

**Minutes of the 1186th Meeting of the
Town Planning Board held on 12.10.2018**

Present

Permanent Secretary for Development
(Planning and Lands)

Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-chairperson

Mr Lincoln L.H. Huang

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Principal Assistant Secretary (Transport) 3

Transport and Housing Bureau

Mr Andy S.H. Lam

Deputy Director of Environmental Protection (1)

Mr Elvis W.K. Au

Chief Engineer (Works), Home Affairs Department

Mr Paul Y.K. Au

Deputy Director of Lands/General

Ms Karen P.Y. Chan

Director of Planning

Mr Raymond K.W. Lee

Deputy Director of Planning/District

Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Mr Stephen H.B. Yau

Dr Frankie W.C. Yeung

Mr K.K. Cheung

Mr L.T. Kwok

In Attendance

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Ms April K. Y. Kun

Senior Town Planner/Town Planning Board

Miss Anissa W.Y. Lai

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1185th Meeting held on 28.9.2018

[The item was conducted in Cantonese.]

1. The draft minutes of the 1185th meeting were sent to Members before the meeting and tabled at the meeting. Subject to no proposed amendment by Members on or before 15.10.2018, the minutes would be confirmed without amendment.

[Post-meeting Note : On 15.10.2018, the minutes of the 1185th meeting were confirmed without amendment.]

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) Consideration of Representations and Comments in respect of draft Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/23

2. The Secretary reported that consideration of representations and comments in respect of the draft Ma Tau Kok OZP No. S/K10/23 by the Town Planning Board (the Board) was held on 28.9.2018. On 9.10.2018, the representative of the Kowloon City Christians' Church (R1/C2), who had attended the hearing and made an oral submission sent an email enclosing a letter to the Secretariat clarifying that it was not the representer/commenter's intention to use the representation procedure under s.6 of the Town Planning Ordinance to by-pass any required procedures in pursuing their redevelopment proposal. A copy of the e-mail enclosing the letter was tabled at the meeting for Members' information.

3. Members noted that the points made in the letter was raised by R1/C2 at the oral submission on 28.9.2018. As the further information was submitted after the hearing session,

it was submitted out-of-time, and should be treated as not having been made according to the Town Planning Ordinance. Members agreed.

(ii) Hong Kong Offshore Liquefied Natural Gas Terminal

4. The Secretary reported that on 3.10.2018, the Secretariat and the Director of Planning (DoP) received an email from 坪洲填海關注組 (the concern group) requesting instigation of statutory planning procedures on the reclamation works in respect of the proposed offshore Liquefied Natural Gas (LNG) Terminal and the associated pipelines.

5. In 1996, the Board agreed to the administrative arrangement on reclamation works under which the statutory planning procedures should be completed before authorization of a reclamation project under the Foreshore and Sea-bed (Reclamations) Ordinance. All proposed reclamation projects should be submitted to the Board to ascertain whether the projects concerned should be covered by statutory plans prepared under the Town Planning Ordinance. In considering the relevant administrative arrangements, it was also agreed that the arrangement would not apply to projects relating to small-scale piers, landing points, and utilities and facilities along the coastline. In view that the offshore LNG Terminal and the associated pipelines were utilities project and did not involve land reclamation, it would not be subject to the administrative arrangement.

6. Members noted the above and that DoP would give a reply to the concern group accordingly.

Tsuen Wan & West Kowloon District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/TW/497

Proposed Minor Relaxation of Plot Ratio for Proposed Hotel Supporting Facilities (Restaurant) in “Commercial” Zone, Nina Tower, 8 Yeung Uk Road, Tsuen Wan, New Territories (TPB Paper No. 10478)

[The item was conducted in Cantonese.]

7. The Secretary reported that Meinhardt, WSP Parsons Brinckerhoff (WSP), Rider Levett Bucknall Ltd (RLB) and MVA Hong Kong Limited (MVA) were consultants of the applicants and the application site was located in Tsuen Wan. The following Members have declared interests on this item:

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|---------------------|---|---|
| Mr Ivan C.S. Fu | - | having current business dealings with Meinhardt and MVA |
| Mr K.K. Cheung |] | their firm having current business dealings with the applicants and Reinhardt |
| Mr Alex T.H. Lai |] | |
| Mr Thomas O.S. Ho | - | his firm having current business dealings with MVA |
| Mr Franklin Yu | - | having past business dealings with Meinhardt, MVA and WSP |
| Mr Stephen L.H. Liu | - | being ex-director and previous consultant of RLB without remuneration |

- Mr Stanley T.S. Choi - his spouse being a director of a company which owned properties and parking spaces at Texaco Road, Tsuen Wan

- Dr C.H. Hau - co-owning a flat at Belvedere Garden, Castle Peak Road

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

[Mr Ivan C.S. Fu and Mr Thomas O.S. Ho left the meeting at this point.]

8. Members noted that Mr K.K. Cheung had tendered apologies for being unable to attend the meeting, and Mr Thomas O.S. Ho and Mr Ivan C.S. Fu had already left the meeting. As Mr Alex T.H. Lai had no direct involvement in the project, Members agreed that he should be allowed to stay in the meeting. As the properties owned by the spouse of Professor John C.Y. Ng and Mr Stanley T.S. Choi, and co-owned by Dr C.H. Hau had no direct view on the application site, and the interests of Mr Franklin Yu and Mr Stephen L.H. Liu were indirect, Members agreed that they should be allowed to stay in the meeting.

