

TOWN PLANNING BOARD

**Minutes of 374th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 6.6.2008**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

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

Ms. Sylvia S.F. Yau

Mr. Raymond Y.M. Chan

Mr. K.Y. Leung

Dr. Winnie S.M. Tang

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

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

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

Secretary

Absent with Apologies

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Walter K.L. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Dr. Ellen Y.Y. Lau

Mr. Maurice W.M. Lee

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

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Ms. Kathy C.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 373rd MPC Meeting held on 23.5.2008

[Open Meeting]

1. The draft minutes of the 373rd MPC meeting held on 23.5.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Approval of Draft Plans

2. The Secretary reported that on 3.6.2008, the Chief Executive in Council (CE in C) approved the following two draft plans under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) and approval of the plans would be notified in the Gazette on 13.6.2008 :

- (a) Cheung Sha Wan Outline Zoning Plan (OZP) (to be renumbered as S/K5/31); and
- (b) Urban Renewal Authority Hai Tan Street/Kweilin Street and Pei Ho Street Development Scheme Plan (to be renumbered as S/K5/URA2/2).

(ii) Reference of Approved Plans

3. The Secretary reported that on 3.6.2008, the CE in C referred five approved OZPs, namely Shouson Hill & Repulse Bay, Mong Kok, Kowloon Tong, Ma Wan and Fu Tei Au & Sha Ling OZPs, to the Town Planning Board (the Board) for amendment under section 12(1)(b)(ii) of the Ordinance. The reference of the approved OZPs would be notified in the Gazette on 13.6.2008.

(iii) Withdrawal of Judicial Review (HCAL 127/2007) of Town Planning Appeal Decision

Town Planning Appeal No. 20 of 2006 (20/06)

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

(Application No. A/K9/206)

4. The Secretary reported that on 2.11.2007, the Court of First Instance (CFI) granted leave to an application for judicial review (JR), lodged by Mega Well Limited (the Appellant), of the Town Planning Appeal Board (TPAB)’s decision on an appeal in respect of the planning application No. A/K9/206 for proposed conversion of an existing commercial/office building with a plot ratio (PR) of 12.033 for hotel use at the subject site which was zoned “Residential (Group A)” (“R(A)”) on the Hung Hom OZP No. S/K9/18. The appeal was dismissed by the TPAB on 31.7.2007. By its letter dated 26.5.2008, the Appellant informed the Board that it had decided not to proceed with the JR application. On 29.5.2008, the CFI ordered that the JR be withdrawn and the order was announced on 3.6.2008 in open court.

Tsuen Wan and West Kowloon District

[Mr. C.K. Soh, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K2/183 Proposed Hotel (Guesthouse)
 in “Residential (Group A)” zone,
 279-283 Shanghai Street, Yau Ma Tei
 (KILs 9224RP and 10131RP)
 (MPC Paper No. A/K2/183)

Presentation and Question Sessions

5. Mr. C.K. Soh, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (guesthouse);
- (c) departmental comments – Government departments consulted had no objection to or no comment on the application. The Commissioner for Tourism supported the application as the proposed hotel development would enhance the provision of new hotel rooms, broaden the range of accommodations for visitors, and support the rapid development of the convention and exhibition, tourism and hotel industries;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yau Tsim Mong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 10 of the Paper. The proposed guesthouse was not incompatible with the surrounding land uses which were predominantly commercial/residential developments. The proposal with a plot ratio (PR) of 8.911 did not exceed the maximum permissible PR of 9 for a non-domestic building within the “Residential (Group A)” zone. To ensure that the proposed conversion would not

result in an increase in the physical bulk of the existing building, an approval condition stipulating that the maximum gross floor area for the proposed hotel should include the area for back-of-house facilities was recommended.

6. Members had no question on the application.

Deliberation Session

7. 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 6.6.2012, 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 proposed hotel development was subject to a maximum gross floor area (GFA) of 1 374.746m². Any floor space that was constructed or intended for use as back-of-house facilities as specified under Regulation 23A(3)(b) of the Building (Planning) Regulations should be included in GFA calculation;
- (b) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (d) in relation to (c) above, the implementation of local sewerage upgrading/ sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) note that approval of the application did not imply that GFA 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 Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) on the building requirements for the proposed guesthouse;
- (c) consult the CBS/K, BD on the arrangement of emergency vehicular access for the proposed guesthouse according to Part VI of the Code of Practice for Means of Access for Firefighting and Rescue;
- (d) consult the Chief Officer/Licensing Authority, Home Affairs Department on the licensing requirements for the proposed guesthouse;
- (e) consult the Director of Fire Services on the provision of an automatic sprinkler installation at the proposed guesthouse; and
- (f) prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/506 Proposed Hotel
in “Other Specified Uses” annotated “Business” zone,
Nos. 84 and 86 Tai Kok Tsui Road, Mong Kok
(KILs 8051 and 8170)
(MPC Paper No. A/K3/506)

