

TOWN PLANNING BOARD

**Minutes of 340th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 15.12.2006**

Present

Director of Planning
Mrs. Ava S. Y. Ng

Chairperson

Mr. Nelson W. Y. Chan

Professor Leslie H. C. Chen

Professor N. K. Leung

Professor Bernard V. W. F. Lim

Dr. Daniel B. M. To

Mr. Walter K. L. Chan

Ms. Maggie M. K. Chan

Mr. Raymond Y. M. Chan

Mr. Felix W. Fong

Ms. Starry W. K. Lee

Mr. K. Y. Leung

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

Principle Environmental Protection Officer (Metro Assessment)
Environmental Protection Department

Mrs. Shirley Lee

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

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Professor Paul K.S. Lam

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Miss Rowena M.F. Lee

Agenda Item 1

Confirmation of the Draft Minutes of the 339th MPC Meeting held on 1.12.2006

1. The draft minutes of the 339th MPC meeting held on 1.12.2006 were confirmed without amendments.

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/K1/2 Application for Amendment to the Draft Tsim Sha Tsui Outline Zoning Plan (OZP) No. S/K1/21 and Approved Hung Hom OZP No. S/K9/18 from “Other Specified Uses” (“OU”) annotated “Kowloon Canton Railway Terminus, Bus Terminus, Multi-storey Car Park, Indoor Stadium, Commercial Facilities and KCRC Pier” and “OU” annotated “Commercial Development and Freight Yard” to “OU” annotated “Waterfront Related Commercial and Leisure Uses” subject to a maximum plot ratio of 1.0, a maximum building height of 4 storeys and a maximum site coverage of 50%, Kowloon Permanent Pier No. 91, Kowloon Inland Lot 11077(Part) and Adjoining Land Vested in KCRC, KCRC Freight Pier, Hung Hom
(MPC Paper No. Y/K1/2)

17. Mr. K.Y. Leung and Ms. Starry W.K. Lee declared interests as they were Members of the Harbour-front Enhancement Committee (HEC) and the applicant had made a briefing on the proposal for HEC. However, they had not made any comment on the proposal at the HEC meeting. Members considered Mr. Leung’s and Ms. Lee’s interests indirect and they were allowed to stay and participate in the deliberation of this item. The Secretary reported that Dr. Greg

C.Y. Wong had also declared an interest in this item as he had current business dealings with the Kowloon Canton Railway Corporation (KCRC), which was vested with the land of the application site. Dr. Greg C.Y. Wong had tendered his apologies for not attending the meeting.

Presentation and Question Session

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

Ms. Heidi Y.M. Chan - District Planning Officer/Tsuen Wan
and West Kowloon (DPO/TWK)
Mr. Louis K.H. Kau - Senior Town Planner/TWK (STP/TWK)

3. The following applicant's representatives were invited to the meeting at this point :

Mr. Paul Zimmerman
Mr. Ian Brownlee
Ms. Kira Brownlee

4. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. Louis K.H. Kau, STP/TWK, to brief Members on the background to the application.

5. With the aid of a powerpoint presentation, Mr. Louis K.H. Kau presented the application as detailed in the Paper and made the following main points :

The Site and the Proposal

(a) The applicant proposed amendments to rezone the subject site from "OU" annotated "Kowloon Canton Railway Terminus, Bus Terminus, Multi-storey Car Park, Indoor Stadium, Commercial Facilities and KCRC Pier" in the Tsim Sha Tsui Outline Zoning Plan (OZP) and "OU" annotated "Commercial Development and Freight Yard" in the Hung Hom OZP to

“OU” annotated “Waterfront Related Commercial and Leisure Uses” (“OU(WRCLU)”) subject to a maximum plot ratio (PR) of 1, a maximum site coverage (SC) of 50% and a maximum building height of 4 storeys. A conceptual scheme was submitted which included low-rise buildings in stepped height design, a public plaza with an area of about 2,000m², and a pedestrian area allowing service and emergency access from Hung Luen Road;

- (b) the application site was currently used as a freight pier for loading and unloading of containers and cargo handling with ancillary container storage use. According to the 2003 “Planning Study on the Harbour and its Waterfront Areas” (“the Harbour Plan Study”) undertaken by PlanD, the existing freight yard was a major incompatible use at this prominent waterfront site. The long-term planning objective was to terminate the existing container handling use subject to, amongst other things, its removal and the relocation of the adjacent International Mail Centre (IMC) in order to enhance the overall waterfront environment in the area;

Departmental Comments

- (c) the Secretary for Economic Development and Labour (SEDL) did not support the application and the Secretary for Environment, Transport and Works (SETW) raised concerns from port and logistics development angle as the rezoning would adversely affect the existing rail-sea inter-modal freight business. The Chief Town Planner/Strategic Planning, PlanD considered that the freight yard provided an alternative to the more common road-based cargo handling activities. The Chief Town Planner/Sub-regional, PlanD was of the view that the whole waterfront area in Hung Hom including, amongst others, the IMC and the KCRC freight yard should be considered in an integrated manner. The Harbour Plan Study was under review with regard to the planned land uses and the development parameters of the Hung Hom waterfront area including the application site. The further study (the Study) had commenced in November 2006 and would be completed by end 2007. The District Lands Officer/Kowloon West, Lands Department (LandsD) advised that

the application site was vested in KCRC. Any deviation from the originally intended use would have policy implications. The necessity of the existing railway facilities should be assessed and confirmed, and any future land disposal should be decided by the Government. Moreover, KIL No. 11077 within the application site was under multiple ownerships and the legal capacity had to be demonstrated and justified for any modification of lease conditions in order to effect the proposed change of lease conditions. The Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U) advised that a detailed traffic impact assessment (TIA) should be submitted. Other concerned Government departments had no objection to or no comments on the application;

Public Comments

- (d) KCRC objected to the application mainly on the grounds that the Hung Hom freight yard and its piers were currently the only rail-sea inter-modal facilities vital to support the rail freight and logistics business between the HKSAR and the Mainland. The application would impose constraints on KCRC's long term proposed Mass Transportation Centre Comprehensive Development. Comprehensive planning of the area also required relocation of the adjacent IMC. The vehicular and pedestrian accessibility should be addressed in support of the application. The Harbour Plan Study identified the application site for introduction of new facilities and attractions for tourism but KCRC had previously raised objection to it on similar grounds;
- (e) two other public comments from a District Councillor and a member of the general public agree to the application. The latter also pointed out that the proposed waterfront related commercial uses should help develop the area as a tourist attraction rather than a major property development; and
- (f) although the long term planning intention was to terminate the existing incompatible uses in the application site to make the harbour more vibrant, PlanD did not support the application for reasons as detailed in paragraph