Presentation and Question Sessions

9. The following representatives of the Government and the applicants were invited to the meeting at this point:

- Mr Derek W.O. Cheung - District Planning Officer/Tsuen Wan & West Kowloon, Planning Department (DPO/TWK, PlanD)

- Mr. K.S. NG - Senior Town Planner/Tsuen Wan (STP/TW), PlanD

- Mr Kan Pui Leung - Senior Engineer/Tsuen Wan, Transport Department (SE/TW, TD)

Mr Marcus Leung]	Applicants' Representatives
Mr Matthew Wong]	
Mr Arthur Chan]	
Mr Kenneth To]	
Ms Kitty Wong]	
Ms Iris Tam]	
Mr Nicolas Yim]	
Ms Sylvia Chung]	
Mr Keven Chan]	
Mr Moses Ling]	
Mr Wilson Kwong]	
Ms Rebecca Chan]	

10. The Chairperson extended a welcome and briefly explained the procedure of the hearing. She then invited PlanD's representative to brief Members on the review application.

11. Mr K.S. NG, STP/TW, PlanD, said that a letter from the applicants' representative dated 11.10.2018 was tabled at the meeting for Members' information. With the aid of a PowerPoint presentation, Mr K.S. NG briefed Members on the background of the review application including the consideration of the application by the Metro Planning Committee (MPC) of the Town Planning Board (the Board), public comments and the planning considerations and assessments for the application as detailed in TPB Paper No. 10478 (the Paper).

[Mr David Y.T. Lui, Mr Franklin Yu and Miss Winnie W.M. Ng arrived to join the meeting during PlanD's presentation.]

12. The Chairperson then invited the applicants' representatives to elaborate on the review application.

13. With the aid of a PowerPoint presentation, Mr Kenneth To, the applicants' representative, made the following main points:

Background

- (a) the site was purchased by the applicants in 1991 and entitled to a plot ratio (PR) of 9.5 according to the land lease. Various requirements including a Public Transport Terminus and a 24-hour internal pedestrian walkway system were to be provided according to the lease. The development was completed in 2006;
- (b) the site was in close proximity to the West Rail Tsuen Wan West Station and TW5 Property Development under construction. The development at the site, i.e. Nina Tower, was developed as a new commercial node in Tsuen Wan. The internal pedestrian walkway provided at the site was designed to link up the West Rail Station, with the older parts of Tsuen Wan and the new town centre;
- (c) the existing development comprised a commercial podium with retail shops, banquet and exhibition halls, a hotel tower and a hotel cum office tower;
- (d) the GFA calculation adopted by relevant departments under lease, Building (Planning) Regulations (B(P)R) and the Outline Zoning Plan (OZP) were set out (Table 2.2 in Annex E of the Paper). In gist, while the internal pedestrian walkway was exempted from GFA calculation under lease, it was GFA accountable under the B(P)R) and the relevant OZP. Thus, the existing PR under lease was 9.369 while under OZP was 9.484;
- (e) according to the 2017 Policy Address, a steering group would be set up to explore how best to consolidate and rationalize the standards and definitions adopted by relevant departments under the steer of the Development Bureau (DEVB) in scrutinising development projects such that the approval process could be streamlined;
- (f) while the Buildings Ordinance was to provide for the design and construction of buildings and associated works; the land lease was a contract

and a basis for premium calculation; and an OZP prepared under the Town Planning Ordinance was to indicate the broad land use zonings and major road networks and broad development principles for development control purpose as well as providing and guidance for more detailed planning;

- (g) there were different approaches for GFA calculations for internal pedestrian walkway under different regimes. The differences were not easy to align due to the different background, nature and objectives for development control. Under the current situation, minor relaxation of GFA under the planning system was the only mechanism to align the differences. With four similar cases approved from 2010 to 2017 (Table 4.1 in Annex E of the Paper), it reflected the Board's recognition of the planning merits of providing a pedestrian walkway within the private developments;
- (h) PlanD considered that the proposed new restaurant was not related to the provision of the internal pedestrian walkway, which was a lease requirement and had already been completed. The intention to fully utilise the GFA entitlement under lease by providing additional F&B facilities might not be considered as planning and design merits. However, the internal pedestrian walkway provided was a community/public facility and the applicants did not ask for extra plot ratio. The proposal would optimise land utilisation permitted under the lease without increasing the existing building envelope;

The Proposal

- (i) the provision of restaurant facilities in Nina Hotel was relatively low as compared to other similar hotels featuring meetings, incentives, conferencing, exhibitions (MICE) facilities (Table 4.2 in Annex E of the Paper). Nina Hotel had the largest number of guest rooms but the lowest ratio of restaurant floor area to guest room number among the five hotels mentioned as examples. There were incidents that the hotel had to turn down requests due to limited provision of F&B facilities;

- (j) the applicants proposed to convert Level 6 for a restaurant of 2,547m² for the existing hotel. Upon completion, the total PR would be 9.5 as permitted under lease but due to different approaches for GFA calculations mentioned above, the resultant PR of 9.6143 exceeded the maximum PR of 9.5 stipulated under OZP. Minor relaxation of PR (0.1143 or +1.2%) was thus sought. With the addition of new restaurant, the total floor area for restaurant use would increase to 5,025 m² and the ratio of F&B area to guest room number would increase from 1.54 to 3.13;

