

TOWN PLANNING BOARD

**Minutes of 322nd Meeting of the
Metro Planning Committee held at 9:00 a.m. on 3.3.2006**

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Mr. K.G. McKinnell

Mr. S.L. Ng

Dr. Greg C.Y. Wong

Mr. Tony W.C. Tse

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Mr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. Anthony Loo

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. Elvis W.K. Au

Assistant Director (Kowloon), Lands Department
Mr. James Merritt

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Dr. Peter K.K. Wong

Dr. Alex S.K. Chan

Dr. Rebecca L.H. Chiu

Mrs. Angelina P.L. Lee

Mr. Erwin A. Hardy

Professor Bernard V.W.F. Lim

Assistant Director(2), Home Affairs Department
Ms. Margaret Hsia

In Attendance

Assistant Director of Planning/Board
Mr. S. Lau

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board
Mr. Tony Y.C. Wu

Agenda Item 1

Confirmation of the Draft Minutes of the 321st MPC Meeting held on 17.2.2006

1. The draft minutes of the 321st MPC meeting held on 17.2.2006 were confirmed subject to the following amendments:

- (a) deleting 'for amendment to the draft Tsuen Wan OZP' in the second line of paragraph 74; and
- (b) deleting 'Deputy' in the second line and replacing 'an Alternate Member' with 'a Member' in the third line of paragraph 75.

Agenda Item 2

Matters Arising

2. There were no matters arising from the last meeting.

Tsuen Wan and West Kowloon District

[Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Mr. Louis K.H. Kau, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/K1/214 Proposed Hotel
in "Residential (Group A)" zone,
13/F, Cyber Plaza,
237-247 Temple Street, Jordan
(KIL 3295RP, 3296RP, 3297, 3298, 3299 and 3300)
(MPC Paper No. A/K1/214)
-

Presentation and Question Session

3. Mr. Louis K.H. Kau, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comments were received during the publication period and no local objection was received by the District Officer. The District Officer had relayed the comments of a member of the relevant Area Committee who considered that the proposed hotel should comply with all relevant requirements of Government departments and should not affect the traffic and pedestrian safety in particular, and the Government departments should consider the actual usage of the hotel when processing the hotel licence application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the proposed hotel was not incompatible with the existing commercial uses in the same building and the surrounding land uses, and would not have adverse impact on the nearby areas.

4. Members had no questions on the application.

[Messrs. Leslie H.C. Chen and Daniel B.M. To arrived to join the meeting at this point.]

Deliberation Session

5. A Member noted from paragraph 5 of the Paper that a previous application for hotel use at the subject site was rejected by the Committee in 1997 for the reason that the proposed plot ratio (PR) exceeded the relevant restriction specified in the Outline Zoning Plan. Noting that some floors of the subject building had already been converted to hotel use and further applications for in-situ conversion of individual floors to hotel use was possible, this Member raised the concern that this might allow a back-door way to obtain a higher plot ratio (PR) for hotel use. The Secretary responded that the previous and current applications were of different circumstances as the former involved a new development while the latter involved an existing building completed in accordance with all legal requirements. The Secretary also said that since the Building Authority could grant hotel concession and treat the hotel part of a building which satisfied the criteria under Building Department's Practice Note for Authorized Persons and Registered Structural Engineers 111 as non-domestic gross floor area (GFA) for PR calculation purpose, there would be no increase in non-domestic GFA and PR upon in-situ conversion of part of the existing commercial/office building to hotel use.

6. Another Member noted from paragraph 4.2 of the Paper that there were already 60 guestrooms in the subject building and asked whether provision of car parking facilities would be required if additional guestrooms were provided. Ms. Heidi Y.M. Chan, DPO/TWK, replied that according to the Hong Kong Planning Standards and Guidelines, one car parking space should be provided per 100 guestrooms in the main urban areas. Approval of the application would increase the total number of guestrooms in the building to 67, which would still not reach the relevant threshold. The Transport Department raised no objection to the application. Mr. Anthony Loo confirmed that the threshold for provision of parking and loading/unloading facilities was 100 guestrooms in the main urban areas.

7. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition of the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 3.3.2010, 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.

