

TOWN PLANNING BOARD

**Minutes of 323rd Meeting of the
Metro Planning Committee held at 9.00 a.m. on 17.3.2006**

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Dr. Peter K.K. Wong

Vice-chairman

Dr. Rebecca L.H. Chiu

Mrs. Angelina P.L. Lee

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

Professor Bernard V.W.F. Lim

Mr. Daniel B.M. To

Mr. Stanley Y.F. Wong

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

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

Assistant Director (Environmental Assessment and Noise),
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. Alex S.K. Chan

Mr. K.G. McKinnell

Mr. Erwin A. Hardy

Ms. Sylvia S.F. Yau

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. C.T. Ling

Town Planner/Town Planning Board
Mr. Philip K.S. Chang

Agenda Item 1

Confirmation of the Draft Minutes of the 322nd MPC Meeting held on 3.3.2006

[Open Meeting]

1. The draft minutes of the 322nd MPC meeting held on 3.3.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Approval of Outline Zoning Plans

2. The Secretary reported that on 14.3.2006, the Chief Executive in Council approved the following draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance, and notification of this approval in the Gazette would follow on 24.3.2006 :

- (a) Lam Tei and Yick Yuen OZP (to be renumbered S/TM-LTTY/6)
- (b) Yuen Long OZP (to be renumbered S/YL/15)
- (c) Hebe Haven OZP (to be renumbered S/SK-HH/6)
- (d) Tseng Lan Shue OZP (to be renumbered S/SK-TLS/8)
- (e) Ma Wan OZP (to be renumbered S/I-MWI/12)

(ii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 15 of 2005 (15/05)
Proposed Temporary Plastic Recycling Centre
for a Period of 3 Years in “Open Storage” Zone
Lots 334B(part), 334C(part), 334D(part), 334E(part), 334F(part) and
Adjoining Government Land in DD 95,
Kwu Tung North, Sheung Shui
(Application No. A/NE-KTN/113)

3. The Secretary reported that the subject appeal was received by the Town Planning Appeal Board (TPAB) on 28.7.2005 against the decision of the Town Planning Board (TPB) to reject on review an application (No. A/NE-KTN/113) for a proposed temporary plastic recycling centre for a period of 3 years. The subject site fell within an area zoned “Open Storage” on the draft Kwu Tung North OZP No. S/NE-KTN/7. The s.17 review application was rejected by the TPB on 20.5.2005 on the grounds that there was insufficient information to demonstrate that the development under application would not have any adverse traffic, noise and water quality impacts on the surrounding areas. On 9.3.2006, the appellant submitted a letter to the TPAB to abandon the appeal of his own accord. On 13.3.2006, the TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(iii) Appeal Statistics

4. The Secretary also reported that as at 17.3.2006, 26 cases were yet to be heard by TPAB. Details of the appeal statistics were as follows :

Allowed	:	15
Dismissed	:	83
Abandoned/Withdrawn/Invalid	:	112
Yet to be Heard	:	26
Decision Outstanding	:	1

General

[Mr. Anthony T.K. Kwan, Assistant Director of Planning/Metro (AD/M), Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Mr. Raymond K.W. Lee, District Planning Officer/Kowloon (DPO/K), Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), and Mr. Charles C.F. Yum, Senior Town Planner/ New Territories District Planning Divisions Headquarters (STP/NTHQ) were invited to the meeting at this point.]

Agenda Item 3

[Open Meeting (All Sessions)]

Review of Sites Designated “Comprehensive Development Area” on Statutory Plans
in the Metro Areas for the Year 2005/06

(MPC Paper No. 8/06)

5. Mr. Anthony T.K. Kwan, AD/M, stated that the subject annual review to be reported would assist the Committee in considering whether the zoning of individual “Comprehensive Development Area” (“CDA”) sites should be retained or amended. The review covered sites that had been so zoned on the statutory plans in the Metro Areas for more than 3 years, with or without an approved Master Layout Plan (MLP).

6. Mr. Tony W.C. Tse declared an interest in this item as his firm had property interest in some of the “CDA” sites.

[Mr. Tony W.C. Tse left the meeting temporarily at this point.]

Presentation and Question Sessions

7. Mr. Charles C.F. Yum, STP/NTHQ, presented the annual review as detailed in the Paper and covered the following points:

- (a) there were a total of 50 “CDA” sites covered in the 2005/06 Review for the Metro areas, half of which had no approved MLPs. The remaining 25 sites that had approved MLPs were at various stages of development;

CDA Sites with No Approved MLPs

- (b) for the 25 “CDA” sites that had no approved MLPs, all were proposed for retention mainly because they were either programmed for land disposal, under planning studies/reviews, recorded with some progress in implementation, or with outstanding concerns such as traffic, environmental and visual impacts that needed to be addressed. Detailed justifications for their retention were shown in Appendix I of the Paper;

CDA Sites with Approved MLP

- (c) for the 25 sites with approved MLPs, two were ready to be rezoned as development therein had been completed and three had potential for rezoning. The remaining 20 sites were in various stages of implementation, and retention of the current “CDA” zoning was recommended. Detailed justifications for their retention were shown in Appendix II of the Paper;
- (d) the development of the “CDA” site for residential use at Kennedy Town (No. H12), i.e. the area bounded by Kennedy Town New Praya, Davis Street, Catchick Street and Cadogan Street was completed in May 2005. The development of the “CDA” site for commercial and service apartment uses at Yeung Uk Road, Tsuen Wan (No. TW31) was also completed in August 2005. These sites were considered suitable for rezoning to reflect their existing uses; and
- (e) the three sites which had potential for rezoning included the “CDA” site at the Airport Railway Hong Kong Station, Central (No. H20), the “CDA” site at the Airport Railway Olympic Station (No. K10D), West Kowloon Reclamation, and the “CDA” site at Yeung UK Road, Tsuen Wan (No. TW25). Development of these sites was either near completion or

with only a small number of approval condition(s) yet to be complied with.

8. Noting that none of the “CDA” sites under the subject review was recommended to be de-zoned, a Member asked whether the Planning Department was optimistic about the future implementation of these sites. The Chairman remarked that sites designated “CDA” generally covered a relatively large area and they were intended to provide opportunity for comprehensive development or redevelopment, whilst ensuring that issues relating to the environment, traffic, visual impact, etc. would be properly addressed. Implementation of such developments would generally take a long time. Mr. Anthony T.K. Kwan added that the Planning Department would continue to monitor the progress of the “CDA” sites, and de-zoning of such sites would be recommended if deemed appropriate.

Deliberation Session

9. The Committee noted the findings of the subject review, and that details with respect to the proposed rezoning of the two “CDA” sites, if agreed, would be presented to the Committee for consideration in due course.

10. After deliberation, the Committee decided to :

- (a) agree in-principle to the proposed rezoning of the “CDA” site (Nos. H12 and TW31) mentioned in paragraphs 4.2.3 and 4.2.4 and detailed in Appendix III of the Paper; and
- (b) support the retention of the “CDA” designation for the sites mentioned in paragraphs 4.1.1, 4.2.2 and 4.2.5 – 4.2.7 and detailed at Appendices I, II and IV of the Paper.

