SA would be regarded as 'hotel' use whereas flat-like SA would be regarded as 'flat' use. For the subject application, the applicant intended to operate the proposed development as a hotel. Subject to granting of planning permission, it could claim a non-domestic PR of 9 and the development had to fulfil the associated hotel licensing requirements. On the contrary, if the applicant decided to redevelop the application site into a residential building with development parameters not exceeding the restrictions under the OZP, i.e. domestic PR of 7.5, no prior permission would be required from the Committee as flat use was always permitted under the "R(A)" zone.

Deliberation Session

19. Some Members were in support of the Government's policy on revitalizing SSP from a traditional wholesale fashion centre into a creative hub for fashion and design as SSP was a vibrant community with numerous economic activities. A Member held a different view and considered that the existing GIC facilities, as well as the district in the broad sense, were dilapidated and in need of upgrades. Some Members considered that there was a lack of concrete measures to pursue the policy objective and to improve the living environment of SSP. A Member suggested that when a planning application was associated with government policies, more background information on the relevant policies could be provided to facilitate the Committee's consideration of the application.

20. A Member pointed out that due to the acute housing demand, the Committee had rejected a number of applications for commercial uses in residential zones in recent years. Another Member remarked that despite the applicant's claim that the proposed hotel development might generate synergy effect with fashion and design use in the Dragon Centre in its proximity, there was doubt if there was a demand for hotel in the area noting that hotel developments under two similar approved applications in the area were not implemented. The application site which was within the "R(A)" zone should be reserved for housing use to meet the shortfall.

21. Some Members had reservation on the applicant's claim of planning gains by providing building setback, footbridge connection and a communal landscaped garden within the proposed hotel. In particular, the footbridge connection might not be justified in enhancing pedestrian access as an existing footbridge and a BFA in the form of road crossing were in the vicinity while the communal landscaped garden on 4/F might not be easily accessible to the general public. They were of the view that the proposed hotel development lacked substantial planning gains to warrant the Committee's support. Members generally considered that there was no strong justification to grant permission to the proposed hotel which was not in line with the planning intention of the "R(A)" zone.

22. With regard to CEDB's policy initiatives to transform SSP into a fashion and design base, the Chairman supplemented for Members' information that a URA project at Tung Chau Street/Kweilin Street which contained an incubation centre, providing supporting resources and facilities, had commenced operation. It was operated by the Hong Kong Design Centre (HKDC) to support the design and fashion industry. HKDC had also launched several district-wide place-making projects. Besides, the Hong Kong Tourism Board had organized promotional campaign in SSP emphasising on the local characters of the district.

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

- “(a) the proposed hotel development is not in line with the planning intention of the “Residential (Group A)” (“R(A)”) zone which is for high-density residential development. The applicant fails to demonstrate that there are sufficient justifications to deviate from the planning intention of the “R(A)”

zone;

- (b) the applicant fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications in the same and other “R(A)” zones in the vicinity. The cumulative effect of approving such similar applications would aggravate the shortfall in the supply of housing land.”

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/120 Renewal of Planning Approval for Temporary Shop and Services (Retail Shops) for a Period of 3 Years in “Government, Institution or Community” Zone, Lot 100 (Part), 101 RP and 110 RP in D.D. 390, Sham Tseng, Tsuen Wan, New Territories

(MPC Paper No. A/TWW/120)

24. The Secretary reported that T.K. Tsui & Associates Limited (TKT) was one of the consultants of the applicant. Mr Alex T.H. Lai had declared an interest on the item as his former firm had business dealings with TKT.

25. The Committee noted that Mr Alex T.H. Lai had no involvement in the application and agreed that he could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary shop and services (retail shop);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, a total of four opposing public comments were received from individuals. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. The existing one-storey commercial building with retail shops was considered not incompatible with the surrounding residential and commercial developments. Concerned departments had no adverse comment on the application and relevant approval conditions were recommended to address their technical concerns. The application complied with the relevant assessment criteria under the Town Planning Board (TPB) Guidelines No.16 in which government bureaux/departments consulted had no plan or programme to provide any government, institution and community (GIC) facilities at the application site. The application was also in line with the TPB Guidelines No. 34C in that there had been no material change in planning circumstances since the previous approval granted and no adverse planning implication arising from the renewal. It could facilitate continuity in the operation of existing commercial uses while a rezoning application (No. Y/TWW/5) covering the site was being processed.

Regarding the adverse public comments, the comments of government departments and the planning assessments above were relevant.

