

## **TOWN PLANNING BOARD**

### **Minutes of 648<sup>th</sup> Meeting of the Metro Planning Committee held at 9:00 a.m. on 15.5.2020**

#### **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

Professor Jonathan W.C. Wong

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

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Ms Caroline T.Y. Tang

Town Planner/Town Planning Board  
Ms Andrea W. Y. Yan

## **Opening Remarks**

1. The Chairman said that the meeting would be conducted with video conferencing arrangement.

## **Agenda Item 1**

### **Confirmation of the Draft Minutes of the 647<sup>th</sup> MPC Meeting held on 24.4.2020**

[Open Meeting]

2. The draft minutes of the 647<sup>th</sup> MPC meeting held on 24.4.2020 were confirmed without amendments.

## **Agenda Item 2**

### **Matters Arising**

[Open Meeting]

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

## **Tsuen Wan and West Kowloon District**

## **Agenda Item 3**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/583                      Proposed Petrol Filling Station at Ground Floor of a Permitted Office/Commercial Redevelopment in “Other Specified Uses” annotated “Business” Zone, 3 Sham Mong Road, Tai Kok Tsui, Kowloon  
(MPC Paper No. A/K3/583B)

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4. The Secretary reported that the application site was located in Mong Kok and the application was submitted by Lindenford Limited (Lindenford). Townland Consultants Limited (Townland), AECOM Asia Company Limited (AECOM) and MVA Hong Kong

Limited (MVA) were three 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 Lindenford, Townland, AECOM and MVA;
- Mr Thomas O.S. Ho - having current business dealings with MVA and AECOM, and past business dealings with Townland; and
- Mr C.H. Tse - owning a flat in Mong Kok.

5. As Messrs Alex T.H. Lai and Thomas O.S. Ho had no involvement in the application, and the property of 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

6. The following representatives from the Planning Department (PlanD) and Fire Services Department (FSD) were invited to the meeting at this point:

- Mr Clement Miu - Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), PlanD;
- Mr K.C. Lee - Senior Divisional Officer (New Projects) (SDO(NP)), FSD;
- Mr K.M. Lai - Assistant Divisional Officer (Policy)2, (ADO(Pol)2), FSD;
- Mr K.F. Tang - Senior Station Officer (New Projects) (SSO (NP)), FSD; and
- Mr C.H. Yan - Senior Station Officer (Policy)6, (SSO(Pol)6),

FSD.

7. The Chairman extended a welcome and invited PlanD's representative to brief Members on the Paper. 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 petrol filling station (PFS);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication periods, two objecting comments from individuals were received. Major 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 proposed PFS as part of the permitted office/commercial (O/C) redevelopment was generally in line with the planning intention of the “Other Specified Uses” annotated “Business” zone. No liquefied petroleum gas (LPG) filling facilities would be provided in the proposed PFS and various design measures had been incorporated to mitigate the potential risk in accordance with the special requirements and design criteria relevant to PFS within buildings as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). Having scrutinised the submitted Quantitative Risk Assessment (QRA) and Fire Safety Strategy Report (FSSR) with the proposed mitigation measures, the Director of Fire Services had no objection to the application from fire safety perspective. As the Noise Impact Assessment demonstrated that the noise impact arising from the proposed PFS on the surroundings would be insignificant, and noise mitigation measures and administrative control were proposed to

further reduce the noise disturbance, the Director of Environmental Protection had no objection to the application from noise perspective. The Commissioner for Transport (C for T) had no comment on the application from traffic engineering perspective as the Traffic Impact Assessment (TIA) demonstrated that the proposed development would not cause adverse traffic impact on the surroundings. Although the site was the subject of a rejected application for the same use, the applicant had taken into account the comments from relevant government departments and revised the scheme accordingly. There was no complaint against noise from the existing PFS received in the past three years. Taking into account the unique circumstances that the proposed PFS was an in-situ reprovisioning of an existing PFS which had been in operation for more than 35 years in the locality and it was not uncommon for PFS to be located in a mixed commercial/residential neighbourhood, it was considered that the proposed PFS could be tolerated upon redevelopment of the existing O/C building at the subject site. Appropriate approval conditions were also recommended to address the technical concerns raised by relevant government departments. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

[Dr Lawrence W.C. Poon, Ms Sandy H.Y. Wong, Mr Franklin Yu and Dr Sunny C.W. Cheung arrived to join the meeting during the presentation.]

### *The Proposal*

8. The Chairman and some Members had the following questions:
  - (a) the major development parameters of the proposed O/C building at the site;
  - (b) whether the potential footbridge linkage mentioned in paragraph 9.1.1(c) of the Paper had any relationship with the proposed PFS;
  - (c) the planning gains in relation to the proposed PFS; and

- (d) whether the existing PFS would continue to operate during construction of the proposed O/C building.

9. Mr Clement Miu, STP/TWK, made the following responses:

- (a) the proposed O/C building would have a maximum plot ratio of 12 and a maximum building height (BH) of 110mPD which complied with the OZP restrictions. As compared with the existing O/C building, it involved an increase in gross floor area (GFA) and BH from 28,235m<sup>2</sup> to 32,040m<sup>2</sup> and from 51.1mPD to 110mPD (or from 15 storeys to 27 storeys) respectively;
- (b) there was no direct relationship between the potential footbridge linkage and the proposed PFS. Nevertheless, the feasibility of the said footbridge would be dealt with at the building plan submission and/or lease modification stage;
- (c) Tai Kok Tsui, where the application site was located, had long been an industrial area and the existing PFS had been serving the industrial developments for more than 35 years. In terms of planning gains, the proposed PFS would continue to serve the surrounding neighbourhood; and
- (d) the existing PFS would be redeveloped together with the existing O/C building and thus operation of the PFS would be temporarily suspended.

*Planning Standard and Design of PFS*

10. Some Members raised the following questions:

- (a) whilst a public comment claimed that the existing PFS in the area could meet the local demand, whether there was any planning standard for the provision of PFS in each area;
- (b) the criteria on the location of the PFS, e.g. standalone or within buildings, and whether the relevant District Council (DC) had been consulted;

- (c) the number of PFS within buildings in the area and Hong Kong as a whole;  
and
- (d) the justification for the increase in the capacity of the petrol storage tanks.

