

TOWN PLANNING BOARD

**Minutes of 352nd Meeting of the
Metro Planning Committee held at 9:00 a.m. on 22.6.2007**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

Principal Environmental Protection Officer (Metro Assessment)
Environmental Protection Department
Mrs. Shirley Lee

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

Secretary

Absent with Apologies

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Professor Paul K.S. Lam

Deputy Director (General), Lands Department
Mr. Herbert Y.S. Leung

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
Mr. W.S. Lau

Town Planner/Town Planning Board
Ms. Doris S.Y. Ting

Agenda Item 1

Confirmation of the Draft Minutes of the 351st MPC Meeting held on 8.6.2007

[Open Meeting]

1. The draft minutes of the 351st MPC meeting held on 8.6.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

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

Kowloon District

Agenda Item 3

Section 12A Applications

[Open Meeting (Presentation and Question Sessions only)]

- (i) Y/K9/2 Application for Amendment to the Draft Hung Hom Outline Zoning Plan No. S/K9/19 from “Residential (Group A)” to “Commercial”, 83 Wuhu Street, Hung Hom (MPC Paper No. Y/K9/2A)
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Presentation and Question Sessions

3. Mr. Kelvin K.W. Chan, District Planning Officer/Kowloon (DPO/K) and Mr. C.C. Lau, Senior Town Planner/Kowloon (STP/K) of the Planning Department (PlanD) and the following applicant’s representatives were invited to the meeting at this point :

Mr. David C. Lee
Mr. Andrew Lui
Ms. Theresa Yeung
Mr. Lawrence Kuk
Mr. Simon Poon
Mr. Anthony Mok
Ms. Li Xin

[Messrs. Leslie H.C. Chen and K.Y. Leung arrived to join the meeting at this point.]

4. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. Kelvin K.W. Chan, DPO/K, to brief members on the background to the application.

5. With the aid of a Powerpoint presentation, Mr. Kelvin K.W. Chan presented the application as detailed in the Paper and made the following main points:

- (a) the applicant proposed to rezone the application site from “Residential (Group A)” (“R(A)”) to “Commercial” (“C”) on the draft Hung Hom Outline Zoning Plan (OZP) No. S/K9/19 to facilitate the conversion of an existing 25-storey (including 1 level of basement) commercial/office building, with a plot ratio (PR) of 12.033, into a hotel. ‘Hotel’ was a use always permitted in the “C” zone of the Hung Hom OZP with a maximum permissible PR of 12. According to the indicative scheme submitted by the applicant, the proposed hotel development would have the same PR and building height as the existing commercial/office building and would provide a total of 398 guestrooms with room size ranging from 13.2m² to 26.14m²;
- (b) the existing commercial/office building at the application site was previously approved by the Committee in November 1993 with a PR of 12. A bonus PR of 0.033 was subsequently granted for the existing building by the Building Authority for dedication of 2 corner splay areas within the site.

The commercial/office building was completed in 1996. On 8.9.2006, the Town Planning Board (the Board) rejected upon review the previous planning application (No. A/K9/206) for a hotel proposal, which was the same as the current indicative scheme, at the application site for reason that there was no provision for the Board to grant planning permission for the proposed hotel development, which had a non-domestic PR exceeding the maximum PR restriction for non-domestic building in "R(A)" zone. The applicant subsequently lodged an appeal to the Town Planning Appeal Board (TPAB), which was scheduled for consideration in early July 2007;

- (c) the application site was located in the commercial/residential area of Hung Hom with composite buildings consisting of residential flats on the upper floors and commercial/retail uses on the lower floors. The neighbouring developments were mainly residential in nature mixed with a few commercial/office buildings;
- (d) Government departments consulted including Transport Department (TD) had no adverse comment on or no objection to the application;
- (e) no public comment was received during the statutory publication period and no local objection/views were received by District Officer; and
- (f) PlanD did not support the application for reason as detailed in paragraph 10.1 of the Paper. Under the "R(A)" zone, the maximum non-domestic PR was 9. A planning application for commercial/office building on the site with a PR of 12 was approved before imposition of PR restriction under the OZP. If the application site was rezoned from "R(A)" to "C" for hotel development, it might be regarded as a 'back-door' way to obtain additional PR for hotel. The approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving similar applications would result in changing the character of the "R(A)" neighbourhood of the locality and would have adverse impacts on traffic and infrastructure provisions in the area.

6. With the aid of a Powerpoint presentation, Mr. David C. Lee made the following main points:

- (a) the appeal was scheduled to be considered by the TPAB on 4.7.2007. Should the application be approved, both parties needed not resort to the appeal hearing procedures which was time and resources consuming and was totally unnecessary for this particular case;
- (b) the issue involved in this application was a technical instead of a planning issue. For this particular application, there were no adverse comments from various Government departments and no public comments were received implying that the proposal was acceptable in terms of infrastructure provision, traffic impact and public acceptance. Additionally, Buildings Department was prepared to consider application for hotel concession and acceptance of Back-of-House facilities under the Building (Planning) Regulations and the Commissioner for Tourism was very supportive to the application;

[Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

- (c) PlanD was the only department which raised objection to the application. PlanD's statement that under the "R(A)" zone, the maximum non-domestic PR was 9 was the subject of appeal. Before the imposition of PR control for Kowloon, a comprehensive study known as the Kowloon Density Study (KDS) was undertaken by PlanD. The KDS had taken into consideration all factors including traffic and infrastructure capacities as well as the development intensity of the existing buildings and all approved development proposals including the existing commercial/office building with a PR of 12.033. The rezoning application, which did not involve additional PR, should have no adverse impact in all respects;
- (d) it was unacceptable that the rezoning proposal was regarded as a 'back-door' approach as the applicant was not asking for additional PR. Planning application had been submitted previously through proper channel

and the rezoning application was only an alternative approach to achieve the goal;

- (e) instead of demolition and rebuilding in urban renewal, the Board should encourage building owners to rejuvenate and enhance their existing buildings to suit the changing circumstances and be a promoter of good planning;
- (f) conversion of the office building into a hotel would meet the hotel demand in the area supporting the tourism industry. Hotel provided sleeping accommodation and was close in character to “R(A)” zoning;
- (g) it was doubtful that there would be precedent effect as the case was rather unique. Referring to PlanD’s concern on the cumulative adverse impact on traffic and infrastructural provisions in the area, the Traffic Impact Assessment (TIA) and other impact assessments had to be submitted for each application which should be considered based on individual merits;
- (h) the consequences of rejecting the application was that the hotel proposal with 400 rooms close to the Hung Hom Station could not be materialised, business opportunity for the shops nearby would be lost and no improvement to local traffic could be achieved. Moreover, there was a need to pull down the whole building for redevelopment or to demolish 5½ storeys of the existing building in order to reduce the existing PR to comply with the prevailing statutory restriction which was not good planning; and
- (i) the Board should make a balanced decision on the application. Should there be another alternative to achieve the same goal, the applicant would be willing to pursue.

7. A Member raised the following questions :

- (a) whether there were similar applications for zoning amendment from “R(A)” to “C” on the Hung Hom OZP;

- (b) what was the occupancy rate for the existing commercial/office building;
and
- (c) whether the hotel use could improve the traffic condition of the area given Wuhu Street was very congested.