[The Chairman thanked Mr. Anthony T.K. Kwan, AD/M, Ms. Heidi Y.M. Chan, DPO/TWK, Mr. Raymond K.W. Lee, DPO/K, Ms. Christine K.C. Tse, DPO/HK and Mr. Charles C.F. Yum, STP, NTHQ, for their attendance to answer Members’ enquiries. Mr. Kwan, Ms. Chan, Mr. Lee, Ms. Tse and Mr. Yum left the meeting at this point.]

[Mr. Tony W.C. Tse returned to join the meeting at this point.]

Kowloon District

[Mr. Raymond K.W. Lee, District Planning Officer/Kowloon (DPO/K), and Mr. C.C. Lau, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K9/206 Proposed Conversion of
an Existing Commercial/Office Building for Hotel Use
in “Residential (Group A)” zone,
83 Wuhu Street,
Hung Hom

(MPC Paper No. A/K9/206)

11. Dr. Greg C.Y. Wong declared an interest in this item as he had current business dealing with the applicant.

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

Presentation and Question Sessions

12. Referring to the supplementary paper tabled at the meeting, Mr. C.C. Lau, STP/K, said that a letter of 16.3.2006 from the applicant’s legal representative was received one day before the meeting. As legal advice would have to be sought on the points raised in the letter on the interpretation of the Notes for the “Residential (Group A)’ zone, the Planning Department recommended that consideration of the case be deferred until the advice was available.

Deliberation Session

13. After deliberation, the Committee decided to defer a decision on the application as recommended by the Planning Department. The Committee also agreed that the application should be submitted to the Committee for consideration within two months.

Deliberation Session

17. The Chairman remarked that the use under application complied with the Town Planning Board Guidelines for Development within the “Other Specified Uses” annotated “Business” zone, and Fire Services Department had no objection to the application.

18. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures including complete separation of the ‘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 approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.9.2006; 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.

19. The Committee also agreed to advise the applicant of the following :

- (a) consult the District Lands Officer/Kowloon East, Lands Department on the need of a temporary waiver for the ‘Shop and Services’ use;
- (b) consult the Chief Building Surveyor/Kowloon, Buildings Department regarding the provision of a fire resistance separating wall between the application premises and the remaining area of the building;
- (c) consult the Food and Environmental Hygiene Department regarding food license under the Food Business Regulation; and

- (d) note that no vehicular access from Tai Yau Street to the application premises would be allowed.

[Mr. Tony W.C. Tse returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K13/212 Proposed Minor Relaxation of Building Height Restriction from 120mPD to 126mPD to Accommodate 1-Storey of Communal Sky Garden in “Other Specified Uses” annotated “Business” zone, Junction of Sheung Yuet Road and Wang Chiu Road, Kowloon Bay

(MPC Paper No. A/K13/212)

20. The Committee noted that Mrs. Angelina P.L. Lee and Dr. Greg C.Y. Wong had declared interests in this item as they both had current business dealings with the applicant.

[Mrs. Angelina P.L. Lee left the meeting temporarily at this point.]

Presentation and Question Sessions

21. Mr. Raymond K.W. Lee, 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 restriction;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment and no local objection was received; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

22. Members had the following questions and comments on the application :

- (a) it seemed that from the perspective drawing of the front elevation of the proposed commercial/office building (Drawing A-16 of the Paper), portion of the communal sky garden level was enclosed. If that being the case, whether the proposed communal sky garden would still be qualified as such under the criteria set out in the relevant joint practice notes (JPNs); and
- (b) according to Figure A-10 at Appendix I(a) of the Paper, about one third of the boundary of the communal sky garden was enclosed by curtain walls. This would affect the efficiency of the proposed sky garden in providing natural ventilation.

23. In response, Mr. Raymond K.W. Lee, DPO/K, pointed out that according to the JPNs, one of the criteria for sky garden was that it should be open-sided above the safe parapet height on at least two opposite sides in order to provide cross ventilation.

24. The Secretary pointed out that both JPN-1 and JPN-2 were related to provision of green features. According to the JPN-2, a commercial development could be entitled to a maximum of one sky garden for every 20 floors, and unlike a roof garden, a sky garden did not have to be completely open on all sides of the building.

Deliberation Session

25. The Chairman remarked that the Committee's concern should be whether there were sufficient design merits in the proposed communal sky garden under the subject application to justify for a height relaxation. Detailed checking of conformity with the relevant JPNs would be a matter for the Building Authority.

26. Members made the following points :

- (a) instead of leaving the interpretation of sky garden to the Building Authority, the Planning Department (PlanD) should also play a part in considering whether a proposed sky garden was acceptable under the JPNs, promulgated jointly by the Buildings Department, Lands Department and the PlanD;
- (b) the JPNs provided some references about the interpretation of sky garden for the purpose of GFA exemption. It would be the responsibility of the applicant to demonstrate that the proposed sky garden had met the criteria set out in the JPNs;
- (c) there was no information in the submission to demonstrate that at least 25% of the area would be planted with greenery as specified in the JPN-2;
- (d) with only two opposite sides partially opened, it was uncertain whether the proposed sky garden had met the criteria of the JPNs. The rather large extent of curtain wall coverage (as shown on Figure A-10 of Appendix I(a)) would block the openness of the area above the parapet, defeating the purpose of enhancing natural ventilation; and
- (e) although the principle of having a sky garden was supported, if the proposed sky garden could not comply with the criteria of the JPNs, there might not be any point to consider its design merits. Approval of such proposal might give the impression that the Committee was supporting this type of sky garden.

27. Noting the above concerns of Members, the Vice-chairman suggested that the case be deferred pending further submission by the applicant to demonstrate that the proposed sky garden would meet the criteria as set out in the JPNs.

28. The Chairman remarked that since this was the first application of its kind for minor height relaxation to accommodate a communal sky garden for a commercial/office building, any decision would have implications on how the Committee would consider future similar applications. It might therefore be prudent to defer decision of the case. Apart from seeking clarification from the applicant as to whether the proposed sky garden would meet the

criteria set out in the JPNs, the District Planning Officer should also seek views from the Building Authority in this respect. Moreover, with respect to the comment from the Urban Design & Landscape Section, PlanD about possible reduction of the floor-to-floor heights of the proposed development, the applicant should be requested to provide information and justification regarding the ceiling height of the proposed building including the sky garden level.

29. After deliberation, the Committee decided to defer a decision on the application pending submissions of the following by the applicant:

- (a) additional information demonstrating that the proposed sky garden would meet the criteria as set out in the Joint Practice Notes for Green and Innovative Buildings (Joint Practice Note No. 1) and Second Package of Incentives to Promote Green and Innovative Buildings (Joint Practice Note No. 2); and
- (b) additional information and justification of the floor-to-floor heights of the proposed buildings including that of the communal sky garden level.

30. In the meantime, the PlanD was requested to seek clarification from the Buildings Department on the application of the relevant JPNs.

[Mrs. Angelina P.L. Lee and Dr. Greg C.Y. Wong returned to join the meeting at this point.]

[Ms. Margaret Hsia left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/K14/498 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Workshop G/F,
On King Building,
54 Tsun Yip Street,
Kwun Tong

(MPC Paper No. A/K14/498)

Presentation and Question Sessions

31. Mr. C.C. Lau, 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) two supporting public comments were received during the public inspection period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

32. Members had no question on the application.

Deliberation Session

33. The Chairman remarked that the proposed development complied with the Town Planning Board Guidelines for Development within "Other Specified Uses" annotated "Business" zone.

34. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 17.3.2008, 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 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, to the satisfaction of the Director of Fire Services or of the Town Planning Board before operation of the use; and

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

35. The Committee also agreed to advise the applicant of the following :

- (a) consult the District Lands Officer/Kowloon East, Lands Department on the need of the temporary waiver for the shop and services use under application including the size of the application premises;
- (b) appoint an Authorised Person to submit building plans to demonstrate compliance with the Buildings Ordinance, in particular, the fire separation between the application premises and the remainder of the building; and
- (c) strictly observe regulatory restrictions and instant traffic situation in case when loading/unloading activities were taking place to avoid interfering the main stream traffic.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/K14/499 Shop and Services
in "Other Specified Uses" annotated "Business" zone,
Units 1 and 2, G/F,
Paul Y. Centre,
51 Hung To Road,
Kwun Tong

(MPC Paper No. A/K14/499)

Presentation and Question Sessions

36. Mr. C.C. Lau, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the 'Shop and Services' use;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) two supporting public comments were received during the public inspection period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

37. Referring to paragraph 9.1.5(b) of the Paper, the Chairman asked if the subject ground floor was separated from the industrial-office portion above by a buffer floor of non-hazardous occupancy (such as carparking or loading/unloading floor) as required by the Fire Services Department (FSD). Mr. Raymond K.W. Lee, DPO/K answered in the affirmative by pointing to the table under paragraph 7.2(c) which showed that the floor above the ground floor was a car parking level.

Deliberation Session

38. In response to a Member's concern, the Chairman said that any future conversion of the buffer floor above the ground floor to industrial-office use would require approval from the Building Authority. The Secretary added that future conversion of the buffer floor (currently used for car park which was exempted from GFA calculation) would be unlikely as the GFA permissible under Outline Zoning Plan would be exceeded.

39. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including complete separation of the existing 'Shop and Services' use from other portions on G/F by proper fire resisting construction and design, and the separation of G/F from the above industrial-office portion by a buffer of non-hazardous occupancy, and provision of fire service installations and equipment in the subject premises, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.9.2006; 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.

40. The Committee also agreed to advise the applicant of the following :

- (a) consult the District Lands Officer/Kowloon East, Lands Department on the need of the temporary waiver for the shop and services use under application including the size of the application premises; and
- (b) consult the Chief Building Surveyor/Kowloon, Buildings Department regarding the provision of a fire resistance separating wall between the application premises and the remaining area of the building.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/K15/73 Proposed Commercial/Residential Development in "Residential (Group E)" zone, YTIL 23, 13 Sze Shan Street, Yau Tong

(MPC Paper No. A/K15/73)

Presentation and Question Sessions

41. Mr. C.C. Lau, STP/K, said that the applicant had submitted a request for further deferment of consideration of the application in order to allow sufficient time to prepare information to address the concern raised by the Environmental Protection Department. Members had no question on the deferral request.

Deliberation Session

42. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/K18/235 Proposed Minor Relaxation of Building Height Restriction from 5 to 7 Storeys for Residential Development in “Residential (Group C)7” zone, 2 Beacon Hill Road, Kowloon Tong

(MPC Paper No. A/K18/235)

43. Professor Bernard V.W.F. Lim declared an interest due to his business dealing with one of the consultants for the applicant.

[Professor Bernard V.W.F. Lim left the meeting temporarily at this point.]

[Ms. Margaret Hsia returned to join the meeting during presentation session.]

Presentation and Question Sessions

44. Mr. C.C. Lau, 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 building height restriction;
- (c) departmental comments – the Buildings Department advised that the proposed clubhouse area had exceeded 5% of the domestic GFA under the Practice Note for Authorised Persons and Registered Structural Engineers (PNAP) No. 229. The Geotechnical Engineering Office of the Civil Engineering Development Department advised that there was no detailed technical information to assess the viability of excavation for basement. The Urban Design and Landscape Section, Planning Department was of the view that there appeared to be scope for lowering the level of the proposed development by accommodating the non-domestic uses below the existing ground level of the application site as per the previously approved scheme (under Application No. A/K18/204);

- (d) two public comments were received during the public inspection period, and the respective concern was mainly that any increase of the building height in excess of the standard should require agreement of the local residents, and that there should be no increase in the development intensity; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 11.3 and 11.4 of the Paper, highlighting the fact that comparing to the previous approved scheme for a similar 7-storey development, the current scheme was about 7.38m higher. There was insufficient information to demonstrate the design merits of the current scheme for minor relaxation of the building height restriction, and approval of the application would also set an undesirable precedent.

45. Members had the following questions and comments on the application :

- (a) it was noted that the building height of the previous approved scheme (under Application No. A/K18/204) was 72.62mPD, comparing to 80mPD of the current scheme. However, it appeared that the building height of the former scheme, as shown on Drawing A-2 of the Paper, was much higher than 72.62m; and
- (b) the previous approved scheme and the current proposal were quite similar. They both comprised five storeys of residential units above two non-domestic floors, and the ground floor under the current proposal appeared to be sunken as well.

46. Referring to Drawing A-2 of the Paper, Mr. C.C. Lau, STP/K made the following points :

- (a) the building height of 72.62mPD under the previous approval scheme was measured at the main flat roof level. Utility structures or stair hood above the flat roof were not included; and

- (b) the ground floor plan as shown on Drawing A-3 indicated that the site was a sloping site subject to varying formation levels. There was in fact no basement floor involved in the current scheme and the proposed club house now occupied a separate floor on its own.

47. Referring to a larger scale drawing, Figure 4.2 of Appendix Ia, Mr. Raymond K.W. Lee, DPO/K, illustrated that the site was not on flat land. He pointed out that the proposed driveway entrance at Beacon Hill Road was at about 48mPD and gradually sloping up towards the northern portion of the application site. The lowest building level was approximately above 48mPD for the current scheme, while that for the previous scheme was approximately above 45mPD as it involved basement excavation.

Deliberation Session

48. Members made the following remarks :

- (a) the concern of the Committee should be on visual impact, not on the technical issue as to whether the proposed development was sunken below ground or not. The increase of 7.47m in actual building height above mean street level, amounting to about 29% increase, was considered significant; and
- (b) there was insufficient information to support the increase in building height, e.g. why a basement floor could not be incorporated.

49. The Chairman noted that Members in general shared PlanD's view in not supporting the application.

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

- (a) there was insufficient information in the submission to demonstrate the design merit of the proposed development for minor relaxation of building

height restriction; and

- (b) the approval of the application would set an undesirable precedent for other similar applications.

[The Chairman thanked Mr. Raymond K.W. Lee, DPO/K, and Mr. C.C. Lau, STP/K, for their attendance to answer Members' enquiries. Messrs. Lee and Lau left the meeting at this point.]