8. The Committee also agreed to advise the applicant that :

- (a) planning application(s) for the hotels which were currently being operated on 5/F, 7/F, 8/F, 11/F and 15/F of the subject building should be submitted to the Town Planning Board for consideration;
- (b) the Director of Buildings should be consulted on matters related to the compliance with the Buildings Ordinance and Regulations;
- (c) the application for hotel concession under Building (Planning) Regulation 23A would be considered upon formal submission of building plans subject to compliance with the criteria under the Practice Note for Authorized Persons and Registered Structural Engineers 111;
- (d) the Director of Fire Services should be consulted on the fire safety requirements for the application premises;
- (e) acoustic insulation in the form of well gasketed windows (as per Appendix 4.4 of Chapter 9 of the Hong Kong Planning Standards and Guidelines) and air-conditioning should be provided to abate the traffic noise impact on the affected noise sensitive areas of the proposed hotel; and
- (f) the Chief Officer/Licensing Authority of the Home Affairs Department should be consulted on the licensing requirements for the proposed hotel. Prior to application for a guesthouse licence under the Hotel and Guesthouse Accommodation Ordinance, the approval by the Building Authority on the change in use from non-domestic to domestic use was required.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/K2/175 Massage Establishment
 in “Commercial” zone,
 3/F, Tai Wo Commercial Building,
 513 Nathan Road, Yau Ma Tei
 (MPC Paper No. A/K2/175)
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Presentation and Question Session

9. Mr. Louis K.H. Kau, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed massage establishment;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) two public comments were received during the publication period. One of the comments was submitted by the Incorporated Owners of the subject building raising objection to the application due to the concern on the security management of the building. The other comment was submitted by a Yau Tsim Mong District Councillor who indicated no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper in that the proposed massage establishment was in compliance with the Town Planning Board Guidelines No. 14B for Application for Commercial Bathhouse and Massage Establishment. Regarding the local concern on the security management of the subject building, the applicant had responded that the building was under regular patrol by security officers on

a 24-hour basis and there were also other uses within the building which operated late at night.

10. Members had no questions on the application.

Deliberation Session

11. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition of the provision of fire services installations to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 3.3.2010, 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.

12. The Committee also agreed to advise the applicant that :

- (a) the Chief Building Surveyor/Kowloon, Buildings Department should be consulted on the buildings requirements for the massage establishment at the premises;
- (b) the Commissioner for Police should be consulted on the licensing requirement for the massage establishment at the premises; and
- (c) the Director of Food and Environmental Hygiene should be consulted on the licensing requirement for commercial bathhouse if the massage establishment at the premises involved bathing services to the customers.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/K3/480 Office, Shops and Services (Showroom)
in “Residential (Group E)” zone,
Workshop A, G/F, Yip Kwong Industrial Building,
39-41 Beech Street, Tai Kok Tsui
(KIL 6351 and 6352)
(MPC Paper No. A/K3/480)
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Presentation and Question Session

13. Mr. Louis K.H. Kau, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the office, and shop and services (showroom) uses under application;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) one public comment was received during the publication period from a Yau Tsim Mong District Councillor, who indicated agreement to the application. According to the District Officer (Yau Tsim Mong), the Chairman of Yau Tsim Mong West Area Committee (YTMWAC) had no objection to the application provided that it would not lead to obstruction of the pavement in the vicinity; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper in that the uses were not incompatible with the existing uses in the subject industrial building and surrounding developments, and had no adverse impact on the nearby areas.

14. In response to the Chairman's enquiry, Ms. Heidi Y.M. Chan, DPO/TWK, said that the Chairman of YTMWAC was concerned that the applicants would put their goods on the pavement adjoining the application premises leading to obstruction to pedestrian flow, as could be found in the photograph at Plan A-4 of the Paper.

Deliberation Session

15. The Chairman considered that the uses applied for were acceptable but the local concern on the possibility of obstruction to the pavement should be duly addressed. He suggested and Members agreed that should the application be approved, an advisory clause should be incorporated to remind the applicants not to put their goods on the pavement adjoining the premises.

16. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board and subject to the condition that the showroom at the premises should only be used for the display of aluminium and glass products.