Presentation and Question Sessions

9. Mr. C.K. Soh, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – Government departments consulted had no objection to or no comment on the application. The Commissioner for Tourism supported the application as the proposed hotel development would enhance the provision of new hotel rooms, broaden the range of accommodations for visitors, and support the rapid development of the convention and exhibition, tourism and hotel industries;
- (d) one public comment was received during the statutory publication period from a District Councillor suggesting that attention should be given to possible air and noise pollution and street obstruction during the construction period. The District Officer (Yau Tsim Mong) also conveyed the same comments raised by the same District Councillor; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11 of the Paper. The proposed hotel development was in line with the planning intention of the “Other Specified Uses” annotated “Business” zone. Redevelopment of the existing old industrial buildings would help improve the urban environment. The Committee had previously approved two applications for hotel developments at the site. The current proposal, which had combined the two previously approved application sites for a more comprehensive hotel development, did not result in any increase in the development intensity in terms of plot ratio and building height. Hence, the proposed development would not create adverse environmental, drainage and traffic impacts, and the proposed setback and road widening at Tai Kok Tsui Road would help improve local traffic. While there was concern on the requirements of electrical and mechanical facilities which

were proposed on six separate floors of the hotel development, they would be examined and addressed at detailed building plan submission stage. Regarding the local concern on possible noise and air pollution problems, an advisory clause was recommended to draw the applicant's attention to the Recommended Pollution Control Clauses.

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

10. A Member was concerned about the future management of the proposed setback area for pavement widening, particularly on the need to ensure that the setback area was obstruction-free for the use of pedestrians. Mr. C.K. Soh, STP/TWK, said that the proposed total plot ratio (PR) of 12 for the hotel development had excluded a bonus PR of 0.182 to be claimed in return for a setback of 0.8m from the lot boundary along Tai Kok Tsui Road. The applicant had to submit building plans to the Buildings Department (BD), which included the setback area in his application for bonus PR under the Buildings Ordinance. Mr. C.K. Soh also said that an approval condition requiring construction of the setback area to the satisfaction of the Transport Department was recommended.

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

11. Noting this Member's concern on the possible occupation of the setback area for private use and the suggestion to specify the dimension of setback area in the approval condition, the Secretary clarified that the application should be approved on the terms of the application as submitted to the Committee subject to relevant approval condition(s). In this regard, the approved hotel scheme should provide the setback area to the satisfaction of TD. Whether bonus PR would be granted was a matter for BD to consider. Regarding the long-term maintenance of the area, the Secretary advised that if bonus PR was granted by the Building Authority (BA) as a result of the dedication of the setback area, BA would monitor the future management of the area under the Deed of Dedication.

12. Another Member raised a general question on the management and enforcement problems in similar type of dedicated areas within private developments. The Chairperson remarked that this was not directly related to the current application and informed Members that the issue was being studied by the Administration.

[Dr. Winnie S.M. Tang arrived to join the meeting at this point.]

Deliberation Session

13. A Member reiterated his concern on the need to ensure proper management of the setback area. The Chairperson indicated that relevant clause could be included in the lease on the management aspect at the land exchange stage. The Secretary added that the issue of Deed of Dedication by BA should bonus PR be granted would also help monitor the future management of the setback area.

14. 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 6.6.2012, 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 firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the implementation of local sewerage improvement and upgrading works, if found necessary, to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the construction of the 0.8m setback from the lot boundary adjoining the footway of Tai Kok Tsui Road to the satisfaction of the Commissioner for Transport or of the TPB; and
- (d) the widening of the section of Tai Kok Tsui Road southbound between Ivy Street and Anchor Street with a carriageway width of 6m to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) note that approval of the application did not imply that gross floor area exemption for hotel concession, back-of-house and other facilities, and bonus plot ratio in return for surrender for street widening would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) consult the Chief Building Surveyor/Kowloon, Buildings Department on the arrangement of emergency vehicular access for the proposed hotel according to Part VI of the Code of Practice for Means of Access for Firefighting and Rescue;
- (c) apply to the District Lands Officer/Kowloon West, Lands Department for an in-situ land exchange for the proposed hotel;
- (d) consult the Chief Officer/Licensing Authority, Home Affairs Department on the licensing requirements for the proposed hotel;
- (e) make reference to the Recommended Pollution Control Clauses for construction contract from the Environmental Protection Department to minimize inconvenience and environmental nuisance to nearby residents and other sensitive receivers during the construction period; and
- (f) note that approval of the application did not imply that the proposed electrical and mechanical facilities were considered acceptable.

