

TOWN PLANNING BOARD

**Minutes of 327th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 2.6.2006**

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Mr. Erwin A. Hardy

Mr. Nelson W.Y. Chan

Professor N.K. Leung

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

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. Greg C.Y. Wong

Vice-chairman

Professor Bernard V.W.F. Lim

Mr. Leslie H.C. Chen

Mr. Walter K.L. Chan

Assistant Director(2) (Acting), Home Affairs Department
Miss Linda Law

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. Simon C.K. Cheung

Agenda Item 1

Confirmation of the Draft Minutes of the 326th MPC Meeting held on 19.5.2006

[Open Meeting]

1. The draft minutes of the 326th MPC meeting held on 19.5.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Approval of Outline Zoning Plans

2. The Secretary reported that on 30.5.2006, the Chief Executive in Council (CE in C) approved the following draft Outline Zoning Plan (OZP) and Development Scheme Plan (DSP) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance), and notification of this approval in the Gazette would follow on 9.6.2006:

- (a) Clear Water Bay Peninsula South OZP (to be renumbered S/SK-CWBS/2)
- (b) Urban Renewal Authority Mallory Street/Burrows Street DSP (to be renumbered S/H5/URA1/2)

(b) Reference Back of three OZPs

3. The Secretary reported that on 30.5.2006, the CE in C referred the following approved OZPs to the Town Planning Board (TPB) for amendment under section 12(1)(b)(ii) of the Ordinance, and notification of this reference back in the Gazette would follow on 9.6.2006 :

- (a) Kwun Tong North OZP No. S/K14N/9
- (b) Ho Man Tin OZP No. S/K7/18
- (c) Tseung Kwan O OZP No. S/TKO/15

[Mr. James Merritt arrived to join the meeting at this point.]

(c) New Town Planning Appeal Received

Town Planning Appeal No. 9 of 2006 (9/06)
Shop and Services
in “Other Specified Uses” annotated “Business”,
Unit P, G/F., Everest Industrial Centre,
396 Kwun Tong Road, Kwun Tong
(Application No. A/K14/488)

4. The Secretary reported that the Town Planning Appeal Board (TPAB) on 22.5.2006 received an appeal against the decision of Town Planning Board on 10.3.2006 to reject on review an application (No. A/K14/488) for shop and services on fire safety ground at a site zoned “Other Specified Uses” annotated “Business” on the draft Kwun Tong South Outline Zoning Plan No. S/K14S/12. The hearing date was yet to be fixed.

(d) Appeal Statistics

5. The Secretary also reported that as at 2.6.2006, 30 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	16
Dismissed	:	83
Abandoned/Withdrawn/Invalid	:	113
Yet to be Heard	:	30
Decision Outstanding	:	2
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Total	:	244

[Messrs. Nelson W.Y. Chan and Felix W. Fong arrived to join the meeting at this point.]

Tsuen Wan and West Kowloon District

[Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), and Mr. Edward P.L. Li, 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 Sessions Only)]

- (i) A/K5/613 Shop and Services (Fast Food Counter)
 in “Other Specified Uses” annotated “Business” zone,
 Unit 4 (Portion), G/F, Elite Industrial Centre,
 883 Cheung Sha Wan Road
 (MPC Paper No. A/K5/613)
-

Presentation and Question Sessions

6. 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) shop and services (fast food counter);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period objecting to the application on the ground that the applied use would aggravate pedestrian congestion on the pavement fronting the subject premises; 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 in that the applied use was in line with the planning intention of the “Other Specified Uses” annotated “Business” zone for general business uses, and was not incompatible with other commercial uses on the ground floor of the subject industrial building.

7. Members had no question on the application.

Deliberation Session

8. The Chairman remarked that the Fire Services Department had no objection to the application as the fast food counter was one of the uses excluded from the 460m² criterion for commercial uses on the ground floor of a fully sprinklered industrial building.