11.2 of the Paper. To rezone the application site for other development would necessitate relocation of the existing freight and logistics services which were still in operation. From port and logistics development angle and without a clear relocation arrangement of these facilities, rezoning at this stage was not appropriate. Given the prominent waterfront location of the application site, the future land use and development form at the application site should be considered in an integrated manner together with the whole waterfront area in Hung Hom. At present there was no concrete proposal for the relocation of the IMC. It was considered premature at this stage to agree to the conceptual land use restructuring proposal for the application site. No detailed proposals and technical submissions, as well as information to address Government departments' concerns had been submitted to demonstrate the acceptability of the proposed rezoning.

6. With the aid of a powerpoint presentation, Messrs. Paul Zimmerman and Ian Brownlee made the following main points :

- (a) the application site and its surroundings were areas in transition, comprising public barging points, containers and new apartments being side by side and out of place with each other. The container uses blocked the open view, created noise and spoiled the elevated pedestrian footbridge linking the area with Tsim Sha Tsui. There was neither provision of public access nor open space. It assumed a prominent waterfront location that needed careful planning whilst promising a good opportunity;
- (b) the applicant's rezoning proposal was an alternative to the barging point and cargo handling operation for the site. The intention was to bring in liveliness, attraction, vibrancy and events to the harbour;
- (c) the applicant considered it was the right time for the Committee to determine the intention for the application site. The Harbour Plan had set out the comprehensive long-term planning for the site, to phase out the

freight operation for tourism-related uses. The way to take forward this proposal would be through rezoning. The proposed “OU(WRCLU)” zone would not frustrate the current freight operation but would only spell out the long-term planning intention of the site, which could be materialised in a distant future. Similar to PlanD’s designation of the “R(E)” and “OU(B)” zones, the zoning was only a statement of intention that the industrial use was no longer appropriate but existing uses were permitted to continue operation. There was no compulsion on removal of the uses until redevelopment;

- (d) KCRC had submitted a rezoning request to the Committee in 2004 for a “Mass Transportation Centre Comprehensive Development” comprising hotels, retail, offices and residential uses, amongst others. The freight operation would not remain in the site. KCRC had also indicated repeatedly in their consultations with the business sector and the public, including their CEO’s speech at a meeting of the Hong Kong General Chamber of Commerce, that the freight operation was no longer required due to the strong competition from road freight to the Pearl River Delta. Freight rail only assumed a small part of their operation which focused on passenger rail development;
- (e) the said proposal by KCRC was similar to this application in terms of land use mix but the intensity was much more intensive. It was rejected by the Board for the reasons that the scale and size of the development was excessive and would intrude into this prominent waterfront location, and no strong justifications were put forward. A revised proposal put forth by KCRC in April 2004 provided an alternative with proposed reduction in the intensity at the pier. The freight operation was also omitted;
- (f) for the applicant’s rezoning application, Government departments either supported the proposal or had no objection. LandsD’s comments in fact meant they would consider the timing for disposal of the site once the zoning was decided. AC for T/U, TD had no objection to the rezoning

but only required that a TIA be submitted. For the public comments, only KCRC objected to the application; and

- (g) in response to PlanD's reasons for rejection, Mr. Brownlee responded that detailed development proposals and technical submissions were not needed at this stage for rezoning of the site. It was a matter of planning principles and policy on the future land use of the area. Detailed development proposals would only be submitted in the planning application stage after the zoning amendment had been agreed and incorporated in the OZP, and public representations and comments considered. KCRC could put forth their alternative proposals in a representation. Cargo operations could continue and would only be ceased or relocated when the KCRC wanted to. Although there was no plan to relocate the IMC, it was possible to leave IMC as it was. The IMC did not occupy a significant waterfront area and was not needed for pedestrian connection.

7. Members had the following questions :

- (a) whether there was any discussion with the concerned parties, such as KCRC to relocate the cargo handling use and release the site for other more desirable uses, and whether PlanD had any intention to rezone the site;
- (b) what was the proportion of the throughput of this cargo handling area to the overall freight throughput for Hong Kong; and
- (c) what was the development intensity of the commercial development to the immediate north of the application site.

8. In response, Ms. Heidi Y.M. Chan said that the application site was at a prominent waterfront location and its future use was under review, and the Study would be completed by end 2007. Alternative development schemes proposing different land use mix

and the implementation agents would be put forward. PlanD would base on the findings and conclusion of the Study to review the zoning of the site. As regards the throughput of the cargo handling area, it only accounted for a very small percentage of the overall freight throughput for Hong Kong.

9. The Secretary supplemented that the adjoining commercial development was subject to a maximum gross floor area of 107,444m² under the OZP, which was equivalent to a PR of about 5.

10. In response to a Member's question, Mr. Paul Zimmerman said that Designing Hong Kong Harbour District was an organisation of about 1,500 private individuals conducting on-going studies through joint effort on the harbourfront of Hong Kong to examine how it could be better planned.

11. As the applicant's representatives had no further points to add and Members had no further question to raise, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

12. Members had a lengthy discussion and their views were summarised as follows :

- (a) the existing cargo handling and ancillary container storage use at the site was not compatible with the surrounding developments and the long-term plan for the harbourfront. The incompatible uses along the waterfront in the eastern part of the harbour should be phased out for leisure and recreational uses, whilst the western part should be used for different kinds of operation requiring access to the waterfront, including facilities for the freight industry;
- (b) the applicant's effort in putting forward the proposal was appreciated. Nonetheless, it was premature to decide on the use of the application site without comprehensive assessments and detailed study. Moreover, the freight pier of KCRC and the adjoining IMC were still in operation. It would be appropriate to await the outcome of the ongoing study by PlanD, which would propose some development options for public consultation. The study could serve as a basis for planning the future use of the application site;
- (c) the future land use and form of development at the application site should be considered in an integrated manner together with the whole waterfront area in Hung Hom. The development intensity for the site should be determined in the light of its harbourfront location;
- (d) cargo handling was an important economic activity. Although the freight throughput only accounted for about 0.1% of the total cargo throughput in Hong Kong, it was performing a rail-based function. The future use of the application site should not be decided by KCRC, but from a wider perspective, including the prospect of developing a port rail in the long term. Concerned Government bureaux/departments should consider the future of the site from a logistics development policy of Hong Kong in the long term; and
- (e) although the rezoning application could not be agreed at this stage, there were some merits in the proposal put forth by the applicant which was

worth taking into account in considering the future use of the site. These included improved accessibility to the harbour, lower development intensity for developments on the waterfront, and a stepped height profile.

13. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the cargo handling activities at the Kowloon-Canton Railway Corporation freight pier and the International Mail Centre were still in operation. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse impact on the existing freight and logistics operations;
- (b) a review of the land use proposals for the site was premature at this stage pending the completion of the planning review for the Hung Hom Waterfront area and the confirmation of the logistics development policy of Hong Kong; and
- (c) there was insufficient information in the submission to address the various technical issues of the conceptual land use proposal such as implementation, parking and loading/unloading facilities and emergency vehicular access.

[Professor Leslie H.C. Chen and Mr. Felix W. Fong left the meeting temporarily at this point.]

Agenda Item 4

Section 16 Applications

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

[Open Meeting (Presentation and Question Sessions only)]

- (i) A/K3/490 Proposed Hotel (Guesthouse)
in “Residential (Group A)” zone,
1/F, 16-18 Boundary Street, Mong Kok
(KILs 4195 and 4196)
(MPC Paper No. A/K3/490)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed hotel (guesthouse);
- (c) departmental comments – the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) objected to the application as it contravened the Buildings Ordinance (BO) mainly because the plot ratio and site coverage were excessive, the open space provision was inadequate and there was no provision of prescribed windows for majority of the guestrooms, natural lighting and ventilation for internal toilets, as well as access and facilities for disabled persons. The proposal was also not in compliance with the relevant requirements under the Building (Planning) Regulations on means of escape;
- (d) three public comments were received during the statutory publication period, two from Yau Tsim Mong District Councillors and one from the Incorporated Owners of the subject building (IO). One of the Councillors and the IO objected to the application on fire safety and nuisance grounds. The other Councillor had no comment. Two similar local objections from the Chairman of Yau Tsim Mong North Area Committee and the IO were received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 10.1 of the Paper. The proposed guesthouse was not compatible with the predominantly residential use on the upper floors within the same building sharing the same staircase. There were local objections. Two similar applications and a previous application were rejected by the Board. Approval of the application would set an undesirable precedent for similar applications within predominantly residential buildings which had no separate access for guesthouse use.

15. Members had no question on the application.

[Professor Leslie H.C. Chen and Mr. Felix W. Fong returned to join the meeting at this point.]

Deliberation Session

16. Members considered that the non-provision of separate access for the proposed guesthouse unacceptable and the proposed use was incompatible with the residential use on the upper floors within the same building.

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

- (a) as the access to the proposed guesthouse was not separated from that of the domestic portion of the subject building, the operation of the guesthouse might create nuisance to the residents of the subject building. The operation of the proposed guesthouse was considered not compatible with the residential use on the upper floors of the same building;
- (b) the proposed guesthouse would contravene the provisions of the Buildings Ordinance; and

- (c) the approval of the application would set an undesirable precedent for similar applications within predominantly residential buildings which had no separate access for guesthouse use.

[Open Meeting (Presentation and Question Sessions only)]

- (ii) A/K5/623 Proposed Hotel
in “Residential (Group A)” zone,
170-172 Kiu Kiang Street, Sham Shui Po
(MPC Paper No. A/K5/623)
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Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period, from the owners corporations (OCs) of the nearby Cronin Garden and Kiu Fai Building. The OC of Kiu Fai Building objected on grounds of incompatibility with the surrounding residential area, adverse environmental impacts, particularly on noise and traffic, as well as local security and safety. For Cronin Garden, some residents objected on grounds similar to those put forth by the OC of Kiu Fai Garden whilst some others supported on grounds of improving the local economy, employment and local image; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application for reasons as detailed in paragraph 10.1 of the Paper in that the proposed hotel was not compatible with the character of the quiet residential neighbourhood and there was insufficient information to demonstrate that the proposed hotel would not cause disturbance to the neighbourhood. There had been no change in planning circumstances since the rejection of the two previous applications.

19. Members had no question on the application.

Deliberation Session

20. Members were of the view that the proposed hotel was not compatible with the character of the quiet residential neighbourhood and there were local objections.

21. After deliberation, the Committee decided to reject the application and the reason was that the proposed hotel development was not compatible with the character of the quiet residential neighbourhood and there was inadequate information submitted to demonstrate that the proposed hotel development would not cause disturbance to the neighbourhood.

[Open Meeting (Presentation and Question Sessions only)]

(iii) A/K5/624 Shop and Services (Units 1, 2 and 3B for Shop and Services and Unit 3A for Electrical-cum-Repairing Shop) in "Other Specified Uses" annotated "Business" zone, Units 1, 2, 3A and 3B, G/F, Cheung Lung Industrial Building, 10 Cheung Yee Street, Cheung Sha Wan
(MPC Paper No. A/K5/624)

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – no objection from concerned Government departments, including the Director of Fire Services was received;
- (d) two public comments from two private individuals were received during the statutory publication period objecting to the application on grounds of adverse impacts on the traffic, environment and fire safety of the building as food business could be included in the shop and services use and it had entrance open to the car park of the building; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the applied use was in line with the planning intention of the “Other Specified Uses (Business)” (“OU(B)”) zone, in compliance with the Town Planning Board Guidelines No. 22C for Development within “OU(B)” zone in terms of fire safety, land use, traffic and environmental impacts, and compatible with the surrounding land uses comprising mainly offices ancillary to industrial and trading firms. Although there were local concerns, concerned Government departments had no objection to the application.

[Mr. James Merritt left the meeting and Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

23. Members had no question on the application.

Deliberation Session

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

following conditions :

- (a) the submission and implementation of fire service installations in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 15.6.2007; 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.

25. The Committee also agreed to advise the applicant to consult the Chief Building Surveyor/Kowloon, Buildings Department on the submission of building plans in respect of separation of the existing shop and services use from the industrial portion of the subject building by proper fire resistance construction and design, provision of means of escape, provision of sanitary fitments, and provision of access and facilities for persons with a disability.