11. Mr Clement Miu, STP/TWK, made the following responses:

- (a) there was no planning standard regarding the number of PFS to be provided in each area under the HKPSG. In general, the planned developments of the area and traffic volume would be taken into consideration in determining whether PFS was required. In planning the new development areas, concerned government bureaux/departments would be consulted to ascertain the demand for PFS;
- (b) PFS without LPG facilities could be accommodated within buildings or be developed as a standalone facility. In general, each application would be considered on a case-by-case basis, taking into account various planning considerations such as site context, planning intention, land use compatibility, traffic, environment, fire safety, departmental comments and public comments received. For the current application, DC members had been consulted in accordance with the established practice and no comment was received from them;
- (c) no PFS accommodated within buildings was found in the Mong Kok area but PFS with similar neighbourhood setting could be found nearby. There were one PFS located within 500m-radius and four PFSs located within 1000m-radius of the application site. They were all in close proximity to residential/commercial developments. Regarding the number of PFS within buildings in Hong Kong, there was no available information at hand;  
and
- (d) although the applicant did not provide any justification for the increase in the capacity of the petrol storage tanks, it was believed that such an

increase was to facilitate the expansion of the proposed PFS to meet the demand.

*Fire Safety Aspect*

12. Noting that the proposed GFA of the petrol storage tanks at the basement level had increased by 46m<sup>2</sup> (from 74m<sup>2</sup> to 120m<sup>2</sup>, i.e. +62%), some Members enquired about the controls from fire safety perspective and whether the increase in the capacity of the petrol storage tanks would cause any adverse impact on developments in the vicinity of the site. In response, Mr K.M. Lai, ADO(Pol)2, FSD, said that in general, when assessing an application for PFS, FSD would check if the proposed PFS was in compliance with the fire safety requirements under the existing licensing control, as well as by making reference to overseas guidelines. As for the current application, although there was an increase in the capacity of the petrol storage tanks, after scrutinising the submitted QRA and FSSR and the mitigation measures proposed by the applicant such as critical safety devices (e.g. safety devices to detect possible underground fuel storage tank leak) for early alarm of tank leakages and at-grade fire safety installations, it was considered that the proposed PFS was at an acceptable risk level.

*Traffic Impact Aspect*

13. In response to a Member's question on C for T's comments in paragraph 9.1.3(a) of the Paper, Mr Clement Miu, STP/TWK, said that three years upon completion (i.e. year 2028) had been adopted as the design year for traffic forecast and assessment purpose in the TIA, and C for T had no adverse comment on it. At the invitation of the Chairman, Mr Michael H.S. Law, Assistant Commissioner for Transport (Urban), Transport Department (AC for T (U),TD), supplemented that adopting three years upon completion as the design year was generally considered acceptable as the planned developments in the vicinity would likely be occupied by that time.

14. A Member said that based on personal experience, there was often a queue of vehicles waiting to get into the subject PFS which had caused traffic congestion in the nearby roads. The Member asked if the expansion of the PFS would attract more traffic trips and thus worsen the traffic condition. With reference to Drawing A-2 of the Paper, Mr Clement

Miu, STP/TWK, said that additional waiting space and petrol dispensers would be provided in the proposed PFS to minimise the waiting time for petrol filling, and C for T had no adverse comment in that respect.

15. In response to a Member's question on the additional traffic flow in the area upon expansion of the proposed PFS, Mr Clement Miu, STP/TWK, said that the traffic trips generated by the proposed development and the planned developments/redevelopment projects had been taken into account in the submitted TIA. Besides, there was an efficient public transport system in the area to cater for the public needs. Mr Michael H.S. Law, AC for T (U), TD, supplemented that according to the submitted TIA, the proposed PFS would have a trip generation of 36 passenger car units per hour (pcu/hr). With the mitigation measures proposed by the applicant and the enforcement against illegal parking in Kok Cheung Street, the traffic trips generated by the proposed PFS and the planned developments were considered acceptable, and adverse traffic impact was not anticipated.

16. In response to a Member's enquiry on the traffic flow generated by the existing PFS, Mr Michael H.S. Law, AC for T (U),TD, said that while there was no such information at hand, it was estimated that the traffic flow of the existing PFS would be similar to that of the proposed PFS (i.e. 36 pcu/hr). The proposed increase in waiting spaces would help avoid vehicles queuing outside the PFS. It was also unlikely that the expansion of the PFS would attract more traffic trips as drivers would usually patronise a PFS based on their driving routes.

17. A Member enquired about the traffic arrangement of the proposed PFS. In response, Mr Clement Miu, STP/TWK, said that the existing access to the PFS at Kok Cheung Street (a one-way local road running in a southbound direction connecting to Pok Man Street) would be maintained upon redevelopment. As such, the traffic impact on the nearby road junctions was considered insignificant.

#### Deliberation Session

18. Members noted that a total of six petrol dispensers and four waiting spaces would be provided in the proposed PFS which involved an addition of two petrol dispensers and one waiting space as compared to the existing PFS.

19. A Member was doubtful whether the PFS should be located within a building or in close proximity to residential developments from long-term planning perspective. While echoing the need to examine the suitability of locating PFS in residential areas in the long term, another Member had no objection to the application after considering that more waiting spaces would be provided at the site upon in-situ reprovisioning of the existing PFS.

20. Whilst noting that the proposed PFS would comply with current fire safety standard, a Member considered that there was insufficient justifications in the submission to substantiate the increase in the capacity of the petrol storage tanks.

21. Some Members supported the application as the proposed PFS was an in-situ reprovisioning of the existing PFS, the proposal would help meet the demand of the nearby developments and relevant government departments had no objection to or no adverse comment on the application. Another Member had no objection to the application and noted that the traffic forecast up to 2040 in the submitted TIA had provided justification for the need for the additional petrol filling facilities at the site. The same Member suggested that consideration should be given to install charging facilities for electric vehicles in PFS in the territory in future.

22. The Chairman remarked that it was not uncommon for PFS to be located within buildings in urban area, e.g. the PFS in Taikoo Place, Quarry Bay. Members generally had no objection to the application.

23. 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 15.5.2024, 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; and
- (b) the submission of a Land Contamination Assessment and implementation

of the land contamination remedial measures proposed therein prior to the commencement of construction works to the satisfaction of the Director of Environmental Protection or of the TPB.”

24. 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 the representatives of PlanD and FSD to attend the meeting to answer Members’ enquiries. They left the meeting at this point.]