17. The Committee also agreed to advise the applicants that :

- (a) no goods should be put on the pavement adjoining the premises to avoid obstruction to pedestrian flow;
- (b) the Chief Building Surveyor/Kowloon, Buildings Department should be consulted on the buildings requirements for the office and showroom uses at the premises;
- (c) the Director of Fire Services should be consulted on the fire safety aspect of the office and showroom uses at the premises; and
- (d) the District Lands Officer/Kowloon West, Lands Department should be consulted on the land lease matters for the office and showroom uses at the premises.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/K3/481 Industrial Use (Metalwork Workshop)
in “Residential (Group E)” zone,
Workshop B, G/F, Yip Kwong Industrial Building,
39-41 Beech Street, Tai Kok Tsui
(KIL 6351 and 6352)
(MPC Paper No. A/K3/481)
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Presentation and Question Session

18. Mr. Louis K.H. Kau, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the industrial use (metalwork workshop) under application;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the publication period. According to the District Officer (Yau Tsim Mong), the Chairman of Yau Tsim Mong West Area Committee (YTMWAC) had no objection to the application provided that it would not lead to obstruction of the pavement in the vicinity; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper in that the use was not incompatible with the existing uses in the subject industrial building and had no adverse impact on the nearby areas.

19. Referring to paragraph 2(a) of the Paper, a Member asked why the current use of metalwork workshop at the premises was in breach of the lease. Ms. Heidi Y.M. Chan, DPO/TWK, replied that the metalwork workshop was considered as an offensive trade by the District Lands Officer/Kowloon West (DLO/KW) and was not allowed under the lease. Mr. James Merritt said that although the current use was in breach of the lease, the DLO/KW had no objection to the application.

Deliberation Session

20. A Member asked if the metalwork workshop was a polluting or non-polluting industrial use. Referring to the Definition of Terms endorsed by the Town Planning Board, the Secretary explained that 'non-polluting industrial use' meant any industrial use which did not involve activities that were detrimental to the occupants of the building and amenity of the area by reason of noise, waste water discharge, vibration, smell, fume, smoke, soot, ash, dust or grit. Judging from the activities involved, metalwork workshop would be considered as a polluting industrial use and required planning permission. The Chairman remarked that there were no adverse comments from concerned Government departments, including the Environmental Protection Department, on the application.

21. To address the local concern on the possibility of obstruction of the pavement, Members also agreed that should the application be approved, an advisory clause should be incorporated to remind the applicants not to put their goods on the pavement adjoining the premises.

22. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board.

23. The Committee also agreed to advise the applicant that :

- (a) no goods should be put on the pavement adjoining the premises to avoid obstruction to pedestrian flow;
- (b) the Director of Fire Services should be consulted on the fire safety aspect

of the industrial use at the premises; and

- (c) the District Lands Officer/Kowloon West, Lands Department should be consulted on the land lease matters for the industrial use at the premises.

[Dr. Greg C.Y. Wong left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session only)]

- (v) A/TWW/82 Proposed Residential Development
and Private Swimming Pool
in “Residential (Group C)3” and “Green Belt” zones,
Lots 387RP and 417 in DD 399, Ting Kau,
Tsuen Wan West
(MPC Paper No. A/TWW/82)
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24. As the application was submitted by the Citijoy Limited, which was a subsidiary company of the Sun Hung Kai Properties Limited (SHKPL), Dr. Greg C.Y. Wong, Mrs. Angelina P.L. Lee and Dr. Alex S.K. Chan had declared interests in this item for having current business dealings with SHKPL. Mrs. Lee and Dr. Chan had tendered their apologies for being unable to attend the meeting. Dr. Wong had left the meeting temporarily.

Presentation and Question Session

25. Referring to the supplementary paper tabled at the meeting, Ms. Heidi Y.M. Chan, DPO/TWK, said that the applicant had submitted further information on 27.2.2006 to address the comments raised by various Government departments on the application. The applicant’s further information had been circulated to relevant departments for comments but no response had yet been received. To allow time for departmental comments, Members were invited to consider whether the consideration of the application should be deferred. Should it be deferred, the application would be submitted to the Committee for consideration as soon as the departmental comments were received and in any case within two months from the date of receipt of the said further information from the applicant.

Deliberation Session

26. After deliberation, the Committee decided to defer a decision on the application pending the availability of departmental comments on the further information submitted by the applicant. It was also agreed that the application should be submitted to the Committee for consideration as soon as the departmental comments were received and in any case within two months from the date of receipt of the further information.