- (k) the proposed new restaurant would enhance the service to hotel guests and create synergy effect with the existing exhibition and convention facilities to further promote the MICE industry. There was evident from the hotel for collaboration opportunity with Hong Kong Tourism Board (HKTB) for MICE events. According to the statistics compiled by the HKTB, MICE activities between 2008 and 2017 were increasing. The convention industry in Hong Kong would grow at 2.2% annually till 2028. However, the venue for major convention and exhibitions was very limited. Nina Hotel was intended to be one of the hotels providing the largest number of rooms to house all facilities related to activities of MICE events under one roof. That was in line with Government's policy to enhance Hong Kong's status as a travel destination for MICE tourism;

Provision of Additional Car Parking Spaces

- (l) TD commented that if the proposed new restaurant would be open to general public and used for conference and banquet purposes, additional car parking and loading/unloading (L/UL) facilities should be provided in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG), and a Traffic Impact Assessment (TIA) should be submitted. The internal transport facilities included car parking and L/UL facilities, for the hotel and its conference and banquet facilities had already been provided in accordance with the HKPSG. The proposed new restaurant was part of the hotel and no additional transport facilities should be

required according to HKPSG. Even if the proposed new restaurant was considered as independent eating place that required additional car parking requirements, an additional of seven additional car parking spaces were required. It was feasible to revise the existing carpark layout to accommodate the additional car parking spaces;

- (m) the utilization of L/UL bays in Nina Tower was rather low, mostly around 15% in the past three years, and mainly concentrated during the noon peak. According to their assessment, the maximum trip generation/attraction caused by a restaurant with a GFA of 2,547m² would only be about 9 passenger car units (pcu) per hour during peak period, the traffic impact would be insignificant;
- (n) should the Board find it necessary, the applicants would agree to an approval condition requiring the submission of a revised TIA and provision of additional car parking spaces for the proposed restaurant use; and

Response to the Rejection Reasons

- (o) the proposal was not only in line with the Government's policy on promoting MICE industry, it would also help enhance the existing service to hotel guests. The applicants should not be penalized for the early provision of the pedestrian walkway before submitting a planning application to fully utilise the development potential permissible under the lease.

14. As the presentation of the applicants' representative was completed, the Chairperson invited questions from Members.

15. The Chairperson, Vice-chairperson and some Members raised the following questions:

Statutory Planning Issues

- (a) whether s.16 planning application for minor relaxation was the only mechanism to align the difference in GFA calculations and exemptions adopted by relevant government departments, or a s.12A application to amend the Notes of the OZP would also help to realise the proposed additional GFA;
- (b) whether the area of internal pedestrian walkway could be exempted from GFA calculations under different regimes, whether it was common that internal pedestrian walkway was not exempted from GFA calculation under the statutory plans;
- (c) referring to the similar cases seeking for minor relaxation on the GFA, quoted by the applicants, whether provision of the pedestrian walkways was a requirement under lease;

Planning Merits

- (d) whether the provision of the pedestrian walkway at the site was considered a planning gain and the utilisation rate of the subject pedestrian walkway;
- (e) whether the proposed new restaurant was considered a planning gain;

MICE activities and F&B facilities

- (f) the provision of F&B facilities was on the low side in the early development stage. Noting that Nina Hotel had just carried out some major renovation works, whether considerations had been given to include the proposed new restaurant together with the renovation works in the application;
- (g) whether there was a need to accommodate all exhibition/conference and related facilities under one roof. Many local and overseas examples showed that co-location of exhibition/conference and restaurant facilities was not a

prerequisite for international conferences;

- (h) the selection criteria for the similar hotels mentioned by the applicants for comparing their provision of F&B facilities;
- (i) the occupancy rates of the hotel rooms and exhibition/conference facilities and examples of significant events being held last year, and whether the proposed new restaurant would affect the existing provision of exhibition space in the hotel;
- (j) the existing capacity of the F&B facilities and the proposed capacity of the additional restaurant; and whether the proposed new restaurant would be open to the general public and used for conference and banquet purposes;
- (k) whether conversion of other commercial floors in the podium or making use of the existing banquet facilities within the hotel and the adjoining developments had been considered for provision of more F&B facilities instead of proposing an additional floor for the proposed new restaurant;
- (l) whether the applicant had considered the idea of providing some community facilities as a planning gain in support of the application for minor relaxation of the PR restriction;

Traffic Aspects

- (m) whether the traffic concerns raised by TD were related to the non-provision of additional car parking spaces or the additional traffic to be generated by the proposed new restaurant, or both;
- (n) whether F&B facilities serving the general public would generate additional traffic flow; and whether there were standards on parking provision for specifically F&B facilities; and

- (o) whether the applicants' proposal to include the requirement to submit a revised TIA in the approval conditions was considered acceptable and enforceable from the district planning point of view, and the rationale of the applicants for not submitting a revised TIA in response to TD's concerns.