[Open Meeting (Presentation and Question Sessions only)]

- (iv) A/K20/97 Proposed Resident Association Offices and Minor Relaxation of Non-domestic Gross Floor Area in “Residential (Group A)9” zone, G/F Unit, Hoi Kin House and G/F Unit, Hoi Wai House, Hoi Lai Estate, West Kowloon Reclamation (MPC Paper No. A/K20/97)
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Presentation and Question Session

26. The Secretary reported that the application was submitted by Hong Kong Housing Authority (HKHA) and the following Members had declared/should declare interests in this item :

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|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Ms. Ava Ng
as the Director of Planning | - being a member of the Strategic Planning Committee of the HKHA; |
| Mr. James Merritt
as the Assistant Director (Kowloon)
of the Lands Department | - being an alternate member for the Director of Lands who was a member of the HKHA; |
| Ms. Margaret Hsia
as Assistant Director (2) of the Home Affairs Department | - being an alternate member for the Director of Home Affairs who was a member of the Strategic Planning Committee of the HKHA; |
| Mr. Stanley Y.F. Wong | - being a member of the Finance Committee of the HKHA. |
| Mr. Walter K.L. Chan | - being an ex-member of the HKHA; |
| Dr. Greg C.Y. Wong | - having current business dealings with the HKHA; and |
| Professor Bernard V.W.F. Lim | - having current business dealings with the HKHA. |

27. Members noted that Mr. James Merritt had already left the meeting, and Dr. Greg C.Y. Wong, Mr. Stanley Y.F. Wong and Ms. Margaret Hsia had tendered their apologies for not attending the meeting. As the Vice-Chairman had declared interest in this item and was not present, Members agreed that the Chairperson could continue to chair the meeting out of necessity.

[Professor Bernard V.W.F. Lim and Mr. Walter K.L. Chan left the meeting temporarily at this point.]

28. Mr. Louis K.H. Kau, STP/TWK, drew Members' attention to the replacement page 6 of the Paper which included an approval condition on fire fighting aspect. He presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed resident association offices and minor relaxation of non-domestic gross floor area;

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

29. In response to a Member's question on the extent of minor relaxation generally allowed, Ms. Heidi Y.M. Chan, DPO/TWK, advised that there was no exact figure, and each application would be considered on individual merits, taking into account the impacts and consequences of such relaxation. Nevertheless, a relaxation of not more than 10% would generally be regarded as minor.

[Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

Deliberation Session

30. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.12.2010, 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 condition that the provision of water supplies for fire fighting and fire service installations should be to the satisfaction of the Director of Fire Services or of the Town Planning Board.

[Open Meeting (Presentation and Question Sessions only)]

- (v) A/TY/96 Concrete Batching Plant
 in “Industrial” zone,
 Tsing Yi Town Lot 108RP(Part),
 Sai Tso Wan Road, Tsing Yi
 (MPC Paper No. A/TY/96)
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Presentation and Question Session

31. The Secretary reported that Dr. Greg C.Y. Wong and Mr. Raymond Y.M. Chan had declared interests as they had current business dealings with the applicants. Dr. Greg C.Y. Wong had tendered his apologies for not attending the meeting. Since the recommendation of the application was to defer consideration of the application, discussion of and determination on this item was not necessary. Mr. Raymond Y.M. Chan was allowed to stay in the meeting.

32. The Committee noted that the Planning Department (PlanD) requested for a deferment of the consideration of the application as a public comment was received during the publication of the planning application, challenging the Board’s jurisdiction under section 16 of the Town Planning Ordinance to consider the planning application in relation to the asphalt production plant, while submitting that the permission for asphalt production plant should be considered under section 12A of the Ordinance instead. In this regard, PlanD considered it prudent to seek legal advice on the issue raised by the commenter.

Deliberation Session

33. After deliberation, the Committee decided to defer a decision on the application pending the legal advice on the asphalt production plant use.

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

34. There was a break of 5 minutes.

[Professor Bernard V.M.F. Lim and Mr. Walter K.L. Chan returned to join the meeting at this point.]

Kowloon District

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/K15/1 Request for Amendment to the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/15 from “Comprehensive Development Area” to “Residential (Group E)”, 42, 44, 46 and 48 Ko Fai Road, Yau Tong (Yau Tong Marine Lots 1-4)
(MPC Paper No. Y/K15/1)

Presentation and Question Session

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

Mr. Kelvin K.W. Chan - District Planning Officer/Kowloon (DPO/K)
Ms. Helen L.M. So - Senior Town Planner/Kowloon (STP/K)

36. The following applicants’ representatives were invited to the meeting at this point :

Mr. Y.K. Leung
Mr. John Leung
Mr. Kim-on Chan
Miss Kerry Lee

37. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Ms. Helen L.M. So, STP/K, to brief Members on the background to the application.

38. Mr. Kelvin K.W. Chan, DPO/K, drew Members' attention to the replacement page 4 of the Paper tabled at the meeting.

39. With the aid of a powerpoint presentation, Ms. Helen L.M. So, STP/K, presented the application as detailed in the Paper and made the following main points :

- (a) the applicants proposed to rezone the application site from "Comprehensive Development Area" ("CDA") to "Residential (Group E)" ("R(E)") on the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) subject to a maximum domestic plot ratio (PR) of 5 and non-domestic PR of 1. The proposal was for development of a 25-storey residential tower (including one refuge floor) providing 384 flats on top of one level of landscaped deck and a 3-level podium for commercial uses and vehicle parking;
- (b) the application site fell within the Yau Tong Bay "CDA" zone, which covered an area of about 22ha (including 12 ha reclamation). Submission to the Chief Executive in Council for approval of the OZP was made in April 2003. As the OZP involved reclamation, approval of the OZP was held in abeyance pending the judgment of the Court of Final Appeal (CFA) on the draft Wan Chai North OZP;
- (c) the CFA judgment handed down in January 2004 clarified that the presumption against reclamation under section 3(1) of the Protection of the Harbour Ordinance could only be rebutted by establishing an overriding public need for reclamation. In light of the judgment, the Board on 20.2.2004 agreed to review the future development of Yau Tong Bay by taking a 'no reclamation' approach as a starting point;