9. The Chairman considered that the applied use was acceptable but the local concern on the possible obstruction to pedestrian flow as shown at Photo on Plan A-3 of the Paper should be duly addressed. He suggested and Members agreed that should the application be approved, the applicant should be advised not to put his goods on the pavement adjoining the premises.

10. 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 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 2.12.2006; 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.

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

- (a) note that no goods should be put on the pavement adjoining the premises to avoid causing obstruction to pedestrian flow;
- (b) apply to the District Lands Officer/Kowloon West, Lands Department for a temporary wavier to permit the applied use;
- (c) consult the Chief Building Surveyor/Kowloon, Buildings Department regarding the provision of access and facilities for persons with disability; and
- (d) consult the Director of Food and Environmental Hygiene regarding the application for food licence.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/KC/321 Shop and Services
in “Industrial” zone,
Workshop 1(Portion), G/F, Block 2,
Golden Industrial Building,
16-26 Kwai Tak Street,
Kwai Chung
(MPC Paper No. A/KC/321)
-

Presentation and Question Sessions

[Mr. Erwin A. Hardy arrived to join the meeting at this point.]

12. 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) shop and services;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period requesting for more information on the application. The commenter had been advised that details of the application were available for public inspection; 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.

13. Members had no question on the application.

Deliberation Session

14. 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 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 2.12.2006; 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.

15. The Committee also agreed to advise the applicant to :
- (a) apply to the District Lands Officer/Tsuen Wan and Kwai Tsing for a temporary waiver for the applied use;
 - (b) note that the granting of the planning approval should not be construed as an acceptance of any unauthorised structures at the Premises under the Buildings Ordinance; and
 - (c) consult the Chief Building Surveyor/New Territories West, Buildings Department on the submission of building plans for any non-exempted building works.

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

[Ms. Sylvia S.F. Yau arrived to join 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 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K10/209 Proposed Flats, and Shop and Service Development
 in “Residential (Group E)” zone,
 Nos. 5 and 9, Yuk Yat Street,
 To Kwa Wan
 (MPC Paper No. A/K10/209)
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16. Ms. Starry W.K. Lee declared an interest in this item as she was a member of the Kowloon City District Council representing the To Kwa Wan constituency. Noting that Ms. Lee had not put forth views prior to consideration of the subject case, the Committee considered that Ms. Lee’s interest was indirect and she could be allowed to stay in the meeting and participate in the deliberation of the application.

Presentation and Question Sessions

17. With the aid of a Powerpoint presentation, 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 highlighting that the Committee had previously granted planning permissions for residential developments at No. 5, Yuk Yat Street in 1999 and No. 9, Yuk Yat Street in 2000 respectively. The currently application proposed an integrated residential development at Nos. 5 and 9, Yuk Yat Street. The case was deferred on 10.12.2005 to allow time for the applicant to submit a revised scheme to address the Committee’s concerns on building height and air ventilation;

- (b) proposed flats, and shop and service development;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) one public comment was received during the statutory publication period suggesting that uses such as pub, internet bar, amusement games centre would be inappropriate for the area. Instead, uses such as bookstore, indoor games centre, art/cultural centre for the area could be considered as the application site was in proximity to secondary and primary schools; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 6.1 of the Paper in that the proposed development was in line with the planning intention of the “Residential (Group E)” (“R(E)”) zone to encourage the phasing out of industrial uses in the area through redevelopment for residential uses. The applicant had submitted a revised design scheme with building height reduced to 146.2mPD which was comparable to that of the previously approved scheme at No. 9, Yuk Yat Street (with a building height of 145.8mPD (or 141.1m). In addition, an Air Ventilation Assessment had been submitted which demonstrated, inter alia, that there was no detectable difference in terms of air ventilation performance between a taller development scheme and a lower development scheme. Concerned Government departments had no objection to or no adverse comments on the application.