27. Some Members raised the following questions:
- (a) comparison between the current s.16 application and the s.12A application (No. Y/TWW/5);
 - (b) types of GIC facilities provided within the “Government, Institution or Community” (“G/IC”) zone;
 - (c) background of the subject “G/IC” zone, and whether any GIC facility was planned at the application site;
 - (d) provision of GIC facilities in Sham Tseng;
 - (e) the population in Sham Tseng and whether a community hall was under planning; and
 - (f) noting that the applied temporary use had been approved and renewed for more than 15 years, what the consequence would be if a renewal was not given to the subject application.
28. In response, Mr Ng Kar Shu, STP/TWK, made the following main points:
- (a) the Chan Kee Plaza (the Plaza) comprised two commercial buildings and it was located on private land owned by the applicant. The application site was located at the southern part of the Plaza with a one-storey existing building. The applicant submitted the current application for the renewal of planning approval for temporary shop and services (retail shop) because the approval period under the last application (No. A/TWW/113) would expire on 28.5.2020. The 2-storey commercial building at the northern part of the Plaza (located at immediate north of the application site) did not require planning permission because it was a development existed before the gazettal of the first Tsuen Wan West (TWW) Outline Zoning Plan

(OZP). A s.12A application (No. Y/TWW/5) was submitted by the applicant to rezone the entire Plaza, together with a piece of government land (GL) that was triangular in shape located to the east of the Plaza, from “G/IC” to “Residential (Group A)5” to facilitate a proposed residential development. The application was tentatively scheduled for consideration by the Committee in May 2020;

- (b) the Plaza was surrounded by a primary school, namely the Emmanuel Primary School, to its north, a telephone exchange facility to its west and a small piece of GL to its east which was used for pedestrian access to the “G/IC” zone;
- (c) the application site, together with its adjoining land, had been zoned “G/IC” and reserved for a fire station cum ambulance depot since the first gazettal of the TWW OZP in 1989. The applicant had submitted two applications (No. A/TWW/9 and A/TWW/14) in 1990 and 1992 respectively to develop the application site for commercial development, but both applications were rejected by the Committee because the application site was reserved for the fire station at that time. A fire station cum ambulance depot was subsequently built at another “G/IC” site located to the east of the application site in 1997, and no other GIC use had been designated at the application site since then. Subsequently, the applicant submitted an application (No. A/TWW/45) for a proposed commercial development at the site which was approved with conditions by the Committee on 14.2.1997. The proposed commercial development had a plot ratio of 1.53 with retail shops on the lower floor and a restaurant on the second floor. However, the proposed development was not implemented as the applicant failed to comply with the approval conditions, notably the condition on the provision of on-site sewage treatment facilities, and the permission lapsed in 1999. Subsequent to the completion of the sewage treatment plant located to the east of the application site serving the Sham Tseng area in 2004 and with the enhanced capacity of sewage treatment volume, the applicant submitted a planning application (No. A/TWW/79) for a proposed temporary commercial development in 2005.

The application and its subsequent renewal applications (No. A/TWW/102, A/TWW/108 and A/TWW/113) were all approved;

- (d) apart from the Emmanuel Primary School and a telephone exchange facility at the subject “G/IC” zone, a mobile library and a temporary wet market were provided to the north of the application site. In addition, two pre-nurseries and kindergartens, a primary school, an elderly centre, a children and youth integrated service centre, a fire station cum ambulance depot, an electric substation, and a sewage treatment plant, were provided in the Sham Tseng area;
- (e) the population of TWW, which stretched from Yau Kam Tau to Tsing Lung Tau as delineated under the OZP, was about 38000 and could not reach the population threshold as stipulated under the Hong Kong Planning Standards and Guidelines for provision of some large-scale GIC facilities. In that connection, there was no plan for a community hall in the area; and
- (f) the planning permission under the previous application would expire in May 2020. Should the renewal application be rejected by the Committee, the shop and services use would be operated without valid planning approval.

Deliberation Session

29. Some Members considered that temporary commercial uses to cater to the needs of the local community could be tolerated as the application site was privately owned and the government had not designated any GIC uses at the site. A Member, however, raised concern on whether uses other than “G/IC” uses should be allowed in “G/IC” zone particularly in view that land reserved for GIC facilities in Sham Tseng was limited. The Member opined that it might not be appropriate for the Committee to approve the application purely based on the ground that no objection was raised by concerned government departments. The Member considered that there should be a mechanism to facilitate coordination among government departments in planning and providing the needed GIC facilities. Notwithstanding the above, Members generally agreed that the application could

be approved as it was a renewal application and the applied use was temporary in nature. The long-term use of the application site taking into account the changing planning circumstances should be considered when the s.12A application (No. Y/TWW/5) was presented to the Committee.

30. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years from 28.5.2020 to 27.5.2023, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the existing fire service installations implemented on the site being maintained in efficient working order at all times; and
- (b) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

[Mr Ng Tak Wah, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Hong Kong District

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H6/89 Proposed Office, Eating Place and Shop and Services Uses in
“Commercial (1)” Zone and area shown as ‘Road’, 281 Gloucester Road,
Causeway Bay, Hong Kong
(MPC Paper No. A/H6/89A)

31. The Secretary reported that the application site was located in Causeway Bay. The application was submitted by Excelsior Hotel (BVI) Limited (Excelsior), with Jardines Group Companies (JG) and Hongkong Land Limited (HKL) as affiliated companies of Excelsior. MVA Hong Kong Limited (MVA) and Ronald Lu & Partners (Hong Kong) Limited (RLP) were two of the consultants of the applicant. The following Members had declared interests on the item:

- | | |
|--|---|
| Mr Wilson Y.W. Fung
(Vice-chairman) | - being an ex-employee of JG; |
| Mr Thomas O.S. Ho | - having current business dealings with HKL, MVA and RLP, and his firm having current business dealings with MVA; |
| Mr Alex T.H. Lai | - his former firm had business dealings with JG, HKL, MVA and RLP; and |
| Ms Sandy H.Y. Wong | - being an ex-employee of Maxim's Group Companies, an associate company of JG, and self-occupying a flat in Causeway Bay. |

32. As the interest of Mr Thomas O.S. Ho was direct and the Vice-chairman was previously involved in the project related to the application, the Committee agreed that they should be invited to leave the meeting temporarily for the item. Since Ms Sandy H.Y. Wong and Mr Alex T.H. Lai had no involvement in the application, and the property of Ms Wong had no direct view of the application site, the Committee agreed that they could stay in the meeting.

[The Vice-chairman left the meeting temporarily and Mr Thomas O.S. Ho left the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed office, eating place and shop and services uses;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper;
- (d) during the statutory publication periods, a total of seven public comments, with two supporting comments from a resident in Tin Hau area and five other comments expressing concerns from individuals, were received. Major views were set out in paragraph 9 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 10 of the Paper. Whilst the area shown as 'Road' was mainly to depict the road network for vehicular traffic, no road widening works had been planned as confirmed by the Transport Department (TD) and the Highways Department (HyD). The applicant proposed to use the area for vehicular and pedestrian access similar to the former Excelsior Hotel (former hotel), and such use was not considered as a departure from the purpose of depicting an area shown as 'Road'. Notwithstanding the above, TD objected to the proposed development on the grounds that the proposed internal transport facilities including car parking spaces did not meet the requirements under the Hong Kong Planning Standards and Guidelines (HKPSG) and the applicant had failed to provide a traffic impact assessment (TIA) to demonstrate that the proposed development would not result in adverse traffic impact on the surrounding areas. The Head of Geotechnical Engineering Office of the Civil Engineering and Development Department considered that the applicant had not provided technical details or options to demonstrate that construction of a 4-level basement at the application site to accommodate more internal transport facilities was not feasible while the Buildings

Department (BD) also considered that there was no particular requirement on the limitation of excavation depth. Other concerned government departments had no objection to or no adverse comment on the application from visual, urban design and environmental aspects. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

34. Mr Ng Tak Wah, STP/HK, in response to a query from the Chairman, clarified that office, eating place, and shop and services uses were always permitted within “Commercial (1)” (“C(1)”) zone according to the Notes of the Causeway Bay Outline Zoning Plan (OZP). While the main part of the proposed building would be located within “C(1)” zone, a minor portion of the basement (B1/F to B3/F) and podium (1/F, 2/F and outside seating accommodation on 3/F) fell within an area shown as ‘Road’ on the OZP and hence required planning permission from the Town Planning Board (TPB). If the proposed building did not protrude into the area shown as ‘Road’ on the OZP and fell entirely within “C(1)” zone, planning permission from the TPB was not required.

35. Some Members raised the following questions:

- (a) background of the application site being shown as ‘Road’ on the OZP;
- (b) whether the lot owner was responsible for providing facilities in compliance with the planning intention of area shown as ‘Road’ on the OZP and maintaining those facilities thereafter;
- (c) whether the basement of the former hotel had protruded into the area shown as ‘Road’ on the OZP;
- (d) noting that the proposed development required planning permission as a minor portion of the proposed building fell within an area shown as ‘Road’, and TD had raised objection to the proposed development, whether the assessment of the application should only focus on the part of the building which fell within the area shown as ‘Road’;