Hong Kong District

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

Agenda Item 5

[Open Meeting (All Sessions)]

Building Height Restrictions for Wong Chuk Hang Business Area

– Report on Public Consultation

(MPC Paper No. 9/06)

Presentation and Question Sessions

51. Mr. Kevin C.P. Ng, STP/HK, presented the background to the public consultation with respect to the building height restrictions for the Wong Chuk Hang Business Area. On 24.6.2005, in considering the findings and recommendations of the “Study on Building Height Restrictions for Wong Chuk Hang Business Area (WCHBA)” (the Study), the Committee agreed to impose building height restrictions based on a stepped height profile of 120mPD and 140mPD respectively for the areas to the south and north of the Wong Chuk Hang Road. The Committee also requested the Planning Department (PlanD) to carry out public consultation on the proposed height restrictions prior to their incorporation into the Aberdeen & Ap Lei Chau OZP. Mr. Kelvin C.P. Ng made the following points with respect to the public consultation

exercise undertaken from 15.9.2005 to 15.11.2005 :

- (a) presentations were made to the Southern District Council (SDC), the Wong Chuk Hang & Stanley Area Committee (WCHAC), and the Planning Sub-Committee of Land and Building Advisory Committee. A public forum was held with 20 participants from various sectors of the community attended. A total of 19 written comments were received from professional institutes, major stakeholders and individual members of the public;
- (b) there were divergent views on the building height restrictions for WCHBA. On one hand, the local advisory body represented by SDC and WCHAC and various professional institutes generally supported in-principle the imposition of statutory building height and stepped height control in WCHBA. On the other hand, the landowners/property developers in the WCHBA and other stakeholders including the Real Estate Developer Association of Hong Kong (REDA), Hong Kong General Chamber of Commerce, were against the idea of imposing a statutory building height restriction. The latter considered that the building height control would increase site coverage and curtail design flexibility; and
- (c) many consultees commented that the proposed height restrictions had not made reference to the maximum height of 145mPD allowed for the adjoining Government sale site at Welfare Road and accused the Government of adopting a 'double standard' in the treatment of Government and private sites.

52. Mrs. Angelina P.L. Lee and Mr. Tony W.C. Tse declared interests in this item as their companies had properties within the WCHBA.

[Mrs. Angelina P.L. Lee left the meeting while Mr. Tony W.C. Tse left the meeting temporarily at this point.]

53. Members had the following questions and comments :

- (a) whether the attendance of 20 people at the public forum was good enough in representing the general view of the local community;
- (b) it was not surprising that land owners/developers would be against the imposition of building height control for the WCHBA. However, the majority of those who would be affected would be the local residents; and
- (c) the principle of imposing building height restrictions in the WCHBA was generally supported by the Committee. The Committee had also undergone considerable discussion before reaching a consensus for a two-tier building height restriction. The public would have a further chance to comment on the building height restriction, once it was agreed to be incorporated into the Outline Zoning Plan (OZP).

54. Ms. Christine K.C. Tse, DPO/HK said that apart from the public forum, presentations were made to the District Council and Area Committee and information on the building height review was also uploaded onto the Planning Department's website.

55. The Vice-chairman remarked that it might be difficult to cater for every single interest. The height restriction would be important to ensure that redevelopment within the WCHBA would not result in adverse impacts on the visual quality of the area. Nevertheless, there would be a provision for application for minor relaxation of the height restriction based on design merits.

[Dr. Greg C.Y. Wong left the meeting during the Deliberation Session.]

Deliberation Session

56. A Member remarked that although the need for a building height control to ensure that development or redevelopment within the WCHBA would not result in negative visual impact was generally agreed, the decision reached at the meeting on 24.6.2005 for the two-tier building height restriction was not unanimous. This Member maintained the view that having a two height bands at a difference of 20m and divided by a narrow street within a relatively small area would not produce any noticeable stepping effect. Nevertheless, further public views

would be gauged if the two-tier building height restriction for the WCHBA was to be incorporated into the OZP. The matter might have to be revisited by the Committee at a later stage, pending the outcome of the public feedbacks during exhibition of the OZP.

57. The Chairman remarked that divergent views on imposing building height control for WCHBA was expected from the public consultation exercise, as it involved various interests of various parties. There might not be a single planning solution that would please all. Once the proposed building height restriction was incorporated into the OZP, the public would have a further chance to provide their views under the statutory planning process. As to the concerns raised about the less stringent building height restriction of 145mPD for the nearby sale site at Welfare Road, PlanD would conduct a review of the building height control on the area surrounding WCHBA after the building height restrictions proposed for WCHBA had been agreed by the Committee.

58. In response to an enquiry from a Member, the Chairman remarked that it would be difficult to set in more concrete terms than what had already been set out in paragraph 5.10 (a) to (c) relating to the criteria for allowing minor relaxation of building height. Developers would have to provide justifications for each case for the Board's consideration.

59. After deliberation, the Committee decided to agree that :

- (a) the building height proposal, as shown on Plan 1 at Attachment 2 of the Paper was suitable for incorporation into the Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) for exhibition under the Town Planning Ordinance;
- (b) provision would be made in amending the OZP to allow for minor relaxation of the building height restriction under the circumstances as explained in paragraph 5.10 of the Paper; and
- (c) the draft Public Consultation Report at Attachment 2 was suitable for release to the public when amendments to the Aberdeen & Ap Lei Chau OZP were exhibited for public inspection.

Agenda Item 6

[Open Meeting (All Sessions)]

Proposed Amendments to the
Draft Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/22
(MPC Paper No. 10/06)

[Dr. Greg C.Y. Wong returned to join the meeting during the Presentation and Question Sessions.]

Presentation and Question Sessions

60. Mr. Kevin C.P. Ng, STP/HK, presented the proposed amendments to the draft Aberdeen & Ap Lei Chau Outline Zoning Plan as detailed in the Paper. The proposed amendments mainly involved subdividing the “Other Specified Uses” (“OU”) annotated “Business” zone covering the Wong Chuk Hang Business Area (WCHBA) into two sub-areas divided by Wong Chuk Hang Road for incorporation of a two-tier building height control (i.e. 120mPD and 140mPD for the areas to the south and north of Wong Chuk Hang Road respectively) as agreed by the Committee earlier at the same meeting. Other amendments included the incorporation of building height restrictions for the two “Government, Institution or Community” sites, and the “OU” annotated “Petrol Filling Station” site within the WCHBA, mainly to reflect the current building heights of the existing developments.

61. Members had no question on the proposed amendments.

Deliberation Session

62. After deliberation, the Committee decided to :

- (a) agree the proposed amendments to the draft Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/22 as mentioned in paragraphs 4 and 5 of the Paper and that the draft OZP No. S/H15/22A at Attachment II(A) (to be renumbered to S/H15/23 upon gazetting) and its Notes at

Attachment II(B) were suitable for gazetting under section 7 of the Ordinance; and

- (b) adopt the revised Explanatory Statement (ES) at Attachment II(C) as an expression of the planning intention and objectives for various land use zonings of the OZP and the ES would be published together with the OZP.

[Messrs. Elvis W.K. Au and Leslie H.C. Chen left the meeting temporarily while Mr. Tony W.C. Tse returned to join the meeting at this point.]

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/H3/369 Proposed Hotel (Guesthouse)
 in “Residential (Group A)” zone,
 Upper G/F, 1/F to 12/F,
 A1 Aqmar House,
 30 Hollywood Road,
 Sheung Wan

 (MPC Paper No. A/H3/369)

[Messrs. James Merritt and Daniel B.M. To left the meeting temporarily while Mr. Leslie H.C. Chen returned to join the meeting at this point during the presentation session.]