18. Members raised the following concerns and questions :

- (a) the arrangement for consultation with the District Council members on the planning application;
- (b) whether there was any traffic impact assessment (TIA) submitted to support the application;

- (c) as the proposal involved development of a building of about 50 storeys in an area where most of the existing buildings were of about 10 storeys, what were the general principles in assessing the application given that there was no height restriction in the area; and
- (d) apart from the two planning approvals for residential developments at No. 5 and No. 9 of Yuk Yat Street, whether there was any other permission granted along Yuk Yat Street for residential and hotel development.

19. In reply, Mr. Raymond K.W. Lee made the following points :

- (a) according to the Town Planning (Amendment) Ordinance, the public would be informed of the availability of information relating to planning applications for public inspection through publication of newspaper notice and posting of site notices. Notices and a gist of each application would also be sent to interested members of the relevant District Council, relevant Area Committee, Owners' Corporation, Mutual Aid Committee, etc. of all buildings within 30m from the application site boundary;
- (b) the traffic impact was discussed at the Committee's meeting held on 10.12.2005. The Transport Department considered the traffic impact assessment submitted by the applicant acceptable, and commented that the vehicular loading and unloading problem could be addressed by imposing relevant approval condition;
- (c) in response to the Committee's concern on the excessive building height at its meeting held on 10.12.2005, the applicant had submitted a revised proposal with building height reduced to 146.2mPD. The revised scheme was considered comparable to that of the previously approved scheme at No. 9, Yuk Yat Street; and
- (d) there was no planning approval for hotel development at Yuk Yat Street. Apart from the two permissions granted at Nos. 5 and 9, Yuk Yat Street, the Committee had also granted a permission for No. 15, Yuk Yat Street

with a proposed building height of about 46 storeys (about 140mPD) which was considered comparable to that of the current scheme.

20. In response to the Chairman's enquiry, the Secretary clarified that there was a two-pronged public consultation arrangement on planning applications. The first prong, as stated in paragraph 5.1 of the Paper, was a statutory requirement in which newspaper notice would be published for all applications and site notices would be posted wherever the local circumstances allowed. Notice of application would also be sent to Owners' Corporation, Owners' Committee or other management committee found within 100 feet (about 30m) from the application site boundary. The second prong, as stated in paragraph 4.1.9 of the Paper, was an administrative arrangement in which PlanD would work together with relevant District Office (DO) with a view to collecting local views through consultation with interested members of relevant District Council and area committees. For this case, DO had not received any local objection on the application.

21. While acknowledging the Committee's previous concern on air ventilation problem as stated in paragraph 1.3 of the Paper, a Member considered that the current scheme, in maximizing the frontage on Yuk Yat street, would still create a wall effect and thus adversely affect air ventilation to the buildings inland. Referring to PlanD's adviser's expert advice in F-Appendix XI of the Paper, the same Member considered that the Air Ventilation Assessment (AVA) submitted by the applicant was not comprehensive as the AVA only compared the air ventilation performance between a taller development scheme and a lower development scheme. In reply, Mr. Raymond K.W. Lee said that according to PlanD's adviser, the proposed podium type development would affect the air ventilation at pedestrian level and block the easterly prevailing wind. Nevertheless, the AVA showed that there was no difference when comparing the air ventilation performance between a taller development scheme and a lower development scheme.

22. The Chairman said that the application site as shown on Plan A-1 of the Paper was an inland site at the time the two previous applications were approved. At that time, reclamation was proposed for the southeast Kowloon area. Due to interpretation of the Protection of the Harbour Ordinance by the Court of Final Appeal, the South East Kowloon Development was under review and no reclamation was taken as the starting point in the Review. In response to the Chairman's request, Mr. Raymond K.W. Lee explained with

reference to Plan A-1 of the Paper that the application site and its surrounding areas were first rezoned from “Industrial” to “R(E)” in 1999 with the planning intention to encourage the phasing out of industrial uses in the area through redevelopment for residential uses. There had once been reclamation proposals for the area to the further southeast of the application site and building height restrictions were imposed for sites on the proposed reclamation area.

