

TOWN PLANNING BOARD

**Minutes of 364th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 4.1.2008**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

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

Professor Paul K.S. Lam

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. C.W. Tse

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

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

Secretary

Absent with Apologies

Mr. Leslie H.C. Chen

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 363rd MPC Meeting held on 14.12.2007

[Open Meeting]

1. The draft minutes of the 363rd MPC meeting held on 14.12.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising from the last meeting.

[Professor Bernard V.W.F. Lim and Mr. Nelson W.Y. Chan arrived to join the meeting at this point.]

Tsuen Wan and West Kowloon District

[Mr. P.C. Mok and Mr. Louis K.H. Kau, Senior Town Planners/Tsuen Wan and West Kowloon (STPs/TWK), were invited to the meeting at this point.]

Agenda Item 3

[Open Meeting]

Proposed Amendments to the

Draft South West Kowloon Outline Zoning Plan No. S/K20/19

(MPC Paper No. 1/08)

3. Mr. P.C. Mok, STP/TWK, presented the proposed amendments to the South West Kowloon Outline Zoning Plan (OZP) and covered the following aspects as detailed in the Paper:

- (a) the proposed amendments to the OZP, as detailed in paragraph 3 and Annex B of the Paper. The amendments were technical in nature in order

to tally the existing alignment of Lai Hong Street with the adjoining lot boundary of the existing Tsung Tsin Christian Academy, Tack Ching Girls' Secondary School and the site boundary of the proposed open space;

- (b) the proposed amendments to the Notes of the OZP in accordance with the Master Schedule of Notes to reflect the latest changes in relation to the Chinese translation of 'Flat' use and the amended use of 'Asphalt Plant/Concrete Batching Plant' as detailed in paragraph 4 and Annex D of the Paper;
- (c) opportunity was taken to revise the Explanatory Statement (ES) of the OZP as detailed in Annex E of the Paper to reflect the latest status and planning circumstances of the OZP; and
- (d) no adverse comments were received from relevant Government departments. The Yau Tsim Mong District Council (DC) and the Sham Shui Po DC would be consulted, subject to the Committee's agreement to the proposed amendments, during the exhibition period of the draft OZP for public inspection under section 7 of the Town Planning Ordinance (the Ordinance).

4. Members had no question on the proposed amendments to the OZP.

5. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft South West Kowloon OZP No. S/K20/19 and its Notes as set out in paragraphs 3 and 4 of the Paper;
- (b) agree that the draft South West Kowloon OZP No. S/K20/19A (to be renumbered as S/K20/20 upon exhibition) at Annex B and its Notes at Annex D of the Paper were suitable for exhibition for public inspection under section 7 of the Ordinance;
- (c) adopt the revised ES at Annex E of the Paper as an expression of the planning intentions and objectives of the Town Planning Board (the Board)

for the various land use zonings of the draft South West Kowloon OZP;
and

- (d) agree that the revised ES was suitable for exhibition together with the draft South West Kowloon OZP No. S/K20/19A (to be renumbered as S/K20/20 upon exhibition) and issue under the name of the Board.

[The Chairperson thanked Mr. P.C. Mok and Mr. Louis K.H. Kau, STP/TWK, for their attendance to answer Members' enquiries. Messrs. Mok and Kau left the meeting at this point.]

[Mr. Y.S. Lee, STP/TWK, was invited to the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Further Consideration of Application No. A/KC/327

Proposed Flat (Public Rental Housing) (Amendments to Approved Scheme),

Former Kwai Chung Factory Estate in "Residential (Group E)" zone,

Wo Tong Tsui Street/Tai Wo Hau Road, Kwai Chung

(MPC Paper No. A/KC/327B)

6. The Secretary said that as the application was submitted by the Hong Kong Housing Authority (HKHA), the following Members had declared interests on this application:

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| 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; |
| Mr. James Merritt
as the Assistant Director
of Lands Department | - being an assistant to the Director of Lands
who is 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 is a member of the SPC and the
Subsidised Housing Committee of HKHA; |
| Dr. Greg C. Y. Wong |] | having current business dealings with |
| Professor Bernard V. W. F. Lim |] | HKHA |
| Mr. Raymond Y.M. Chan |] | |
| Mr. Stanley Y. F. Wong | - | being a member of the HKHA |
| Mr. Walter K. L. Chan | - | being a former member of the HKHA |

[Dr. Greg C.Y. Wong, Professor Bernard V. W. F. Lim, Messrs. James Merritt, Stanley Y.F. Wong and Walter K.L. Chan left the meeting temporarily at this point.]

7. The Committee also noted that Ms. Margaret Hsia and Mr. Raymond Y.M. Chan had tendered apologies for being unable to attend the meeting. Since both the Chairperson and Vice-Chairman had declared interests, Members agreed that the Chairperson should continue to chair the meeting out of necessity.

Presentation and Question Sessions

8. Mr. Y.S. Lee, STP/TWK, presented the application, highlighting that the decision on the application was deferred by the Committee on 14.12.2007 pending a site visit by the Members to the application site. A site visit was arranged by the Secretariat on 21.12.2007, during which Members raised two concerns, namely the possibility of revising the layout to provide flexibility for a footbridge connection to the Kwai Chung Estate if so required in future; and insufficient waiting space in front of the pedestrian crossings near the south-western corner of the application site. In response, the Planning Department (PlanD) had carried out further investigation which revealed that the width of the pedestrian footpath adjoining the south-western part of the application site would range from 3.5m to 4m upon removal of the hoarding after completion of the construction works in future. Besides, the

width of the footpath at the open space to the south of the application site across Tai Wo Tsui Road, which was currently under renovation, would also have a width of about 4.5m upon removal of the hoarding.

9. Mr. Y.S. Lee recapitulated that the current application involved proposed amendments to the approved public rental housing development to delete a footbridge formerly proposed and to include 18 additional car parking spaces. Government departments consulted including the Transport Department had no objection to or no adverse comments on the application. One public comment on the further information was received during the statutory publication period, raising concern on the provision of motorcycle parking spaces. PlanD had no objection to the application for reasons given in paragraphs 5.1 and 5.2 of the MPC Paper No. A/KC/327A at F-Appendix I of the Paper.

10. A Member who attended the site visit expressed no in-principle objection to the application but considered that it would be better if the waiting space near the pedestrian crossings could be further increased to more than 4m and a footbridge connection point be provided within the development to allow flexibility in future.

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

11. In response, Mr. Y.S. Lee said that the area of the application site had been slightly reduced under the previously approved scheme of A/KC/285 in 2003 due to the Transport Department's (TD) request to widen the footpath to a minimum of 3.5m wide. Besides, a noise barrier along the south-western boundary facing Wo Tong Tsui Street was also required due to the requirement of the Environmental Protection Department. As the noise barrier had already been erected and the development was under construction, the applicant would have technical difficulty to provide a further set-back to increase the waiting space at the pedestrian crossings at this stage.

12. In response to the Chairperson's enquiry on whether the width of 3.5m to 4m was generally sufficient to cater for pedestrian circulation in the area, Mr. Anthony Loo said that the situation would depend on the pedestrian flow after completion of the public housing development. Should there be a need to increase the capacity of the pedestrian crossings in the area in future, TD would consider to implement certain improvement measures such as

widening of pedestrian crossings and extending the duration of green light to facilitate pedestrian movement.