Presentation and Question Sessions

63. Mr. Kevin C.P. Ng, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (guesthouse);

- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) seven public comments were received during the public inspection period from local residents and district councilors of the Central & Western District Council. The concerns were mainly on adverse traffic, noise and environmental impacts, law and order, general shortage of office space in the central business district, development intensity, and deviation from the planning intention of the “Residential (Group A)” zone;
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper, highlighting that the proposed development was considered not incompatible with the surrounding developments which were mainly a mixture of residential and commercial buildings. The proposed development, which was to convert the subject premises from office/commercial uses to a hotel (guest house), would not involve an increase in development intensity. Adverse traffic, environmental and drainage impacts resulting from the proposed development would also be unlikely.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 17.3.2010, 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. The permission was subject to the following conditions :

- (a) the provision of water supply for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and

- (b) the submission of a sewerage impact assessment and implementation of the sewerage improvement measures identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

66. The Committee also agreed to advise the applicant of the following :

- (a) the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel (guesthouse) development including gross floor area exemption for back-of-house-facilities, if claimed, would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. In addition, if hotel concession, in particular the non-domestic plot ratio of the development, was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required; and
- (b) to note the comments of the Chief Building Surveyor/Hong Kong West of the Buildings Department, the District Lands Officer/Hong Kong West & South of the Lands Department, the Chief Officer/Licensing Authority of the Home Affairs Department and the Director of Fire Services as stated in sub-paragraphs 9.1.1, 9.1.2(b), 9.1.3(b) & (c) and 9.1.8(b) of the Paper respectively.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/H4/77 Proposed Mass Transit Vent Shaft and/or Other Structure above Ground Level other than Entrances (Cooling Towers and Associated Facilities) in “Open Space” zone, Flat Roof above MTR Admiralty Distribution Substation and Vent Shaft Building, Harcourt Road, Admiralty

(MPC Paper No. A/H4/77)

67. The application was submitted by Mass Transit Railway Corporation Ltd. (MTRC). Mr. Anthony Loo, being the Assistant Commissioner for Transport/Urban, was an alternate member for the Deputy Secretary for Environment, Transport and Works (Transport) 1 (who was an alternate member of the Board of MTRC) declared interest in this item.

[Mr. Anthony Loo left the meeting temporarily at this point.]

[Messrs. Daniel B.M. To, Elvis Au and James Merritt returned to join the meeting during the presentation session.]

Presentation and Question Sessions

68. Mr. Kevin C.P. Ng, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed mass transit vent shaft and/or other structure above ground level;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) the public comment (as referred in paragraph 9 of the Paper) received from the Hong Kong Electric Co. Ltd. (HEC) during the public inspection period objecting to the proposed development was subsequently withdrawn on 15.3.2006 upon the confirmation of MTRC on undertaking all necessary mitigation measures to nullify the adverse thermal effect to HEC's transformer arising from the operation of the proposed cooling towers ; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper.

69. Members had no question on the application.

Deliberation Session

70. Referring to the photomontages at Drawing A-2 of the Paper, Members made the following points :

- (a) whilst there was a functional need for the proposed facilities, in view of its prominent location in the central business district, the applicant should be encouraged to improve the outlook of the proposed facilities, including the area within the fenced wall as well; and
- (b) there seemed to be a lack of harmony in design and colour of the proposed scheme. The addition of the proposed facilities on the roof to the existing substation would result in two visually unattractive stacked up box structures. The applicant should consider whether there was other alternative design treatment to the currently proposed louver type screening structure, such as considering the use of lighter weight material for the screening structure and having it set back from the street.

71. The Chairman remarked that given the prominent location of the site, it was not unreasonable to require the applicant to enhance the overall outlook of the development, including both its existing and proposed structures. In this respect, he suggested that an appropriate condition could be imposed should the Committee decide to approve the application.

72. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 17.3.2010, 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. The permission was subject to the following conditions :

- (a) the provision of mitigation measures to reduce the visual impact of the proposed cooling towers and associated facilities to the satisfaction of the

Director of Planning or of the Town Planning Board;

- (b) the submission of technical assessment on heat dispersion impacts of the proposed cooling towers on the existing Hongkong Electric Co. Ltd's transformers within the Mass Transit Railway Admiralty Distribution Substation and Vent Shaft Building and the implementation of the proposed mitigation measures identified therein to the satisfaction of the Director of Electrical and Mechanical Services or of the Town Planning Board; and
- (c) the submission and implementation of a design and colour scheme to the existing and proposed structures with a view to improve the overall outlook of the application site to the satisfaction of the Director of Planning or of the Town Planning Board.

73. The Committee also agreed to advise the applicant to note the comments of the Chief Estate Surveyor/Estate Management of Lands Department as stated in paragraph 8.1.2 of the Paper.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/H11/91 Minor Relaxation of Building Height Restriction
in "Residential (Group C)1" zone,
8 Po Shan Road,
Mid-Levels West

(MPC Paper No. A/H11/91 and A/H11/91A)

74. The Committee noted that Dr. Alex S.K. Chan (who had tendered his apology of not being able to attend the meeting), Mrs. Angelina P.L. Lee (who had left the meeting already) and Dr. Greg C.Y. Wong had declared interests in this item as they had current business dealings with the applicant.

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

75. Mr. Kevin C.P. Ng, STP/HK, said that the supplementary paper (No. A/H11/91A)

dealt with a further request for deferment of consideration of the application submitted by the applicant on 9.3.2006.

Supplementary Paper

Presentation and Question Sessions

76. Mr. Kevin C.P. Ng pointed out that the application had previously been deferred in November 2005 at the request of the applicant to allow time to address public comments and to consult relevant Government departments. The reason given by the Applicant for the current request for further deferment was to allow time to resolve the traffic issue with the Transport Department (TD). The Planning Department did not recommend further deferment because there was no strong justification for it as sufficient time had already been given to the applicant to resolve the issue since granting of the first deferment in November 2005. Besides, taking into account the number of local objections, further deferment would only aggravate the local concerns on the proposed development.

77. Members had the following comments and questions :

- (a) what was the limit as to the number of times the applicant could be allowed to defer consideration of the application; and
- (b) from the applicant's letter of 9.3.2006 (Appendix II of the Paper), it seemed that the applicant had already submitted information to address the traffic issue earlier in January 2006.

78. The Secretary said that according to the relevant Town Planning Board Guidelines No. 33 (TPB PG-No. 33), reasonable grounds must be provided to support the requirement for deferment and the proposed deferment period should not be indefinite. Each request for deferment would be considered by the Town Planning Board based on its merits and whether the right and interest of the concerned parties were affected would also be taken into account. If the request was granted, a deferment of two months would normally be permitted. No further deferment would be granted unless with very strong justifications.

Deliberation Session

79. Mr. Anthony Loo confirmed that the TD maintained its previous comment on the application, which was related to excessive car parking provision.

80. A Member remarked that the justification given by the applicant for the deferment request, i.e. to address unfavourable comment from the TD on the supplementary information already provided by the applicant, was not substantiated.

81. The Vice-chairman remarked that the Committee should follow the criteria for considering deferment as per the TPB Guidelines in handling the subject request.

82. After deliberation, the Committee agree not to accede to the applicant's request for deferment on the application for the reason that the request for deferment did not meet 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 sufficient time had been given to the applicant to address relevant Government departments' concerns since the last deferment and there was no strong justification in the applicant's submission to warrant a further deferment of the consideration of the application.