[The Chairman thanked Ms. Heidi Y.M. Chan, DPO/TWK, and Mr. Louis K.H. Kau, STP/TWK, for their attendance to answer Members' enquiries. Ms. Chan and Mr. Kau left the meeting at this point.]

Kowloon District

[Mr. Raymond K.W. Lee, District Planning Officer/Kowloon (DPO/K), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Session only)]

A/K11/173 Shop and Services
in "Other Specified Uses" annotated "Business" zone,
Portions of C1, C2, C3, C4, C5A, C5B and C6 of Workshop Unit C,
G/F, Startex Industrial Building,
14 Tai Yau Street, San Po Kong
(MPC Paper No. A/K11/173)

Presentation and Question Session

27. Mr. Raymond K.W. Lee, 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 use;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comments were received during the publication period and no local objection was received from the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the proposed use was in line with the Town Planning Board Guidelines No.22 for Development within the “Other Specified Uses (Business)” (“OU(B)”) Zone and the planning intention of the “OU(B)” zone, and would not induce significant adverse impacts on the developments within the subject building and adjacent areas.

28. Members had no questions on the application.

Deliberation Session

29. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including complete separation of the proposed shop and services use from the

industrial portion of the subject building by proper fire resistance construction and design and provision of means of escape and fire service installations in the subject premises, within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 3.9.2006; and

- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

30. The Committee also agreed to advise the applicant to :

- (a) consult the District Lands Officer/Kowloon East, Lands Department on the need of a temporary waiver for the shop and services use under application including the size of the application premises;
- (b) consult the Food and Environmental Hygiene Department regarding food licence under the Food Business Regulation;
- (c) consult the Director of Buildings regarding the provision of a fire resistance separating wall between the application premises and the remaining area of the building, and the provision of sanitary fitments as well as disabled access and facilities for the application premises;
- (d) consult the Director of Buildings regarding the removal of the unauthorized cockloft and associated staircase within the application premises and note that this planning permission did not cover the unauthorized cocklofts and associated staircase; and
- (e) note that no vehicular access from Tai Yau Street to the application premises would be allowed.

[The Chairman thanked Mr. Raymond K.W. Lee, DPO/K, for his attendance to answer

Members' enquiries. Mr. Lee left the meeting at this point.]

Hong Kong District

[Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), and Mrs. Alice Mak, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

Agenda Item 5

[Open Meeting]

Proposed Amendments to the

Approved Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/20

(MPC Paper No. 7/06)

31. As this item involved a technical amendment to the approved Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) which was related with the draft Urban Renewal Authority (URA) Yu Lok Lane/Centre Street Development Scheme Plan (DSP), the following Members had declared interests:

- | | |
|--|---|
| Mr. Bosco C.K. Fung
as the Director of Planning | - Being a non-executive director of the URA; |
| Ms. Margaret Hsia
as the Assistant Director (2) of
the Home Affairs Department | - Being a co-opt member of the Planning, Development and Conservation Committee of the URA; |
| Dr. Alex S.K. Chan | - being a co-opt member of the Review Committee of the URA; |
| Dr. Greg C.Y. Wong | - having current business dealings with the URA; |
| Mrs. Angelina P.L. Lee | - having current business dealings with the URA; and |

Mr. Tony W.C. Tse

- being a former director of the URA.

32. Members noted that the said DSP had already been agreed by the Town Planning Board (the Board) as suitable for publication on 24.2.2006 and the amendment to the OZP was technical in nature. Since the Vice-chairman was not present at the meeting, the Committee agreed that the Chairman should continue to chair the meeting by necessity. The Committee also agreed that Mr. Tse could stay at the meeting. Both the Chairman and Mr. Tse would not participate in the discussion in relation to the subject technical amendment. Ms. Hsia, Dr. Chan, Mrs. Lee had tendered their apologies for being unable to attend the meeting and Dr. Wong had left the meeting temporarily.