23. The Chairman remarked that due consideration should be given to the planning history of the area and the background of the case in considering the subject application.

Deliberation Session

24. Members had the following comments :

- (a) the Committee’s previous decision in granting the two planning permissions at Nos. 5 and 9, Yuk Yat Street should be respected. Nevertheless, the proposed building height in the subject application was considered excessive comparing to the existing low to medium rise buildings in its surroundings. Building height would be an important factor to be considered in view of the strategic waterfront location of the application site;
- (b) the photomontages at Figures 5.3 and 5.4 in Appendix 2 of F-Appendix IV of the Paper illustrated that the proposed development would encroach into the ridgeline. Imposition of building height restrictions should therefore be considered and a comprehensive review of building heights for the area might also be necessary;
- (c) approval of the application could have a precedent effect for more high-rise developments in the area, thus aggravating the wall effect along the waterfront. In this regard, there was doubt as to whether the Committee should adhere to previous decisions too rigidly in the light of rising community aspiration for better urban design and general living environment;

- (d) noting the approval history of the application site, consideration of the current proposal should focus on whether the applicant had addressed the Committee's concerns as expressed at the meeting of 10.12.2005; and
- (e) as the proposed development would create wall effect and impose adverse impact on air ventilation, should the application be approved, the building design should be improved to address these concerns.

[Ms. Sylvia S.F. Yau left the meeting temporarily at this point.]

25. The Chairman said that, due to changing circumstances, the application site had now remained a waterfront site, and hence the height, building design and air ventilation of the proposed development would be of concern to the Committee. In respect of building height, the applicant had followed the Committee's earlier request by reducing it to 146.2mPD to the level comparable to that of the previously approved scheme at No. 9, Yuk Yat Street. Members' concern on the implications of future similar developments was valid and a study to review the building height for the area, particularly for the waterfront sites, should be considered. A Member suggested that such review should be conducted in a more comprehensive manner. The Secretary advised that a review on the imposition of height control for an Outline Zoning Plan would take about 2 years to complete. Due to limited resources available, priority of such reviews had been given to sensitive areas subject to more imminent pressure for high rise redevelopments, such as Kwun Tong, Kowloon Tong and Wong Chuk Hang.

26. Referring to paragraph 6.2 of the Paper, a Member asked whether the Committee's concerns could be addressed by modifying the approval condition (e) to require the applicant to provide for more details not just building block design. The Chairman remarked that the applicant could be asked to submit a revised building design with a view to reducing the wall effect and to improving air ventilation. In terms of the letter, the applicant's attention should be drawn to PlanD's adviser's advice as set out in F-Appendix XI of the Paper

[Ms. Sylvia S.F. Yau returned to join the meeting at this point.]

27. On the question of how Members' concern on building design could be monitored, the Secretary pointed out that the Committee could either defer a decision on the case pending further submission from the applicant or to approve it and impose an appropriate approval condition. There were two options for monitoring of the approval condition. The first option was for PlanD to vet the building design in consultation with departments on behalf of the Board. The second option would be for the revised building design to be submitted to the Committee for direct consideration and approval. The Chairman added that since the application had been deferred once by the Committee, further deferment might not be fair to the applicant.

28. Members generally supported the option to approve the application with an appropriate condition on building design and for PlanD to monitor its compliance. The Chairman remarked that the last condition as stated in paragraph 6.2 of the Paper should be modified to specifically highlight the Committee's intention to reduce the wall effect and to improve the air ventilation.