#### **Agenda Item 4**

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

[Open Meeting]

A/K5/817 Shop and Services (Showroom for Garments and Ancillary Storage) in “Other Specified Uses” annotated “Business (2)” Zone, Portion of Workshops B3 and B4, G/F, Block B, Hong Kong Industrial Centre, 489-491 Castle Peak Road, Cheung Sha Wan, Kowloon  
(MPC Paper No. A/K5/817)

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25. The Committee noted that the applicant’s representative requested on 29.4.2020 deferment of the consideration of the application for two months so as to allow more time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

26. 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 5**

**Section 16 Application**

[Open Meeting]

A/TW/511                      Proposed Wholesale Conversion of an Existing Industrial Building for Eating Place, Shop and Services, Office, Art Studio (excluding those involving direct provision of services or goods), Information Technology and Telecommunications Industries and Research, Design & Development Centre in “Industrial” Zone, Nos. 12-16 Fui Yiu Kok Street, Tsuen Wan, New Territories  
(MPC Paper No. A/TW/511B)

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27.                      The Secretary reported that the application site was located in Tsuen Wan and the following Members had declared interests on the item:

Professor John C.Y. Ng - his spouse owning a flat in Tsuen Wan; and

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

28.                      The Committee noted that the applicant had requested deferment of consideration of the application. As the properties owned by Professor John C.Y. Ng’s spouse and the company of Mr Stanley T.S. Choi’s spouse had no direct view of the application site, the Committee agreed that they could stay in the meeting.

29.                      The Committee noted that the applicant’s representative requested on 22.4.2020 deferment of the consideration of the application for two months to allow time for preparation of further information to address comments from the Environmental Protection Department and Transport Department. It was the third time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

30. 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 third deferment and a total of six months had been allowed for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting]

A/TW/517                      Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods) in "Other Specified Uses" annotated "Business" Zone, 46-48 Pak Tin Par Street, Tsuen Wan, New Territories  
(MPC Paper No. A/TW/517)

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31. The Secretary reported that the application site was located in Tsuen Wan and the following Members had declared interests on the item:

Professor John C.Y. - his spouse owning a flat in Tsuen Wan; and  
Ng

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

32. The Committee noted that the applicant had requested deferment of consideration of the application. As the properties owned by Professor John C.Y. Ng's spouse and the

company of Mr Stanley T.S. Choi's spouse had no direct view of the application site, the Committee agreed that they could stay in the meeting.

33. The Committee noted that the applicant's representative requested on 20.4.2020 deferment of the consideration of the application for two months so as 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.

34. 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.

## **Hong Kong District**

### **Agenda Item 7**

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the Approved Stanley Outline Zoning Plan No. S/H19/12

(MPC Paper No.1/20)

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35. The Secretary reported that since one of the proposed amendments was to take forward the decision of the Committee on a s.12A application No. Y/H19/1 and Ove Arup & Partners Hong Kong Limited (ARUP), Siu Yin Wai & Associates Limited (SYW) and LWK & Partners (Hong Kong) Limited (LWK) were three 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 ARUP, SYW and LWK;
- Mr Thomas O.S. Ho - having current business dealings with ARUP; and
- Mr Franklin Yu - having past business dealings with ARUP.

36. As Messrs Alex T.H. Lai, Thomas O.S. Ho and Franklin Yu had no involvement in the application in relation to the amendment item, the Committee agreed that they could stay in the meeting.

37. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

- Mr Louis Kau - District Planning Officer/Hong Kong (DPO/HK); and
- Mr Vincent Wong - Senior Town Planner/Hong Kong (STP/HK).

#### Presentation and Question Sessions

38. With the aid of a PowerPoint presentation, Mr Vincent Wong, STP/HK, presented the proposed amendments as detailed in the Paper and covered the following main points:

#### Background

- (a) the proposed amendments to the OZP were mainly to take forward the decision of the Committee on 4.1.2019 on a s.12A application No. Y/H19/1 for rezoning the Maryknoll House site from “Government, Institution or Community” (“G/IC”) to “Other Specified Uses” annotated “Residential Development with Historic Building Preserved” (“OU(RDHBP)”) for a proposed conservation-cum-residential development (the Rezoning

Application), as well as to include technical amendments to reflect the as-built conditions in the planning scheme area;

Proposed Amendments to Matters shown on the OZP

- (b) Amendment Item A – rezoning of the Maryknoll House site from “G/IC” to “OU(RDHBP)” with stipulation of plot ratio (PR), site coverage (SC) and building height (BH) restrictions of 0.75, 30% and 75mPD/64mPD respectively;
- (c) Amendment Item B1 – rezoning of a site to the northwest of Murray House which had already been developed as part of the Stanley Ma Hang Park from “G/IC” to “Open Space” to reflect the as-built condition;
- (d) Amendment Item B2 – inclusion of the area of the Blake Pier into the planning scheme area by zoning it as “OU” annotated “Pier” (“OU(Pier)”) to reflect its location and configuration;
- (e) Amendment Item B3 – excision of a strip of sea to the west of Blake Pier originally zoned as “OU(Pier)” from the OZP as a result of the proposed amendment in relation to Amendment Item B2 above;

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

- (f) corresponding revision to the Notes and ES had been made to take into account the proposed amendments and to update the general information to reflect the latest status and planning circumstances of the OZP;

Provision of Government, Institution or Community Facilities (GIC) and Open Space

- (g) there was no shortfall of major GIC facilities and overall open space provision in the area (taking into account the proposed developments under Amendment Item A);

### Consultation

- (h) the Southern District Council would be consulted on the amendments prior to or during the exhibition period of the draft OZP depending on its meeting schedule; and
- (i) the proposed amendments had been circulated to relevant bureaux/departments for comment. The comments of the Commissioner for Heritage, Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (AMO) and Director of Housing had been incorporated into the proposed amendments, where appropriate. Other departments had no objection to or no comment on the proposed amendments.

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

### Amendment Item A

#### *The Maryknoll House*

39. In response to a Member's enquiry on whether Maryknoll House could be declared as a monument for proper preservation, Mr Louis Kau, DPO/HK, said that Maryknoll House was a privately-owned Grade 1 historic building. The Antiquities Authority might declare a place, building, site or structure as a monument and would discuss with owner(s) of relevant building on the declaration proposal. For the subject case, the AMO had engaged the owner on various preservation-cum-development proposals. After rounds of discussion, the owner agreed to preserve Maryknoll House and open it for public visit through guided tours.