- (e) since a set of general building plans (GBP) for a proposed commercial development that fell entirely within the “C(1)” zone at the application site was already approved by the Building Authority (BA) in 2018, whether TD’s comments on the subject application would affect the implementation of the approved GBP scheme;
- (f) the comparison between the approved GBP scheme and the current scheme, and whether the protrusion into the area shown as ‘Road’ was the applicant’s attempt to maximize the plot ratio (PR) and building height (BH) restrictions at the application site;
- (g) the floor to floor height of the proposed commercial building;
- (h) whether there was any difference in terms of the internal traffic arrangement and associated traffic impacts between the former hotel development and the proposed commercial development;
- (i) whether a shelter-like feature protruding into the area shown as ‘Road’ on the OZP required planning permission from the TPB;
- (j) whether the entrance of the underground tunnel to the Noonday Gun at the Causeway Bay Typhoon Shelter was located within the application site;
- (k) the site boundary and the building footprint of the proposed development and the World Trade Centre, which was adjacent to the proposed development; and
- (l) whether the proposed development could be accessed by vehicles on Jaffe Road and whether the applicant had proposed any traffic enhancement measure to address the potential traffic impact.

36. In response, Mr Ng Tak Wah, STP/HK, made the following main points:
- (a) part of the site was designated as 'Road' on the first Causeway Bay OZP No. LH6/22 gazetted in 1968 and such designation had remained unchanged since then. That portion of the application site together with a wider reclamation area along the then Causeway Bay Typhoon Shelter were designated as 'Road' to facilitate the construction of the Cross Harbour Tunnel and Gloucester Road. The application site was located at the waterfront before reclamation and was used as godown before redevelopment into the Excelsior Hotel which came into operation in 1973;
 - (b) if private land was resumed for public road widening works by the Government, relevant government departments would be responsible for the subsequent construction and management of the public road. There was no planned road widening works at the subject site. The applicant intended to use the part of the site shown as 'Road' for vehicular and pedestrian access to the proposed commercial development and would construct and manage the access and associated facilities;
 - (c) the former hotel had only one basement level, which accommodated a bar (former Dicken's Bar) and hotel supporting facilities such as storage and E&M rooms. Although part of the basement of the former hotel had protruded into the area shown as 'Road', any redevelopment would have to comply with the development restrictions stipulated on the OZP;
 - (d) the proposed development required planning permission as part of it fell within area shown as 'Road'. The Committee might assess the application on the basis of a commercial development proposal as a whole;
 - (e) the applicant could implement the approved GBP scheme despite TD's comment on the current application that the internal transport facilities did not meet the car parking requirements under the HKPSG;
 - (f) the proposed development parameters under the approved GBP scheme and the current scheme were largely the same. The slight increase in site area

and GFA under the current scheme was a result of the setting out of the site boundary, rather than the inclusion of the area shown as 'Road'. Both schemes had attained the same maximum PR under the Building (Planning) Regulations and the BH of the proposed building under the current scheme was only 131mPD which was below the maximum BH of 135mPD under the OZP. According to the applicant, the current scheme could achieve a better building design including widening footpath along Gloucester Road, setback from adjoining residential buildings, and providing additional parking spaces, i.e. 18 for private car and 2 for motorcycle, as compared to the approved GBP scheme. However, TD considered the proposed provision of car parking spaces failed to meet the HKPSG requirements;

- (g) the floor to floor height of the proposed building varied between different portions of the building but the BH of the proposed building did not exceed the BH restriction under the OZP;
- (h) vehicles would access the drop-off area and the basement carpark of the proposed development from Gloucester Road while pedestrian entrance and a 3.5m wide footpath would also be provided on the G/F along Gloucester Road under the current scheme. The arrangement was fairly similar to that of the former hotel which had car parking spaces on G/F. Regarding the potential traffic impact, TD advised that the redevelopment would generate and attract considerable vehicular and pedestrian traffic, and a TIA should be conducted by the applicant to assess the traffic impacts;
- (i) an all-weather area for drop-off and pedestrians was included in both the approved GBP scheme and the current scheme, only that a minor portion under the current scheme would protrude into an area shown as 'Road'. In the area shown as 'Road', all uses or developments, except those permitted in the covering Notes of the OZP, required permission from the TPB;
- (j) the entrance to the tunnel leading to the Noonday Gun was located next to the application site at World Trade Centre;

- (k) the application site boundary was indicated in Plan A-2, and the northern part of the proposed development fronting Gloucester Road encroached into an area shown as 'Road' on the OZP. Similarly, the northern part of World Trade Centre fronting Gloucester Road also encroached into an area shown as 'Road' on the OZP; and
- (l) heavy goods vehicles (HGVs) would access the proposed development at Jaffe Road where three loading/unloading (L/UL) spaces for HGV were designated. The applicant advised that staff would be deployed to oversee the future operation of the L/UL spaces. TD advised that the main vehicular access should be at Gloucester Road rather than at Jaffe Road which was a narrow road where vehicular activities should be kept at the minimal.