[Mr. Y.M. Lee, a representative from the Transport Department, arrived to join the meeting at this point.]

13. A Member said that since the capacity of existing pedestrian facilities could be subject to review upon completion of the development and it should be technically feasible to implement appropriate improvement measures in future should situation so warrant, the application could be supported.

14. Another Member also opined that the proposed development could proceed but the applicant should be reminded to widen the waiting space near the pedestrian crossings as far as practicable.

Deliberation Session

15. The Chairperson said that Members' concerns on the flexibility of providing a future footbridge connection with the adjacent Kwai Chung Estate and to allow sufficient waiting space for pedestrians near the at-grade crossings at the south-western part of the application site could be appropriately addressed by the inclusion of relevant approval condition and advisory clause respectively.

16. 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 4.1.2012, 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, provision and implementation of parking spaces, vehicular access and road widening associated with the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the implementation of environmental mitigation measures to the

satisfaction of the Director of Environmental Protection or of the TPB;

- (c) the design and provision of an emergency vehicular access and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission of a revised estate layout with design flexibility for the provision of a footbridge connection with the adjacent Kwai Chung Estate to the satisfaction of the Director of Planning or of the Town Planning Board.

17. The Committee also agreed to advise the applicant to consult the Assistant Commissioner for Transport/Urban of Transport Department on the need to allow sufficient waiting/circulation spaces for pedestrians near the at-grade crossings at the south-western part of the application site.

[The Chairperson thanked Mr. Y.S. Lee, STP/TWK, and Mr. Y.M. Lee from the Transport Department for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Mr. Louis K.H. Kau, STP/TWK, was invited to the meeting at this point.]

[Dr. Greg C.Y. Wong, Professor Bernard V.W.F. Lim, Messrs. Walter K.L. Chan, Stanley Y.F. Wong and James Merritt returned to join the meeting at this point.]

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K3/500 Proposed Hotel
in "Residential (Group A)" zone,
423-425 Reclamation Street, Mong Kok
(KIL 1166A1 and 1166B)
(MPC Paper No. A/K3/500)
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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 involving redevelopment of two vacant commercial/residential buildings;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period, objecting to the application mainly on grounds of not being in line with the planning intention of “Residential (Group A)” zone; the approval of this piecemeal hotel development would affect the pace of regeneration in the district; setting of an undesirable precedent and unacceptable cumulative traffic impact. The commenter also urged the Town Planning Board to review the supply situation of Medium Tariff Hotel development carefully before granting new approvals; 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 development was not incompatible with the surrounding developments which were predominantly tenement buildings with G/F for shop use. It would have no adverse impacts in respect of the traffic, drainage and building aspects. Regarding the local concern on the non-provision of transport facilities within the proposed development, as the site was well served by public transport and no more than 50 guestrooms were provided, the Transport Department had no objection to the application. As for the concern on the provision of medium tariff hotel, the Commissioner for Tourism supported the application as the proposed hotel would not only provide new hotel rooms but also helped broaden the range of accommodations for visitors.

19. Members had no question on the application.

Deliberation Session

20. The Chairperson said that a number of similar hotel applications in the area had previously been approved and there was demand for more hotels in the territory.

21. 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 4.1.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) 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.

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

- (a) note that the approval of the application did not imply the gross floor area exemption for hotel concession and back-of-house facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) consult the District Lands Officer/Kowloon West, Lands Department on the lease requirements for the proposed hotel;
- (c) consult the Chief Officer/Licensing Authority, Home Affairs Department on the licensing requirements for the proposed hotel; and
- (d) prepare and submit the sewerage impact assessment as early as possible in

view of the time required for the implementation of any required sewerage works.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K3/501 Proposed Shop and Services
 in “Residential (Group A)” zone,
 186-188 Sai Yeung Choi Street South, Mong Kok
 (KIL 1818 and 2096)
 (MPC Paper No. A/K3/501)
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23. 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 involving conversion of a 5-storey commercial/residential building;
- (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/view 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.

24. Members had no question on the application.

Deliberation Session

25. 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 4.1.2012, 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.

26. The Committee also agreed to advise the applicant to consult the Chief Building Surveyor/Kowloon, Buildings Department on the building requirements for the proposed “Shop and Services” use at the site.

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

[Mr. P.C. Mok, STP/TWK, was invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

(iii) A/K5/648 Proposed Shop and Services (Retail Shop)
in “Other Specified Uses” annotated “Business” zone,
Unit C2A, G/F, Hong Kong Spinners Industrial Building,
Phase I and II, 800 Cheung Sha Wan Road
(MPC Paper No. A/K5/648)

(iv) A/K5/649 Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Units C2B (Front Portion) and C2C, G/F,
Hong Kong Spinners Industrial Building, Phase I and II,
800 Cheung Sha Wan Road
(MPC Paper No. A/K5/649)

27. Noting that the two applications submitted by the same applicant were similar in nature and the application premises were adjoining to each other, Members agreed to consider the two applications together.

28. Mr. P.C. Mok, STP/TWK, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications, highlighting that the application premises for Applications No. A/K5/648 and A/K5/649 were currently used respectively for medical centre, and bakery shop and computer shop without planning permission;
- (b) the proposed shop and services (retail shop) use for Application No. A/K5/648; and shop and services use for Application No. A/K5/649;
- (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/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons as detailed in paragraph 11.1 of the Papers.

29. Members had no question on the applications.

Deliberation Session

30. The Committee noted that the applications complied with the relevant Town Planning Board Guidelines for Development within “Other Specified Uses” annotated “Business” zone.

Application No. A/K5/648

31. 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 4.1.2010, 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) provision 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.

32. The Committee also agreed to advise the applicant to consult the Chief Building Surveyor/Kowloon, Buildings Department on the submission of alterations and additions proposal in respect of provision of adequate means of escape, access and facilities for persons with a disability and fire resisting construction to separate the application premises from other existing uses of the same building, and adequate sanitary fitments.

Application No. A/K5/649

33. 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 application premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.7.2008; 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.

34. The Committee also agreed to remind the applicant that prior planning permission should have been obtained before commencing the applied use at the application premises.

35. The Committee also agreed to advise the applicant to consult the Chief Building Surveyor/Kowloon, Buildings Department on the submission of alterations and additions proposal in respect of provision of adequate means of escape, access and facilities for persons with a disability and fire resisting construction to separate the application premises from other existing uses of the same building, and adequate sanitary fitments.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/K16/30 Proposed Shop and Services and Office
in “Comprehensive Development Area” zone,
G/F and 5/F, Kowloon Motor Bus Headquarters Building,
9 Po Lun Street, Lai Chi Kok
(MPC Paper No. A/K16/30)
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36. The Secretary reported that the application was submitted by a joint venture involving the Sun Hung Kai Properties Ltd. (SHKP). Dr. Greg C.Y. Wong, Messr. Raymond Y.M. Chan and Felix W. Fong, having current business dealings with the SHKP, had declared interests in this item. The Committee noted that Mr. Chan had tendered apologies for being unable to attend the meeting.