#### *Building Height Restrictions*

40. Noting that the applicant had also proposed to include a minor relaxation clause in the Notes of the "OU(RDHBP)" zone during the s.12A application stage, a Member asked

whether the Committee had discussed the need to incorporate such clause on the “OU(RDHBP)” zone at its meeting on 4.1.2019. In response, the Secretary said that while Members did not have specific comment on the imposition of the said clause, there were concerns on the BH of the proposed residential developments and on alteration works of the historic building. To address the Committee’s concerns, PlanD recommended to impose a stepped height control of 64mPD/75mPD for the site in order to preserve the public view of the southern and western façades of the Maryknoll House and the requirement for planning permission for any alteration works to the Maryknoll House. As a general practice, a standard minor relaxation clause would be incorporated on BH restriction to allow design flexibility as currently proposed.

41. A Member asked if incorporation of the standard minor relaxation clause was a common practice. In response, the Chairman said that although there were some exceptions, it was a general practice to impose such clause to allow design flexibility.

42. The Member who earlier raised query on the proposed minor relaxation clause on BH restriction had reservation on incorporating such clause for the site on the ground that any relaxation of the BH restriction would defeat the purpose of imposing a stepped height profile for the site and might obstruct the public view towards the main façade of the Maryknoll House. With reference to Plan A-2 of the Paper, Mr Louis Kau, DPO/HK, explained the rationale of proposing the stepped BH restrictions for the site. The proposed BH restrictions were generally in line with the conceptual development proposal submitted by the applicant in that the BH restriction of 75mPD was to reflect the BH of the Maryknoll House and its proposed extension while the BH restriction of 64mPD was formulated with reference to the proposed BH of the two new houses to be built at a lower level at the south-western portion of the site, with a view to preserving the public view towards the Maryknoll House. If the applicant submitted an application for minor relaxation of BH restrictions, the Committee could decide to reject the application if strong justifications were not provided in the submission for a departure from the planning intention which was to preserve the historic building, including the public view towards the historic building. To specify more clearly the intention to impose a stepped height profile for the site as stated in paragraph 7.6.5 of the ES of the OZP, the same Member suggested that the relevant part of the ES concerning the “OU(RDHBP)” zone as proposed by PlanD would need to be revised to state more clearly the intention that any application for minor relaxation of BH restriction should not obstruct the

public view towards the main façade of the Maryknoll House. Another Member shared the same view and said that it would serve as the basis for Members' consideration of applications for minor relaxation of BH restrictions, if any, in the future.

43. Another Member considered that paragraph 7.6.5 of the ES had already clearly reflected the rationale of the BH restrictions, which was to preserve the public view of the historic building.

#### *Public Access to Maryknoll House*

44. A Member recalled that when the Rezoning Application was considered by the Committee on 4.1.2019, Members were concerned with arrangements for the public to gain access to the site to appreciate the historic building as the existing access road would have to pass through an adjacent residential development and the number of guided tours to be organised was limited. Noting that development at the site would require s.16 planning permission from the Town Planning Board (the Board), Members considered that their concerns on access arrangements should be clearly reflected in either the Notes or the ES to ensure the applicant would duly address Members' concerns in seeking planning permission from the Board.

45. In response to a Member's question, Mr Louis Kau, DPO/HK, referring to Plan Z-2 of the Paper of the Rezoning Application, said that the existing access road to the site was sandwiched by the residential blocks of Stanley Knoll. The existing access road was a non-exclusive right-of-way under the assignment between owners of Stanley Knoll and the subject site. He further said that paragraph 7.6.5 of the ES was intended to reflect Members' concern on the public access arrangement to the site. The ES did not give details on how the public access should be provided as the proposed residential developments and any alteration works to the Maryknoll House would require planning permission from the Board, detailed design/arrangement of the public access could be dealt with during the s.16 application stage. The Secretary supplemented that the Notes of the OZP would set out major development parameters while Committee's views on the provision of public access were reflected in the ES which would elaborate the planning intention for the applicant's preparation of a development scheme at the s.16 application stage. The Secretary further added that amendments could be made to the ES if Members considered that further

elaboration was required.

46. Some Members asked whether the conservation-cum-residential development could be implemented if no public access would be provided, and whether it was appropriate to require public access in private developments. In response, the Chairman said that during the s.12A application stage, the applicant had committed to allowing pre-registered members of the public to pay visits to the site. Such arrangement was similar to some other privately-owned historic buildings. As planning permission from the Board would be required for new developments and alteration works to the Maryknoll House, if Members' concerns on public access arrangement to the site to appreciate the historic building could not be dealt with satisfactorily, the applicant would need to provide justifications or alternatives to convince the Committee to grant the planning permission. The decision on the application would rest with the Committee having regard to all relevant considerations.

47. A Member considered that the Committee's previous views on the Rezoning Application regarding the requirement for provision of public access to the site was not adequately reflected in the ES of the "OU(RDHBP)" zone and suggested that revisions should be made to the ES in that regard.

48. While Members generally agreed that public access to the site should be provided and such view should be clearly reflected in the ES, some Members considered that it would be difficult to explicitly specify the detailed design/arrangement of the public access at the current stage as discussion and agreement with the adjacent lot owner were required. Any detailed design requirements, if imposed, might limit the design flexibility of the proposed development.

49. The Chairman remarked that while Members generally agreed with the proposed amendments to the OZP, some Members considered that the ES of the OZP should be suitably amended to reflect more clearly the Committee's previous views on the need to preserve public view of the façade of the Maryknoll House and the requirement for provision of public access to the site.

50. The Chairman invited Members to go through the proposed amendments as set out in paragraph 7.6.5 of the ES and Members agreed to revise the relevant part of the ES as

follows:

“.....The BH restriction is to preserve the public views of the historic building from the south and southwest and to maintain the character and setting of Stanley. Any application for minor relaxation of building height restriction should not lead to blocking the public view of the main façades of the Maryknoll House. Reasonable public access to the Maryknoll House for public appreciation should be provided in the formulation of development proposal(s) at this site.....”

Amendment Items B1 to B3

51. Members had no comment on other proposed amendments to the OZP.

Deliberation Session

52. After deliberation, the Committee decided to:

- (a) agree to the proposed amendments to the approved Stanley OZP and that the draft Stanley OZP No. S/H19/12A at **Attachment II** of the Paper (to be renumbered to S/H19/13 upon exhibition) and its Notes at **Attachment III** of the Paper are suitable for exhibition under section 5 of the Ordinance; and
- (b) adopt the revised ES at **Attachment IV** of the Paper for the draft Stanley OZP No. S/H19/12A, subject to incorporation of the further revisions as agreed in paragraph 50 above as an expression of the planning intentions and objectives of the Board for the various land use zonings of the OZP and the revised ES will be published together with the OZP.

53. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before their publication under the Ordinance. Any major revision would be submitted for the Board’s consideration.

[The Chairman thanked Messrs Louis Kau, DPO/HK and Vincent Wong, STP/HK, for their attendance to answer Members' enquiries. They left the meeting at this point.]

### **Kowloon District**

#### **Agenda Item 8**

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

[Open Meeting]

A/K22/27                      Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Office, Shop and Services and Eating Place Uses in "Commercial (2)" Zone, 7 Kai Hing Road, Kowloon Bay, Kowloon  
(MPC Paper No. A/K22/27A)

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54.            The Secretary reported that the application was submitted by Kerry D.G. Warehouse (Kowloon Bay) Limited which was a subsidiary of Kerry Properties Limited (KPL), and Kenneth To & Associates Limited (KTA) was one 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 KPL;

Dr Lawrence W.C. Poon    -            his spouse being an ex-employee of KPL; and

Mr Daniel K.S. Lau        -            being an ex-employee of Hong Kong Housing Society which had business dealings with KTA.

55.            The Committee noted that the applicant had requested deferral of consideration of the application. As Messrs Alex T.H. Lai, Daniel K.S. Lau and Dr Lawrence W.C. Poon's spouse had no involvement in the application, the Committee agreed that they could stay in the meeting.

56.            The Committee noted that the applicant's representative requested on 27.4.2020 deferment of the consideration of the application for two months in order to allow

time for the relevant government departments to review the further information submitted by the applicant. 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.

57. 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 four months had been allowed for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

[Ms Johanna W.Y. Cheng, District Planning Officer/ Kowloon (DPO/K), and Ms Winnie W.Y. Leung, Town Planner/Kowloon (TP/K), were invited to the meeting at this point.]

## **Agenda Item 9**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K22/28                      Proposed Minor Relaxation of Building Height Restriction for Proposed Hotel and Permitted Office and Commercial Development in "Other Specified Uses" annotated "Stadium" Zone, New Kowloon Inland Lot No. 6607, Shing Kai Road, Kai Tak, Kowloon  
(MPC Paper No. A/K22/28A)

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58. The Committee noted that two replacement pages (p.4 and p.14 of the Main Paper) rectifying editorial errors in paragraphs 2(f) and 10.6 were tabled for Members' reference.

59. The Secretary reported that Ove Arup & Partners Hong Kong Limited (Arup), Llewelyn Davies Hong Kong Limited (LD) and AECOM Asia Company Limited (AECOM) were three 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 Arup and AECOM;
- Mr Thomas O.S. Ho - having current business dealings with ARUP and AECOM, and past business dealings with LD; and
- Mr Franklin Yu - having past business dealings with Arup and AECOM.

60. As Messrs Alex T.H. Lai, Thomas O.S. Ho and Franklin Yu had no involvement in the application, the Committee agreed that they could stay in the meeting.

#### Presentation and Question Sessions

61. With the aid of a PowerPoint presentation, Ms Johanna W.Y. Cheng, DPO/K, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed minor relaxation of building height (BH) restriction for proposed hotel and permitted office and commercial development;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory publication periods, a total of 15 public comments were received. Among them, one comment from an individual supported the application, 12 comments from individuals

objected to the application and 2 comments from a company and an individual provided views. Major views were set out in paragraph 9 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The site was included in a previously approved application (No. A/K22/17) (the Approved Scheme) covering also the Kai Tak Sports Park (KTSP). The overall development intensity for the site was the same as the Approved Scheme, and the applicant had submitted relevant assessments to demonstrate that the proposed increase in hotel rooms would not have adverse impacts. Concerned government departments had no objection to or no adverse comment on the application. The Commissioner for Tourism considered that the proposed hotel development would help increase the provision of hotel facilities, broaden the range of accommodation for visitors and support the development of convention and exhibition, tourism and hotel industries. The minor relaxation of BH of 2m for the office block was considered acceptable as it could accommodate better connections with the KTSP and allow a podium garden at the deck level to enhance permeability and pedestrian circulation. The minor relaxation of BH of 5.15m for the hotel block was also considered acceptable as it had been designed in stepped form with reduced footprints to enhance visual attractiveness and the applicant had made efforts to minimise the increase in BH by adopting a lower floor-to-floor height of 3.5m for typical hotel. The relaxation of BH would also allow terraced design on all façades and at different levels of the proposed blocks. The proposed scheme generally met the criteria for minor relaxation of BH restriction. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

62. In response to a Member's enquiry, Ms Johanna W.Y. Cheng, DPO/K, said that the proposed BH of the Main Stadium in the Approved Scheme was 70mPD. According to the latest design provided by the Home Affairs Bureau (HAB), the BH of the Main Stadium would be slightly lower. Although the design of the Main Stadium had not been finalised, it

was anticipated that the BH of the hotel would be lower than that of the Main Stadium and HAB had no objection to the application in that regard.

63. Noting that the “Other Specified Uses” annotated “Stadium” (“OU(S)”) zone was subject to a maximum BH of 55mPD, a Member enquired on what basis such restriction was determined. In response, Ms Johanna W.Y. Cheng, DPO/K, said that the planning intention of the “OU(S)” zone was primarily for the provision of a multi-purpose stadium complex (i.e. the KTSP) and such restriction was imposed based on a preliminary design of the Main Stadium. A Stadium Study had subsequently been carried out to support the Approved Scheme, which concluded that the BH restriction of 55mPD was insufficient to accommodate the updated design requirement such as the proposed retractable roof, and therefore the Committee agreed to relax the BH to 70mPD for the Main Stadium.

64. A Member asked whether there were other visual illustrations from the Main Plaza looking from north to south towards the Main Stadium and the proposed development to demonstrate the relationship between their building masses. With reference to the aerial photo of the KTSP and Drawing A-14 of the Paper, Ms Johanna W.Y. Cheng, DPO/K, said that the building separations between the Main Stadium and the proposed office block and hotel block were about 64m and 40m respectively. Compared with the proposed development, the building bulk of the Main Stadium was much more prominent.