- (d) on 4.5.2006, the consortium representing various owners of Yau Tong Bay submitted a planning report which included three development options for Yau Tong Bay “CDA” zone. On 22.9.2006, the report was submitted to the Town Planning Board (the Board) and PlanD was requested to relay Board Members’ comments to the consortium with a view to coming up with a more acceptable scheme, and to report to the Board upon completion of the review of the “CDA” zone;
- (e) the justifications put forth by the applicant for the rezoning application were detailed in paragraph 2 of the Paper;

Comments from concerned Government departments

- (f) the Director of Environmental Protection (DEP) did not support the application as such piecemeal residential development without the benefit of the “CDA” zone was undesirable and would result in industrial/residential (I/R) interface problem, including adverse industrial and road traffic noise during the transition period. The proposed noise mitigation measures and air quality assessment were unacceptable or insufficient;
- (g) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) did not support the application as there were no distinctive urban design merits to justify the rezoning. The proposed gross floor area (GFA) and building height were excessive. Other concerned Government departments had no objection to or no comments on the application;

Public Views

- (h) the District Officer/Kwun Tong advised that the locals would have general concerns about the traffic and environmental impacts likely to be created by the development on the surrounding area. Besides, the overall height of the development should not block the views to the ridgelines;
- (i) 5 public comments were received with one supporting, two raising

concerns and two objecting to the application. The two concerns and one objection were related to the potential environmental and visual impacts, the creation of a wall effect affecting air ventilation of the inner areas, and breaching of the ridgeline. Another objection from the consortium representing 37 landowners of Yau Tong Bay considered the proposed rezoning to “R(E)” premature and would pre-empt comprehensive redevelopment of the Yau Tong Bay and frustrate all previous efforts, create an undesirable precedent for similar piecemeal developments and lead to eventual disintegration of the joint venture. It would pose severe impact on the comprehensive development as the site occupied the south-western entrance to Yau Tong Bay and was the key connection along the waterfront to the area; and

- (j) PlanD did not support the application for reasons as detailed in paragraph 10.1 of the Paper. The planning intention for this “CDA” zone was to comprehensively redevelop Yau Tong Bay for residential and commercial uses with community facilities. It would help resolve the I/R interface problems, enhance the waterfront for public enjoyment, optimise the development potential whilst ensuring adequate provision of Government, Institution or Community (GIC) facilities. The proposed piecemeal redevelopment in such a strategic location would frustrate the planning intention, pre-empt an integrated and comprehensive design for the future residential/commercial development as well as continuity of the waterfront promenade. DEP, CTP/UD&L and the locals did not support the application on environmental, urban design, visual, air ventilation and frustration of comprehensive redevelopment grounds.

40. The Chairperson then invited the applicants’ representatives to elaborate on their justifications for the application.

41. With the aid of a powerpoint presentation, Messrs. Kim-on Chan and Y.K. Leung made the following main points :

Inappropriate “CDA” zone

- (a) the “CDA” zone for Yau Tong Bay originally planned for comprehensive residential/commercial development accompanied by GIC facilities including eight schools. The CFA judgment restrained reclamation and rendered the “CDA” zone outdated, which would become a 75m-wide and 1,300m long street block development. The strip of land was shortened to only 1,000m long if Wing Shan Industrial Building and the area to its west were excluded. The journey on foot from one end to the other took only 12 to 15 minutes. The proposed GIC facilities would not be built and revision to the OZP zoning was inevitable. PlanD’s rejection reason that the current “CDA” zone was preferable was unfounded and the “CDA” zoning should be reviewed;
- (b) the “CDA” zoning for the site would affect the landowners’ right for redevelopment and the consortium’s continuous search for a higher development intensity would only delay the redevelopment process. The zoning would constrain design creativity and the so-called comprehensive redevelopment would only bring about monotonous design;
- (c) in a further objection submitted against the proposed amendment to the OZP No. S/K15/9 involving the “R(E)” zoning for the Yau Tong Industrial Area (YTIA) to the south of the application site across Ko Fai Road, the applicants’ intention was to seek the Board’s agreement to rezone their site to “R(E)” zone as well. The paper submitted by PlanD for the Board’s consideration of the further objection on 4.1.2000 clearly stated that the rezoning of the YTIA to “R(E)” zone was to facilitate early redevelopment. The applicants shared similar view for their site. There should be no more delay in the implementation of redevelopment of their site as they had been waiting for years;
- (d) in 1997/98, the consortium for the “CDA” zone in Yau Tong Bay invited them to participate in the joint venture which they declined due to disagreement over the conversion of seabed right for land entitlement.

There was nothing the joint venture could accomplish which could not be done by landowners individually. The consortium's comments against his application at Appendix IIIe of the MPC Paper were absurd. In the applicants' view, the disintegration of the joint venture was inevitable. It was legally wrong to rest the decision of redevelopment on a private entity which had conflicting interests with those of the landowners. Since the application site was not included in the Sunshine Island development option submitted by the consortium, rezoning it to "R(E)" would not affect the consortium's proposal;

Appropriate "R(E)" zone

- (e) the application site was only 75m wide and the form of development could follow those to the south of Ko Fai Road. Rezoning to "R(E)" would be a more proactive alternative as detailed planning and design requirements, including the need for any environmental or traffic measures could be assessed in the planning application stage;
- (f) Members could also rezone the whole "CDA" zone to "R(E)" and stipulating it as a Special Design Area to control the design of this waterfront strip. A variety of proposals and design could be put forth by individual landowners;
- (g) the proposed rezoning would bring about social, environmental and economic benefits, including bringing life to Yau Tong Bay, protecting, enhancing and facilitating the attractiveness of the waterfront for public enjoyment, stimulating economic development in the area, and speeding up the redevelopment process with a view to better utilization of the MTR Tseung Kwan O Extension and Yau Tong Station;

Eradicate I/R Interface

- (h) similar to other "R(E)" zones in industrial areas and those to the south of Ko Fai Road, I/R interface was a chicken and egg issue and should be dealt with in the detailed design stage. Most of the industrial operations in Yau

Tong Bay were temporary in nature. The Board should kick-start the redevelopment process and the market would then gather momentum leading to the final eradication of the I/R interface;

Response regarding the proposed layout and height

- (i) the width of the promenade should be stipulated by the Government and confirmed in the detailed design, rather than at this rezoning stage. The proponent would ensure that adequate space would be provided; and

- (j) the proposed 29-storey building was on the low side and about 20-30m lower than the proposed height profile in Yau Tong Bay, particularly when compared with the consortium's proposal of 36 to 57 storeys. Adoption of the Urban Design Guidelines in individual developments would make cityscape monotonous and repetitive. A taller building on the waterfront could become a landmark and there were many examples overseas. Each case should be considered on individual merits.