[Messrs. Raymond Y.M. Chan and Leslie H.C. Chen arrived to join the meeting at this point.]

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K16/31 Proposed Hotel (Amendment to an Approved Scheme
for Comprehensive Residential and Commercial Development)
in “Comprehensive Development Area” zone,
Kowloon Motor Bus Headquarters Building,
9 Po Lun Street, Lai Chi Kok
(MPC Paper No. A/K16/31)

Presentation and Question Sessions

16. The Secretary reported that the application was submitted by a joint venture involving the Sun Hung Kai Properties Ltd. (SHKP). Messrs. 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. Fong had tendered apologies for being unable to attend the meeting. As the applicant has requested for a deferment of consideration of the application, Mr. Chan could be allowed to remain in the meeting.

17. The Committee noted that the applicant requested on 4.6.2008 and 5.6.2008 for a deferment of the consideration of the application for two months to allow time for the preparation of further information and responses to address the comments from the Commissioner for Transport and the Commissioner of Police.

18. In reply to the Secretary’s question, Mr. P.C. Mok, STP/TWK, said that the applicant had requested for deferment of consideration which was approved by the Committee on 18.4.2008. This was the second request for deferment submitted by the applicant. The Secretary informed Members that, according to the Town Planning Guidelines No. 33 on ‘Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance’, in considering a request for further deferment, the Committee would take into account all relevant factors, including the reasonableness of the request, duration of the deferment, and whether the right or interest of other concerned parties would be affected. Members noted that the current

request for deferment had fulfilled the above considerations.

Deliberation Session

19. 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 agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for the preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Hong Kong District

[Ms. Donna Y.P. Tam, Senior Town Planner/Hong Kong (STP/HK), and Mr. Tom C.K Yip, STP/HK, were invited to the meeting at this point.]

Agenda Item 6

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H4/2 Application for Amendment to the
Approved Central District Outline Zoning Plan No. S/H4/12
from 'Road' to "Government, Institution or Community" with 'Religious
Institution' use under Column 1 of the Notes; or
"Other Specified Uses" annotated "Synagogue and Open Space for Public
Use" with 'Religious Institution' use under Column 2 of the Notes; or
"Open Space" with 'Religious Institution' use under Column 2 of the Notes,
Land between Cotton Tree Drive and Kennedy Road Peak Tram Station,
Central
(MPC Paper No. Y/H4/2C)

Presentation and Question Sessions

20. The Committee noted that the applicant requested on 20.5.2008 for a deferment of the consideration of the application for two months to allow time for conducting consultation with the Central and Western District Council (DC). The applicant explained that due to the clash of the DC's meeting schedule with the crucial Jewish Festival, it was impossible for the applicant to present the application to the DC members and to respond to any queries, and the DC advised him to postpone the presentation to the DC meeting to be held on 24.7.2008.

Deliberation Session

21. 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 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 the further information should be submitted immediately following the consultation with the Central and Western District Council (DC) in July 2008 and in any case no later than end July 2008; and the Committee had allowed time for consultation with the DC and preparation of the submission of further information before end July 2008, and no further deferment would be granted unless under very special circumstances.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H4/81 Proposed Bank (Automatic Teller Machine)
for a Period of 5 Years
in “Government, Institution or Community” zone,
Portion of Ground Floor of Queensway Government Offices,
66 Queensway, Hong Kong
(MPC Paper No. A/H4/81)

Presentation and Question Sessions

22. 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 bank (automatic teller machine) for a period of 5 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period indicating no objection to the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 10 of the Paper.

23. Members had no question on the application.

Deliberation Session

24. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 5 years until 6.6.2013, on the terms of the application as submitted to the Town Planning Board.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H7/149 Proposed Minor Relaxation of Plot Ratio for
Residential Development (Caretaker's Office and Porch)
in "Residential (Group C)1" zone,
Villa Rocha, 10 Broadwood Road,
Happy Valley (IL 8524)
(MPC Paper No. A/H7/149)

Presentation and Question Sessions

25. The Secretary declared an interest in this item as she had a property at Beverly Hill which adjoined the application site. As there was no direct view from her flat to the application site and she only served as the Secretary to the Committee, Members agreed that she could remain in the meeting.