[Dr. Greg C.Y. Wong and Mr. Felix W. Fong left the meeting temporarily at this point.]

37. Mr. P.C. Mok, 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 and office involving conversion of the existing staff clinic at G/F and staff canteen at 5/F of the subject building;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period, suggesting the Committee to allow minor relaxation of height restriction of

the building, and requesting the applicant to consider setting up bus driver simulation system, bus museum, staff's parking and bus industry research room; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper. The proposed uses were in line with the planning intention for the “Comprehensive Development Areas” zone and not incompatible with the existing residential and commercial uses; the proposed conversion did not involve any change in the approved total GFA of the comprehensive development and would unlikely generate adverse traffic and environmental impacts to the surrounding areas. The commenter's suggestions were largely related to the bus company's business and operation and not directly related to the applied uses. Concerned Government departments consulted had no comments on the application.

38. Members had no question on the application.

Deliberation Session

39. 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 4.1.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP) and development schedule incorporating the proposed conversion to shop and services and office uses at G/F and 5/F of the Kowloon Motor Bus Headquarters building to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

40. The Committee also agreed to advise the applicant to :
- (a) note that the approved MLP together with the set of approval conditions would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
 - (b) submit building plans to the Building Authority to demonstrate compliance with the Buildings Ordinance, Building (Planning) Regulation 41(1) and Code of Practice on Means of Escape 1996 and Building(Planning) Regulation 72 and design manual of barrier-free access 1997; and
 - (c) obtain appropriate licence from the Director of Food and Environmental Hygiene prior to the commencement of food business.

[The Chairperson thanked Mr. P.C. Mok, STP/TWK, for his attendance to answer Members' enquiries. Mr. Mok left the meeting at this point.]

[Mr. Felix W. Fong returned to join the meeting while Professor Paul K.S. Lam left the meeting temporarily at this point.]

Kowloon District

[Mr. C.C. Lau and Miss Helen L.M. So, Senior Town Planners/Kowloon (STPs/K), were invited to the meeting at this point.]

Agenda Item 6

[Open Meeting]

Further Consideration of the Proposed Amendments to
the Approved Kwun Tong (North) Outline Zoning Plan No. S/K14N/9
(MPC Paper No. 2/08)

41. Miss Helen L.M. So presented the proposed amendments to the Kwun Tong (North) Outline Zoning Plan (the OZP) and covered the following aspects as detailed in the Paper:

- (a) background to the proposed amendments as set out in paragraph 1 of the Paper, highlighting that the Committee decided to defer a decision on the proposed amendment pending Planning Department's reconsideration of the zoning boundaries of the "Government, Institution or Community(1)" ("G/IC(1)") and "Other Specified Uses" annotated "Amenity" ("OU(A)") zones;

[Professor Paul K.S. Lam returned to join the meeting at this point.]

- (b) the zoning boundary of the "G/IC(1)" zone was adjusted to generally tie in with the site boundary approved for the temple development, to avoid encroachment on the existing footpath and to include the areas of the two proposed sitting-out areas and access leading to the temple development. The zoning boundary of "OU(A)" was also amended to reflect the existing road alignment;
- (c) the proposed amendments to the OZP, as detailed in paragraph 4 and Annex C of the Paper, had incorporated the adjustment in zoning boundaries of the "G/IC(1)" and "OU(A)" zones;

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

- (d) the proposed amendments to the Notes of the OZP were as detailed in paragraph 5 and Annex D of the Paper;
- (e) opportunity was taken to revise the Explanatory Statement (ES) of the OZP as detailed in Annex E of the Paper to reflect the latest status and planning circumstances of the OZP; and
- (f) no adverse comments were received from relevant Government

departments. The Kwun Tong District Council (KTDC) had been kept informed on the relocation proposal of the four temples in the previous KTDC meetings held in January 2006 and March 2007. KTDC would be consulted on the proposed amendments during the exhibition period of amendments to the OZP.

42. Members had no question on the application.
43. After deliberation, the Committee decided to :
- (a) agree to the proposed amendments to the approved Kwun Tong (North) OZP No. S/K14N/9 and its Notes mentioned in paragraphs 4 and 5 of the Paper;
 - (b) agree that the draft Kwun Tong (North) OZP No. S/K14N/9B (to be renumbered as S/K14N/10 upon exhibition) and its revised Notes at Annexes C and D of the Paper respectively were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance; and
 - (c) adopt the updated ES at Annex E of the Paper as an expression of planning intentions and objectives of the Town Planning Board (the Board) for various land use zonings on the draft Kwun Tong (North) OZP and the revised ES would be published together with the draft Kwun Tong (North) OZP under the name of the Board.

Agenda Item 7

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/K14S/1 Application for Amendment to the Approved Kwun Tong (South)
Outline Zoning Plan No. S/K14S/14 from “Government, Institution or
Community (1)” to “Open Space”, Tsun Yip Cooked Food Market,
67 Tsun Yip Street, Kwun Tong
(MPC Paper No. Y/K14S/1)

Presentation and Question Sessions

44. The Committee noted that the applicant requested on 11.12.2007 for a further deferment of the consideration of the application for two months in order to consult further with relevant Government departments to resolve issues directly associated with the application.

Deliberation Session

45. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/K14/556 Temporary Shop and Services (Estate Agency)
for a Period of 3 Years
in “Other Specified Uses” annotated “Business” zone,
Workshops 3 and 5, G/F, Prosperity Centre,
25 Chong Yip Street, Kwun Tong
(MPC Paper No. A/K14/556)
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46. The Secretary reported that the application was submitted by a subsidiary of Cheung Kong (Holdings) Ltd. (CKH). Dr. Greg C.Y. Wong and Mr. Felix W. Fong, having current business dealings with the CKH, had declared interests in this item.

[Dr. Greg C.Y. Wong and Mr. Felix W. Fong left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application, highlighting that part of the application premises was involved in a previous planning application (No. A/K14/520) approved for temporary shop and services use for a period of three years. However, the planning permission was revoked due to non-compliance with the approval condition on the provision of fire service installations. The application premises were currently used as a floral shop and an estate agency without planning permission;
- (b) the proposed temporary shop and services (estate agency) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period supporting the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

48. Members had no question on the application.

Deliberation Session

49. The Committee noted that the applications complied with the relevant Town Planning Board Guidelines for Development within “Other Specified Uses” annotated “Business” zone.

50. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.1.2011, 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 completely separating the application premises from the industrial portion of the building and fire service installations in the application premises, within 3 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 4.4.2008; 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.

51. The Committee also agreed to remind the applicant that prior planning permission should have been obtained before commencing the shop and services use at the application premises.

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

- (a) note that shorter compliance period was given in order to closely monitor the implementation of conditions;
- (b) apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver;
- (c) comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction;
- (d) reinstate a ramp in accordance with the building plan No. A/01/02 approved on 5.1.1999 and appoint an Authorised Person to submit building plans to demonstrate compliance with the Buildings Ordinance; and

- (e) exercise proper care when working in the vicinity of existing drains in order not to disturb, interfere with or damage the drains and sewers. Any damage resulted would have to be made good at his own cost to the satisfaction of the Director of Drainage Services.