8. Referring to a plan shown at the meeting, Mr. Kelvin K.W. Chan replied that a total of 11 commercial/office developments in the Hung Hom area, with respective PR ranging from 11 to 14.97, had previously been approved by the Building Authority or the Board prior to the imposition of PR control in the OZP. Mr. David C. Lee responded that the occupancy rate for the existing building was about 90% which indicated that there was a strong demand for commercial use in the district though the area was zoned "R(A)". Nevertheless, redevelopment of those existing commercial/office buildings with a PR higher than 9 within "R(A)" zone into other uses would require the consent of all owners. The subject building might be the only one under single ownership which had a higher chance of redevelopment/conversion. As shown in the TIA report submitted together with the application, the traffic generated by the hotel was lesser than that of an office, in particular during morning peak hour. Mr. Anthony Loo confirmed that hotel traffic tended to spread throughout the day, and the traffic generation from and peak hours for a hotel development was in general less than commercial or residential development.

9. In response to the Chairperson's question on whether a hotel-specific zoning rather than a "C" zone would better meet the applicant's intention, Mr. David C. Lee confirmed that the proposed zoning amendment to "C" was intended for hotel use. He said that alternative zoning proposal other than "C" zone to facilitate hotel development was previously explored. However, as difficulty on the introduction of a new zoning was anticipated, alternative zoning proposal was not further pursued. However, should the Committee advise alternative course of action, the applicant was willing to consider in order to avoid the unnecessary appeal proceedings.

10. The Chairperson asked whether the landowners had objected to the zoning restrictions in 1993. Mr. Kelvin K.W. Chan responded that objection was lodged by the applicant against the "R(A)" zoning of the application site and the PR restrictions stipulated in the Notes of the previous Hung Hom OZP No. S/K9/7 mainly for the reason that the

applicant was effectively prevented from making any material changes to the approved development with a PR of 12.0. The Board decided not to propose any amendments to the OZP to meet the objection for reasons that the retention of the “R(A)” site was appropriate to ensure the compliance of approval conditions; the PRs were set at a level commensurate with the existing and planned infrastructural capacities; and all material changes to the approved scheme would have to be submitted to the Board as a fresh s.16 application. Mr. David C. Lee said that the main reason for not upholding the objection was that the application site had been granted a planning permission which could ensure the compliance of approval conditions.

11. As the applicant’s representatives had no further comments to make and Members had no further questions to raise, the Chairperson 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 Chairperson thanked the applicant’s representatives and PlanD’s representatives for attending the meeting. They all left the meeting at this point.

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

Deliberation Session

12. Mr. Felix W. Fong said that he was an ordinary friend of the head of Chuang’s Group, the holding company of Mega Well Ltd. (the applicant). The Committee considered that Mr. Fong’s interest was indirect, and agreed that he could stay at the meeting and participate in the deliberation of this item.

13. A Member said that the zoning and associated PR restrictions as stipulated in the OZP provided a clear guideline for future development and should be maintained. The applicant’s claim that the gist of the application was not a planning issue but a technical issue was misleading as the case would have widespread planning implications. A few Members agreed and added that the application should be considered in the wider perspective of the planning intention and overall planning of the whole area, and the cumulative effects in planning terms should also be considered.

14. In response to the Chairperson, the Secretary clarified that under the Notes for “R(A)” zone of the OZP, no new development or redevelopment of the existing building should result in the PR in excess of 7.5 for a domestic building or 9 for a building that was partly domestic and partly non-domestic, or the PR of the existing building, whichever was the greater. For a pure non-domestic building, the maximum PR should not exceed 9. The Secretary drew Members’ attention that previous legal advice confirmed that the maximum PR for the proposed hotel development at the site within “R(A)” zone should not exceed 9.

15. In response to a Member’s question, the Secretary said that there were planning applications previously approved for commercial uses within the “R(A)” zone. Approving the rezoning application would create a piecemeal “C” zone within the “R(A)” area and would set a precedent for other similar applications in the area.

16. Another Member asked about the weight of undesirable precedent in considering application. The Chairperson explained that precedent case was one of the material considerations. Notwithstanding, each application would still be considered on its own merits. The Secretary supplemented that it was also established in a few appeal cases considered by the TPAB that it was legitimate to consider the precedent effect in considering planning applications.

17. A Member did not support the application as hotel would bring in a lot of coaches aggravating the adverse traffic condition of the area in particular Wuhu Street. Mr. Anthony Loo said that individual hotel development with adequate parking and loading/unloading facilities generated less traffic than that of an office or residential development. For concentration of hotels along the same street/area, the traffic impact needed to be separately assessed. There was inadequate information to demonstrate that the cumulative effect of approval of similar applications would have adverse traffic impact in the area.

18. A Member said that there was insufficient information/merits to justify rezoning the site to “C” so as to allow the hotel development to have a higher PR. Another Member agreed and considered the proposed “C” zoning was inappropriate in a predominantly residential neighbourhood.

19. A Member said that hotel use would add vibrancy to the neighbourhood and was

in general compatible with the predominant residential use, but the development intensity had to comply with the current zoning restriction.

[Mr. Walter K.L. Chan left the meeting at this point.]

20. The Chairperson said that approving the application would give a blanket approval for the application site to be developed into other uses always permitted within the “C” zone but some of the commercial uses might not be compatible with the residential neighbourhood. Moreover, there were other alternatives to convert the existing commercial/office building into a hotel such as by demolishing a few floors or by modification of internal layout to reduce the PR to comply with the stated restrictions on the Notes. The applicant had not demonstrated that other alternatives for hotel development on the application site had been explored.

21. Taking into account the general stance of the Members of not supporting the application, the Committee agreed that the Members’ views should be appropriately reflected in the reasons for rejection.

22. After further deliberation, the Committee decided not to agree to the application for amendment to the Outline Zoning Plan for the following reasons :

- (a) there were insufficient justifications or planning merits in the submission to support the rezoning proposal which would result in a higher plot ratio for hotel development in the area;
- (b) the approval of the application would result in an isolated “Commercial” (“C”) site in the midst of the “Residential (Group A)” (“R(A)”) area. It would not be in congruous with the general character for the area. Moreover, the approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving similar applications would result in changing the character of the “R(A)” neighbourhood of the locality and would have possible adverse impacts on the infrastructure provisions in the area; and

- (c) the approval of the application would give a blanket approval for the application site to be developed into other uses always permitted within the “C” zone. Some of the commercial uses might not be compatible with the residential neighbourhood.

[Open Meeting (Presentation and Question Sessions only)]

- (ii) Y/K9/3 Application for Amendment to the Draft Hung Hom Outline Zoning Plan No. S/K9/19 from “Other Specified Uses” annotated “Business” (“OU(B)”) to “Residential (Group E)”, 9-13 Hok Yuen Street, 18-28 Man Lok Street and 37-53 Man Yue Street, Hung Hom
(MPC Paper No. Y/K9/3)
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23. The Secretary reported that the application was submitted by a subsidiary company of Cheung Kong (Holdings) Ltd. Dr. Greg C.Y. Wong, having current business dealings with Cheung Kong (Holdings) Ltd., had declared interest in this item and had left the meeting temporarily.