Main Paper

Presentation and Question Sessions

83. Mr. Kevin C.P. Ng then 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 – according to the District Lands Office/Hong Kong West and South, the proposed development contravened the

maximum storey and site coverage restrictions under the existing lease, and the lot was within the Mid-Levels Administrative Moratorium Area where no lease modification was allowed for more intensive development. The Transport Department considered that the provision of 57 spaces (at a rate of 1.5 spaces per flat) excessive. The Urban Design and Landscape Section, Planning Department, had reservation on the proposed height relaxation, as the future development would be higher than the immediate surrounding buildings, and would further intrude into the 20% building free zone and reduced the remaining green mountain backdrop when viewed from Kowloon side, which was considered not desirable from the ridgeline preservation point of view;

- (d) according to the District Officer/Central and Western, the local community was very concerned about the development proposal due to its proximity to an area with a history of massive landslide. In addition, a total of 37 public comments were submitted from the local residents during the public inspection period. The concerns were mainly related to landslide risk, geotechnical stability, traffic impact, visual impact, and that there was no sufficient justification for the increase in one storey for providing recreational facilities for the proposed residential development; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 10.1 of the Paper. There was insufficient information in the submission to demonstrate that there were genuine technical requirements or planning and design merits to warrant a departure from the building height restriction. In the light of the TD's comment, there should be scope for the applicant to reduce the amount of car parking spaces and the number of storeys accommodating them. Although the applicant had quoted three approved planning applications (No. A/H11/56, A/H11/59 and A/H11/74) for minor relaxation of building height restriction in the "Residential (Group C)2" ("R(C)2") zone to the north of the site, these applications were approved before the promulgation of the Urban Design Guidelines in late 2003. The main reason for approval was that the proposed building heights of these developments were

consistent with the neighbouring buildings in the “R(C)2” zone which had similar height profiles and would not unduly affect the existing character of the locality.

84. A Member asked whether there was any site constraint that warranted four levels of car park, and what was the standard for parking requirement.

85. Referring to the comments from the TD, Ms. Christine K.C. Tse, DPO/HK said that the parking standard adopted was based on the Global Parking Standard (GPS). Mr. Anthony Loo further explained that as per the Hong Kong Planning Standards and Guidelines (HKPSG), the GPS of 1 private car parking space per 9 flats would have to multiply by adjustment factors (i.e. the demand and accessibility ratios), resulting in 1 space per flat required for the proposed development. TD had no objection to the proposed car parking provision of 38 spaces under the previous application No. A/H11/90 (i.e. at a rate of 1 space per flat), but considered the provision of 57 spaces (i.e. at a rate of 1.5 spaces per flat) in the current application excessive.

86. Referring to paragraph 2(g), another Member pointed out that the applicant had claimed that the car parking provision of the proposed development was 1.5 spaces per flat in accordance with the HKPSG, which was less than the ratio currently provided by the existing building. Mr. Anthony Loo said that based on the most up-to-date parking standard, 1 space per flat was appropriate for the proposed development.

87. In response to the Vice-chairman’s enquiry, Ms. Christine K.C. Tse pointed that those sites relating to the applications for minor relaxation of building height as referred in paragraph 5 of the Paper were located to the north of the subject application site. A summary of these applications was at Appendix II.

Deliberation Session

88. Comparing to the previous approved scheme, the Chairman remarked that the provision of car parking space had substantially increased under the current scheme. According to the TD, the number of car parking spaces could be reduced, hence there should be scope for reducing the number of car parking storeys.

89. A Member also raised doubt about the need for the proposed number of parking spaces and questioned the efficiency of the carport layout as proposed.

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

- (a) the overall building height of the proposed development was considered incompatible with the surrounding developments and would intrude into the 20% building free zone for preserving the ridgeline;
- (b) there was insufficient information in the submission to demonstrate that there were genuine technical requirements or planning and design merits to warrant a departure from the building height restriction; and
- (c) the approval of the application would set an undesirable precedent to future developments/redevelopments in the “Residential (Group C)1” zone and other sub-areas of the “Residential (Group C)” zone in the Mid-Levels West area. The cumulative effect of approving similar applications would affect the character and amenity of the area.

[Dr. Greg C.Y. Wong returned to join the meeting while Dr. Rebecca L.H. Chiu left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/H15/216 Proposed Hotel
in “Other Specified Uses” annotated “Business” zone,
34 Wong Chuk Hang Road,
Wong Chuk Hang

 (MPC Paper No. A/H15/216)

Presentation and Question Sessions

91. Mr. Kevin C.P. Ng, STP/HK, said that the applicant had submitted a request for deferment of consideration of the application in order to allow time to liaise further with the Transport Department to resolve comments related to the application.

Deliberation Session

92. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. 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.

[Open Meeting (Presentation and Question Sessions Only)]

(v) A/H15/217 Proposed Hotel
in “Other Specified Uses” annotated “Business” zone,
1 Yip Fat Street,
Wong Chuk Hang
(MPC Paper No. A/H15/217)

Presentation and Question Sessions

93. Mr. Kevin C.P. Ng, STP/HK, said that the applicant had submitted a request for deferment of consideration of the application in order to allow time to liaise further with the Transport Department to resolve comments related to the application.

Deliberation Session

94. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant.

The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. 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.

[Dr. Rebecca L.H. Chiu returned to join the meeting at this point.]

Agenda Item 8

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/341-1 Application for Amendment to Permission
 – Proposed Residential/Comprehensive Development
 with Public Open Space and GIC Facility
 (Master Layout Plan Submission)
 in “Comprehensive Development Area” zone,
 Area bounded by First Street, Second Street,
 Centre Street and Eastern Street, Sai Ying Pun

 (MPC Paper No. A/H3/341-1)

95. The following Members declared interests in this item as the application was submitted by the Urban Renewal Authority (URA) :

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|---|--|
| 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)(Atg) of
the Home Affairs Department | - being a co-opt member of the
Planning, Development and
Conservation Committee of the URA |
| Mr. James Merritt
as the Assistant Director of the
Lands Department | - being an assistant to the Director of
Lands who was a non-executive
director 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 |
| Mr. Tony W.C. Tse | - having past business dealings with the URA |

96. The Committee noted that Dr. Alex S.K Chan had tendered apologies for not being able to attend the meeting and Mrs. Angelina P.L. Lee had left the meeting already.

[Mr. Bosco C.K. Fung, Mr. James Merritt, Dr. Greg C.Y. Wong left the meeting temporarily, while Mr. Tony W.C. Tse and Ms. Margaret Hsia left the meeting at this point.]

[The Vice-chairman took over the chairmanship at this point.]

Presentation and Question Sessions

97. Mr. Kevin C.P. Ng, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed amendments;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) local concerns were mostly related to the detailed design of the proposed development. Of the local views collected from the District Officer (Central & Western), five supported and one objected to the application on the ground that there were no clear plans submitted and insufficient time to

comprehend the details of the proposal. In addition, the Central and Western District Council (C&WDC) raised objection on the location and uninviting design of the public open space (POS); the location of the proposed escalator and vehicular ingress/egress; the shortage of car parking spaces for public use; and the unsatisfactory design and provision of loading/unloading and lift facilities for the Residential Care Home for the Elderly (RCHE); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 7.1 of the Paper, highlighting that the proposed amendments were acceptable and were in compliance with the statutory plan. Technical assessments submitted by the applicant had demonstrated that the proposed development would not give rise to adverse traffic and environmental impacts on the surrounding area. According to the applicant, the relocation of the proposed open space near Centre Street, as suggested by the C&WDC, would result in the shifting of two residential towers eastward creating a wall effect while the open space would unlikely be used effectively due to the level difference between First Street and Second Street. A total of 21 parking spaces had been provided in the proposal to cater for public use and the location of the ingress/egress point would reduce vehicular traffic at Second Street. As for the RCHE, the revised design would accommodate all the required facilities of the Social Welfare Department based on the requirements stipulated under the lease.