[Professor N.K. Leung left the meeting temporarily while Dr. Greg C.Y. Wong and Mr. Felix W. Fong returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/K18/247 Proposed School (Tutorial School)
in “Residential (Group C)1” zone,
10 Somerset Road, Kowloon Tong (NKIL 859)
(MPC Paper No. A/K18/247)
-

Presentation and Question Sessions

53. 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 school (tutorial school) use, highlighting that the application site was occupied by a 1-storey block and a 2-storey pre-war building connected by a flat roof. The applicant proposed to leave the rooms on 1/F of the 2-storey block vacant in order to address the Buildings Department (BD)’s concern on means of escape and additional loading;

[Professor N.K. Leung returned to join the meeting whilst Mr. C.W. Tse left the meeting temporarily at this point.]

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

- (d) a total of six public comments were received during the statutory publication period of the application and further information, raising objection to the application for reasons of not being in line with the residential planning intention, over-provision of schools in the area, nuisances, traffic and environmental impacts and security problems. Besides, there was also grave concern on keeping the 1/F vacant might result in other future use even more detrimental to the neighbourhood and its community; and

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

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 10.2 of the Paper. There was insufficient information to demonstrate that other uses permitted as of right in “Residential (Group C)1” (“R(C)1”) zone, such as domestic use, on the 1/F of the application site was compatible with the proposed school. Interface problem might occur should there be mixed uses within the same building with no separate access. A similar application (No. A/K18/241) on G/F of a 2-storey building had been rejected upon review by the Town Planning Board in September 2007 for reason of incompatibility with other permitted uses within the same building and the site. There was also concern on the absence of effective means to guard against possible future extension of the tutorial school to the 1/F of the development in the light of BD's comments that the 1/F of the subject pre-war single staircase building might not be used for any occupancy other than domestic or office use.

54. A Member enquired whether PlanD's main reason for not supporting the application was that since domestic use was permitted as of right on the 1/F of the 2-storey pre-war building, there would be a problem of land use incompatibility between the school use on the G/F and the possible residential use on the 1/F served by a single staircase. Two Members said that the view as set out in paragraph 10.2(a) of the Paper regarding lack of effective means to guard against infiltration of tutorial school to the 1/F of the subject building, which involved an element of speculation, should not be a rejection reason. Such

concern should be a matter relating to enforcement by relevant Government departments rather than a major consideration for the Committee.

55. Mr. C.C. Lau clarified that the rejection reason as suggested in paragraph 10.6 of the Paper was that there was insufficient information in the application to demonstrate that the proposed tutorial school was compatible with other permitted uses within the same building and the subject site. The concern on the lack of effective means to avoid future infiltration of the tutorial school to the 1/F of the building was only one of the points included in the PlanD's views after taking into account BD's comments.

56. In response to a Member's enquiry on why the application site could be previously used by the Yew Chung Education Foundation for similar purposes, Mr. C.C. Lau said that no planning permission had been given to the previous use at the application site.

Deliberation Session

57. The Chairperson remarked that the PlanD's views as stated in paragraph 10 of the Paper were for the Committee's reference, Members would exercise their judgment on what planning factors should be taken into account in arriving at a decision. For the subject application, since the application site fell within the "R(C)1" zone where domestic use was permitted as of right, there was a possibility that the 1/F of the 2-storey building within the application site would be used for such purpose in future. Approving the application might lead to an interface problems due to mixed uses at the site.

58. A Member considered that while there was a doubt on the applicant's claim that the 1/F of the existing development would be blocked off and unused, it should not be used as a rejection reason. Since it was an established practice of the Town Planning Board (the Board) that such school use would not be favorably considered if there be no separate access for different uses within the same building, the application could not be supported. Another Member shared similar view that since residential use on the 1/F of the existing building was always permitted, approving the application might lead to mixed uses at the site and undesirable interface problems causing nuisance to the future residents.

59. A Member asked whether there was any similar application rejected on the same ground. Referring to a recent open storage application on an application site which

straddled “Open Storage” (“OS”) and “Village Type Development” (“V”) zones, the open storage use was only confined within the portion of land zoned “OS”. This Member asked whether the application could be approved with a condition requiring the applicant to undertake not to have mixed uses at the site.

60. In response, Mr. C.C. Lau said that there was one similar application (No. A/K18/241) for tutorial school use at portion of ground floor of a 2-storey residential building in the Kowloon Tong area rejected by the Board on review on the similar ground that there was insufficient information to demonstrate that the tutorial school was compatible with other possible/permitted uses within the same building and the subject site.

61. The Secretary said that the case quoted by the Member was somewhat different from the current application since the site involved in the open storage application, though straddled two different zones, was considered as one planning unit. However, the 1/F of the building within the current site would be left vacant and straightly speaking did not form part of the current application. Hence, no approval condition could be imposed in respect of the 1/F. Since the site was zoned “R(C)1”, the applicant could use the 1/F of the building for residential use without the need for obtaining planning permission. Also, the existing building was constructed for domestic use under the Buildings Ordinance and permitted for residential use under the lease. Under such circumstances and given that the G/F would be used as a tutorial centre should the application be approved, mixed uses at the site might occur. To avoid any potential interface problems, separate access should be provided to different uses according to the Board’s established practice. Such requirement was not satisfied in the current application.

62. A Member agreed that the application should be rejected but wondered whether the application could be approved if there was a separate external staircase provided to the 1/F to fulfil the requirement under the Buildings Ordinance. Another Member said that since the subject development was a pre-war building, other building requirements such as structural loading and removal of unauthorized structures, etc. would also need to be considered.

63. Noting that Members’ concerns were mainly related to the shared access between the proposed school use and the always permitted residential use which would cause nuisance to the future residents, the Secretary suggested that the rejection reason should also

mention the absence of a separate access for the proposed school use. Members agreed.

64. The Chairperson said that a set of draft Town Planning Board Guidelines on application for tutorial school was under preparation by the Secretariat and would be submitted to the Board for consideration in due course.

65. After deliberation, the Committee decided to reject the application and the reason was that there was insufficient information in the application to demonstrate that the proposed tutorial school, without the provision of a separate access, was compatible with other permitted uses, such as residential use, within the same building and the subject site.

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

[The Chairperson thanked Mr. C.C. Lau and Miss Helen L.M. So, STP/K, for their attendance to answer Members' enquiries. Mr. Lau and Miss So left the meeting at this point.]

Hong Kong District

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

Agenda Item 9

[Open Meeting]

Proposed Uses and Development Parameters for the Ex-North Point Estate Site
(MPC Paper No. 3/08)

66. With the aid of a Powerpoint presentation, Ms. Christine K.C Tse presented the Paper and made the following main points:

- (a) the Ex-North Point Estate site (the Site) with an area of 36,790m² was zoned "Residential (Group A)" ("R(A)"), "Government, Institution or Community" ("GIC"), "Open Space" and 'Road' on the current Outline

Zoning Plan (OZP). The “R(A)” and “G/IC” portions of the Site were subject to a maximum building height (BH) of 100mPD and one storey respectively;

[Mr. Walter K.L. Chan returned to join the meeting at this point.]