16. In response to the enquiry regarding the applicability of a s.12A application, the Secretary said that any person who wished to propose amendments to a statutory plan, including amendment to the maximum PR stipulated, might submit a s.12A application. Such s.12A applications mainly catered for proposals that could not be processed under the provisions of the existing OZP and usually involved major revisions to the OZP. The 'Remarks' of the Notes for the subject 'C' zone had a specific provision allowing minor relaxation of the PR restriction through a s.16 application. For the subject case, it was therefore appropriate to apply for the proposed relaxation involving an additional PR of 0.1143 (an increase of 1.2%) through a s.16 application.

17. In response to the other enquiries on statutory planning issues and planning merits, Mr Derek W.O. Cheung, DPO/TWK, PlanD made the following main points:

Statutory Planning Issues

- (a) the subject OZP did not have provision to exempt the floor area of the internal pedestrian walkway from GFA calculation. The GFA calculations under the Building (Planning) Regulations (B(P)R) would be followed. Although the Building Authority had the discretion to exempt the floor area of the internal pedestrian walkway from the GFA calculation under the Buildings Ordinance, the exercise of such discretion was not required as the maximum PR permitted under the B(P)R (i.e. a PR of 15) had not been reached;
- (b) the requirement for provision of pedestrian walkway under the four similar applications quoted by the applicants were set out under lease. However, all the developments were not yet completed when the concerned planning applications were submitted. There would still be scope to adjust the building design to accommodate the changes in provision of associated

facilities, such as parking and L/UL facilities, if required;

Planning Merits

- (c) the pedestrian walkway system within the site had enhanced the connectivity between the Tsuen Wan Town Centre and the residential/commercial area around the MTR Tsuen Wan West Station. While that could be considered as a planning merit, the planning merit had been achieved and was not something to be gained from the current application for minor relaxation in PR. Based on site observation, the utilisation rate of the walkway was rather high except the two linkages connecting to the adjacent residential development to the west which was under construction;
- (d) the proposed new restaurant was not related to the provision of the internal pedestrian walkway within the site which had already been completed. The intention to fully utilise the GFA entitlement under lease by providing additional F&B facilities within the site itself carried no particular planning and design merit;

18. In response to the enquiries on traffic aspects, Mr Kan Pui Leung, SE/TW, TD made the following main points:

Traffic Aspects

- (e) the HKPSG did not have a parking standard specifically for restaurants and F&B facilities within a hotel. Nevertheless, there were parking standards for hotels based on the number of rooms provided and general retail facilities (including eating places). The traffic conditions in the vicinity of the application site were acceptable at present. However, the proposed new restaurant, if open to the general public and used for conference and banquet purposes, would generate additional trips and additional parking and L/UL facilities would be required. There was no mechanism to restrict the use of the proposed new restaurant and hence the TIA should assume the restaurant would be open to public and used for conference and banquet purposes;

- (f) the maximum trip generation/attraction of about 9 pcus per hour for a restaurant with an area of 2,547m² as estimated by the applicants was considered acceptable by TD but a TIA on the traffic impact generated by that amount of additional traffic on the adjacent road network would still be required by TD;
- (g) the parking requirement in the HKPSG for hotel with conference and banquet facilities was 0.5 to 1 car parking space per 200m² GFA of the facilities. The applicants' recent proposal to provide seven additional car parking spaces for the proposed new restaurant was on the low side of the requirement and TD considered that the high side should be adopted, i.e. an additional 13 car parking spaces for the proposed new restaurant should be provided; and
- (h) TD had requested that a TIA should be submitted for their comment. The imposition of an approval condition requiring submission of a revised TIA would help address the concerns raised by TD and could be enforced in the general building plans submission stage. Besides, TD would continue to monitor the traffic condition of the road network in the surrounding area and implement suitable traffic management and improvement measures, if necessary.

19. In response, Mr Kenneth To, Ms Sylvia Chung and Ms Iris Tam, the applicants' representatives, made the following main points:

MICE activities and F&B facilities

- (a) the Nina Tower development was completed in 2006 and the subject premises was designed for exhibition and convention uses which were ancillary uses of the hotel. The current proposed restaurant was intended to serve the hotel guests and participants of MICE activities with meals which was considered an ancillary use of the existing hotel, though it could

not preclude the public from patronising. From their perspective, all patrons of the proposed new restaurant in the hotel were hotel guests, including those patrons who might not be staying in the hotel rooms. The application for minor relaxation of PR would help to realise the full development potential of the site under the applicants' entitlement;

[Mr Sunny L.K. Ho left the meeting at this point.]

- (b) as shown earlier in the HKTB's letter, there was collaboration opportunity with HKTB for MICE events if all the required facilities were provided within the hotel. There were also incidents that they had to turn down requests due to limited provision of F&B facilities;
- (c) the existing F&B facilities were providing around 500 seats, the proposed new restaurant would provide similar number of seats which would make up for more than a thousand seats in the future;
- (d) the occupancy rate of the hotel rooms were mostly about 90% last year, however, owing to the limited provision of F&B facilities, the hotel had declined large international conferences and could only hold medium size conference/exhibition activities and thus utilisation rate of the exhibition hall was rather low. There were only 8 to 10 MICE events occupying about 30 to 35 business days last year;
- (e) the proposed new restaurant at Level 6 was intended to provide service to hotel guests and MICE participants and would not be used for banquet purpose as there were dedicated and purposed-design function rooms and existing banquet facilities at Level 7 of the hotel. The internal setting of the proposed new restaurant would be akin to a general eating place with small tables and would not be suitable for banquet use;
- (f) the proposed new restaurant would not affect the existing exhibition space as the conversion would only involve lowering the floor height.