37. Mr Michael H.S. Law, Assistant Commissioner for Transport (Urban) of TD, supplemented that the parking requirements under the HKPSG for the proposed development ranged from a lower end provision of 239 to a higher end provision of 346 parking spaces. Having considered that the proposed office and retails uses would attract considerable traffic, and that illegal on-street parking in the area was a prominent traffic problem, TD had suggested the applicant to provide parking spaces towards the higher end of the HKPSG requirement. The provision of 119 parking spaces under the proposed development, however, could not meet the lower end of the HKPSG requirement.

Deliberation Session

38. Some Members did not have objection to the application. One Member stated that the increase in site area and GFA as compared to those of the approved GBP scheme was not significant and was only a result of setting out of the site boundary. The same Member noted the proposed scheme was the applicant's attempt to revise the building design while the protrusion to the area shown as 'Road' at the basement level and at the podium, in fact, did not obstruct the road function at-grade. Besides, the applicant could take forward the approved GBP scheme regardless of TD's request for substantial increase in the provision of car parking spaces. Another Member opined that the area shown as 'Road' was private land and it was fair for the applicant to take account of it in the design of its redevelopment plan

noting that the government had no plan to undertake any public road widening works there.

39. A Member noted that if the proposed commercial development would not encroach onto area shown as 'Road' and therefore not requiring planning permission, TD would neither be in a position to request for additional car parks nor undertaking of a TIA. In addition, more car parking spaces (i.e. 119) were provided in the current scheme than the approved GBP scheme (i.e. 101). As PlanD's recommendation to reject the application was mainly based on TD's objection to the application, the Member had doubt on whether there was strong ground to reject the application. The Chairman said that planning permission was required because part of the proposed commercial development encroached onto area shown as 'Road' on the OZP. The Chairman further elaborated that in view of the shortfall in meeting the HKPSG requirement on provision of car parking and L/UL facilities, TD had objection to the application and considered that the applicant should conduct a TIA to assess the traffic need and support of the proposed provision of internal transport facilities in accordance with the HKPSG requirements at a level towards the high end requirement. In response to the Chairman's question, Mr Michael H.S. Law confirmed TD's objection to the application as detailed in the Paper.

40. Some other Members considered that the application should be assessed on its own merits, regardless of the approved GBP scheme. They were of the view that the application should be rejected because the applicant failed to address TD's objection relating to the provision of parking spaces to meet HKPSG requirement and demonstration of no adverse traffic impacts on the surrounding areas. With regard to the provision of car parking spaces, a Member said that the applicant had not provided sufficient technical details to demonstrate that the construction of a 4-level basement to accommodate more parking spaces at the application site was not feasible. Another Member remarked that TD's request for parking provision towards the higher end requirements under the HKPSG might not be in line with the Government's policy to encourage the use of public transport rather than reliance on private vehicles.

41. Referring to the planning assessment in the Paper, a Member sought clarification on why approval conditions were suggested for Members' reference when PlanD did not support the application. In response, the Chairman said it was the prevailing practice that approval conditions were suggested for the Committee's consideration in the event that it

decided to approve the application.

42. Since there were divergent views among Members on whether the application should be approved, a vote was taken. A majority of Members were in support of rejecting the application.

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

“the applicant fails to demonstrate that the proposed development will not result in adverse traffic impact on the surrounding areas.”

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

[The Vice-chairman returned to join the meeting at this point.]

Kowloon District

Agenda Item 6

Section 16 Application

[Open Meeting]

A/K18/335 Proposed Minor Relaxation of Building Height Restriction to Allow for One Storey of Basement for Permitted House Use in “Residential (Group C) 1” Zone, 14 Kent Road, Kowloon Tong, Kowloon
(MPC Paper No. A/K18/335)

44. The Secretary reported that the application site was located in Kowloon Tong. The following Members had declared interests on the item:

Dr Lawrence W.C. Poon - living in the quarters of the City University of Hong Kong in Kowloon Tong; and

Mr Stanley T.S. Choi - his spouse being a director of a company which owned properties in Kowloon Tong.

45. The Committee noted that the applicant had requested deferment of the consideration of the application. Since the residence of Dr Lawrence W.C. Poon and the properties owned by the company of Mr Stanley T.S. Choi's spouse had no direct view of the site, the Committee agreed that they could stay in the meeting.

46. The Committee noted that the applicant's representative requested on 15.4.2020 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.

47. 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 Franklin Yu left the meeting at this point.]