- (b) the Site was divided into two parts. Area to the west of Shu Kuk Street was known as Site A while the remaining area to the east was known as Site B;
- (c) given the sustained demand for new hotel sites in the main urban areas, Site A was proposed for hotel development to attract tourism activities and add vibrancy to the waterfront as well as to serve as a buffer to screen off the traffic noise from the flyover along Tong Shui Road. Site B was proposed for residential development with a local shopping centre with GFA of 15,000m² to serve the residents and visitors, a public transport terminus (PTT) of 8,000m² to replace the existing bus terminus, a public coach park with GFA of 3,000m² to serve coaches for harbour cruises and other parking requirements; and various Government, Institution or Community (GIC) facilities including public toilet, health centre, integrated family service centre and community hall (CH) with a total GFA of 6,931m²;
- (d) Sites A and B would have a plot ratio of about 6 and 5.39 (calculated on net site area basis) respectively. A maximum site coverage (SC) of 65% was proposed for both sites to avoid bulky podium design right on the waterfront. Besides, a maximum BH of 80mPD was proposed for both Sites A and B to ensure compatibility with the adjacent developments.
- (e) an at-grade public open space (POS) of 15,000m² (equivalent to 41% of the site area) was proposed to alleviate the acute shortfall of 7.8ha of local open space in North Point. The POS would include a 20m-wide promenade along the entire northern boundary. Two 10m-wide landscaped walkways would be provided via Shu Kuk Street and Kam Hong Street to link up the promenade with Java Road in the north-south

direction. The proposed POS would also include a piazza near the two ferry piers to create an activity node;

- (f) a stepped height design along the north-south and east-west directions should be adopted in Site B. Moreover, the height of buildings should descend towards the harbour-front with a height difference of at least 30m between the seaward and inland portions;
- (g) for Site A, the above requirements could be incorporated in the hotel scheme under the planning application to be submitted by the Lands Department. For Site B, which was proposed to be rezoned to “Comprehensive Development Area” (“CDA”) on the OZP, the requirements identified could be incorporated in the Planning Brief;
- (h) concerned Government departments had no objection to or no adverse comment on the development proposal, except that the District Officer (Eastern) and the Leisure and Cultural Services Department (LCSD) pointed out that there was strong local demand for the provision of a football pitch in North Point and a replacement performance venue for Cantonese Opera at the Site after the possible closure of the Sunbeam Theatre. The Works and Development Committee of the Eastern District Council (EDC) passed a motion to request for changing the use of part of the Site for development of POS, football pitch or performance venue for Cantonese Opera;
- (i) in response, PlanD considered that a substantial amount of POS (about 41%) had been proposed on the Site. The accommodation of a rectangular-shaped football pitch would adversely affect the design and utilization of POS. Besides, there were three existing football pitches to serve the residents in the North Point area. The Home Affairs Bureau (HAB) considered it unnecessary to provide another Government funded purpose-built performance venue for Cantonese Opera at the Site in view of the implementation of priority venue hiring policy for Cantonese Opera performances in selected LCSD’s venues and the development of other

venues (viz. Yaumatei Theatre, Ko Shan Theatre and West Kowloon Cultural District) for such purpose;

- (j) the major development parameters, detailed planning and technical requirements to guide future development of the Site were as detailed in Appendix I of the Paper; and
- (k) an Air Ventilation Assessment (AVA) would be conducted after the endorsement of the draft development parameters and requirements by the Committee. The development intensity might have to be reviewed and special requirements such as non-building area and the width of the gap between blocks might be identified subject to the results of AVA. After incorporation of the requirements, the development proposal for the Site would be submitted to the Committee for further consideration in mid-2008, after which the Harbour-front Enhancement Committee and the EDC would be consulted.

67. Members had the following views/questions:

- (a) the proposed development parameters, involving lower building heights, stepped height profile, wide promenade and landscaped walkways, were considered as a positive response to public aspiration and commended. Possibility to provide a continuous promenade in a form of a boardwalk from Causeway Bay to Quarry Bay could be further explored;
- (b) whether the AVA would include studying of the air ventilation at the proposed PTT and basement public coach and car park;
- (c) whether the mature trees within the Site would be preserved;
- (d) whether the development proposal of Site A for a hotel development would also go through the process of public consultation;
- (e) as the performance of Cantonese Opera was deeply rooted in North Point

and was a popular entertainment for the elderly in the area, the provision of a small to medium-sized venue for Cantonese Opera to serve the elderly in the area should be considered. It was not convenient for the elderly to travel a long distance to visit other performance venues for Cantonese Opera, which were mainly located in Kowloon, as stated in HAB's comments in paragraph 5.4 of the Paper;

- (f) whether there would be an additional pedestrian subway to the east of Shu Kuk Street with direct connection to the Mass Transit Railway (MTR) station in order to reduce the pedestrian movement across the busy Java Road, especially upon the completion of the proposed development;
- (g) to provide certainty and ensure smooth implementation by the future developer, the development parameters, block layout and disposition, POS provision, and urban design considerations should be clearly stated in the future Planning Brief;
- (h) in addition to the maximum SC of 65%, further requirements controlling the locations of podium structure and the towers above should be stipulated. This would avoid creating wall effect right on the waterfront, as the future developer would likely try to maximise seaview by putting all the towers near the frontage towards the harbour. A restriction on the percentage of sea frontage that could be used, especially for Site A, might be considered. Besides, it might be necessary to specify the location of the PTT which would form part of the podium structure;
- (i) given the sizeable area and prominent waterfront location of the Site, consideration could also be given to dividing the Site into more than two parcels to be implemented in phases by different developers;
- (j) the utilisation of the existing CHs in the area should be maximised. If a CH was to be developed within the Site by the future developer, consideration should be given to designing the venue for multi-purposes, and possibly accommodating a small-scale performance venue for the Cantonese Opera; and

- (k) whether Java Road could be set back to create a more open and comfortable environment for pedestrians and nearby residents. If necessary, the width of the waterfront promenade could be slightly reduced to maintain the site area. Consideration should also be given to bringing more activities to the Tin Chiu Street area and better utilising the ferry piers for better integration.