65. In response to some Members’ enquiries on the proposed pedestrian connections, with reference to Drawings A-10 and A-12 of the Paper, Ms Johanna W.Y. Cheng, DPO/K, said that pedestrians could access the site through the pedestrian links connecting the two MTR stations (Kai Tak Station and Sung Wong Toi Station) and KTSP. The pedestrian movement would be concentrated on the landscape deck of KTSP (at a level of 15.35mPD) which would connect the proposed development and the Main Stadium, as well as other facilities/access points in KTSP.

66. Noting that as compared with the Approved Scheme, the current application proposed a revision to the gross floor area for hotel and office uses (both from 16,000m<sup>2</sup> to 15,415m<sup>2</sup> and 16,585m<sup>2</sup> respectively), reduction in the site coverage of podium (from 100% to 65%) and an increase in BH of the hotel and office blocks (+5.15m and +2m respectively) and number of hotel rooms (from 300 to 440), a Member enquired the reasons for such

changes. In response, Ms Johanna W.Y. Cheng, DPO/K, said that instead of a large podium covering the entire site, the podium in the proposed development would be broken down into a permeable terracing design to connect with the street/open plaza level (at a level of 5.35mPD) and the landscape deck. As for the change in number of hotel rooms, based on the experience of the applicant in operating other hotels and a number of reference hotels near similar sports complex, the applicant considered that an average room size of 35m<sup>2</sup> was more appropriate than 53m<sup>2</sup> as proposed under the Approve Scheme. The increase in BH of 2m for the office block was to provide better connection to the landscape deck of KTSP and to allow a podium garden at the deck level of the proposed development to enhance the permeability and pedestrian circulation.

67. In response to a Member's question on the development programme of KTSP, Ms Johanna W.Y. Cheng, DPO/K, said that it was scheduled for completion in 2023.

#### Deliberation Session

68. A Member shared the same view with the objecting public comment in paragraph 9.3 (a) of the Paper that the proposed building blocks would undermine the role of the Main Stadium as a city landmark and considered that the proposed hotel block should be shifted westwards, allowing a wider separation from the Main Stadium. The Member did not support the application as there was insufficient building separation between the proposed hotel block and the Main Stadium.

69. Members noted that the applicant had provided in the submission photomontages to illustrate the view from the Main Plaza of KTSP looking from north to south towards the Main Stadium and the proposed development. There was also a comparison between the current application and the Approved Scheme in Figure 3.12 of Appendix 1b of the Paper. The photomontages demonstrated that the visual impacts generated from the proposed development under the current application and the Approved Scheme were similar. The majority of members generally considered that such illustrations could help reaffirm the insignificant visual impacts arising from the increase in BH of the building blocks and the revised layout under the current application.

70. The Member who earlier expressed concern on the separation between the

proposed building blocks and the Main Stadium maintained the view that the visual impact should be improved. Another Member did not support the application due to insufficient information provided by the applicant. Some Members, however considered that the visual impact of the proposed development under the current application was indeed similar to that under the Approved Scheme, and they had no objection to the application. Other Members supported the application as the proposed development would facilitate a better integration with the landscaped deck of the KTSP and the landscape areas would be provided for public enjoyment. The Chairman concluded that majority of the Members considered that the application could be approved.

71. 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 15.5.2024, 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 landscape proposal from G/F to 2/F of the proposed development 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 design and provision of the vehicular access, parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of a revised Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (e) the implementation of the sewerage facilities identified in the revised SIA to the satisfaction of the Director of Drainage Services or of the TPB.”

72. 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 Ms Johanna W.Y. Cheng, DPO/K, and Ms Winnie W.Y. Leung, TP/K, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Dr Roger C.K. Chan, Professor Jonathan W.C. Wong and Mr Daniel K.S. Lau left the meeting at this point.]

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K15/124                      Proposed Comprehensive Residential Development with Supporting Retail & G/IC Facilities in "Undetermined" Zone, Various Private Lots in S.D. 3 and Adjoining Government Land, Cha Kwo Ling Tsuen, Yau Tong, Kowloon  
  
(MPC Paper No. A/K15/124A)

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

74.            The Committee noted that the applicants had requested deferment of consideration of the application and Mr Daniel K.S. Lau had left the meeting. As Messrs Alex T.H. Lai and Franklin Yu had no involvement in the application, the Committee agreed

that they could stay in the meeting.

75. The Committee noted that after issuance of the paper, the applicants' representative requested on 13.5.2020 deferment of the consideration of the application for two months so as to allow time for preparation of further information (FI) to address departmental comments. The deferment letter was tabled at the meeting for Members' consideration.

76. The Committee noted that the application had been deferred once on 24.4.2020 as requested by Planning Department (PlanD) due to the situation of COVID-19 in which the fieldwork conducted by PlanD had been suspended and some relevant background information of the site, which was essential for the consideration of the application, was not yet available. The current deferment was requested by the applicants as more time was required by the applicants to prepare FI to address departmental comments.

77. The Chairman said that as a usual practice, deferment requested by the applicant would normally be granted if reasonable grounds were given, and the request was in compliance with the Town Planning Board Guidelines No. 33 (TPB PG-No.33). However, from time to time, there had been public concerns on the delay in processing planning applications by multiple requests for deferment of a decision on the application, repetitive submissions of FI, as well as the need for the public to repeatedly submit comments on the application arising from publication of the further information. Although the deferral request complied with the criteria set out in TPB PG-No.33, considering that the subject application had attracted substantial public comments, the Chairman suggested that the applicants be encouraged to submit all the supporting documents in one go as soon as possible so that the application could be submitted for the Committee's consideration within two months upon the Committee's agreement to the deferral request.

[Mr Franklin Yu left the meeting at this point.]

78. In response to a Member's enquiry, the Chairman said that as a general practice, PlanD would convey the departmental comments to the applicant upon request and the applicant might submit FI to address the departmental comments received, as appropriate.

79. In response to a Member's enquiry on the procedures in processing further information, the Chairman said that if the FI was substantial and could not be exempted from the publication and recounting requirements, the public could submit comments on the FI during the statutory publication period of the FI.

80. Members generally had no objection to the Chairman's suggestion and agreed to request the applicants to expedite their preparation of submission of FI so that the application could be submitted to the Committee for consideration within two months upon agreement to the deferral request.

81. After deliberation, the Committee decided to defer a decision on the application for two months as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applicants should submit all the further information in one go as soon as possible. The Committee also agreed to advise the applicants that no further deferment would be granted unless under very special circumstances.