Nevertheless, the resulting floor height would still be sufficient to carry out the exhibition and conferences activities;

- (g) the businesses in the existing commercial podium were operating well and retail facilities were required to support the demand arising from the increase in pedestrian flow generated by the adjacent West Rail Station. Besides, the adjacent developments were not under the ownership/management of the owner of Nina Hotel and arrangement for share uses would be difficult. It was also very essential to provide breakfast and lunch under one roof for participants of the MICE activities;
- (h) the hotel had often been in partnership with community groups in holding public events as provision of community services was one of the main objectives of the Estate of Nina Wang;

Traffic Aspects

- (i) if a revised TIA was to be submitted before the review hearing, the hearing date would have to be deferred, which would lengthen the development programme. Although a revised TIA had not yet been submitted, a preliminary assessment revealed that the impact of an increase of 9 pcus per hour in traffic flow was very insignificant;
- (j) amendments to the internal pedestrian walkway system were submitted to the Government earlier and had already been approved. Taking into account the business conditions in the past few years, it was a commercial decision to upgrade the existing hotel facilities; and
- (k) the alteration works would take place within the existing building envelope and would not result in any increase in building bulk.

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

20. The Chairperson supplemented that a steering group had already been set up to consolidate and rationalize the standards and definitions adopted by relevant departments under the steer of the DEVB in scrutinising development projects. The steering group would review the standards and definitions of various development control parameters by phases.

21. As Members had no further question, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicants' representatives and inform the applicants of the Board's decision in due course. The Chairperson thanked the representatives of the applicants and the Government for attending the meeting. They left the meeting at this point.

[The meeting was adjourned for a 10-minute break.]

[Dr C.H. Hau left the meeting at this point.]

Deliberation Session

22. The Chairperson recapitulated that the review application was for minor relaxation of the PR restriction from 9.5 to 9.6143 to allow additional GFA accommodating a proposed new restaurant to be operated within the existing hotel, and without increasing the existing building bulk. As such, the pedestrian walkway was not the subject of application and Members should focus the discussion on the minor relaxation of PR for the proposed new restaurant. The Chairperson recapitulated that MPC had rejected the application for the reasons that there was no strong planning and design merits and on traffic grounds. On the first reason, she suggested that a wider perspective might be adopted to assess the planning merit of the case. On the second reason, the Board should take note of TD's confirmation at the earlier part of the meeting that there was no parking standard specifically for restaurant use within a hotel under the HKPSG.

23. Some Members supported the proposed minor relaxation of PR and they had the following views:

- (a) should the standard of GFA calculation adopted by relevant departments be aligned, the subject application would not be necessary. The application was just technical in nature to align the difference in GFA calculations and exemption by government departments arising from the internal pedestrian walkway;
- (b) the application for such a minor increase in PR would likely be approved if the development was still under construction and the applicants had demonstrated that amendment to the building layout would still be feasible to accommodate the required facilities;
- (c) the proposed new restaurant was a response to the changing social and commercial circumstances, and the amendment was considered very minor and the proposed use was an ancillary hotel facility;
- (d) there would be no change in the building bulk and adverse visual and air ventilation impacts were not envisaged;
- (e) there was a genuine need for hotel conference and exhibition facilities, in particular outside the core commercial areas, to cater for the need of a wider range of MICE activities in Hong Kong. From the experiences in international conferences, provision of breakfast and lunch in the same location was a common practice and was very much welcomed by users. Accommodating the facilities for MICE activities under one roof and upgrading of the existing hotel facilities might be regarded as planning merits in the wider context;
- (f) the site was zoned “Commercial” (“C”) and ‘Eating Place’ was always permitted, the proposed new restaurant was to realise the planning intention;
- (g) the site was close to the West Rail Station and additional parking spaces should not be essential; after all members of the public should be encouraged to use public transport. The increase in traffic generation due to the proposed new restaurant would also be insignificant; and

- (h) TD had no objection to the proposed new restaurant and only had concern if the restaurant would be open to the general public and used for conference and banquet purposes. In this regard, the Board should not and could not micro-manage the operation of a restaurant; after all the patronage of the hotel and retail facilities in Nina Tower and the flow of people in and out of the area could vary from time to time depending on the attractiveness of the events/shops therein. The applicants' representatives had mentioned in the presentation that there would only be an increase of 9 pcu per hour in traffic flow and TD considered that the traffic assessment on trip generation was acceptable. The applicants had also demonstrated in the meeting that additional car parking facilities, if required, could be accommodated within the site. Besides, the applicants agreed that an approval condition could be imposed for provision of car parking and L/UL facilities for the proposed new restaurant and submission of a revised TIA as requested by TD.