Presentation and Question Sessions

24. Mr. Kelvin K.W. Chan, District Planning Officer/Kowloon (DPO/K) and Mr. C.C. Lau, Senior Town Planner/Kowloon (STP/K) of the Planning Department (PlanD) and the following applicant’s representatives were invited to the meeting at this point :

Mr. Andrew Chan
Mr. Eric Ho
Mr. Terence Lo
Dr. Westwood Hong

25. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. Kelvin K.W. Chan, DPO/K, to brief members on the background to the application.

26. Mr. Kelvin K.W. Chan briefed the Committee that detailed comments from Environmental Protection Department (EPD) on the further information submitted by the applicant was received after the Paper was issued and the comments were tabled at the meeting for Members' reference. With the aid of a Powerpoint presentation, Mr. Kelvin K.W. Chan presented the application as detailed in the Paper and made the following main points:

- (a) the applicant proposed to rezone the application site (currently occupied by four multi-storey industrial buildings including Conic Investment Building and Kaiser Estate Phases I, II and III) from "Other Specified Uses" annotated "Business" ("OU(B)") to "Residential (Group E)" ("R(E)") on the draft Hung Hom Outline Zoning Plan (OZP) No. S/K9/19 for redevelopment into commercial/residential development. A maximum plot ratio (PR) of 7.5 for a domestic building and a maximum PR of 9 for a partly domestic and partly non-domestic building were proposed for the "R(E)" zone. In order to ensure there would be adequate control over redevelopment and that any environmental interface problems were properly addressed, residential development would require planning permission under the "R(E)" zone;
- (b) according to the indicative scheme, the site currently occupied by Conic Investment Building owned by the applicant would be developed into a 47-storey composite commercial/residential building with a respective domestic and non-domestic PR of 7.5 and 0.9375, a building height of 150mPD, and a total of 440 flats. Detailed layout of the proposed scheme was at Drawings Z-9 and Z-10 of the Paper;
- (c) the application site was located in an area dominated by industrial-office buildings to the north, east and south currently under "OU(B)" zoning. To the immediate west was the Hung Hom Commercial Centre under "C" zoning while further west was the built-up residential area zoned "R(A)". An elevated road abutted the site to the south at Man Yue Street;
- (d) the age of existing industrial-office buildings to the west of Ma Tau Wai Road were mostly over 30 years while that to the east near the waterfront

were newer developments between 11 to 30 years. The clusters of buildings near the application site were mostly between 21 to 30 years old. Since the area was previously subject to airport height restriction, most of the existing buildings were between 50 to 60mPD in height intermixed with some newer residential developments with a maximum building height of about 104mPD;

- (e) Government departments had no major adverse comments on the application except EPD which did not support the application from environmental noise planning perspective. As the application site is flanked by the flyover over Man Yue Street to the immediate south, road traffic noise levels would exceed the relevant noise standard for domestic premises as specified in the Hong Kong Planning Standards and Guidelines, and there were no practical means to ensure the implementation of noise mitigation measures. Moreover, piecemeal approval of redevelopment might lead to industrial/residential (I/R) interface problems and constrained the future night time industrial work. Also, the applicant's industrial noise impact assessment was not assessing the worst-case scenario and the Sewerage Impact Assessment report submitted was not satisfactory;
- (f) 12 public comments were received during the statutory publication period. 10 of them objected to the application mainly on the grounds that the area was a suitable place for industrial and commercial uses; the proposed rezoning would have adverse effect on the local industries and economy; the area was subject to heavy vehicular traffic and was not suitable for residential uses in terms of environmental conditions; and there was sufficient land for residential development in Hung Hom area. The other 2 supported the application for the reason that it could ease the traffic congestion caused by heavy vehicles; and
- (g) PlanD did not support the application for reasons as detailed in paragraph 10.2 of the Paper in that the area was a well-established commercial and industrial area and was economically vibrant. Except Conic Investment Building, the other three buildings had vacancy rate lower than the territorial average and

the buildings were in fair and good conditions. The Hong Kong 2030 Study anticipated that additional “OU(B)” floor space would be required in the long run to sustain Hong Kong’s economic growth and the proposed rezoning would reduce the supply of land for business uses in future. The proposed “R(E)” zone was not compatible with the surrounding developments and the piecemeal redevelopment would be subject to I/R interface problem. Moreover, the approval of the application would set an undesirable precedent for other similar rezoning applications in the area, resulting in cumulative loss of “OU(B)” floor space and adverse impacts on traffic, infrastructure, open space and government, institution or community (GIC) facilities provisions in the area.

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

27. With the aid of a Powerpoint presentation, Mr. Andrew Chan made the following main points:

- (a) a survey on vacancy rate of the four industrial buildings was conducted in November 2006. The result of the survey revealed that vacancy rate of the four buildings which ranged from 16% to 38% were much higher than the findings of PlanD. Three copies of the survey report were tabled for Members’ reference;
- (b) referring to Director of Environmental Protection’s (DEP) comments, as detailed in paragraphs 8.1.5(b) and (c) of the Paper, that exceedance of road traffic noise levels was anticipated at the site boundary and there were no practical means to ensure the assumed building layout and noise mitigation measures would be implemented, the applicant clarified that the proposed residential development would not be developed up to the fringe of the site and 100% compliance of the noise standard in the Hong Kong Planning Standard and Guidelines in terms of noise impact could be achieved through the implementation of appropriate noise mitigation measures. To rezone the site to “R(E)” would enable the future redevelopment into residential use subject to the Board’s control as well as the imposition of appropriate planning

conditions to ensure compliance;

- (c) there was no dispute to the Chief Town Planner/Strategic Planning's comments as detailed in paragraph 8.1.1 of the Paper that additional demand for land zoned "OU(B)" was anticipated in the long run. However, the demand was not in Hung Hom area. Hung Hom district had been gradually evolving from an industrial area in 1960's to an area dominated by residential use today. Since the rezoning of surplus industrial land in Hung Hom to other uses including "OU(B)" in 2001, there was not a single case for redevelopment into commercial/office or hotel uses in this zone. The vacancy rate of "OU(B)" floor space in Hung Hom had increased from 2.8% in 2001 to 5.3% in 2004 and the take-up of floor space had decreased from 1,799.5m² in end 2001 to -11,863.1m² in end 2004. Comparing the changes in vacancy rate and take-up rate of "OU(B)" zones in other districts of Kowloon, the "OU(B)" zone in Hung Hom represented the highest % increase in vacancy rate and a negative rate of take-up. With the existing industrial buildings remained, a number of these buildings were illegally converted to other uses. Hence, "OU(B)" remained to be a zoning on paper difficult to be implemented due to financial inviability;

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

- (d) on the other hand, there was additional demand for residential developments arising from an increasing preference for living in the metro area close to employment centres. The mature residential estates in Hung Hom in particular, generated demand for additional residential units to accommodate the younger generation who wished to live close to their parents;

[Dr. Daniel B.M. To returned to join the meeting at this point.]