[Mr. Felix W. Fong and Dr. Daniel B.M. To left the meeting at this point.]

42. In response to a Member's enquiry on the progress of the review of the Yau Tong Bay "CDA", Mr. Kelvin K.W. Chan advised that the consortium was improving the development options and it was expected that the review would be completed by March 2007.

43. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicants' representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

44. Members had a lengthy discussion and their views were summarised as follows :

- (a) the planning intention of the “CDA” zone was to facilitate comprehensive development/redevelopment and to phase out incompatible development and non-conforming uses together with provision of open space and GIC facilities. The designation of this zoning would not give favour to big consortia and ignore individual land owners’ rights. More than one proponent could submit development proposals in the “CDA” zone;
- (b) according to Town Planning Board Guidelines No. 18A, an applicant submitting the Master Layout Plan (MLP) for a “CDA” site should propose the general layout of the whole development, including the land uses, proposed development parameters, disposition of building blocks and the provision of GIC facilities and open spaces, amongst others. The applicant should be required to demonstrate that the proposed phasing of development had taken due consideration of the development potential of the lots which were not under his ownership. Phased development of the “CDA” zone was possible and the corresponding GFA and GIC and open space provision should be provided on a pro-rata basis in each phase. As such, the “CDA” zoning provided adequate flexibility for different landowners to propose their schemes for a comprehensive development; and
- (c) the “CDA” zoning of the application site and the Yau Tong Bay waterfront was appropriate and would not adversely affect the applicants’ right for redevelopment.

45. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the proposed rezoning was not in line with the planning intention of the

“Comprehensive Development Area” zone which was intended to phase out the existing industrial operations, resolve the environmental problems and enhance its waterfront for public enjoyment by comprehensive redevelopment of the Yau Tong Bay area for residential and commercial uses; and

- (b) the applicants fail to demonstrate that the proposed mitigation measures could adequately address the adverse industrial and road traffic noise impacts and the air quality assessment was insufficient to demonstrate that the air quality at the subject site was acceptable.

[Mr. K.Y. Leung and Ms. Maggie Chan left the meeting, while Ms. Starry W.K. Lee left the meeting temporarily at this point.]

[Mr. Kelvin K.W. Chan, District Planning Officer/Kowloon (DPO/K), and Ms. Helen L.M. So, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

- (i) A/K10/216 Public Vehicle Park (excluding Container Vehicle)
in “Residential (Group A)” zone,
5 Car Parking Spaces on Portion of 2/F, Hillville Terrace,
28 Tin Kwong Road, Ma Tau Kok
(MPC Paper No. A/K10/216)
-

Presentation and Question Session

46. Ms. Helen L.M. So, STP/K, presented the application and covered the following aspects as detailed in the Paper.

- (a) background to the application;

- (b) the proposed public vehicle park (excluding container vehicle);
- (c) departmental comments – the Assistant Commissioner for Transport/Urban, Transport Department objected to the application as it would result in provision of residential parking spaces below the Hong Kong Planning Standards and Guidelines' (HKPSG) requirements and there was no shortage of public parking spaces in the vicinity. The Chief Highway Engineer/Kowloon, Highways Department raised concerns on creation of vehicular queue in Tin Kwong Road leading to traffic obstruction. The Secretary for Education and Manpower referred an objection from a local primary school on traffic grounds, especially on congestion and students' safety. The Chief Building Surveyor/Kowloon, Buildings Department advised that the applicant's pro-rata method in calculating the areas serving the public car park was not acceptable;
- (d) 21 and 6 public comments were respectively received during the statutory publication period of the application and the further information. All of them objected to the application on traffic, pedestrian safety, building security, fire safety and environmental and hygiene impacts grounds. The Incorporated Owners of Hillville Terrace was one of the objectors objecting on similar and building management grounds. They also queried whether the gross floor area calculations of the public car park were incorrect; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed public vehicle park would lead to sub-standard provision of car parking spaces for the subject residential development compared with the requirement under the HKPSG. There was insufficient information on the provision of adequate separation of the public vehicle park from the residential development to avoid security and safety threats. There were objections from locals and Government departments. The proposed GFA

calculation was not acceptable and might result in an excess over the statutory plot ratio restriction under the Outline Zoning Plan.

47. Members had no question on the application.

Deliberation Session

48. Members considered that the proposed conversion of 5 parking spaces in the residential development as public vehicle park not fully justified and without merit.

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

- (a) approval of the public car park would result in a provision of residential car parking spaces falling short of the Hong Kong Planning Standards and Guidelines requirements;
- (b) there was insufficient information in the submission to demonstrate that the operation of the public car park would not cause any adverse impacts to the residents of the subject development; and
- (c) the areas serving the public car park including 5 car parking spaces, associated driveways, staircases, lift hall and lifts (including car lift) on 2/F and associated driveway & car lift on G/F should be included in gross floor area (GFA) calculation under Building (Planning) Regulation 23(3)(a). As such, the overall plot ratio of the subject development together with the additional GFA for the 'Public Vehicle Park' might result in an exceedance of plot ratio restriction stipulated in the Outline Zoning Plan.

[Open Meeting (Presentation and Question Sessions only)]

- (ii) A/K14/516 Proposed Shop and Services (Ancillary Showroom)
in “Other Specified Uses” annotated “Business” zone,
Portion of Unit H, G/F, Everest Industrial Centre,
396 Kwun Tong Road, Kwun Tong
(MPC Paper No. A/K14/516)
-

Presentation and Question Session

50. Ms. Helen L.M. So, 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 (ancillary showroom) use;
- (c) departmental comments – the Director of Fire Services had no objection provided that the showroom was in connection with the main industrial use;
- (d) two and one public comments were respectively received during the statutory publication period of the application and the further information supporting the application. One also queried why waiver fee was required for commercial use in the “OU(B)” zone even after planning permission was granted. The District Officer (Kwun Tong), Home Affairs Department advised that the public was concerned about the traffic aspects and pedestrian safety in the Kwun Tong Industrial Area based on past experience; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper in that the showroom was disproportionately (about 4 times) larger than the main industrial use and no strong justification was given.

51. Members had no question on the application.

Deliberation Session

52. Members considered that the showroom was not in proportion to the industrial use within the same premises and could not be considered as ancillary.