29. 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 2.6.2010, 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 submission of a Land Contamination Assessment Report and implementation of land decontamination work as identified to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the provision of the water supplies for firefighting and fire service installations to the satisfaction of Director of Fire Services or of the Town Planning Board;
- (c) the design and provision of parking spaces, motorcycle parking spaces, loading/unloading bays, access, and swept paths for the turn-around of coaches and good vehicles using the proposed loading/unloading bays at

the G/F to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and

- (d) to revise the design of the buildings in order to reduce the wall effect and to improve the air ventilation to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) apply to District Lands Officer/Kowloon West for the lease modification to permit the applied use;
- (c) note that the approval of the application did not imply that the proposed bonus plot ratio of the proposed development as a result of the proposed set back for a service lane would be granted by the Building Authority. The applicant should approach the Buildings Department to obtain the necessary approval and also arrangement of emergency vehicular access to comply with Part VI of the Code of Practice of Means of Access for Firefighting and Rescue; and
- (d) liaise with CLP Power Hong Kong Limited prior to establishing any structure and to observe the “Code of Practice on Working near Electricity Supply Lines”.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K10/214 Shop and Services
(Advertising Sale Outlet of a Local Daily Newspaper)
in "Residential (Group E)" zone,
Portion of Ground Floor, Oriental Daily News Building,
6 Kwei Chow Street,
To Kwa Wan
(MPC Paper No. A/K10/214)
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Presentation and Question Sessions

[Mr. Nelson W.Y. Chan left the meeting temporarily at this point.]

31. 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) shop and services (advertising sales outlet of a local daily newspaper);

[Mr. Erwin A. Hardy and Ms. Maggie M.K. Chan left the meeting temporarily at this point.]

- (c) departmental comments – no objection from concerned Government departments was received;

- (d) one public comment was received during the statutory publication period relating to non-payment of management fee; 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.

[Mr. Nelson W.Y. Chan returned to join the meeting at this point.]

32. Members had no question on the application.

Deliberation Session

33. The Chairman remarked that the applied use was not incompatible with the surrounding uses in the area and the Fire Services Department had no objection to the application.

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 was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including complete separation of the 'shop and services' (advertising sales outlet of a local daily newspaper) use under application from the industrial portion of the subject building, 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 2.12.2006; 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.

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

- (a) apply to District Lands Officer/Kowloon West, Lands Department for a temporary waiver to permit the applied use;
- (b) note the Chief Building Surveyor/Kowloon, Buildings Department's comment under paragraph 9.1.2 of the Paper and demonstrate compliance with the Buildings Ordinance; and
- (c) note the Director of Fire Services's comment under paragraph 9.1.5 of the Paper regarding matters in relation to fire resisting period requirements for

the application premises.

[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. Lily Y.M. Yam, 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

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/H13/25 Proposed Private Club
 (One Additional Floor for Recreational Facilities)
 in "Government, Institution or Community" zone,
 137 Wong Nai Chung Gap Road
 (MPC Paper No. A/H13/25)
-

Presentation and Question Sessions

[Ms. Maggie M.K. Chan returned to join the meeting at this point.]

36. 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) proposed private club use (one additional floor for recreational facilities);

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) Three public comments were received during the statutory publication period including one indicating no comment on and one having no objection to the application. The remaining one raised concern on environmental, visual and landscape aspects; 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. Regarding the public comment on possible environmental, visual and landscape impacts on its site, concerned Government departments, including the Environmental Protection Department, the Chief Town Planner/Urban Design and Landscape, PlanD and the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department had no objection to or no adverse comments on the application.

37. Members had no question on the application.

Deliberation Session

38. 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 2.6.2010, 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.

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

- (a) note the comments of the Hong Kong Girl Guides Sandilands Centre and to carry out standard pollution control measures or other necessary construction stage control to mitigate environmental impacts to meet the requirements under the Air Pollution Control Ordinance and the Noise Pollution Control Ordinance;

- (b) note the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department as stated in paragraph 9.1.4 of the Paper regarding the materials used for the tennis courts and its staircase and the enclosing walls for the additional floor; and
- (c) apply to the District Lands Officer/Hong Kong East, Lands Department for lease modification for the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/H15/216 Proposed Hotel Development
in “Other Specified Uses” annotated “Business” zone,
34 Wong Chuk Hang Road
– Aberdeen Inland Lot 350
(MPC Paper No. A/H15/216)
-

Presentation and Question Sessions

40. The application was submitted by a subsidiary of K. Wah Properties Limited. Mr. Raymond Y.M. Chan, having current business dealings with K. Wah Properties Limited, declared an interest in this item.