- (e) the existing "OU(B)" zone in Hung Hom could broadly be divided into two portions. Area to the east of Man Lok Street, which was characterized by more modern, newer buildings and wider streets, with the whole street-block under "OU(B)" zone, was more suitable to be retained as

“OU(B)” zone. On the contrary, the area to the west of Man Lok Street with older industrial buildings close to residential developments, and narrow congested streets with on-street loading/unloading activities, was suitable for rezoning to residential use to achieve a more rational land use pattern. This would act as a catalyst for redevelopment which would take place in phases;

- (f) although there might be concern on the prospect of redevelopment of the other three buildings given the multiple ownership, this should not be an unresolved issue as the Board had already considered this in rezoning the sites to “OU(B)”. With redevelopment for other uses as catalyst, restructuring of the area became possible, and there was existing legislation to assist in land assembly;
- (g) as revealed in the video showing the night-time environment of the area, the existing “OU(B)” zone was characterized by poor streetscape and limited vibrancy and the Hung Hom Commercial Centre to the immediate west of the application site was isolated. Approving the application to facilitate the proposed redevelopment into a composite commercial/residential development would turn the area vibrant and formed a new focal point. The environment and traffic conditions of this area would be improved and the townscape and streetscape would also be enhanced; and
- (h) the application provided a chance of recycling of industrial land. It was common in many other world cities with many successful cases. The approval of the application would be the best use of land resources and could improve the urban landscape.

28. Mrs. Shirley Lee clarified that EPD’s comments on the measurement of noise exceedance level at the site boundary was made on the basis of noise assessments as submitted by the applicant. In response, Mr. Andrew Chan confirmed that there was no dispute on the assessment method and findings but reiterated that the proposed residential development could achieve 100% noise compliance with the implementation of appropriate

noise mitigation measures.

29. As the applicant's representatives had no further comments to make and Members had no further questions to raise, the Chairperson 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 Chairperson thanked the applicant's representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

30. A Member commented that the application should not be supported as it would create I/R interface problems which could not be resolved satisfactorily. The building height of the proposed residential development of 150mPD which would be the highest development (other than the Harbourfront Landmark) in the district, was excessive. The approval of the application might lead to other similar redevelopment of Industrial-Office buildings resulting in serious 'wall effect'. Two other Members shared similar views and added that given the large area of the application site, the proposed residential development at a building height of 150mPD would be very massive and totally out-of-scale with other adjoining developments which had a building height of less than 60mPD as shown in Plan Z-9 of the Paper.

31. In response to the a Member's concern on how to achieve the planning intention of "OU(B)" zone and whether building height control would be imposed in the area, the Chairperson said that while the Board had provided flexibility in the use of industrial buildings in "OU(B)" zone, whether these buildings would be redeveloped would depend on market demand and private initiatives. Noting the public concern on the building height issue, PlanD was considering recommending building height restrictions into OZPs and would introduce building height control by phases according to priority.

32. A Member remarked that considerable number of objections were received from the owners of the adjoining Industrial-Office buildings on the ground that the area was considered suitable for industries and commercial uses and rezoning would have adverse effect on local industries and economy causing loss of employment opportunities. This had

demonstrated that there was demand for industrial/office space in the area.

33. In response to a Member's question on the difference between "Residential (Group A)" ("R(A)") and "R(E)" zonings, the Secretary explained that the planning intention for "R(A)" zone was for composite residential developments in urban and new town areas with the lowest three floors for commercial uses. As for "R(E)" zone, the long term planning intention was to phase out existing industrial uses through redevelopment for residential use on application to the Board in order to address possible I/R interface problems or resolve environmental concerns.

34. A Member commented that although there was merit in the application that the proposal would revitalise the area, given the vast area involved with the substantial PR and excessive building height, approving the application might have widespread implications for the area. The application should therefore be considered comprehensively in a wider context taking into account other considerations. Another Member said that the applicant only owned one of the four buildings within the application site while the other three buildings were under fragmented ownership. The redevelopment proposal might be difficult to be realised. As a result, I/R interface problem would be created.

35. After further deliberation, the Committee decided not to agree to the application for amendment to the Outline Zoning Plan for the following reasons :

- (a) the application site was located in the well-established Hung Hom commercial and industrial area where the business activities were active. The existing "Other Specified Uses" annotated "Business" ("OU (B)") zone was considered appropriate for the area;
- (b) there was an estimated increase in the demand for "OU(B)" floor space in long run and additional "OU(B)" land would be required to sustain Hong Kong's economic growth. The proposed rezoning would reduce the supply of land for business affecting the Hong Kong's long term economic growth;
- (c) the proposed "Residential (Group E)" zone was not compatible with the

adjacent “OU(B)” zone in the adjacent area;

- (d) there was insufficient information in the submission to demonstrate that the industrial/residential (I/R) interface problems within the application site and I/R interface problems between the application site and its surrounding developments could be resolved ; and
- (e) the approval of the application would set an undesirable precedent for other similar rezoning applications in the area, resulting in cumulative loss of “OU(B)” floor space and adverse impacts on traffic, infrastructure, open space and “Government, Institution or Community” facilities provisions in the area.

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

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K10/221 Proposed Hotel Development
in “Residential (Group A)” zone,
42-46 Kowloon City Road, Ma Tau Kok
(KILs 6274, 6072 and 4324)
(MPC Paper No. A/K10/221)
-

Presentation and Question Sessions

[Dr. Greg C.Y. Wong returned to join the meeting at this point.]

36. With the aid of a Powerpoint presentation, Mr. Kelvin K.W. Chan, DPO/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed hotel development;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) a total of three public comments were received during the statutory publication period. Two objected to the application on traffic grounds as there was already heavy traffic in the area and the illegal parking, loading/unloading of visitors by tour buses had caused serious traffic congestion to Ha Heung Road and Sze Chuen Street area. Other objection grounds included public order, public health and greenhouse effect. Another commenter did not object but raised concern on possible traffic impact generated by the proposed development. District Officer (Kowloon City) said that the Committee should consider all the comments gathered during the consultation; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 10.1 of the Paper in that compared with the previously approved scheme on the site for hotel (guesthouse) under Application No. A/K10/207, the current scheme involved only minor changes and there was no change in planning circumstances since the approval of the previous application. The proposed development located in an area intermixed with residential, retail, and Government, Institution or Community uses, with building heights mostly ranged from 6 to 15 storeys, was considered not incompatible with its surrounding developments both in terms of its use and building height. Moreover, adverse impact to the traffic condition in the area was not anticipated in view of the proposed budget-type hotel development, the availability of public transport facilities and on-street parking spaces in the neighbourhood. In this regard, Transport Department had no objection to 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 (TPB). The permission should be valid until 22.6.2011, 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 design and provision of loading/unloading space, coach lay-by and pedestrian pathway within the development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission of a sewerage impact assessment and implementation of the sewerage improvement and upgrading works identified therein to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (d) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

39. The Committee also agreed to advise the applicant :

- (a) the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development as well as Gross Floor Area exemption for back-of-house facilities, if claimed, would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain necessary approval. In addition, if hotel concession, in particular the non-domestic plot ratio of the development, was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;

- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department regarding hotel concessions, compliance with the criteria under Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) 111, and exemption of lift shaft area, compliance with the criteria under PNAP 207;
- (c) to apply to the Director of Lands regarding lease modification;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department regarding that the physical appearance of the proposed hotel should be of good quality as the application site was located along East Kowloon Corridor;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department regarding the provision of landscape treatment on the podium to improve the greenery of the development;
- (f) to consult the Chief Officer/Licensing Authority, Home Affairs Department on the licensing requirements for the proposed hotel development; and
- (g) to note the comments of the Director of Fire Services that the arrangement on Emergency Vehicular Access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue.