68. Ms. Christine C.K. Tse made the following responses to Members' views/questions:

- (a) the Site would provide a continuous waterfront promenade of 400m stretching from Tong Shui Road in the west to Tin Chiu Street in the east. However, there were constraints in providing a continuous promenade connecting Causeway Bay and Quarry Bay at this stage due to the existing developments along the waterfront, such as the Tong Shui Road Fresh Water Pumping Station and Substation to the immediate west and the North Point Dangerous Goods Vehicular Ferry Pier to the immediate east. Any extension of the promenade seaward would involve reclamation in the harbour. Nevertheless, PlanD would continue to explore the possibility of providing a continuous promenade along the waterfront whenever opportunities arose in future;
- (b) the presence of a PTT and a public coach park within the Site was one of the reasons for conducting the AVA. While the exhaust air outlets of the PTT and public coach park should be appropriately located to avoid causing air pollution nuisance, the AVA would recommend proper design and location for these public transport facilities;
- (c) all existing trees on the Site should be preserved or transplanted by the future developer as far as possible. Also, the proposed development would be set back in the east, south and west to provide a 3m amenity area for street planting. The landscape and tree preservation requirements were specified in Item 12 of Appendix I of the Paper;

- (d) PlanD would conduct public consultation after incorporating the requirements as recommended by the AVA. For Site A which was currently zoned “R(A)” and mainly proposed for hotel use, the Lands Department could submit a planning application for hotel use to facilitate early implementation. The planning application would also need to go through the public consultation process by publication in the newspapers and posting of notices to invite public comments in accordance with the provisions of the Town Planning Ordinance;
- (e) while HAB considered that there was no need to have another Government-funded performance venue for Cantonese Opera in the area in response to EDC’s view, PlanD would further liaise with HAB and convey Members’ view to HAB on this issue;
- (f) the possibility of providing an additional pedestrian subway across Java Road could be further explored in consultation with the Transport Department, taking into account the local traffic situation;
- (g) the proposed maximum SC of 65% for both sites included the podium structure which was required to cater for the PTT on ground level of the Site. According to Item 10 of the Appendix I of the Paper which set out the urban design considerations, the development schemes had to avoid creating wall effect and large podium structure, buildings had to be set back to provide street planting, and visual corridors along Shu Kuk Street and Kam Hong Street from inland area to waterfront should be provided. The location and ingress/egress arrangement (which were similar to the existing one) of the proposed PTT, were indicative only. The future developer would be required to submit a traffic impact assessment in his Master Layout Plan submission to address all traffic related issues and the proposed development would be sustainable in traffic terms;
- (h) the development parameters, urban design considerations including stepped height building profile, enhancement of pedestrian linkages, provision of visual corridors, provision of adequate width of gap between building blocks and sensitive layout and disposition to achieve better air

ventilation, open space provision, etc. were specified in Appendix I of the Paper. They would also form a basis for preparing the planning brief for Site B. While a broad planning and urban design framework should be specified, sufficient flexibility should also be allowed for the future developer to achieve a quality design and layout. It was necessary to strike a balance between control and flexibility;

- (i) in view of the need to provide various uses including residential, commercial, GIC and public transport facilities within Site B, it would be more desirable if the site could be developed in a comprehensive manner by one developer rather than dividing it into smaller parcels;
- (j) the utilisation of the existing CHs would be reviewed and monitored by the Home Affairs Department; and
- (k) it was proposed to have a building set back of 3m along Java Road for street planting in order to enhance the amenity value of the area. Other issues relating to a wider area would be taken into account in the ongoing planning process for the area.

69. Mr. James Merritt remarked that if a proposed pedestrian subway connecting the Site with the MTR station and other junction improvement works were to be implemented by the future developer, PlanD should liaise with the Mass Transit Railway Corporation Limited and other concerned departments at an early stage. Otherwise, the future developer might not be able to resolve the issues. The Chairperson said that this concern could be taken into account in the Traffic Impact Assessment to be conducted.

70. After deliberation, the Committee agreed to adopt the development parameters and requirements for the Site as set out in Appendix I of the Paper as the basis for carrying out an AVA and subsequent public consultation.

[The Chairperson thanked Ms. Christine K.C. Tse, DPO/HK, for her attendance to answer Members' enquiries. Ms. Tse left the meeting at this point.]

The meeting took a 5-minute break at this point.

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

- (b) to address the Committee's concern, the applicant proposed in the current application a residential development comprising two 42-storey residential developments with a PR of 8 (based on the southern site) and a maximum building height of not more than 138mPD;

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

- (c) departmental comments – the Director of Environmental Protection (DEP), as clarified in his memo dated 3.1.2008 tabled at the meeting, had no objection to the application provided that the Planning Department, Lands Department and Buildings Department could confirm the practicability of implementing the non-openable curtain wall design on building façade facing the IEC. DEP also considered the approval condition on noise mitigation measures unnecessary as relevant authorities would follow up on the implementation details;
- (d) a total of six public comments were received during the statutory publication period, with four supporting and two objecting to the application. The supportive views were that the limited land resources should be effectively utilised and the proposed building height was 20 m less than the maximum allowable under the OZP. The objections were mainly on grounds of excessive building height and PR, creating wall effect and adverse impacts on traffic, air ventilation, lighting and the environment; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that sympathetic consideration could be given to the application for reasons as detailed in paragraph 11.2 of the Paper. The use, building height and development intensity of the proposed development were considered not incompatible with the developments in the surrounding areas, including those along the waterfront and would create a stepped height profile for the area. The proposed scheme, with its reduced building height and bulk as

compared with the indicative scheme submitted under the previous s.12A application and the OZP restrictions, was more sympathetic to the waterfront location, and demonstrated the applicant's effort to addressing the concern raised by the Committee. Regarding the two public comments raising concerns on the plot ratio, building height, traffic and environmental matters, it should be noted that the development intensity of the proposed development had been reduced, the Transport Department and the Environmental Protection Department had no in-principle objection to the application, and appropriate approval conditions could be imposed.

73. Noting that the building blocks would adopt a non-openable curtain wall type façade facing the sea to mitigate the adverse noise impact of the IEC, but the locations of the building blocks were all abutting the northern edge of the southern site, two Members questioned why the building blocks could not be set back further south towards King Wah Road hence to reduce the traffic noise impact and considered that the need for using air-conditioning for the proposed residential development was uneconomical and energy inefficient. Besides, the two building blocks which occupied the full stretch of the site facing the Harbour might affect the air flow for the hinterland.

74. In response, Mr. Tom C.K. Yip said that the noise problem of the application site was discussed by the Committee during the consideration of the previous s.12A application. At that time, the applicant had proposed two options having the same development parameters but with option 1 located at a distance of 14m from the IEC and option 2 at a farther distance of 28m from the IEC. Both options had to rely on a non-openable curtain wall on the façade facing IEC in order to comply with the noise standard for the residential development. DEP had no objection to the application at that time on the understanding that the applicant would implement such building design and that the reasons for it would be clearly stated in the lease for the proposed residential development and in the subsequent Deed of Mutual Covenant and sales brochures. Under the current application, the applicant had proposed to locate the residential blocks away from buildings at King Wah Road and to release more space for a landscaped area to be enjoyed by future residents and visitors.

75. One Member continued to ask whether the applicant had submitted any technical assessment to demonstrate that the use of openable window could not comply with the noise

standard regardless of the set back distance of the residential development from the IEC. Another Member shared the view that alternative building layout, disposition and noise mitigation measures to improve the energy efficiency of the building should be explored.

76. Mr. Tom C.K. Yip said that the adoption of non-openable curtain wall type design for residential blocks was considered to be a feasible noise mitigation measures in the previous s.12A application. According to the Noise Impact Assessment submitted by the applicant in support of the current application, the noise level of each individual units would exceed the acceptable noise standard (i.e. 70 dB(A)) as specified in the Hong Kong Planning Standards and Guidelines if the proposed non-openable curtain wall type façade was not provided. However, the applicant had not provided other technical assessments based on different disposition and layout of residential blocks nor proposed alternative mitigation measures to address the adverse noise impact generated from the IEC. Based on the currently proposed floor layout, the residential units would not be fully enclosed but would be provided with some southward facing windows which were openable. There would be some natural air ventilation.