33. Mrs. Alice Mak, STP/HK, presented the proposed amendments to the OZP and covered the following aspects as detailed in the Paper:

- (a) on 24.2.2006, the Board agreed that the draft URA Yu Lok Lane/Centre Street DSP No. S/H3/URA2/A was suitable for exhibition under section 5 of the Town Planning Ordinance (TPO). In accordance with section 25(9) of the Urban Renewal Authority Ordinance (URAO), the draft DSP should replace or amend the OZP in respect of the concerned area from the date when the draft DSP was exhibited. To reflect the above, a technical amendment to the OZP to excise the area delineated and described in the draft DSP was proposed;
- (b) in considering the objections to 11 draft OZPs on 4.2.2005, the Board requested the Planning Department to separately review the sites zoned "Open Space" ("O") which involved private land on individual OZPs. If there was no intention to develop the concerned "O" sites as public open space in the long term, they should be rezoned to other more appropriate zoning. A review of the "O" zones in the Sai Ying Pun and Sheung Wan area had been completed and it was recommended that the "O" zoning of the relevant sites should be retained for reasons detailed in paragraph 4 of

the Paper; and

- (c) amendments to the Notes of the OZP were proposed to reflect the revised Master Schedule of Notes to Statutory Plans endorsed by the Board.

34. A Member asked why it was necessary to excise the area delineated in the draft DSP from the OZP, while the boundary of the DSP might be amended upon consideration of representations on the draft DSP. Another Member asked if the excision of the area from the OZP would prevent the review of the boundary of the DSP.

35. In response to Members' questions, the Secretary made the following points:

- (a) the area to be excised from the OZP was the same as that covered by the draft DSP which had been agreed by the Board to be suitable for exhibition under section 5 of the TPO. Under the URAO, the draft DSP should replace or amend the OZP relating to the area from the date when the draft DSP was first exhibited. Excising the DSP area from the OZP was to avoid the confusion that the concerned area was covered by two statutory plans at the same time; and
- (b) during deliberation of the draft DSP, the Board noted the local requests to include some adjoining lots in the development scheme and considered that the boundary of the development scheme could be further reviewed after consideration of representations on the draft DSP. Excision of the DSP area from the OZP would not prevent amendment to the boundary of the DSP, if it was found to be necessary after consideration of the representations. Further technical amendment to the OZP would be made to reflect the finalised boundary of the DSP.

36. On the "O" sites, a Member referred to Plan 3 of the Paper and said that it might be difficult to develop Site 3, which was currently occupied by private residential buildings, into a public open space. The Chairman agreed that it was a valid concern. However, taking into consideration the significant shortfall of open space in the Sai Ying Pun and

Sheung Wan area, it would be appropriate to retain the “O” zoning of the site. The Chairman added that in relation to a planning application involving Site 2, the Secretary had previously written to the Leisure and Cultural Services Department (LCSD) requesting it to expedite open space development at the site. Members agreed that the same request should be made to the LCSD in respect of Site 3.

37. A Member suggested that the Committee should also write to the URA requesting it to consider developing the public open spaces as part of its urban renewal work in the area either on its own or in joint effort with the LCSD. The Secretary replied that similar request had previously been made to the URA but the response was not positive. The Chairman said that it was worthwhile to relay Members’ concern to the URA again for further consideration. The Secretariat was requested to write to the LCSD and URA on both Sites 2 and 3.

38. After deliberation, the Committee decided to agree:

- (a) to the technical amendment to the plan and the proposed amendments to the Notes of the approved Sai Ying Pun and Sheung Wan Outline Zoning Plan (OZP) No. S/H3/20 as respectively mentioned in paragraphs 3.2 and 5 of the Paper;
- (b) that the draft Sai Ying Pun and Sheung Wan OZP No. S/H3/20A at Attachment II(A) (to be renumbered to S/H3/21 upon exhibition) and its Notes at Attachment II(B) of the Paper were suitable for exhibition under section 5 of the Town Planning Ordinance; and
- (c) that the revised Explanatory Statement (ES) at Attachment II(C) of the Paper should be adopted 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 should be published together with the OZP.

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/H8/376 Proposed Minor Relaxation of Building Height Restriction
for a Permitted Residential Development
in “Residential (Group B)4” zone,
13-15 Tai Hang Road
(MPC Paper No. A/H8/376)
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39. As the application was submitted by the Hong Kong Glory Properties Limited, which was a subsidiary company of the Hong Kong Land Limited (HKLL), Mr. Tony C.W. Tse declared an interest in this item for being a previous employee of the HKLL.

[Messrs. Tony W.C. Tse and James Merritt left the meeting at this point.]