98. Members had the following questions and comments on the application :

- (a) given that there was no change to the proposed maximum building height of no more than 160m approved under the previous scheme (Application No. A/H3/341), how could the proposed number of storeys be increased from 38 to 42 for the current scheme; and
- (b) whether there was a change in the width and the layout of the open space compared with the previously approved scheme.

99. Ms. Christine K.C. Tse, DPO/HK, pointed out that although there was a four-storey increase of the proposed building under the current scheme, there was no change in the maximum building height restriction, which remained at not more than 160m. The increase in number of storeys was likely due to fine-tuning of the ceiling height. Referring to Drawing A-5, Ms. Christine K.C. Tse said that as to the proposed POS, there was a change in its configuration, stretching wider along the street frontage on Second Street. The more elongated POS was under the two proposed towers, whereas previously the POS was placed at the western tower portion. This new layout arrangement required a wider set back of the podium of the eastern tower from Second Street, and would allow for a much more spacious passageway. Referring to the trapezium-shaped area on Drawing A-5, Ms. Christine K.C. Tse said that the proposed passageway was able to accommodate an escalator system and wider steps, providing a more convenient and direct pedestrian connection between First Street and the POS on Second Street.

Deliberation Session

100. In expressing general support to the proposed amendments, a Member remarked that the comments from the C&WDC on the quality of the proposed POS was to a certain extent valid. The proposed elongated POS fronting an escalator system and huge large steps appeared to be part of a pedestrian circulation space, limiting the purpose the POS intended to serve. The nature of the POS and how it related to the circulation route would determine its usability. Consideration should be given to widen the POS to a width similar to the previously approved scheme in order to its enhance usability.

101. The Secretary remarked that for the applicant to maintain a similar width of the open space to that of the previous approved scheme, adjustment of the layout might have to be made with respect to the configuration of the podiums and towers. As to the suggestion of C&WDC to move the entrance of the POS close to Centre Street, the Secretary said that it might not be feasible due to the constraint of the MTR Exit Pavilion on Centre Street.

102. In response to the Secretary's enquiry, the same Member said that it was the portion of proposed POS fronting the western tower that the width should be widened. Referring to Drawing A-5 of the Paper, this Member further clarified that the width should equal to a distance between the indented part of the main podium façade of the western tower

(under the previous approved application No. A/H3/340) and the lot boundary on Second Street. This requirement would involve slight modifications of the layout of lobby entrance at the western tower block, but would help enhance the overall usability of the POS.

103. Ms. Christine K.C. Tse, DPO/HK, said that with the current revised open space layout, the required open space provision of 700m² would be maintained. It was not certain whether the widening of open space fronting the western tower would only involve retracting the podium of the western tower. Ms. Christine K.C. Tse also pointed out that due to the constraint of the West Island Link, it would not be feasible to shift the two towers eastwards for the purpose of widening the POS.

104. The Vice-chairman remarked that the proposed development would represent a planning gain, and suggested that in order to address the concern about the need to expand the width of the POS in front of the western tower block to enhance the quality and usability of the POS, an appropriate condition should be attached to the approval of the application.

105. After deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 10.10.2007, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised MLP to take into account the approval conditions as stated in paragraphs (b) to (g) below and to include the development programme of the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the design and provision of the vehicular access point to the development as well as parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the provision of footpaths with a minimum width of 2.75m and a minimum headroom of 5.1m around the site to satisfaction of the Commissioner for

Transport or of the Town Planning Board;

- (d) the design and provision of a Residential Care Home for the Elderly (RCHE) cum Community Support Service Centre to the satisfaction of the Director of Social Welfare or of the Town Planning Board;
- (e) the location and design of the refuse collection chamber and its exhausts to mitigate its adverse impact on the RCHE to the satisfaction of the Director of Social Welfare or of the Town Planning Board;
- (f) the design and provision of a public open space to the satisfaction of the Director of Planning or of the Town Planning Board;
- (g) the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (h) the submission of a revised Sewerage Impact Assessment to address the adequacy of the existing and planned downstream sewerage system to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (i) the provision of water supply for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

106. The Committee also agreed to advise the applicant of the following :

- (a) that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;

- (b) that the approval of this application did not imply that approval to the proposed total gross floor area (GFA), GFA exemption and/or bonus plot ratio and site coverage, if any, would be granted by the Building Authority. The applicant should approach the Director of Buildings direct to obtain the necessary approval;
- (c) in relation to condition (f) above, the design and provision of the public open space should have a minimum width at the western tower portion equal to a distance between the indented part of the main podium façade of the western tower (under the previous approved application No. A/H3/340) and the lot boundary on Second Street;
- (d) to consult the Director of Buildings on the claim for bonus plot ratio and site coverage, the extinguishments of existing streets/lanes/right of way and the surrender and/or dedication proposals;
- (e) to consult the Director of Lands regarding lease modification for the proposed run-in and run-out at First Street;
- (f) to consult the Director of Water Supplies regarding the diversion of affected existing watermains on the site; and
- (g) to note the comments of the District Lands Officer/Hong Kong West & South of the Lands Department, the Chief Building Surveyor/Hong Kong West of the Buildings Department, the Assistant Commissioner for Transport/Urban of the Transport Department, the Chief Highway Engineer/Hong Kong, Highways Department, the Director of Fire Services, the Chief Town Planner/Urban Design & Landscape of the Planning Department, the Director of Social Welfare, the Director of Leisure and Cultural Services and the Central and Western District Council as stated in paragraphs 6.1.1, 6.1.2, 6.1.3(b), 6.1.4, 6.1.6(b), 6.1.7, 6.1.9, 6.1.10 and 6.1.12 of the Paper respectively.

[The Vice-chairman thanked Ms. Christine K.C. Tse, DPO/HK, and Mr. Kevin C.P. Ng,

AGC Design Ltd., one of the consultants for the applicant. The Committee noted that Mr. S.L. Ng, having left the meeting, had also declared an interest due to his current business dealings with HKPU.

[The Vice-chairman and Professor Bernard V.W.F. left the meeting temporarily at this point.]

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

108. Ms. Heidi Y.M. Chan, DPO/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel and flat (staff quarters);
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) one public comment indicating ‘no comment’ was received during the public inspection period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

109. Members had the following questions and comments on the application :

- (a) the proposed development as shown on the photomontage (Drawing A-21 of the Paper) seemed to be much higher than other buildings in the vicinity;
- (b) the redevelopment of the existing staff quarters to a teaching hotel involved a rather substantial increase in building height (from 15 storeys to 25 storeys). Whether the scale of the proposed teaching hotel with a rather large number of guestrooms (299) was justified; and
- (c) how did the building height and development intensity of the proposed

development compared to the other buildings in the vicinity of the application site.