[Messrs Alex T.H. Lai and Thomas O.S. Ho 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 11**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/777                      Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Office Use in "Other Specified Uses" annotated "Business" Zone, 71 How Ming Street, Kwun Tong, Kowloon  
(MPC Paper No. A/K14/777)

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82. The Secretary reported that Ronald Lu & Partners (Hong Kong) Limited (RLP) and Ove Arup & Partners Hong Kong Limited (ARUP) 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 RLP and ARUP;
- Mr Thomas O.S. Ho - having current business dealings with RLP and ARUP; and
- Mr Franklin Yu - having past business dealings with ARUP.

83. The Committee noted that Messrs Alex T.H. Lai, Thomas O.S. Ho and Franklin Yu had left the meeting.

#### Presentation and Question Sessions

84. 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 minor relaxation of plot ratio (PR) restriction for permitted office use;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication periods, four objecting comments from three individuals were received. Major 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 proposed use was in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone. The Secretary for Development gave policy support to the application, subject to its

compliance with relevant requirements under the policy on revitalising industrial buildings (IBs) (the Policy) and departmental assessments on technical feasibility and planning considerations. The proposed minor relaxation of PR restriction had generally followed the Policy. Traffic Impact Assessment was conducted to demonstrate that the proposed development would not have adverse traffic impact on the surroundings and concerned government departments had no objection to or no adverse comment on the application. Various planning and design merits were proposed by the applicant and the proposed development had complied with the building setback requirements of the adopted Kwun Tong (Western Part) Outline Development Plan No. D/K14A/2 (the ODP). Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

85. Some Members raised the following questions:

- (a) the planning and design merits proposed in the application;
- (b) apart from the setback requirements under the ODP, whether there were additional setbacks proposed by the applicant;
- (c) the floor-to-floor height of the developments under similar applications, taking note that the average floor-to-floor height of the proposed development was about 5m; and
- (d) whether the leisure areas (i.e. the podium garden at 3/F and the sky garden at 14/F) were proposed for public or private use.

86. Ms Jessie K.P. Kwan, STP/K, made the following responses:

- (a) the planning and design merits of the proposed development mainly included incorporation of full-height setbacks as required under the ODP (non-statutory requirements), provision of a canopy on 1/F along How Ming Street and Chong Yip Street to improve the pedestrian environment,

provision of a podium garden on 3/F, a sky garden on 14/F and vertical greening on G/F which accounted for a greenery of about 20% of the site area and was in compliance with the Sustainability Building Design Guidelines;

- (b) other than compliance with the setback requirements under the ODP, there was no additional setback proposed by the applicant;
- (c) in the Kwun Tong Business Area, similar applications considered by the Committee had a building height (BH) restriction of 100mPD on the Outline Zoning Plan (OZP) with floor-to-floor height ranging from 3.5m to 4.1m, while the subject site was subject to a maximum BH of 160mPD, which allowed more design flexibility; and
- (d) the leisure areas would be mainly for use by the future workers and their visitors.

87. In response to the Chairman's enquiry, Ms Jessie K.P. Kwan, STP/K, said that the application did not involve minor relaxation of BH restriction.

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

#### Deliberation Session

88. The Committee noted that there was no restriction on the floor-to-floor height of the developments under the Notes of the OZP, and some redevelopment projects in the vicinity of the site also subject to BH restriction of 160mPD, which were under construction, had a floor-to floor height of about 4.15m to 4.55m.

89. Although the proposed development was technically feasible, a Member expressed concern on whether the proposed development would bring any public gain.

90. Some Members supported the application as it had complied with the BH

restriction on the OZP and the relevant requirements (including the technical feasibility) under the Policy, and to a certain extent, the proposed full-height setbacks could be considered as public gains.

91. To sum up, the Chairman concluded that Members generally had no objection to the application. Noting that a Member was concerned about the public gains in relation to the proposed development, the Chairman said that the intention of the Policy was to encourage owners to redevelop aged IBs so as to make better use of land resources and meet the current fire safety standards. The main consideration on the applications for minor relaxation of PR was the technical feasibility of the proposed development. Approval of the current application was in line with the Committee's previous decisions.

92. 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 15.5.2024, 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 of a sewerage impact assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the implementation of the local sewerage upgrading/sewerage connection works identified in the sewerage impact assessment in condition (a) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission of a revised traffic impact assessment and implementation of the mitigation measures, if any, identified in the revised traffic impact assessment, to the satisfaction of the Commissioner for Transport or of the TPB; and
- (d) the design of vehicular access, vehicle parking/loading/unloading facilities and maneuvering spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.”

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

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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/K14/782A)

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94. The Secretary reported that the application was submitted by Hong Kong Baptist Hospital (HKBH) which was one of the social service institutions of the Baptist Convention of Hong Kong (BCHK), and 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 Alex T.H. Lai - his former firm had business dealings with Townland and WO;
- Ms Sandy H.Y. Wong - being the Honorary Legal Advisor of BCHK; and
- Mr Franklin Yu - his company having current business dealings with WO.

95. The Committee noted that Messrs Alex T.H. Lai, Franklin Yu and Ms Sandy H.Y. Wong had left the meeting.

**Presentation and Question Sessions**

96. 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 minor relaxation of plot ratio (PR) and building height (BH) restrictions for permitted shop and services (medical-related) use;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication periods, four objecting comments from individuals were received. Major 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 proposed use was in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone and not incompatible with the surroundings. The Secretary for Development gave policy support to the application, subject to its compliance with relevant requirements under the policy on revitalising industrial buildings (IBs) (the Policy) and departmental assessments on technical feasibility and planning considerations. The Food and Health Bureau (FHB) gave in-principle policy support to the application as the proposed development would supplement the healthcare services operated by the public sector. The proposed minor relaxation of PR restriction had generally followed the Policy. Traffic Impact Assessment was conducted to demonstrate that the proposed development would not have adverse traffic impact on the surroundings and concerned government departments had no objection to or no adverse comment on the application. The proposed minor relaxation of BH restriction was considered tolerable given the unique circumstances that it was for medical care use which FHB had given in-principle policy support. Besides, various planning and design merits were proposed by

the applicant and the proposed development had complied with the building setback requirements of the adopted Kwun Tong (Western Part) Outline Development Plan No. D/K14A/2 (the ODP). Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

97. Some Members raised the following questions:

- (a) noting that the application was submitted by HKBH, whether the proposed development would be for hospital use or medical clinic use;
- (b) the mode of operation of the proposed development;
- (c) noting that the site and its surrounding developments fell within a height band of 100mPD, whether the application would set an undesirable precedent to encourage other similar applications;
- (d) whether there were any planning and design merits proposed in addition to the building setback requirements under ODP;
- (e) the pedestrian accessibility to the proposed development, especially for elderly and people with disability; and
- (f) the vehicular arrangement of the proposed development.