[Ms Jessie K.P. Kwan, 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/K15/122 Proposed Comprehensive Residential Development in “Comprehensive Development Area (1)” Zone, 5 and 8 Tung Yuen Street, Yau Tong, Kowloon

(MPC Paper No. A/K15/122B)

48. The Secretary reported that Korn Reach Investment Ltd. was the applicant which was a subsidiary of CK Hutchison Holdings Ltd. (CK Hutchison). Kenneth To & Associates Limited (KTA), Mott MacDonald Hong Kong Limited (MMHK) and C M Wong & Associates Limited (CMW) were three of the consultants of the applicant. The following Members had declared interests on the item:

- Mr Thomas O.S. Ho - his company having current business dealings with MMHK;
- Mr Alex T.H. Lai - his former firm had business dealings with CKHH and MMHK;
- Mr Franklin Yu - his company having current business dealings with CMW; and
- Mr Daniel K.S. Lau - being an ex-employee of the Hong Kong Housing Society which had business dealings with KTA.

49. The Committee noted that Messrs Thomas O.S. Ho and Franklin Yu had already left the meeting. As Messrs Alex T.H. Lai and Daniel K.S. Lau had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

50. With the aid of a PowerPoint presentation, Ms Jessie K.P. Kwan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed comprehensive residential development;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication periods, a total of 17 public comments, with one supporting comment from an individual and 16 opposing comments from three operators of industrial installations nearby and individuals, were received. 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 assessment made in paragraph 11 of the Paper. The application site was the subject of a previous planning application (No. A/K15/114) for proposed residential development approved by the Committee on 5.2.2016. Compared with the previously approved scheme, major changes under the current scheme included an increase in site area to include a stripe of government land in the land grant process, corresponding increase in gross floor area, provision of building setbacks and non-building area, increase in the number of flats and reduction in average flat size and extension of the opening hour of the public waterfront promenade (PWP) and public pedestrian access (PPA) to 24 hours daily. The proposed comprehensive residential development with the provision of a PWP was in line with the planning intention of “Comprehensive Development Area (1)” (“CDA(1)”) zone and generally complied with the main planning and design requirements under the planning brief. The application site was one of the five “CDA” sub-zones in Yau Tong Industrial Area (YTIA), and the proposed development was considered compatible with the long term planned land use of the area and could facilitate the gradual transformation of the area for residential use in the long run. While the application site would be subject to industrial/residential interface environmental problems, the applicant had

submitted technical assessments and proposed various building designs and pedestrian environment enhancement features to demonstrate that the proposed development would not cause insurmountable problems on traffic, sewerage/drainage, urban design, landscape and air ventilation aspects. Concerned government departments had no adverse comment on the application and relevant approval conditions were recommended to address their technical concerns. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

[Mr Alex T.H. Lai left the meeting at this point.]

51. Some Members raised the following questions:

- (a) whether Towers B1 and B2 at the inland portion of the application site would have significant visual and air ventilation impacts;
- (b) noting that the application site was located in the vicinity of the Kwun Tong Wholesale Fish Market (KTWFM), whether its associated nuisance and traffic impact could be mitigated and the KTWFM would be relocated in the near future;
- (c) noting that a PWP was required to be provided within the Yau Tong Bay “CDA” zones to connect with the waterfront of Kai Tak, how to ensure that the design and quality of the PWP in different CDA sub-zones would be consistent;
- (d) despite that the provision of commercial uses along waterfront was required under the planning brief (PB) to enhance the vibrancy of PWP, the applicant did not intend to provide any under the proposed scheme. Whether it would set a bad precedent for other developments in the rest of the “CDA” sub-zones;

- (e) noting that adverse public comments were submitted by operators of industrial uses in the vicinity, whether the planning intention of “CDA” contradicted with existing uses in the YTIA; and
- (f) whether the affected industries as mentioned in the public comment would be relocated by the government.

[Mr Stanley T.S. Choi left the meeting at this point.]

52. In response, Ms Jessie K.P. Kwan, STP/K, made the following main points:

- (a) a PB to guide the development of YTIA was endorsed by the Committee in 2018 and it had set out that a non-building area (NBA) should be provided to ensure air ventilation in the area. No structure was proposed in the NBA and the air breezeway was kept unobstructed in the current scheme. In assessing the revised building design of Towers B1 and B2 in the inland portion which was elongated in configuration against the requirements of the sustainable building design guidelines (SBDG), the applicant had provided data in terms of permeability and building gap and the Buildings Department (BD) had no objection to the application. The SBDG requirements for the proposed development had to be complied with to the satisfaction of BD at the building plans submission stage. The Chief Town Planner/Urban Design and Landscape of PlanD had no adverse comment on the Air Ventilation Assessment (AVA) submitted by the applicant and agreed that the proposed development would not generate significant adverse impact on the pedestrian wind environment;
- (b) KTWFM was in operation since 1988. The Civil Engineering and Development Department had commissioned a “Technical Study on Potential Sites for Relocation of Wholesale Markets for Other Industrial Uses in North West Tsing Yi - Feasibility Study” (the Study) in 2019 to identify potential sites for relocating a number of existing wholesale markets, including the KTWFM and the study was expected to be completed in Q3 2020. Since the relocation of KTWFM was uncertain at the moment, the applicant had submitted an environmental assessment in

which the nuisances generated by the KTWFM were assessed and suitable mitigation measures were recommended. The Director of Environmental Protection had no objection to the application from the environmental perspective;