24. However, some Members did not support the application. They had the following views :

- (a) although the application might not be necessary upon alignment of the GFA calculation adopted by relevant departments, the current planning application mechanism in force should be respected. Regularisation of discrepancies in the development control parameters among government departments was not the role of the Board;
- (b) the low provision of F&B facilities in the early development stage of Nina Tower was the applicants' own business decision. There was no evidence that the provision of the additional F&B facilities could enhance the overall MICE industry that might constitute a planning gain;
- (c) the applicants had advised in the meeting that they would not be able to prohibit the public from using the proposed new restaurant and there was no mechanism to control whether the proposed new restaurant would be used for banquet purpose;

- (d) the applicants did not provide new information for the review application to demonstrate that the proposed minor relaxation would not result in adverse traffic impacts and a revised TIA had not been submitted. There was no new justification to revert the decision of the MPC; and
- (e) the four similar applications quoted by the applicants were only a few examples among the many applications for minor relaxation, and each application should be considered based on the individual merits of the proposal.

[Messrs Daniel K.S. Lau, Andy S.H. Lam, Wilson Y.W. Fung, Lincoln L.H. Huang, Ricky W.Y. Yu, Philip S.L. Kan, Dr Lawrence K.C. Li, Ms Lilian S.K. Law and Professor Jonathan W.C. Wong left the meeting during the discussion.]

25. In response to a Member's question on whether the proposed additional floor areas would be allowed under the existing lease, Ms Karen P.Y. Chan, Deputy Director of Lands/General, said that the proposed additional floor areas would be allowed under the existing lease but the premium paid by the lot owner might not reflect such additional floor areas which were not permissible under the relevant OZP at that time. In assessing land value of a development site, restrictions under the Outline Zoning Plan would normally be adopted if such restrictions were more stringent than those specified under the lease.

26. In response to the Chairperson's question, the Secretary said that the applicants had submitted a supplementary traffic review with a sensitivity test conducted in support of the review application, and indicated that they would accept an approval condition requiring submission of a revised TIA should the application be approved. Mr Raymond K.W. Lee, Director of Planning, added that the applicants' representatives had made further elaboration in their presentation that the proposed new restaurant would only attract 9 pcu per hour in traffic flow and the impact was insignificant. The applicants had also demonstrated that provision of additional car parking spaces within the hotel in meeting TD's request would be feasible.

[Mr Elvis W.K. Au left the meeting at this point.]

27. The Chairperson, in summing up Members' views on the application, noted that more Members were in support of the proposed minor relaxation of PR to cater for the proposed new restaurant. She also noted that Members generally considered it prudent to impose an approval condition on submission of a revised TIA.

28. After further deliberation, the Board decided to approve the application on review, on the terms of the application as submitted to the Board. The reasons for approval were:

- (a) while MPC had previously rejected the application on the ground, amongst others, that there was no strong planning and design merits to justify the minor relaxation of PR, the expectation for planning gain was usually applicable to cases of new development and would be less relevant in the subject case involving no change to the building bulk of an existing building. Seen from a wider perspective, the minor relaxation being sought would help optimise the utilisation of the existing building and would represent more gainful use of limited land resources to support uses always permitted for the "Commercial" zone; and
- (b) while the MPC had previously considered that the application should not be supported because of TD's concern over adverse traffic impacts, TD had clarified with the Board that the HKPSG did not have a parking standard specifically for restaurants within a hotel and that the maximum trip generation/attraction of about 9 pcus per hour for a restaurant with an area of 2,547m² as estimated by the applicant was considered acceptable. As regards TD's requirement for a TIA, the applicant had indicated readiness to follow up accordingly.

29. The Board further decided that the permission should be valid until 12.10.2022, 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 of a revised Traffic Impact Assessment and provision of car parking spaces and loading/unloading facilities based on applicable standards set out in HKPSG to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission and implementation of fire service installations and water supplies for fire-fighting proposals to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission of a revised Sewerage Impact Assessment and implementation of the recommendations therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.”

29. The Board also agreed to advise the applicants to note the advisory clauses as set out at Annex H of the Paper.

30. As the Chairperson had to leave the meeting for another urgent and prior engagement, the Vice-chairperson took up the chairmanship of the meeting at this point.

[Ms Bernadette H.H. Linn, Dr Lawrence W.C. Poon, Messrs Alex T.H. Lai, Stephen L.H. Liu and Paul Y.K. Au left the meeting at this point.]

Sha Tin, Tai Po & North District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-KLH/544

Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 521 S.A in D.D. 9, Yuen Leng Village, Kau Lung Hang, Tai Po

(TPB Paper No. 10479)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

31. Ms Jessica H.F. Chu, District Planning Officer/Sha Tin, Tai Po & North District, Planning Department (DPO/STN, PlanD) was invited to the meeting at this point.

32. The Vice-chairperson extended a welcome and informed the meeting that the applicant had decided not to attend the hearing. He then invited PlanD’s representative to brief Members on the review application.

33. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, PlanD, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), public comments and planning considerations and assessments as detailed in TPB Paper No. 10479 (the Paper).

34. As the presentation of PlanD’s representative was completed, the Vice-chairperson invited questions from Members.

35. In response to a Member’s question on why there was no programme for the implementation of the concerned sewerage works, Ms Jessica H.F. Chu, DPO/ STN, PlanD, said that the alignment of the proposed sewerage system had not yet been agreed due to the complication of land ownership issue. As there was no public sewerage to serve the

proposed Small House, the use of septic tank and soakaway system would be the only alternative way to discharge the wastewater. However, the septic tank and soakaway system proposed by the applicant was not acceptable to the Environmental Protection Department and Water Supplies Department and the site was located within the water gathering ground.