53. After deliberation, the Committee decided to reject the application and the reason was that the proposed area for ancillary showroom use was considered out of proportion to the industrial portion within the same premises. In this context, it could not be regarded as an ancillary showroom.

[Open Meeting (Presentation and Question Sessions only)]

(iii) A/K14/517 Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Portion of Unit 4, G/F, 19-21 Shing Yip Street, Kwun Tong
(MPC Paper No. A/K14/517)

Presentation and Question Session

54. Ms. Helen L.M. So, 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 objection from concerned Government departments was received;
- (d) four public comments were received during the statutory publication period, with two supporting the application and two did not indicate their stance but raised some queries. The District Officer (Kwun Tong), Home

Affairs Department (DO(KT), HAD) advised that the public was concerned about the traffic aspects and pedestrian safety in the Kwun Tong Industrial Area based on past experience; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the shop and services use was in line with the planning intention for “Other Specified Uses (Business)” (“OU(B)”) zone and complied with Town Planning Board (TPB) Guidelines No. 22C for Development within “OU(B)” zone. Regarding DO(KT)'s comments, there was no objection from concerned Government departments.

55. Members had no question on the application.

Deliberation Session

56. Members noted that the application was in line with the TPB Guidelines No. 22C.

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

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape separated from the industrial portion of the application building and fire service installations in the subject premises, within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.6.2007; 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.

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

- (a) apply to District Lands Officer/Kowloon East, Lands Department for a temporary waiver for the shop and services use under application;
- (b) appoint an Authorised Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the adequacy of means of escape, fire resistance construction in accordance with the Code of Practice for Fire Resisting Construction and the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72;
- (c) exercise proper care when working in the vicinity of the drains and sewers in order not to disturb, interfere with or cause damage to them. Any damage caused should be made good at the applicant's own cost and to the satisfaction of the Director of Drainage Services; and
- (d) the operation of food business required a food licence/food factory licence issued by the Food and Environmental Hygiene Department (FEHD). The operation of supermarket might also require food permit/licence issued by FEHD depending on the type of goods to be sold.

[Open Meeting (Presentation and Question Sessions only)]

- (iv) A/K14/518 Proposed Shop and Services
in "Other Specified Uses" annotated "Business" zone,
Portion of Workshop, G/F, On King Building,
54 Tsun Yip Street, Kwun Tong
(MPC Paper No. A/K14/518)
-

Presentation and Question Session

59. Ms. Helen L.M. So, 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 objection from concerned Government departments was received;
- (d) two public comments supporting the application were received during the statutory publication period. The District Officer (Kwun Tong), Home Affairs Department (DO(KT), HAD) advised that the public was concerned about the traffic aspects and pedestrian safety in the Kwun Tong Industrial Area based on her past experience; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the shop and services use was in line with the planning intention for “Other Specified Uses (Business)” (“OU(B)”) zone and complied with Town Planning Board (TPB) Guidelines No. 22C for Development within “OU(B)” zone. Regarding DO(KT)'s comments, there was no objection from concerned Government departments.

60. Members had no question on the application.

Deliberation Session

61. Members noted that the application was in line with the TPB Guidelines No. 22C.

62. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.12.2008, 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 the provision of a means of escape and fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the TPB 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.

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

- (a) apply to the District Lands Officer/Kowloon East, Lands Department for a 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;
- (c) exercise care when working in the vicinity of any existing drainage works in order not to disturb, interfere or cause damage to them. Any blockage or damage to the said works due to the applicant's activities in the area should be made good to the satisfaction of Director of Drainage Services at the applicant's own cost; and
- (d) the operation of food business required a food licence/food factory licence issued by the Food and Environmental Hygiene Department (FEHD). The operation of supermarket might also require food permit/licence issued by FEHD depending on the type of goods to be sold.

[Open Meeting (Presentation and Question Sessions only)]

- (v) A/K14/519 Proposed Shop and Services (Showroom)
in “Other Specified Uses” annotated “Business” zone,
Units D and E, G/F, Everest Industrial Centre,
396 Kwun Tong Road, Kwun Tong
(MPC Paper No. A/K14/519)
-

Presentation and Question Session

64. Ms. Helen L.M. So, 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 (showroom) use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment supporting the application was received during the statutory publication period. The District Officer (Kwun Tong), Home Affairs Department (DO(KT), HAD) advised that the public was concerned about the traffic aspects and pedestrian safety in the Kwun Tong Industrial Area based on her past experience; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper in that the shop and services (showroom) use was in line with the planning intention for “Other Specified Uses (Business)” (“OU(B)”) zone and complied with Town Planning Board (TPB) Guidelines No. 22C for Development within “OU(B)” zone. Regarding DO(KT)’s comments, there was no objection from concerned Government departments.

65. Members had no question on the application.

Deliberation Session

66. Members noted that the application was in line with the TPB Guidelines No. 22C.

67. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.12.2008, 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 service installations in the application premises to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above condition of approval 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.

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

- (a) apply to District Lands Officer/Kowloon East, Lands Department for a temporary waiver for the proposed shop and services (showroom) use under application including the size of the application premises;
- (b) appoint an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance; and
- (c) exercise extreme care when working in the vicinity of any existing drainage works in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the said works due to the applicant's

activities in the area should be made good to the satisfaction of the Director of Drainage Services at the applicant's own cost.

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

Agenda Item 7

Section 16A Application

[Open Meeting (Presentation and Question Sessions only)]

A/K18/225-3 Application for Class B Amendments to Permission in the Approved Development Scheme for Religious Institution (Seminary and Place of Worship) in "Residential (Group C)1" zone, 10 and 12 Dorset Crescent, Kowloon Tong (NKIL 922 and 923)
(MPC Paper No. A/K18/225-3)

Presentation and Question Session

69. Professor Leslie H.C. Chen and Mr. Walter K.L. Chan declared interests in this item as the former was involved in work related to the application site 10 years ago whilst the latter was a member of the Board of Directors for the applicant, the China Graduate School of Theology. Members considered Professor Chen's interest remote and he was allowed to stay in the meeting.

[Mr. Walter K.L. Chan left the meeting temporarily while Ms. Starry W.K. Lee returned to join the meeting at this point.]