[Dr. Greg C.Y. Wong and Mr. Stanley Y.F. Wong left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K15/79 Proposed Commercial Uses above the Lowest Three Floors in “Residential (Group A)” zone,
Yau Tong Estate Phase 4 and New Kowloon Inland
Lot 6459(Part), Yau Tong
(MPC Paper No. A/K15/79)
-

40. The Secretary said that as the subject application was made by the Hong Kong

Housing Authority (HKHA), the following Members had declared interests in this item:

- | | |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Mrs. Ava S.Y. Ng
as the Director of Planning | - being a member of the Building Committee and the Strategic Planning Committee (SPC) of HKHA; |
| Dr. Greg C.Y. Wong | - having current business dealing with HKHA |
| Professor Bernard V.W.F. Lim | - having current business dealing with HKHA |
| Mr. Stanley Y.F. Wong | - being a member of the HKHA |
| Mr. Walter K.L. Chan | - being a former member of the HKHA |
| Mr. Herbert Y.S. Leung
as the Deputy Director of
Lands Department | - being a deputy to the Director of Lands who was a member of HKHA; and |
| Ms. Margaret Hsia
as the Assistant Director of
Home Affairs Department | - being an assistant to the Director of Home Affairs who was a member of the SPC and the Subsidised Housing Committee of HKHA. |

41. The Committee noted that Mr. Herbert Y.S. Leung, Ms. Margaret Hsia had tendered apologies for being unable to attend the meeting; Professor Bernard V.W.F. Lim and Mr. Walter K.L. Chan had already left the meeting; and Dr. Greg C.Y. Wong and Mr. Stanley Y.F. Wong had left the meeting temporarily. As the Vice-Chairman had declared interest in this item and had left the meeting temporarily, Members agreed that the Chairperson could continue to chair the meeting out of necessity.

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed commercial uses above the lowest three floors;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) a total of two public comments were received during the statutory publication period. One from a Kwun Tong District Council member who agreed to the application while the other from Mass Transit Railway Corporation (MTRC) commented that the passenger circulation facilities and the revised layout plan illustrating the interface arrangements should be reviewed and forwarded to the MTRC for comment at the design stage; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper in that the proposed development was designed as a regional shopping centre to serve the housing developments at the Yau Tong area. The total non-domestic plot ratio (PR) of Yau Tong Estate was within the statutory limit of non-domestic PR of 1.5 for “Residential (Group A)” zone. The proposed development would not have adverse impacts on the surrounding areas. An advisory clause was proposed to request the applicant, in consultation with the MTRC, to review the associated passenger circulation arrangement in the design stage.

43. A Member said that the application was supported in-principle noting that a large public open space would be provided within the proposed development. However, consideration should also be given to integrate the proposed development with the adjoining Yau Tong Centre to the south across Ko Chiu Road so as to bring more benefits to the local residents. In response, Mr. C.C. Lau said that there were two footbridge connections between the proposed development and the adjoining Lei Yue Mun Centre and the proposed development was conveniently located in close proximity to the Yau Tong MTR Station. Mr. Kelvin K.W. Chan supplemented that the provision of footbridge/linkage between Yau Tong Centre, which was a private residential development, and the proposed commercial centre would require liaison between the applicant and the land owners. PlanD would convey the concern to the applicant for consideration in order to further improve the connectivity of the proposed

development with adjoining area.

Deliberation Session

44. 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 22.6.2011, 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 landscape master plan and tree preservation proposals to the satisfaction of Director of Planning or of the TPB; and
- (b) the submission of quarterly tree preservation monitoring reports to the satisfaction of Director of Planning or of the TPB.

45. The Committee also agreed to advise the applicant :

- (a) to review the associated passenger circulation arrangement in the design stage in consultation with the Mass Transit Railway Corporation; and
- (b) to resolve any land issue relating to the development with other concerned owner(s) of the application site.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/K18/243 Proposed Public Utility Installation (Electricity Substation) and Associated Road and Slope Improvement Works in “Green Belt” and “Open Space” zones, Part of Fu On Street and its adjacent slopes, and a vacant Government site thereat, Kowloon Tong
(MPC Paper No. A/K18/243)
-

[Dr. Greg C.Y. Wong and Mr. Stanley Y.F. Wong returned to join the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (electricity substation) and associated road and slope improvement works;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the statutory publication period. District Officer (Kowloon City) said that the Culture, Recreation and Sports Committee (CRSC) under the Kowloon City District Council (KCDC) was consulted on the proposed road and slope improvement works and supported such proposal; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper in that the ESS design and the provision of open space and viewing platform for public enjoyment remained the same as those under the previously approved scheme. There was no change in planning circumstances since the approval of the previous application No. A/K18/228. The associated road and slope improvement works would unlikely cause adverse impacts on environment, drainage, traffic and infrastructures in the area and their visual impacts could hardly be considered as significant.

47. A Member raised a question on whether the proposed open space would be accessible by the general public. Referring to Drawing A-2 of the Paper, Mr. C.C. Lau said that the viewing terrace was available and accessible for public enjoyment. There had been no change in the provision and design of open space since the approval of the previous

application.

48. In response to another Member's question on the need for road improvement and public benefit from such road works, Mr. C.C. Lau said that the existing Fu On Street was a sub-standard road which required improvement to allow the passage of fire engine to serve the proposed electricity substation (ESS). Only localised widening works of Fu On Street would be carried out in order to minimise impact on the public and the adjoining environment. After the completion of road widening works, the public could continue to use the road.

Deliberation Session

49. The Chairperson remarked that the location of the proposed ESS was very prominent which warranted a very good design and landscape treatment. A Member raised concern on the pedestrian safety along the access road after completion of road improvement works as the road was frequently used by morning walkers and trail walkers for access to Kowloon Tsai Park. Mr. C.C. Lau said that the access road would be a restricted road and a permit would be required for access. Although no pedestrian footpath would be provided along the access road, the width of the road would be sufficient for shared use to avoid conflict with service vehicles. The estimated traffic for the ESS operation would be only one vehicle trip per day.

50. A Member commented that the design of the open space and viewing terrace of the proposed ESS should be improved to become more inviting. Proper footpath and roadside landscaping should be provided in order to encourage the public usage of the viewing terrace. Another Member commented as the proposal which led to the loss of a public open space which would only be partially compensated by a smaller open space within the proposed ESS, it should therefore be specifically stated in the approval conditions that the public open space should be open for public enjoyment at all times. Moreover, temporary pedestrian facilities should be provided during construction of road improvement works to ensure smooth and safe pedestrian access. Otherwise, public outcry would be anticipated.