36. As Members had further no question, the Vice-chairperson thanked Ms Chu for attending the meeting. Ms Chu left the meeting at this point.

Deliberation Session

37. Members considered that there was no major change in planning circumstances for the site and the reasons for rejection made by the RNTPC, as stated in paragraph 1.2 of the Paper, were still valid.

38. After deliberation, the Board decided to reject the application on review. The reasons for rejection were:

- “ (a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the current submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the water gathering ground is not able to be connected to the existing/planned sewerage system in the area as there is no fixed programme for implementation of such system at this juncture;
- (c) the applicant fails to demonstrate that the proposed development located

within the water gathering ground would not cause adverse impact on the water quality in the area;

- (d) the proposed development would be subject to adverse noise impact generated by the East Rail nearby, and there is no information in the submission to demonstrate that the proposed development will be in compliance with the Noise Control Ordinance (Cap. 400); and
- (e) land is still available within the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Sai Kung and Islands District

Agenda Item 5

Request for Deferment of Review of Application No. A/SK-PK/240

Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 470 S.B RP in D.D. 222, Pak Kong, Sai Kung

Agenda Item 6

Request for Deferment of Review of Application No. A/SK-PK/241

Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 470 S.B ss.3 in D.D. 222, Pak Kong, Sai Kung

(TPB Paper No. 10480)

[The items were conducted in Cantonese.]

39. The Vice-chairperson said that as the applications under Agenda Items 5 and 6 were similar in nature and the sites were located next to one another and within the same “Green Belt” (“GB”) zone, the items would be considered together.

40. Members noted that the applicants' representative requested on 3.10.2018 deferment of the consideration of the review applications for two months so as to allow time to consult relevant government departments. This was the second time that the applicants requested deferment of the review applications.

41. Members noted that the justification for deferment met the criteria for deferment as set out in 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) in that the applicants needed more time to prepare further information in response to departmental comments, the deferment period was not indefinite, and that the deferment would not affect the interests of other parties.

42. After deliberation, the Board agreed to defer a decision on the review applications, as requested by the applicants, pending the submission of further information (FI) by the applicants. The Board also agreed that the review applications would be submitted to the Board for consideration within three months upon receipt of FI from the applicants. If the FI submitted by the applicants was not substantial and could be processed within a shorter time, the review applications could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicants that the Board had allowed a total of four months for preparation of submission of FI, and no further deferment would be granted unless under very special circumstances.

Procedural Matters

Agenda Item 7

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Wan Chai Outline Zoning Plan No. S/H5/28

(TPB Paper No. 10481)

[The item will be conducted in Cantonese.]

43. The Secretary reported that the following Members had declared interests on the item for owning properties in Wan Chai and/or having affiliation/business dealings the representers or their consultant, Lee Theatre Realty Limited (Lee Theatre) (R2), Leighton Property Company Limited (Leighton) (R3) (both are subsidiaries of Hysan Development Co. Ltd (Hysan)) and Ms Mary Mulvihill (R110/C5), and Masterplan Limited (representative of R2 to R4):

- | | | |
|---------------------|---|--|
| Mr Thomas O.S. Ho | - | having current business dealings with Hysan |
| Mr Stephen L.H. Liu | - | having past business dealings with Hysan |
| Mr K.K. Cheung |] | their firm hiring Mary Mulvihill on a contract basis from time to time |
| Mr Alex T.H. Lai |] | |
| Mr Ivan C.S. Fu | - | having current business dealings with Masterplan Limited |
| Mr Ricky W.Y. Yu | - | having Lee Hysan Foundation sponsored some of his projects and being the Director and Chief Executive Officer of Light Be which had received donation from the Foundation before |

- Ms Lilian S.K. Law - having Lee Hysan Foundation sponsored some of the activities of the Boys' and Girls' Clubs Association of Hong Kong, in which she was an ex-Executive Director and committee member, and spouse serving an honorary post at Ruttonjee Hospital
- Professor Jonathan W.C. Wong] having Lee Hysan Foundation sponsored
] some of their projects before
Mr L.T. Kwok]
- Mr David Y.T. Lui - co-owning with spouse a flat at Star Street
- Miss Winnie W.M. Ng - her company owning an office at Queen's Road East, Wan Chai
- Mr Stephen H.B. Yau - his office locating at Southorn Centre, Wan Chai

44. Members noted that Mr Stephen H.B. Yau, Mr K.K. Cheung and Mr L.T. Kwok had tendered apologies for being unable to attend the meeting. Members also noted that Messrs Thomas O.S. Ho, Ivan C.S. Fu, Ricky W.Y. Yu, Stephen L.H. Liu, Alex T.H. Lai, Professor Jonathan W.C. Wong and Ms Lilian S.K. Law had already left the meeting. As the item was procedural in nature, Members agreed the other Members could stay in the meeting.

45. The Secretary briefly introduced the TPB Paper No. 10481 (the Paper). On 4.5.2018, the draft OZP was exhibited for public inspection. A total of 75 representations and 9 comments were received. Among the 75 representations, five were supporting and 70 were opposing representations. Among the 9 comments, six supported the representations requesting further relaxation of building height restrictions (BHR). Two opposed all/some Items and further relaxation of BHR, and one provided views on property rights.