110. Ms. Heidi Y.M. Chan, DPO/TWK, made the following points in response :

- (a) the proposed development was 25-storey high which was similar to the height of some nearby buildings. If the proposed development was viewed from the footbridge between Hung Hom KCR Station and the Hong Kong Polytechnic University, as shown on the photomontage at Drawing A-19, the proposed building would appear compatible with the height of buildings in the vicinity;
- (b) the subject application was for hotel use, though it was to be used for teaching and training as well. A similar training institution provided by the Chinese University had as many as 600 guestrooms; and
- (c) the existing buildings and those in the vicinity were previously subject to airport height restrictions, and hence lower. In terms of plot ratio, the adjacent developments mainly under “Commercial” zoning were subject to a maximum plot ratio of 12. The proposed hotel development had only a plot ratio of 9.

111. The Chairman added that subsequent to the removal of the airport height restrictions, new buildings in the area had been developed to a higher building height, such as to about 90mPD. The size of the proposed hotel seemed reasonable as it was important to provide practical real-life training to the students in a commercially operated hotel.

Deliberation Session

112. The Chairman remarked that there appeared to be a need for such a scale of facility for on-job training for the hotel service industry. The proposed facility was near to the campus of the Polytechnic University and the location was appropriate as Tsim Sha Tsui was a tourist area.

113. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 17.3.2010, 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. The permission was subject to the following conditions :

- (a) the location of the fresh-air intake of the proposed central air-conditioning system to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) the submission of a drainage impact assessment during the preliminary project design stage and the implementation of the recommendations identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) the submission and implementation of a landscaping proposal and a tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

114. The Committee also agreed to advise the applicant of the following :

- (a) the District Lands Officer/Kowloon West, Lands Department should be consulted on the lease modification requirements for the proposed development;
- (b) the application for hotel concession 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 (PNAP) 111;

- (c) the Director of Fire Services should be consulted on the fire service requirements for the proposed development;
- (d) the provision of emergency vehicular access should be in full compliance with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue; and
- (e) the Chief Officer/Licensing Authority, Home Affairs Department should be consulted on the licensing requirements for the proposed hotel.

[The Vice-chairman, Professor Bernard V.W.F Lim and Mr. Elvis W.K. Au returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K5/606 Proposed Religious Institution
in “Residential (Group A)” zone,
6/F, 165-167 Pei Ho Street,
Sham Shui Po

(MPC Paper No. A/K5/606)

Presentation and Question Sessions

115. Mr. Edward P.L. Li, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution;
- (c) departmental comments – no adverse comments from concerned Government departments were received. The District Officer (Sham Shui Po) however advised that fire safety might be a concern to the users of other floors of the subject building;

- (d) two public comments objecting the application were received during the public inspection period. The concerns were on uncertainty of the type of religious institution and potential nuisances generated from associated activities to the other floors of the building; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper.

116. Referring to Plan A-3 of the Paper, a Member said that the subject building appeared to be a commercial building, and enquired as to why it was possible given the “Residential (Group A)” zoning.

117. In response, the Chairman said that the zoning of the application site was “Commercial/Residential” in the early 70s, under which the development of the existing building was permitted as of right.

Deliberation Session

118. The Chairman remarked that the proposed religious institution was considered not incompatible with the existing uses of the subject building, which was mainly non-domestic in nature.

119. 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 of the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board. The permission should be valid until 17.3.2010, 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.

120. The Committee also agreed to advise the applicant of the following :

- (a) to consult the Chief Building Surveyor/Kowloon, Buildings Department regarding the submission of building plans and structural assessment report;

and

- (b) to ensure compliance of the Deed of Mutual Covenants.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K5/609 Renewal of Planning Approval for Temporary Shop
and Services Use (Showroom for Garments)
under Application No. A/K5/532
for a Period of 3 Years until 17.3.2009
in “Other Specified Uses” annotated “Business” zone,
Workshop C1, G/F, Block C,
Hong Kong Industrial Centre,
489-491 Castle Peak Road,
Cheung Sha Wan

(MPC Paper No. A/K5/609)

Presentation and Question Sessions

121. Mr. Edward P.L. Li, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed renewal of planning approval;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) one public comment was received during the public inspection period, raising concern relating to the removal of parts of the external wall of the premises causing obstruction to the pavement and hazard to the pedestrians;
and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.2 of the Paper.

122. Members had no question on the application.

Deliberation Session

123. The Committee noted from paragraph 11.3 of the Paper that the external walls were not related to the subject application, and the pavement outside the premises was not obstructed and there seemed to be no potential hazards to the pedestrians.

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 17.3.2009, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the provision of fire services installations within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.9.2006; 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.

125. The Committee also agreed to advise the applicant of the following :

- (a) to consult the District Lands Officer/Kowloon West, Lands Department regarding the application for temporary wavier; and
- (b) to consult the Chief Building Surveyor/Kowloon, Buildings Department regarding the submission of Alterations and Additions proposal to demonstrate compliance with the Buildings Ordinance, in particular, the provision of fire resistance construction, sanitary fitments as well as access and facilities for persons with disabilities.

128. Members had no question on the application.

Deliberation Session

129. The Chairman remarked that the proposed public convenience was a replacement of an existing local facility. Comparing to its existing location on a busy main street, Fat Tseung Street, the replacement facility at a more discrete location at a side street was more preferable.

130. 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 submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the Town Planning Board. The permission should be valid until 17.3.2010, 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.

131. The Committee also agreed to advise the applicant to consult the Director of Drainage Services regarding the submission of information on the estimated sewage quantity discharged from the public convenience.

[Open Meeting (Presentation and Question Sessions Only)]

(v)	A/KC/316	Proposed Hotel Development in "Other Specified Uses" annotated "Business" zone, 585-609 Castle Peak Road, Kwai Chung (KCTL 366) (MPC Paper No. A/KC/316)
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Presentation and Question Sessions

132. Referring to the supplementary paper tabled at the meeting, Mr. Edward P.L. Li, STP/TWK, said that the applicant had submitted further information on 14.3.2006 addressing comments raised by the Transport Department (TD) and the Urban Design & Landscape

Section, Planning Department. The comments from TD was still awaiting, hence, the Planning Department recommended that the consideration of the subject case be deferred.

Deliberation Session

133. After deliberation, the Committee decided to defer a decision on the application as recommended by the Planning Department. The Committee also agreed that the application should be submitted to the Committee for consideration within two months.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/KC/319 Shop and Services (Convenience Store)
 in “Industrial” zone,
 Unit D (Portion), G/F,
 Effort Industrial Building,
 2-8 Kung Yip Street,
 Kwai Chung
 (MPC Paper No. A/KC/319)
-

Presentation and Question Sessions

134. Mr. Edward P.L. Li, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the ‘Shop and Services’ use;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment and no local objection was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application for reasons given in paragraph 11.1 of the Paper.

135. Members had no question on the application.

Deliberation Session

136. The Chairman remarked that the convenience store complied with the Town Planning Board Guidelines No. 25C for use/development within “Industrial” zone, and Fire Services Department had no in-principle objection to the application.

137. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including complete separation of the Premises 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 to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.9.2006; 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.

138. The Committee also agreed to advise the applicant of the following :

- (a) the District Lands Officer/Tsuen Wan and Kwai Tsing should be consulted on the need of a temporary waiver for the applied use; and
- (b) the Chief Building Surveyor/New Territories West, Buildings Department should be consulted on the provision of a fire resistance separating wall between the premises and the remaining area of the building.

Agenda Item 11

Any Other Business

153. As this was the last MPC meeting of the current term, the Chairman took the opportunity to thank Members for their dedication and support to the work for the Town Planning Board over the past two years.

154. There being no further business, the meeting was closed at 1:15 p.m..