51. Another Member shared a similar view that it was unnecessary to completely close Fu On Street for two years merely for carrying out roadside improvement works. Pedestrian facility should be maintained throughout the construction period to allow for

pedestrian access to the public open space. The same Member commented that the proposed route to the viewing terrace was indirect and only accessible from the south via the vehicular access. Serious consideration should be given to further improve the visibility and accessibility by the provision of another entrance along the eastern boundary or other convenient points within the site. Proper signage should be provided and the design of open space should be improved to become more visible, inviting and attractive. Another Member remarked that two access points should be provided to facilitate public enjoyment of the open space.

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

52. The Committee noted that the CRSC of the KCDC was consulted on the proposed road and slope improvement works. To address the local concern on the loss of public open space and pedestrian safety, an advisory clause was proposed to request the applicant to have regular liaison meeting with KCDC to discuss the issues. Taken into account the concerns of Members, the Committee also agreed to impose additional approval conditions relating to the submission and implementation of roadside landscaping proposal, the opening hours and improved design and accessibility of the public open space as well as the provision of safe pedestrian facilities during construction of road improvement works.

53. 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 22.6.2011, 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 façade design and colour scheme of the proposed electricity substation (ESS) development to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of landscape and tree preservation proposals including roadside landscaping/tree transplanting proposals and submission of quarterly tree preservation monitoring reports to the satisfaction of the Director of Planning or of the TPB;

- (c) the submission and implementation of the vehicular and pedestrian access arrangement (including provision of safe pedestrian access facilities during construction stage) as well as road improvement works to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design, provision and implementation of the proposed public open space within the site to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (e) with regard to condition (d) above, an additional access point should be provided on the eastern boundary or other convenient points within the site to facilitate public access to the public viewing terrace. Moreover, proper signage should be provided at prominent location;
- (f) the proposed public open space within the site should be properly maintained, managed and open for public use at all times to the satisfaction of the Director of Leisure and Cultural Services or of the TPB; and
- (g) the provision of emergency vehicular access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

54. The Committee also agreed to advise the applicant :

- (a) the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to demonstrate compliance with Building (Planning) Regulation 41D and Building (Private Streets and Access Roads) Regulations with regard to the proposed road widening works at formal building plan submission stage;
- (c) to submit geotechnical submission covering the investigation of the

stability of existing slopes, both man-made and natural, and/or retaining walls within or in the vicinity of the proposed works site to the Geotechnical Engineering Office via Buildings Department for approval in accordance with the provisions of the Buildings Ordinance;

- (d) to liaise with the Mass Transit Railway Corporation Limited on the details of the proposed ESS development and the associated road/slope improvement works, and comply with their requirements with respect to the operation, maintenance and safety of the railway tunnels and ventilation shaft;
- (e) to consult the Director of Leisure and Cultural Services on any road and slope improvement works which would affect the Lok Fu Park and Junction Road Park area;
- (f) to liaise with the Director of Lands, the Director of Leisure and Cultural Services and the Director of Highways on the future maintenance and management of Fu On Street;
- (g) to liaise with the Director of Water Supplies and the Director of Hong Kong Observatory regarding the traffic arrangements during the course of the ESS construction and the associated road/slope improvement works; and
- (h) to liaise with the Kowloon City District Council on a regular basis regarding issues on the design of public open space and pedestrian safety during the construction of road/slope improvement works and operation stage .

[The Chairperson thanked Mr. Kelvin K.W. Chan, DPO/K, and Mr. C.C. Lau, STP/K, for their attendance to answer Members' enquires. Messrs. Chan and Lau left the meeting at this point.]

[Professor N.K. Leung left the meeting at this point.]

application for the reasons detailed in paragraph 10.1 of the Paper in that the proposed use was considered not incompatible with the surrounding land uses which were predominantly commercial/residential developments with commercial uses on lower floors. The proposed development would have no adverse traffic impact on the nearby developments.

56. Members had no question on the application.

Deliberation Session

57. 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 22.6.2011, 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 sewerage impact assessment and the implementation of the mitigation measures identified to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the provision of water supplies for fire fighting and fire services installations to the satisfaction of the Director of the Fire Services or of the TPB.

58. The Committee also agreed to advise the applicant :

- (a) to consult the District Lands Officer/Kowloon West, Lands Department on the lease requirements for the proposed shop and services use at the Site; and
- (b) to consult the Chief Building Surveyor/Kowloon, Buildings Department on the provision of emergency vehicular access to the site according to Part VI of the Code of Practice for Means of Access for Firefighting and Rescue.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K3/496 Wholesale Trade, and Shop and Services (Retail Shop)
in “Residential (Group E)” zone,
Workshop B, G/F, Yip Kwong Industrial Building,
39-41 Beech Street, Tai Kok Tsui (KILs 6351 and 6352)
(MPC Paper No. A/K3/496)
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Presentation and Question Sessions

59. 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 wholesale trade, and shop and services (retail shop);
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application;

[Mr. Felix W. Fong returned to join the meeting at this point.]

- (d) one public comment from a Yau Tsim Mong District Council member was received during the statutory publication period who agreed to the application. District Officer (Yau Tsim Mong) said that while the concerned District Council member and the Chairman of Yau Tsim Mong West Area Committee had no objection to the application, they were worried about the possible pavement obstruction problem; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper in that the uses at the premises were considered not incompatible with the existing uses within the subject industrial building and the existing G/F uses of the surrounding developments. Moreover, the uses would have no adverse impact on the nearby developments. Regarding the local concern on possible pavement obstruction, Transport Department (TD) might

alter/cancel any parking and/or loading/unloading facilities outside the premises on Beech Street to cope with changing traffic conditions and needs. TD had no objection to the application.

60. Members had no question on the application.

Deliberation Session

61. 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 provision of fire service installations and means of escape, within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 22.12.2007; 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.

62. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Kowloon West, Lands Department for lease modification/waiver for the applied uses at the Premises; and
- (b) to consult the Chief Building Surveyor/Kowloon, Buildings Department on the provision of exit doors and facilities for persons with disability as well as the removal of the unauthorized metal gates across the Means of Escape at the rear of the premises.

[The Chairperson thanked Mr. Louis K.H. Kau, STP/TWK, for his attendance to answer Members' enquires. Mr. Kau left the meeting at this point.]

[Ms. Starry W.K. Lee left the meeting temporarily while Dr. Daniel B.M. To left the meeting at this point.]

Hong Kong District

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

Agenda Item 6

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H4/1 Application for Amendment to the Approved Central District Outline Zoning Plan No. S/H4/12, Proposed Replacement of “Bank”, “Fast Food Shop”, “Retail Shop”, “Service Trades” and “Showroom (excluding Motor-vehicle Showroom)” with “Shops and Services (excluding Motor-vehicle Showroom)” under Column 2 of the Notes of the “Other Specified Uses” annotated “Pier” zone, Level 2, Central Pier 3
(MPC Paper No. Y/H4/1B)

63. The application was submitted by a subsidiary of HKR International Group (HKR). Dr. Greg C.Y. Wong had declared an interest in this item as he had current business dealings with the HKR. As the applicant had requested for a deferment of consideration of the application, Members agreed that Dr. Wong could be allowed to stay at the meeting.