46. Since the representations/comments were of similar nature, it was suggested that the hearing would be considered by the full Board collectively in one group either in the regular meeting or a separate hearing session. To ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer and commenter in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for December 2018/January 2019.

47. After deliberation, the Board agreed that:

- (a) the representations and comments should be considered collectively in one group by the Board itself; and
- (b) a 10-minute presentation time would be allotted to each representer and commenter.

Agenda Item 8

[Open Meeting]

Submission of Draft Causeway Bay Outline Zoning Plan No. S/H6/16A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 10482)

[The item will be conducted in Cantonese.]

48. The Secretary reported that the following Members had declared interests on the item for owning properties in the Causeway Bay area/its vicinity; and/or having affiliation/business dealings with the representers, Hysan Development Co. Ltd. (Hysan) (R102), the mother company of Barrowgate Limited (R103), the affiliated companies of Excelsior Hotel (BVI) Limited (Excelsior) (C1), including the Jardines Group Companies (Jardines), Hongkong Land Ltd. (HKL) and Mandarin Oriental, Owners' Committee of Illumination Terrace (R245) and/or Ms Mary Mulvihill (R110/C5):

- Ms Bernadette H.H. Linn
(Chairperson) - co-owning with spouse a self- occupying flat and a car parking space at Broadwood Road, Happy Valley
- Ms Jacinta K.C. Woo
(Secretary) - self-occupying a flat at Tai Hang Road
- Ms Sandy H.Y. Wong - being an ex-employee of Maxim’s Group Companies, an associate company of Jardines, and self-occupying a flat at Illumination Terrace, Tai Hang
- Mr Wilson Y.W. Fung - being an ex-employee of Jardines
- Mr Thomas O.S. Ho - having current business dealings with Hysan and HKL
- Mr Ivan C.S. Fu - having current business dealings with HKL
- Mr K.K. Cheung - co-owning with spouse a flat at The Leighton Hill, Happy Valley and his firm having current business dealings with Jardines, HKL and Mandarin Oriental and hiring Ms Mary Mulvihill on a contract basis from time to time
- Mr Alex T.H. Lai - parent co-owning a flat at The Leighton Hill, and his firm having current business dealings with Jardines, HKL and Mandarin Oriental and hiring Ms Mary Mulvihill on a contract basis from time to time
- Mr Stephen L.H. Liu - having past business dealings with Hysan and HKL

- Dr Lawrence K.C. Li - co-owning with spouse a flat at Tai Hang Road
- Mr Franklin Yu - owning a unit at Stubbs Road, Wan Chai
- Professor Jonathan W.C. Wong] having Lee Hysan Foundation sponsored some of
Mr L.T. Kwok] their projects before
- Ms Lilian S.K. Law - co-owning with spouse a flat at Ventris Road,
Happy Valley and having Lee Hysan Foundation
sponsored some of the activities of the Boys' and
Girls' Clubs Association of Hong Kong, in which
she was an ex-Executive Director and committee
member before
- Mr Ricky W.Y. Yu - having Lee Hysan Foundation sponsored some of
his projects and being the Director and Chief
Executive Officer of Light Be which has received
donation from the Foundation before

49. Members noted that Mr K.K. Cheung and Mr L.T. Kwok had tendered apologies for being unable to attend the meeting. Members also noted that Ms Bernadette H.H. Linn, Messrs Wilson Y.W. Fung, Thomas O.S. Ho, Ivan C.S. Fu, Alex T.H. Lai, Stephen L.H. Liu, Ricky W.Y. Yu, Dr Lawrence K.C. Li, Ms Lilian S.K. Law and Professor Jonathan W.C. Wong had already left the meeting. As the item was procedural in nature, Members agreed the other Members could stay in the meeting.

50. The Secretary briefly introduced the TPB Paper No. 10482. On 26.1.2018, the draft Causeway Bay Outline Zoning Plan (OZP) No. S/H6/16 was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). A total of 247 representations and seven comments were received. After giving consideration to the representations and comments under section 6B(1) of the Ordinance on 14.9.2018, the Board decided not to propose any amendment to the draft OZP to meet the representations under

section 6B(8) of the Ordinance. Since the representation consideration process had been completed, the draft OZP together with its Note and updated Explanatory Statement (ES) was now ready for submission to the Chief Executive in Council (CE in C).

51. After deliberation, the Board:

- (c) agreed that the draft Causeway Bay OZP No. S/H6/16A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (d) endorsed the updated ES for the draft Causeway Bay OZP No. S/H6/16A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land use zonings on the draft OZP and to be issued under the name of the Board; and
- (e) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 9

[Open Meeting]

Any Other Business

Revision to Application Forms and Guidance Notes for Applications Submitted under Sections 12A and 16 of the Town Planning Ordinance

[The item was conducted in Cantonese.]

52. The Secretary reported that the Secretariat was in the process of revising the application forms to make them more user-friendly and to facilitate information retrieval. The relevant Guidance Notes of Application would also be revised accordingly.

53. The Secretariat would consult the Planning Sub-Committee of the Land and Development Advisory Committee shortly to seek the views and comments of relevant stakeholders on the revised application forms and Guidance Notes before submitting them to

the Board for consideration and endorsement.

54. There being no other business, the meeting was closed at 1:45 p.m.