- (c) the PWP in YTIA CDA was covered by five CDA sub-zones. According to the OZP, the design of the PWP could make reference to PWP in other CDA sub-zones with MLP already submitted and approved by the Board. A smooth transition among different sections along the PWP in different CDA sub-zones was necessary to ensure continuity and cohesiveness. The design of the PWP in each CDA sub-zones would be circulated and commented by concerned parties, including the Urban Design and Landscape section of PlanD, the Leisure and Cultural Services Department as well as the Harbour Unit of the Development Bureau.
- (d) since the section of waterfront promenade in “CDA(5)” zone would act as a prominent entrance to the entire waterfront promenade from Yau Tong to Kai Tak and was in close proximity to the tourist spot at Lei Yue Mun Village, a minimum commercial gross floor area (GFA) requirement of 500m² was stipulated for “CDA(5)”. As for the waterfront portion of the “CDA(1)” zone, it was noted that the area involved was small in size and one-fourth of the site was designated for developing the PWP. As the PWP had yet to be connected with the adjoining sites to form a continuous promenade, and there were still industrial uses in its vicinity, the applicant considered that it was not viable to place any commercial uses along the small pocket of PWP and there were no adverse comments from government departments;
- (e) industrial uses in YTIA, including recycling operations that were currently operating, would be eventually phased out as they would contravene the planning intention of “CDA” zone at YTIA which was intended for comprehensive residential and commercial development with the provision of open space and other community and supporting facilities;

- (f) a recycling depot was operating at the “CDA(3)” zone. The respective bureau would assess the need to assist relocation of the operation from the policy perspective having regard to the need for that industry in the district.

Deliberation Session

53. Noting that the application site was the subject of a previously approved planning application, the current application was mainly to incorporate an additional strip of land with corresponding revisions to gross floor area as well as an increase in the number of flats with corresponding reduction in average flat size, and there was no adverse comment from relevant departments and on the technical assessments submitted by the applicant, Members in general had no objection to the application. Some Members, however, raised the following concerns on the proposed development:

- (a) the potential visual and air ventilation impacts that might be generated by the layout in the inner portion of the application site with higher building blocks (Towers B1 and B2) abutting Tung Yuen Street and a lower building block (Tower B3) behind;
- (b) while the provision of commercial facilities was not mandatory at this CDA sub-zone, with more incoming population in the future, such facilities would be required to serve the local community;
- (c) notwithstanding the findings of the Environmental Assessment, nuisances would still be perceived by future residents as the application site was located in close proximity to the KTWFM;
- (d) linkage between the inland portion with the waterfront portion at the “CDA(1)” zone, which were segregated by Tung Yuen Street, might be desirable; and
- (e) there might be scope to improve the arrangement of providing loading and unloading facilities at a location closer to Tung Yuen Street rather than at the waterfront portion of the application site.

[Ms Sandy H.Y. Wong left the meeting at this point.]

54. The Chairman remarked that due to fragmentation of land ownership, the lots in YTIA CDA zone were divided into a number of CDA sub-zones to facilitate their implementation. Regarding the concern of interface problem and possible nuisance generated by the existing KTWFM, the government had commissioned a feasibility study to identify potential sites to relocate a number of existing wholesale markets, including KTWFM, in the urban area. The redevelopment of YTIA and Yau Tong Bay CDA zones had progressively been implemented. Any potential environmental impact and land use compatibility issues during the transformation process would have to be properly addressed before commencement of the proposed development.