[Mr. Raymond Y.M. Chan left the meeting at this point.]

41. 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 highlighting that the case was deferred by the Committee on 17.3.2006 to allow time for the applicant to resolve the outstanding issues with the Transport Department. On 17.3.2006, the Committee agreed the proposed amendments to the draft Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/22 to divide the “Other Specified Uses” annotated “Business” (“OU(B)”) zone within the Wong

Chuk Hang area into 2 sub-areas, i.e. “OU(B)1” & “OU(B)2”, with the incorporation of building height restrictions of 120 and 140mPD for the sub-areas respectively. During the exhibition period of the draft Aberdeen & Ap Lei Chau OZP, 7 representations were received. All representations were against the imposition of building height restrictions in the Wong Chuk Hang Business Area except one which suggested the imposition of a lower height restriction (100mPD or below). Hearing of the representations was scheduled to be held in August 2006. The application site fell within the area zoned “OU(B)1” which was the subject of representations received during the exhibition period;

- (b) proposed hotel development with maximum building height of not more than 120mPD;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period commenting that the proposed hotel with a height of more than 100mPD was unacceptable. During the statutory publication period of further information on the application, two public comments were received raising concerns on adverse traffic and environmental impacts, and possible impact on the adjoining electricity substation (ESS) during the construction of the proposed development; and

[Mr. Erwin A. Hardy returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)’s views – the “OU(B)1” zone covering the application site was the subject of representations with regard to the proposed amendments to the draft Aberdeen & Ap Lei Chau OZP No. S/H15/22 received during the exhibition period. Since the Town Planning Board (TPB) had not conducted the hearing procedures of the representations yet, approval of this application prior to the hearing of the representations would pre-empt the decision of the TPB. As such,

deferment of consideration of the application pending the TPB's decision on the representations was recommended. However, if the TPB decided to consider the application, PlanD would have no objection to the application for reasons given in paragraph 11.2 of the Paper.

42. The Committee noted a Member's concern on the traffic impact generated by the proposed development.

Deliberation Session

43. The Chairman remarked that the "OU(B)1" zone covering the application site was the subject of representations received during the exhibition period of the draft Aberdeen & Ap Lei Chau OZP. The key consideration was whether it was appropriate to consider or approve the application prior to the completion of the hearing of representations.

44. In response to the Chairman's enquiry, the Secretary explained that according to the current TPB guidelines, consideration of the planning application should be deferred until the hearing procedures of representations were completed. An example was the deferment of consideration of the application for proposed comprehensive residential development at Tseung Kwan O Area 86 by the TPB whilst awaiting for the completion of the objection hearing procedure. The Secretary then referred Members to paragraph 11.1 of the Paper and said that the building height of 120mPD as proposed by the applicant was higher than that proposed in one of the representations (i.e. 100mPD or below). The Chairman said that approval of this application prior to the hearing of the representations would pre-empt the decision of the TPB on the representations.

45. After deliberation, the Committee decided to defer a decision on the application pending the TPB's decision on the representations with regard to the proposed amendments to the draft Aberdeen & Ap Lei Chau OZP.

[The Chairman thanked Ms. Lily Y.M. Yam, DPO/HK, and Mr. Kevin C.P. Ng, STP/HK, for their attendance to answer Members' enquiries. Ms. Yam and Mr. Ng left the meeting at this point.]

Agenda Item 6

Any Other Business

46. There being no other business, the meeting was closed at 11:05 a.m..