77. Mr. C.W. Tse supplemented that it was necessary to review the technical assessments before commenting on whether increasing set back from the IEC could help mitigate the noise exceedance. Given the short distance of the application site from the IEC and the proposed height of the residential development, it was expected that majority of the residential flats would still be subject to unacceptable noise level even if the set back distance from the IEC was increased.

Deliberation Session

78. The Chairperson said that in view of its close proximity to the IEC, it was a difficult site for residential development even though the applicant had made efforts to reduce the development intensity and building height to address the Committee's previous concerns and to propose noise mitigation measures in terms of building design to satisfy Environmental Protection Department's (EPD) requirement on the noise aspect.

79. A Member raised a concern that the proposed residential development, which would adopt a non-openable curtain wall design and hence requiring more energy

consumption for air-conditioning, was not in line with the Government's intention to improve energy efficiency of building, alleviate global warming and combat air pollution as advocated in the recently published consultation paper on 'A Proposal on the Mandatory Implementation of Building Energy Codes'. In view of the adverse noise nuisances created by the IEC and the feasibility of using the application site for other uses such as hotel and office development, it would be worthwhile to consider if it was reasonable to approve a development scheme with non-openable curtain wall design.

80. Mr. Tom C.K. Yip said that in assessing the planning application, PlanD had taken into account the pros and cons of alternative uses at the application site. The applicant had previously submitted an application to develop an office building at a PR of 15 at the southern part of the site but was subsequently rejected by the Town Planning Board on review as there was insufficient information to demonstrate that the proposed development would not result in adverse visual impact on the waterfront. As compared with a commercial development which could be developed up to a maximum PR of 15 and a maximum building height of 165mPD under the OZP, the proposed residential development with a much reduced PR of 8 and a building height of 138mPD would be more compatible with the waterfront setting and create less visual impact. Besides, the residential units were designed with openable windows facing south and would not totally rely on air-conditioning.

81. A Member said that the approval of a non-energy efficient residential building would be contradictory to the Government's proposal to launch a mandatory scheme to implement building energy codes. DEP should consider whether there was a need to review and update its stringent noise standards and adopt a more flexible approach in assessing the noise performance of different developments based on individual merits in order to keep pace with the Government's directive towards more energy efficient building design.

82. Mr. C.W. Tse responded that EPD had all along been using a set of objective criteria and standards to assess the noise impact/exceedance level for various kinds of developments. Past experience indicated that noise nuisance would very likely lead to complaints. Given the close proximity of the application site to the IEC, noise exceedance was expected to be very high for the proposed development should building set back be adopted as the only mitigation measure. While EPD considered that the adoption of non-openable curtain wall type design was a feasible solution to resolve the noise problem of

the application site, whether the application with such building design should be approved would be decided by the Committee taking into account all planning considerations.

83. Another Member was sympathetic to the applicant given the long planning history of the site, in particular the applicant had made considerable efforts to address the Government and the Committee's previous concerns on excessive building height and PR and adverse noise impact.

84. Two other Members considered that the use, development intensity and building height of the proposed residential development were acceptable in principle. This was generally shared by other Members. However, there were concerns on the proposed building design of non-openable curtain wall, and the applicant had not demonstrated that this was the only feasible solution to address the noise problem. Alternative building designs and layouts such as the incorporation of building set back, provision of noise barriers, balconies, architectural fins, etc. would also help to alleviate the adverse noise impact. Technical assessments should also be provided to show the noise levels of residential flats in different development layouts or with different noise mitigation designs. In the absence of such information, the application could not be supported at this stage. Other Members agreed.

85. Members considered that the applicant should be asked to make the best effort in improving the building design, disposition and layout with a view to achieving a more environmentally sustainable and energy efficient development, such as by providing more and larger south-facing openable windows. Besides, it was also noted from paragraph 9.1.4(c)(ii) of the Paper that DEP still had some comments on the deficiencies of the air and noise impact assessments submitted by the applicant.

86. After deliberation, the Committee decided to defer a decision on the application pending the submission of further information from the applicant to demonstrate whether the proposed building design of non-openable curtain wall façade towards the sea was the only effective noise mitigation measure, and to revise the building design, disposition and layout, with a view to achieving a more environmentally sustainable and energy efficient development.

opportunity; and provide a visual landmark for ships/cruises entering Hong Kong. Two objected on grounds of creating wall effect and adverse impacts on traffic, daylight, airflow and visual quality of the surrounding area. The remaining four commenters raised similar concerns on adverse impacts on daylight penetration, air ventilation, traffic and environment of the surrounding buildings. The District Officer conveyed that the Central and Western District Council (C&W DC) Chairman and a few C&W DC members had objected to a previous hotel application submitted by the same applicant on traffic grounds. The Shek Tong Tsui and Kennedy Town Area Committee and Owner Corporation (OC) of eight buildings near the application site were consulted and no response was received; 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 use, development intensity and building height of the proposed hotel was considered not incompatible with the existing developments in the surrounding area, which were characterized by mixed commercial/residential developments. There was no adverse comment on the proposed development from the visual and urban design perspective, and the proposed development would unlikely generate adverse environmental, traffic, sewerage and drainage impacts. Similar applications within the Kennedy Town area had been approved by the Committee. Regarding the public concern on the “wall” effect of the proposed hotel and adverse traffic impact, the proposed development was considered not incompatible with the surrounding developments in terms of development intensity and building height. Internal transport facilities had been proposed within the development and a Traffic Impact Assessment had been conducted. Concerned Government departments including the Architectural Services Department and Transport Department had no adverse comment on the application.

88. Members had no question on the application.

Deliberation Session

89. Members considered that the proposed hotel, in terms of use and development intensity, was not incompatible with the surrounding developments in the area.

90. 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 4.1.2012, 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 proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of access, car parking and loading/unloading spaces, pedestrian circulation and routes of goods delivery within the loading/unloading area to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of a Sewerage Impact Assessment and implementation of the local sewerage upgrading/sewerage connection works identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the provision of a waterworks reserve within 1.5m from the centerline of the water mains running along the boundaries of the application site to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the design and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) resolve any land issue relating to the development with other concerned owners of the application site;
- (b) note 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 (GFA) 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 was not granted by the BA and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (c) note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department with regard to the building over of the existing lane to the south and the inclusion of the existing lane in site area calculation, the facilities accountable for GFA calculation, the setback arrangement, and the scale of the plant room;
- (d) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department and the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department with regard to the building design of the proposed hotel to minimize its visual impact;
- (e) apply to the District Lands Officer/Hong Kong West & South, Lands Department for a licence to permit the applied use and to note the comment on calculation of site area;
- (f) note the comments of the Commissioner of Police with regard to the design of vehicular access of the proposed hotel;
- (g) note the comments of the Chief Highway Engineer/Hong Kong, Highways Department with regard to the existing street lamp pole at footpath near the run-in/out of the proposed development;

- (h) note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department with regard to the replacement of the existing sewers by the new sewers that would affect the proposed sewerage connection point from the proposed development, and the need to replace the existing dilapidated drains and sewers;
- (i) note the comments of the Chief Engineer/Development (2), Water Supplies Department with regard to the applicant's responsibility to bear the cost for any diversion works of the water mains affected by the proposed development; and
- (j) prepare and submit the Sewerage Impact Assessment as early as possible in view of the time required for the implementation of any required sewerage works.