Presentation and Question Sessions

64. The Committee noted that on 2.2.2007 and 13.4.2007, the Committee decided to defer a decision on the application as requested by the applicant pending submission of further information and to allow time to resolve Buildings Department (BD)’s comments respectively. The applicant had written to the Secretary of the Town Planning Board on

7.6.2007 requesting further deferment of the consideration of the application to allow sufficient time to continue consultation with BD to resolve major technical issues.

Deliberation Session

65. The Secretary drew Member's attention that PlanD had no objection to this deferment application but considered that since this was the third deferment application submitted by the applicant, no further deferment after this should be granted as sufficient time should have been allowed for preparation and submission of further information.

66. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and since this was already the third deferment of the application and sufficient time should have been allowed for preparation and submission of further information, no further deferment would be granted.

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/H4/80 Proposed Retail Shop, Service Trades, Restaurant, Fast Food Shop, Showroom excluding Motor-vehicle Showroom, Beauty Parlour and Public Utility Installation (Telecommunications Radio Base Station) in "Comprehensive Development Area(2)" zone, Upper Decks and Rooftops of Central Piers 4 to 6, Central

(MPC Paper No. A/H4/80)

67. The application was submitted by Transport Department (TD). Mr. Anthony Loo, Assistant Commissioner of TD, had declared interest in this item. The Committee noted that

Mr. Loo had already left the meeting.

[Ms. Starry W. K. Lee returned to join the meeting at this point.]

Presentation and Question Sessions

68. Ms. Donna Y.P. Tam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed retail shop, service trades, restaurant, fast food shop, showroom excluding motor-vehicle showroom, beauty parlour and public utility installation (telecommunications radio base station);
- (c) departmental comments – concerned Government departments had no objection to or no adverse comment on the application except the Chief Town Planner/Urban Design and Landscape, PlanD did not support the application from urban design aspect for the reason that the site was in a prominent location but no information was submitted to demonstrate that the design and scale of the proposal had taken into account the waterfront setting. Moreover, the Chief Town Planner/Special Duties, PlanD considered that approval of the application should be on a temporary basis in order not to frustrate the comprehensive development of the site in the long term;
- (d) no public comment was received during the statutory publication period, and no local objection/views were received by District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection in-principle to the application for the reasons as detailed in paragraph 10.1 of the Paper in that the proposed commercial uses were considered not incompatible with the existing pier use and would provide convenient services to the passengers, local visitors and tourists using the piers and the

waterfront areas. The proposed uses would unlikely cause disruption to the pier operation and passenger circulation. Notwithstanding the above, the application sites fell within a prominent location along the harbour-front. As no information on the design and layout of the proposed uses on the rooftops was submitted and relevant Government departments had raised concerns on this aspect, a partial approval for the proposed uses on the upper decks of the ferry piers only was recommended. Besides, in order not to frustrate the comprehensive development of the site in the long term and pending recommendation of the Urban Design Study for the New Central Harbourfront (UDS) on the future development on the application site, the application should only be approved on a temporary basis for a period of three years commencing from 1.7.2008 until 30.6.2011 so as to allow time for TD's completing the tender procedures in letting the premises.

69. Noting PlanD's recommendation on the commencement date of the temporary approval, a Member questioned whether temporary approval could be given for a period of 4 years commencing on 1.7.2007 which could provide even greater flexibility. In reply, Ms. Donna Y.P. Tam said that the commencement date was so proposed in order to tie in with the applicant's forthcoming renewal of franchise for pier operation in mid 2008.

70. In response to a Member's question on the future development of the "Comprehensive Development Area (2)" ("CDA(2)") site, Ms. Donna Y.P. Tam replied that the future development of the site was under review in the UDS currently undertaken by PlanD. Detailed design requirement would be formulated. The UDS was anticipated to be completed by end 2007/early 2008.

71. A Member raised concern on whether there was mechanism for the applicant to take back the let-out space in the event of emergency or the unforeseen need for additional floor space to meet special operational requirements. Ms. Donna Y.P. Tam responded that TD, the Transport Authority, was the applicant. All the relevant requirements to ensure effective operation of ferry service under all circumstances could be clearly stated in the tender documents. Hence, the efficiency in the daily operation of these piers would not be compromised.

Deliberation Session

72. A Member commented that in the absence of information on the design and layout of roof-tops, the approval of commercial uses on the roof-tops of these piers was undesirable. However, the existing roof-tops of those piers under application were eyesores when viewing from International Finance Centre 2. Consideration should be given to allowing suitable uses on the roof-tops of these piers in order to enhance the appearance.

73. The Secretary said that the subject site was included in “CDA(2)” on the approved Central Outline Zoning Plan with a maximum Gross Floor Area of 55,740m² to facilitate future development. The proposed development within the site was now under review in the UDS. The current application was for proposed commercial uses on upper decks and roof-tops of the existing piers. The applicant intended to better utilize the space of existing piers prior to the implementation of permanent development within the “CDA(2)” site. PlanD’s reservation on granting approval for commercial uses on the roof-tops was due to the lack of information on the design and layout of these uses on roof-tops given its prominent harbourfront location.

74. A Member commented that it should be cautious in approving any application for development at this prominent site at the moment since public consultation on the UDS including future design and development of the site were yet to be conducted. It would be helpful that the urban design guidelines for the site would be available by the end of the year in order to allow sufficient time for the applicant to prepare a planning application for commercial uses on the roof-tops of those piers and complete the tender procedures for the next franchise.

75. After further deliberation, the Committee decided to partially approve the application for the proposed uses on upper decks of Piers 4, 5 and 6 on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid on a temporary basis for a period of 3 years from 1.7.2008 until 30.6.2011, and subject to the following conditions :

- (a) the provision of fire services installations to the satisfaction of the Director

of Fire Services or of the TPB; and

- (b) the submission of a Sewerage Impact Assessment report to the satisfaction of the Director of Drainage Services or of the TPB.

76. The Committee also agreed to advise the applicant :

- (a) to obtain food licence/permit from the Director of Food and Environmental Hygiene if the subject premises was to be used for food business; and
- (b) to ensure that the air-conditioning system(s) and the fresh air intake(s) would be properly designed, located, installed and operated that there would not be unacceptable air pollutant impact on the public due to the nearby air emissions from ferries, and to comply with the relevant environmental pollution control ordinances.

77. The Committee decided not to approve the remaining part of the application for the reason that no information was provided to demonstrate that the design and layout of the proposed uses on the rooftops of the ferry piers were acceptable.

[Mr. Felix W. Fong left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/H5/360 Proposed Eating Place/Shop and Services
in "Open Space" zone,
2/F, 196-206 Queen's Road East, Wan Chai
(MPC Paper No. A/H5/360)
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78. The Secretary reported that the application was submitted by a subsidiary company of Hopewell (Holdings) Ltd. (Hopewell). Mr. Felix W. Fong, who had current business dealings with Hopewell, had declared interest in this item. The Committee noted that Mr. Fong had already left the meeting temporarily.

Presentation and Question Sessions

79. Ms. Donna Y.P. Tam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eating place/shop and services
- (c) departmental comments – Government departments had no adverse comment on or no objection to the application;
- (d) one public comment from an Eastern District Councillor was received during the statutory publication period who supported the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper in that the proposed uses were not incompatible with the retail shop and office uses in the same building. The proposed uses would not generate adverse impact on the surrounding area.