70. Ms. Helen L.M. So, STP/K, presented the application and covered the following aspects as detailed in the Paper.

- (a) background to the application;
- (b) the proposed relaxation of site coverage (SC) in the approved development

scheme for the religious institution (seminary and place of worship);

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) the District Officer (Kowloon Tong) advised that one verbal and two written objections were received objecting to the application on grounds of not being in line with planning intention, leading to adverse impacts on traffic, environment and public order, affecting the tranquility and harmony of residents in the area, and was in breach of the lease. The objectors were the same persons as those against the original scheme which was approved by the Committee; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 9.1 of the paper in that the proposed increase in SC was technical amendment to the approved scheme and minor in nature, a similar amendment was approved before, and concerned Government departments had no objection.

71. Members had no question on the application.

Deliberation Session

72. In response to a question on the maximum SC relaxation allowed under Class B amendments, Ms. Helen So, STP/K, advised that according to the Town Planning Board Guidelines No. 36 for Class A and Class B amendments to approved development proposals, an increase in SC not exceeding 10% of the approved SC provided that there was no SC restriction on the statutory plan would be a Class B amendment. Such section 16A applications would be considered by the Director of Planning under the delegated authority of the Board. The subject application was submitted to the Committee for consideration because there were local objections. Mr. Kelvin K.W. Chan, DPO/K, added that the proposed SC relaxation was for the extension of the staircase and the entrance lobby to facilitate circulation.

73. A Member referred to the elevation and section plans included in the submission and commented that the approved development was already bulky. The additional SC would further increase the development bulk and became more incompatible with the surrounding developments. Another Member concurred with this view and said that the increase in SC of the podium from 75.2% to 81.312% was excessive particularly when compared with other residential developments in the “Residential (Group C)” zone which had a SC of 20% only.

74. In response to a Member’s enquiry, the Chairperson explained that the Committee could approve or reject the section 16A application after consideration. If Members rejected the application, the applicant would have to explore other ways to extend the staircase to avoid increasing the SC.

75. After deliberation, the Committee decided to reject the application and the reason was that the proposed increase in site coverage was not justified and would result in excessive building bulk compared with the residential developments in the area.

[The Chairperson thanked Mr. Kelvin K.W. Chan, DPO/K, and Ms. Helen L.M. So, STP/K, for their attendance to answer Members’ enquiries. Mr. Chan and Ms. So left the meeting at this point.]

[Professor N.K. Leung left the meeting while Mr. Walter K.L. Chan returned to join 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 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

- (i) A/H1/78 Proposed Hotel (Amendments to Approved Scheme)
 in “Residential (Group A)” zone,
 12-22 Davis Street, Kennedy Town
 (MPC Paper No. A/H1/78)
-

Presentation and Question Session

76. 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 to an approved hotel development;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) eleven public comments were received during the statutory publication period, including one supporting, 6 objecting, 3 raising concerns and 1 indicating no objection to the application. The concerns were related to the adverse impacts on traffic, infrastructure, light penetration, the elderly in the elderly centers nearby and other residents. The District Officer (Central and Western) had reservation on the application in view of the public and local objections. Also, the Central and Western District Council was concerned whether there were sufficient supporting facilities provided for the hotel in the traditional residential areas; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper. The proposed hotel, including the building height, was not incompatible with

the surrounding uses. Although there were public comments and local objections, concerned Government departments had no adverse comments on traffic, environmental, sewerage and drainage points of view. There was no change in the key development parameters as compared with previous approved scheme.

77. Members had no question on the application.

Deliberation Session

78. Members considered the amendments, which only involved additional height of 2m and an increase of 99 rooms were acceptable.

79. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.12.2010, 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 and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of sewerage and drainage improvement/connection works to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the design and provision of water supply facilities for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

80. The Committee also agreed to advise the applicant :

- (a) that the approval of the application did not imply that the proposed

non-domestic plot ratio of the proposed hotel development and the proposed gross floor area exemption for back-of-house facilities would be granted by the Building Authority (BA). 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 BA and major changes to the current scheme was required, a fresh planning application to the Board might be required;

- (b) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department with regard to the provision of back-of-house facilities, guest rooms, means of escape, E&M rooms and the headroom of G/F of the proposed development;
- (c) to note the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department with regard to the building height of the proposed development;
- (d) to note the comments of the District Lands Officer/Hong Kong West and South, Lands Department with regard to the requirement of lease modification for the proposed development; and
- (e) to note the comments of the District Officer (Central and Western), Home Affairs Department that every effort should be taken to minimize any adverse environmental and traffic impact/nuisance to the local residents.

[Open Meeting (Presentation and Question Sessions only)]

- (ii) A/H13/26 Proposed 'School' (Kindergarten cum Nursery School) in "Commercial (2)" zone, 1/F, Chun Fai Centre, 9 Chung Fai Road, Jardine's Lookout (MPC Paper No. A/H13/26)
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Presentation and Question Session

84. The Committee noted that the Planning Department recommended deferment of the consideration of the application as the “OU(B)1” zone covering the application site was the subject of representations in respect of the amendments to the draft Aberdeen & Ap Lei Chau OZP No. S/H15/22. The OZP was yet to be submitted to the Chief Executive in Council (CE in C) for approval. As such, the approval of the subject application would pre-empt the decision of CE in C.

Deliberation Session

85. After deliberation, the Committee decided to defer a decision on the application pending the final decision of the Chief Executive in Council on the representations in respect of the draft Aberdeen & Ap Lei Chau OZP.

[Open Meeting (Presentation and Question Sessions only)]

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| (iv) | A/H17/117 | Minor Relaxation of Site Coverage from 25% to not exceeding 40%
in “Residential (Group C)3” zone,
38 Repulse Bay Road (RBL 380)
(MPC Paper No. A/H17/117) |
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Presentation and Question Session

86. The Secretary reported that Dr. Greg C.Y. Wong had declared an interest in this item for having current business dealings with the applicant. Dr. Wong had tendered apologies for not attending the meeting.

87. The Committee noted that the applicant requested for a deferment of the consideration of the application to allow time for preparation of additional information to address the departmental comments.

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper in that the proposed tutorial centre was not incompatible with the surrounding uses. Although there were local concerns, the application would not generate adverse traffic and environmental impacts due to its small scale and concerned Government departments had no adverse comments.

90. Members had no question on the application.

Deliberation Session

91. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.12.2010, 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 condition that the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

92. The Committee also agreed to advise the applicant to resolve any land issues relating to the development with the concerned owner of the application site.