[The Chairperson thanked Ms. Lily Y.M. Yam, STP/HK, for her attendance to answer Members' enquiries. Ms. Yam left the meeting at this point.]

[Mr. David C.M. Lam, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/H18/53 House (Private Garden)
in "Green Belt" zone,
Government Land Adjoining 8 Big Wave Bay Road,
Shek O
(MPC Paper No. A/H18/53)
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Presentation and Question Sessions

92. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the house (private garden) under application;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape of Planning Department objected to the application from landscape planning point of views as the site could be reinstated with woodland planting to amalgamate with the existing lush woodland in the surroundings to form a bigger woodland for enhancement of the landscape amenity value and the ecological value, and would set an undesirable precedent;
- (d) two public comments were received during the statutory publication period. One expressed no objection to the application since the facilities under application which deviated from the original planning intention had been constructed. The other from the Kadoorie Farm & Botanic Garden Corporation expressed reservation on the application mainly on grounds that the current use at the application was an unauthorised occupation of Government land and had adopted a ‘destruction first’ and ‘development later’ approach. Approval of the planning application would set an undesirable precedent; 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 private garden use was not in line with the planning intention of “Green Belt” zone and there was a general presumption against development in the zone. There had been no material change in the planning circumstances since the rejection of a previous application for private swimming pool use at the application site. Insufficient information was submitted to demonstrate no adverse drainage and geotechnical impacts on the surrounding area. There was an opportunity to reinstate the site with woodland planting to enhance the landscape amenity value and ecological value of the area. The approval of the application would set an undesirable precedent for similar applications in the area.

93. Members had no question on the application.

Deliberation Session

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

- (a) there was a general presumption against development in “Green Belt” (“GB”) zone. The proposed private garden use was not in line with the planning intention of “GB” zone and there was no strong justification to warrant a departure from the planning intention; and
- (b) the approval of the application would set an undesirable precedent for similar developments in “GB” zone. The cumulative effect of approving such applications would result in the encroachment on the “GB” zone by developments and a general degradation of the natural environment.

Agenda Item 11

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/214-3 Application for Amendment to Permission - Amendments to the
Approved Residential Development
in “Residential (Group E)1” zone,
Ap Lei Chau Inland Lot 129, Ap Lei Chau
(MPC Paper No. A/H15/214-3)

95. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHKP). Dr. Greg C.Y. Wong, Messr. Raymond Y.M. Chan and Felix W. Fong, having current business dealings with the SHKP, had declared interests in this item. The Committee noted that Mr. Chan had tendered apologies for being unable to attend the meeting and Mr. Fong had already left the meeting.

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

Presentation and Question Sessions

96. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed Class B amendments to the approved scheme, highlighting in particular the increase in number of blocks from 8 to 9; increase in unit size from 102.8m² to 115.7m² (+12.5%); changes in form of buildings; minor changes in disposition of building blocks; changes in internal layout which were the subject of environmental mitigation measures; and increase in loading/unloading spaces from 9 to 10 (+11.1%). Besides, the applicant also suggested to delete or modify the previous planning approval condition in respect of the submission of the Noise Impact Assessment (NIA);
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application mainly on the grounds that the subject residential development, which was located next to the Ap Lei Chau Boatyard, would lead to industrial/residential (I/R) interface problems with no practicable solution, the assumptions adopted in the NIA were unrealistic, and there was no credible mechanism to ensure the implementation of the noise mitigation measures in the form of non-openable window design. He therefore objected to the imposition of any approval condition requiring submission of a NIA to DEP's satisfaction. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) the District Officer had no comment on the application as the proposed amendments on building height profile and increase in building blocks were already included in the previously approved schemes and it was expected that the other proposed amendment items would not attract local concern; 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 total gross floor area and plot ratio of the current scheme remained the same as the approved scheme; the open space provision per person would exceed the requirements stipulated under the Hong Kong Planning Standards and Guidelines; the change in the overall building height profile was considered minor from urban design point of view, and the design of the block layout with curvilinear shaping of the tower clusters and the gaps between clusters was similar to the previously approved scheme; other changes in the proposed scheme including internal layout were minor. Relevant Government departments consulted except DEP had no adverse comments on the application. While DEP did not support the application owing to the potential I/R interface problem, the noise problem had been discussed by the Board when the scheme was first approved on 16.1.2004 and the applicant had submitted a revised NIA with proposed noise mitigation measures to address DEP's concerns. The applicant's suggestion to delete/modify the approval condition in respect of the NIA submission had also been considered by the Committee previously and it was decided that such approval condition should be retained so that the applicant would continuously work on a better solution to the problem. Moreover, it was also considered not appropriate to modify the condition by specifying such technical details therein and the provision of professional advice from relevant Government departments was considered necessary.

97. Members had no question on the application.

Deliberation Session

98. Noting that there were potential noise impact generated from the I/R interface and DEP's comments on the revised NIA as detailed in Appendix V of the Paper, Members considered that it was necessary to retain the approval condition relating to the submission of a revised NIA and the implementation of mitigation measures to the satisfaction of DEP.

99. 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 25.11.2009, 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 revised noise impact assessment and implementation of the mitigation measures as proposed by the applicant therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the design and provision of the internal transport facilities of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) note the comments of the Director of Environmental Protection regarding the noise perspective;
- (b) consult the Director of Fire Services regarding fire service requirements during the building plan submission stage; and
- (c) note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department regarding the phased implementation of the proposed scheme and the compliance with the natural lighting and ventilation provision, provision of internal streets and refuge roofs.

[The Chairperson thanked Mr. David C.M. Lam, STP/HK, for his attendance to answer Members' enquiries. Mr. Lam left the meeting at this point.]

Agenda Item 12

Any Other Business

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/199-1 Extension of Time for Commencement of Approved Development –
Proposed Comprehensive Residential Development with Retail Shops
in “Comprehensive Development Area (2)” zone,
5 and 7 Mok Cheong Street and 70-78 Sung Wong Toi Road,
Ma Tau Kok
(MPC Paper No. A/K10/199-1)

101. The Secretary said that the application for extension of time for commencement of approved development for 2 years from 5.12.2007 to 5.12.2009 was received by the Town Planning Board on 29.11.2007. According to the Town Planning Board Guidelines No. 35A on Extension of Time for Commencement of Development, the applicant should submit such application to the Board no less than 6 weeks before the expiry of the specified time limit so as to allow sufficient time for processing and consultation with concerned Government departments, and the Board would not consider such application if the permission had lapsed at the time of consideration. Since there was insufficient time for processing the application and the planning permission for the approved scheme had already lapsed on 5.12.2007, the Committee would therefore not consider the application and the applicant would be informed accordingly. Members agreed.

102. There being no other business, the meeting was closed at 12:40 p.m..