98. Ms Jessie K.P. Kwan, STP/K, made the following responses:

- (a) the proposed development was for permitted 'shop and services' (medical-related) use but not for 'hospital' use. According to the definition of terms promulgated by the Town Planning Board, 'shop and services' included medical related uses such as health centre, medical clinic and dental clinic;
- (b) the applicant did not provide detailed information on the mode of operation.

That said, the applicant proposed that half of the clinical floor would be used to serve the general community through Hospital Authority's Public-Private Partnership (PPP) programme;

- (c) to the further east of the site within the same "OU(B)" zone, there were two similar applications (Nos. A/K14/763 and A/K14/774) with BH restriction relaxed from 100mPD to 125.9mPD (Similar Applications) which were approved by the Committee on the main considerations that the proposed BH was not incompatible with the stepped BH profile of the Kwun Tong Business Area (100mPD to 160mPD) and there were various planning and design merits under the proposals. For the current application, it was considered to be a marginal case that could be tolerated given the unique circumstances that it was for medical care uses with policy support from FHB and efforts had been made to minimise the BH. It should be noted that each application would be assessed on a case-by-case basis having regard to its individual merits and other relevant considerations;
- (d) apart from the full-height setbacks as required under the ODP, the proposed development would have two entrances connecting Yan Yip Street and Tai Yip Street to enhance the pedestrian connectivity. In addition, despite that the greening requirement under Sustainable Building Design Guidelines (SBDG) was not applicable to the site (with a site area less than 1,000m<sup>2</sup>), an overall greenery provision of not less than 20% of the site area would be provided. The Similar Applications (with site areas more than 1,000m<sup>2</sup>) only complied with the minimum requirements as stipulated under the ODP and the SBDG, i.e. full-height setbacks and 20% greenery without other additional planning and design merits;
- (e) the site was in close proximity to the Ngau Tau Kok MTR Station. Barrier-free accesses and facilities connecting the Ngau Tau Kok MTR Station and Kwun Tong Road (to the north of the site) were proposed in the "Pedestrian Environment Improvement Scheme for Transformation of KTBA Feasibility Study". Within the site, loading/unloading bays for drop-off/pick-up and footpath widening would be provided to enhance the

pedestrian connectivity and environment; and

- (f) vehicles would enter/exit the site via the run-in at Yan Yip Street and run-out at Tai Yip Street.

#### Deliberation Session

99. In response to a Member's question, the Chairman said that the applicant's claim of applying for BEAM Plus Gold Certification was not a requirement under the lease.

100. A Member did not support the application on the consideration that there might not be sufficient planning and design merits proposed by the applicant to justify the proposed minor relaxation of BH restriction and the site was not close to the developments with a height band of 160mPD. Approval of the application might set an undesirable precedent for other similar applications.

101. Noting that the applicant was a non-profit-making organisation, a Member considered that the proposed development for medical-related uses would bring benefits to the public, and opined that the applicant should not rent out the floor areas for private clinical services. Another Member said that renting out part of the floor spaces might help subsidise the operation cost of the proposed development.

102. Some Members considered that although there might not be substantial planning and design merits under the application, the proposed minor relaxation of BH from 100mPD to 125.9mPD was considered acceptable as the proposed development was for medical related use to supplement the services operated by the public sector under the PPP programme and to further facilitate members of the public to use the private healthcare services, which could be regarded as planning gains and the proposed floor-to-floor height of 3.875m (with 2.6m clear room) was not unreasonable. As such, sympathetic consideration could be given to the application. Another Member shared the same view and considered that the application would not set an undesirable precedent as each application would be considered by the Committee based on the individual merits of the development proposal.

103. 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 15.5.2024, 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 of a revised sewerage impact assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the implementation of the local sewerage upgrading/sewerage connection works identified in the revised sewerage impact assessment in condition (a) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission of a land contamination assessment in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the site to the satisfaction of Director of Environmental Protection or of the TPB;
- (d) the submission of a revised traffic impact assessment and implementation of the mitigation measures, if any, identified in the revised traffic impact assessment, to the satisfaction of the Commissioner for Transport or of the TPB; and
- (e) the provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.”

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

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/784            Proposed Shop and Services in “Other Specified Uses” annotated  
   “Business” Zone, Workshop No. 1, G/F, Free Trade Centre, 49 Tsun Yip  
   Street, Kwun Tong, Kowloon  

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   (MPC Paper No. A/K14/784)

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

105.            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 shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” zone and compatible with the changing land use character of the area. The applied use complied with the Town Planning Board Guidelines No. 22D in that it would not induce adverse fire safety and environmental impacts on the developments within the subject building and the adjacent areas. Concerned government departments had no objection to or no adverse comment on the application. The aggregate commercial floor area would be about 74.07m<sup>2</sup>, which was within the maximum permissible limit of

460m<sup>2</sup> for an industrial building with a sprinkler system.

106. Members had no question on the application.

#### Deliberation Session

107. 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 15.5.2022, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of the fire safety measures before operation of the proposed 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.”

108. 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 Ms Jessie K.P. Kwan, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

**Agenda Item 14**

**Section 16 Application**

[Open Meeting]

A/K10/264                      Proposed Comprehensive Residential (Flat), Commercial (Shop and Services) and Social Welfare Facility (Residential Care Home for the Elderly) Development with Minor Relaxation of Non-domestic Gross Floor Area Restriction in “Comprehensive Development Area (3)” Zone, Kowloon Inland Lots 6342, 6344, 7427, 7629, 7630, 7631 and 7632, Mok Cheong Street and Sung Wong Toi Road, Ma Tau Kok, Kowloon  
(MPC Paper No. A/K10/264)

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109.            The Committee noted that the applicant’s representative requested on 7.5.2020 deferment of the consideration of the application for two months in order to allow sufficient time for preparation of documents to address departmental comments. It was the first time that the applicant requested deferment of the application.

110.            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 15**

Any Other Business

111. There being no other business, the meeting closed at 1:15 p.m..