80. Members had no question on the application.

Deliberation Session

81. 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 22.6.2011, 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 to the satisfaction of the Director of Fire Services or of the TPB.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/H10/79 Minor Relaxation of Site Coverage from 15% to 15.1% for Ancillary Refuse Storage Chamber in “Residential (Group C)” zone, Scenic Villas, 2-28 Scenic Villa Drive, Pok Fu Lam (MPC Paper No. A/H10/79)
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[Mr. Felix W. Fong returned to join meeting, while the Chairperson left the meeting temporarily at this point.]

82. The Secretary reported that the application was submitted by the Incorporated Owners of Scenic Villas. The Chairperson, who owned a flat at Scenic Villa, had declared interest in this item. The Committee noted that the Chairperson had already left the meeting temporarily. The Vice-chairman took over to chair the meeting. Noting that the HKU had made a public comment on the application, Messrs. K.Y. Leung and Leslie H.C. Chen, who were employees of HKU, declared interests. Members considered their interests indirect and they were allowed to stay and participate in the deliberation of this item.

Presentation and Question Sessions

83. Ms. Donna Y.P. Tam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) minor relaxation of site coverage restrictions from 15% to 15.1% for ancillary refuse storage chamber (RSC);
- (c) departmental comments – Government departments had no adverse comment on or no objection to the application;
- (d) one public comment from the University of Hong Kong (HKU) was received during the statutory publication period. HKU was concerned whether the proposed RSC would adopt any smell preventive measures to avoid odour pollution to the residents of its staff quarters nearby; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper in that the proposed relaxation in site coverage solely for accommodating the proposed RSC was minor in nature and did not exceed the maximum permissible level of 50% under the general guideline adopted by the Board and there was no change to plot ratio/Gross Floor Area of the existing residential development. The proposed RSC would improve the hygienic condition and visual quality of the residential development as a whole and would generate no adverse traffic impact. As regards the commenter's concern on any 'smell preventive measures', the proposed RSC was small in scale and would replace the existing open-air refuse collection point which was an improvement to the environment.

84. Members had no question on this application.

Deliberation Session

85. 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 22.6.2011, 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 approved subject to the condition that the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

86. The Committee also agreed to advise the applicant :

- (a) to note the comments of the District Lands Officer/Hong Kong West & South, Lands Department with regard to the area of the subject lot; and
- (b) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department with regard to the issue on exemption of the proposed Refuse Storage Chamber from Plot Ratio/Site Coverage

calculation.

[The Chairperson returned to join the meeting while Dr. Greg C.Y. Wong left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/H19/52 Proposed Minor Relaxation of Site Coverage from 25% to not more than 33%
in “Residential (Group C)” zone,
6 Stanley Beach Road, Stanley (RBL 240A)
(MPC Paper No. A/H19/52A)
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Presentation and Question Sessions

87. Ms. Donna Y.P. Tam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed minor relaxation of site coverage from 25% to not more than 33% to facilitate redevelopment into a new residential development;
- (c) departmental comments – Government departments had no adverse comment on or no objection to the application; Buildings Department (BD) and District Lands Officer/Hong Kong West & South (DLO/HKW&S) raised concerns on the excessive provision of residents’ club house which might not be exempted from Gross Floor Area (GFA) calculation under their respective purview;
- (d) 17 and 9 public comments were received during the statutory publication periods on the application and the further information respectively. All 26 comments submitted by the residents and management company of residential developments nearby objected to the application mainly on the grounds that the building height and intensity of the proposed buildings

constructed on an elevated platform would be incompatible with the tranquil and low-rise character of the area; the increased number of residential blocks upon redevelopment would generate substantial adverse impacts on the environment and views of the residents would be affected; extent of relaxation was not minor; approval would set undesirable precedent for other developments in the vicinity resulting in more buildings increased in height and bulk in the area; inadequate public consultation; and violation of Article 105 of the Basic Law which protected the right of individual to the use of property; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.1 of the Paper in that the proposed relaxation of site coverage solely for design flexibility did not exceed the maximum permissible level of 50% under the general guideline adopted by the Board and the proposed plot ratio/GFA and building height were within the restrictions stipulated under the Outline Zoning Plan (OZP). Moreover, the proposed development would unlikely generate adverse impacts on traffic and infrastructural capacities in the area and was acceptable from urban design and landscape points of views. Whether certain facilities could be excluded from GFA calculation was not a subject under application and should be considered by concerned Government departments at the building plan submission stage. As such, an advisory clause had been added to this effect.

88. Referring to the public comments that the application was in violation of Article 105 of the Basic Law in that the existing raised platform together with the proposed residential development at the application site were contrary to the planning code and law, Ms. Christine K.C. Tse, DPO/HK supplemented that legal advice was obtained. The violation of Basic Law could not be established if the existing raised platform of the property and the proposed development were not in contrary to the Town Planning Ordinance (TPO) and other statutory provisions. Buildings Department had previously confirmed that the existing raised platform on which the existing buildings were constructed was approved by the department in 1981. Moreover, the building height and PR of the proposed residential development complied with the statutory requirements of the OZP prepared under the TPO

and there was provision under the OZP for application for minor relaxation of site coverage. On other concerns raised by the commenters such as adverse impacts on the environment and views of the nearby residents, and nuisance during construction, etc., it was considered that the application for minor relaxation of site coverage to facilitate design flexibility of the proposed residential development, which complied with the statutory requirements on the aspects of PR and building height and was in line with the relevant guideline adopted by the Board, would not have significant adverse impacts on the surrounding areas.

89. Members had no question on the application.

Deliberation Session

90. In response to a Member's question, Ms. Christine K.C. Tse replied that although the applicant was not the current land owner of the application site, reasonable steps had been taken to notify the registered land owners.

91. Members noted that the extent of site coverage relaxation under application was in line with the maximum permissible level of 50% under the relevant guideline adopted by the Board. They also noted that the impact on the surrounding areas was not significant.

92. 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 22.6.2011, 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) provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

93. The Committee also agreed to advise the applicant :

- (a) to note that the approval of the application did not imply that the facilities proposed to be excluded from the gross floor area and plot ratio calculation in the application would necessarily be acceptable to relevant Government departments and to liaise with concerned departments in this aspect;
- (b) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department in respect of the gross floor area calculation, particularly for the club house and the car parking spaces, under the Buildings Ordinance;
- (c) to note the comments of the District Lands Officer/Hong Kong West and South, Lands Department regarding the size of the clubhouse, the exemption from gross floor area calculation, and the calculation of site coverage under the lease;
- (d) to apply to the District Lands Officer/Hong Kong West and South, Lands Department for lease modification to permit the relaxation of site coverage;
- (e) to note the comments of the Director of Fire Services regarding the compliance with the Code of Practice for Means of Access for Firefighting and Rescue;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department regarding tree preservation and landscape aspect; and
- (g) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department regarding the submission of drainage plans.

[The Chairperson thanked Ms. Christine K.C. Tse, DPO/HK, and Ms. Donna Y.P. Tam, STP/HK, for their attendance to answer Members' enquires. Ms. Tse and Ms. Tam left the meeting at this point.]

Agenda Item 8

Any Other Business

94. There being no other business, the meeting was closed at 12:35 p.m..