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 24.4.2024, 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 to incorporate the approval conditions as stipulated in conditions (b) to (m) below to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of a development programme indicating the timing and phasing of the comprehensive development to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of a revised Landscape Master Plan, including tree preservation proposal, to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission of a revised Sewerage Impact Assessment Report to the satisfaction of the Director of Environmental Protection or of the TPB;

- (e) the submission of a revised Drainage Impact Assessment Report to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the implementation of the sewerage and drainage facilities identified in the revised Sewerage Impact Assessment Report under approval condition (d) and the revised Drainage Impact Assessment Report under approval condition (e) to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the submission of an Environmental Assessment and the implementation of the environmental mitigation measures identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;
- (h) the submission of a Land Contamination Assessment and the implementation of the mitigation measures proposed therein prior to the commencement of the construction works for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;
- (i) the submission of a revised Traffic Impact Assessment and implementation of the mitigation measures identified therein for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) the design and provision of vehicular access, and vehicle parking/loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (k) the design and provision of a full height setback to allow a minimum width of 3.5m for footpath on each side of Tung Yuen Street, as proposed by the applicant, to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB;
- (l) the design and provision of the public waterfront promenade with a public pedestrian access connecting Tung Yuen Street and the promenade, as

proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB; and

- (m) the public waterfront promenade with a 3m wide public pedestrian access should be opened 24 hours every day as proposed by the applicant, and maintained and managed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB.”

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

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

Agenda Item 8

Section 16 Application

[Open Meeting]

A/K14/783 Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions for Proposed Hotel Use in “Other Specified Uses” annotated “Business” Zone, 1 Tai Yip Street, Kwun Tong, Kowloon
(MPC Paper No. A/K14/783)

57. The Secretary reported that Llewelyn-Davies Hong Kong Limited (LD) was the consultant of the applicant. Mr Thomas O.S. Ho had declared an interest on the item for having past business dealings with LD.

58. The Committee noted that the applicant had requested for deferral of consideration of the application and Mr Thomas O.S. Ho had already left the meeting.

59. The Committee noted that the applicant’s representative requested on 14.4.2020 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 first time that the applicant requested deferment of the application.

60. 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.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/K14/782 Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions for Permitted Shop and Services Use in "Other Specified Uses" annotated "Business" Zone, 4 Tai Yip Street, Kwun Tong, Kowloon
(MPC Paper No. A/K14/782)

61. The Secretary reported that Townland Consultants Limited (Townland) and Wong & Ouyang (HK) Limited (WO) were two of the consultants of the applicant. The following Members had declared interests on the item:

- | | |
|------------------|---|
| Mr Franklin Yu | - his company having current business dealings with WO; and |
| Mr Alex T.H. Lai | - his former firm had business dealings with Townland and WO. |

62. The Committee noted that the applicant had requested for deferral of consideration of the application and Messrs Franklin Yu and Alex T.H. Lai had already left the meeting.

63. The Committee noted that the applicant's agent requested on 20.4.2020 deferment of the consideration of the application for one month in order to allow time for liaising with government departments. It was the first time that the applicant requested deferment of the application.

64. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant for liaising with relevant government bureaux/departments (B/Ds). The Committee agreed that the application should be submitted within one month upon the expiry of the deferment period. If the departmental comments can be addressed within a shorter period or if any 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 one month was allowed for further consultation with relevant B/Ds, and no further deferment would be granted unless under very special circumstances.

Agenda Item 10

Section 16 Application

[Open Meeting]

A/K15/124 Proposed Comprehensive Residential Development with Supporting Retail & Government, Institution and Community Facilities and Conservation of Heritage Buildings in "Undetermined" Zone, Various Lots in S.D. 3 and Adjoining Government Land, Cha Kwo Ling Tsuen, Yau Tong, Kowloon

(MPC Paper No. A/K15/124)

65. The Secretary reported that Kenneth To & Associates Limited (KTA), AIM Group Limited (AIM) and C M Wong & Associates Limited (CMW) were three of the consultants of the applicants. The following Members had declared interests on the item:

Mr Franklin Yu - his company having current business dealings with CMW;

- Mr Alex T.H. Lai - his former firm had business dealings with AIM; and
- Mr Daniel K.S. Lau - being an ex-employee of the Hong Kong Housing Society which had business dealings with KTA.

66. The Committee noted that the deferral of consideration of the application was recommended by the Planning Department (PlanD) and Messrs Franklin Yu and Alex T.H. Lai had already left the meeting. As Mr Daniel K.S. Lau had no involvement in the application, the Committee agreed that he could stay in the meeting.

67. The Secretary reported that in view of the situation of COVID-19 and the latest special work arrangement for government departments announced by the Government, PlanD had only provided essential and limited public services and the District Planning Offices of PlanD had suspended all fieldwork, including visits to application sites for the gathering of background information, until further notice. 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 a s.16 application should be deferred if information which was essential for the consideration of the submissions by the Town Planning Board was not available but was required to be provided by the relevant parties or government departments.

68. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration as soon as practicable after the fieldwork was resumed and the required background information of the application site could be made available.

Agenda Item 11

Any Other Business

69. There being no other business, the meeting closed at 12:35 p.m..