Presentation and Question Session

40. Mrs. Alice Mak, STP/HK, 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 restriction;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) one public comment was received during the publication period from the True Light Middle School of Hong Kong expressing concerns on the impact on air ventilation in the area and the additional traffic flow that would be caused by the proposed development; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.1 of the Paper in that there were no planning and design merits for the proposed relaxation of building height restriction, the applicant had not provided sufficient information to demonstrate that enough efforts had been made to adjust the building design to meet the building height restriction; and the approval of the application would set an undesirable precedent for similar applications in the area.

41. Members had the following questions on the application:

- (a) whether it was technically necessary to increase the floor-to-floor height of the domestic floors of the subject development to 3.15m to fulfil the relevant departmental requirements in respect of the provision of drainage pipes;
- (b) whether it was possible for the applicant to lower the building height of the development by providing additional basements to accommodate the carports;
- (c) to what extent would an application for minor relaxation of building height restriction be normally accepted;
- (d) why the plot ratio (PR) of the development remained unchanged with an increase in number of storeys;
- (e) what were the responses of the Environmental Protection Department and the Transport Department on the concerns of the True Light Middle School of Hong Kong on the air ventilation and traffic aspects; and
- (f) what were the concerns raised in the 47 further objections against the proposed amendment to the building height restriction from 30 storeys to 213mPD in 2002 as mentioned in paragraph 4.3 of the Paper.

42. In response to Members' questions, Ms. Christine K.C. Tse, DPO/HK, made the following points:

- (a) according to the Practice Note for Authorized Persons and Registered Structural Engineers 211 issued by the Building Authority in May 2004, no pipe works should protrude into the private premises of the floor below. However, the Practice Note did not specify the design or the minimum floor-to-floor height for satisfying the requirement. It was up to the applicant to determine how the requirement was to be fulfilled;
- (b) the applicant had not provided any information to demonstrate that it was technically not possible to provide additional basements to accommodate the carports;
- (c) applications for minor relaxation of building height restriction would be considered on individual merits, particularly on whether there were any planning and design merits. There was an application (No. A/H12/19) at 62 Kennedy Road for minor relaxation of the building height restriction to erect a 1.1m glass balustrade on the roof-top, which was rejected by the Town Planning Board on review in September 2005 due to insufficient information to demonstrate that there were design merits to justify the application. There were no absolute guidelines on the extent of height relaxation that would normally be accepted;
- (d) the net increase of one storey as proposed by the applicant was resulted from the addition of two storeys for clubhouse and one basement level for carport with the deletion of two storeys of above-ground carports. Both the clubhouse and carport facilities were not included in the calculation of PR. As no change was proposed to the uses on other floors, the overall PR of the development remained unchanged;
- (e) the Assistant Commissioner for Transport/Urban had no objection to the

application, and indicated that the reduction of the number of flats and car parking spaces proposed in the application was welcomed. On the aspect of air ventilation, the impact of the proposed increase in building height by 11.8m would not be significant. The Director of Environmental Protection had no comment on this aspect; and

- (f) the 47 further objections against the proposed amendment of the building height restriction for the subject site from 30 storeys to 213mPD in 2002 were mainly on the ground that the amended building height was excessive. The further objections were not upheld by the Board for the reasons that the building height of 213mPD would not be visually unacceptable and incongruent with the character of the lower section of Tai Hang Road.

Deliberation Session

43. Referring to the photomontages at Figures 4.3 to 4.10 of the planning statement submitted by the applicant, a Member considered that the proposed increase in building height was significant and visually undesirable.

44. The Chairman said that the current building height restriction of 213mPD was agreed by the Board after a due plan-making process involving consideration of objections and public consultation. A Member also pointed out the building height restriction was based on a scheme proposed by the applicant in support of its objection to the previous restriction of 30 storeys. There were no strong justifications or planning and design merits for further relaxing the restriction.

45. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) there was no strong justification in the submission to demonstrate that there were planning and design merits for the proposed relaxation of building height restriction; and

- (b) the approval of the application would set an undesirable precedent for similar applications for other developments/redevelopments in the area. The cumulative effects of approving similar applications would have adverse impacts on the character, traffic and visual quality of the area.

[Mr. Daniel B.M. To left the meeting temporarily at this point.]