26. Mr. Tom C.K Yip, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio for residential development (caretaker's office and porch);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period

indicating no objection to the application if the additional gross floor area (GFA) was used for caretaker's office and porch only; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 9 of the Paper. The proposed minor relaxation of plot ratio for the provision of a caretaker's office and a porch was minor and insignificant, and would not have adverse impact on the surrounding area.

27. In reply to a Member's question on how the exempted GFA was derived, Mr. Tom C.K Yip, STP/HK, said that according to the Buildings Department, a caretaker's office with GFA not exceeding 5m² for every 50 flats or part thereof and a porch with a projection not exceeding 1.5m could be exempted from GFA calculation. In the subject residential development, the exempted GFA for the caretaker's office and the porch were 24.8m² and 11.4m² respectively. As the proposed caretaker's office and the porch, having an area of 44.355m² and 22.8m² respectively, had exceeded the sizes that could be exempted from GFA calculation, they were accountable for GFA calculation under the Buildings Ordinance and the OZP.

Deliberation Session

28. A Member commented that the location of the proposed caretaker's office on top of the refuse storage chamber was undesirable as it would affect the health of the staff working inside the office. Members agreed to advise the applicant to pay special attention to the ventilation of the caretaker's office in view of its location on top of the refuse storage chamber.

29. 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 6.6.2012, 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 firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

30. The Committee also agreed to advise the applicant to :
- (a) note the comments of the Chief Building Surveyor/Hong Kong East, Buildings Department regarding the gross floor area calculation under the Buildings Ordinance;
 - (b) note the comments of the District Lands Officer/Hong Kong East, Lands Department regarding the need to apply for lease modification to effect the proposed development; and
 - (c) pay attention to the ventilation of the caretaker's office in view of its location on top of the refuse storage chamber.

[The Chairperson thanked Ms. Donna Y.P. Tam, STP/HK, and Mr. Tom C.K. Yip, STP/HK, for their attendance to answer Members' enquiries. Ms. Tam and Mr. Yip left the meeting at this point.]

Kowloon District

[Mr. C.C. Lau, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 9

[Open Meeting (whole agenda item)]

Proposed Amendments to the
Approved Kowloon Tong Outline Zoning Plan No. S/K18/13
(MPC Paper No. 22/08)

Presentation and Question Sessions

31. Mr. C.C. Lau, STP/K, presented the proposed amendments to the Kowloon Tong Outline Zoning Plan (OZP) and covered the following main aspects as detailed in the Paper :

- (a) the proposed amendment to the OZP, as detailed in paragraph 4.1 and Annex II of the Paper, was to reflect the Committee's decision on a s.12A Application (No. Y/K18/2) by rezoning an existing church site at Grampian Road from "Government, Institution or Community (4)" ("G/IC(4)") with a maximum building height of 5 storeys to "G/IC(10)" with a maximum building height of 8 storeys (excluding basement floor(s)) and 50.05mPD, and a maximum plot ratio (PR) of 5;
- (b) the proposed amendments to the Notes of the OZP, as detailed in paragraph 4.2 and Annex III of the Paper, were mainly to incorporate building height restriction for the "Other Specified Uses" annotated "Petrol Filling Station" zone and minor relaxation clause on PR/gross floor area restriction to various zones;
- (c) opportunity was taken to update the Explanatory Statement of the OZP as detailed in Annex IV of the Paper to reflect the latest status and planning circumstances of the OZP; and
- (d) no adverse comment was received from relevant Government departments. The Kowloon City District Council 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 5 of the Town Planning Ordinance.

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

Deliberation Session

33. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/13 and its Notes as set out in paragraphs 4.1 and 4.2 of the Paper;
- (b) agree that the draft Kowloon Tong OZP No. S/K18/13A at Annex II (to be renumbered as S/K18/14 upon exhibition) and its Notes at Annex III of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance;
- (c) adopt the updated Explanatory Statement (ES) at Annex IV 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 on the OZP; and
- (d) agree that the updated ES was suitable for exhibition together with the draft Kowloon Tong OZP No. S/K18/13A (to be renumbered as S/K18/14 upon exhibition) and issued under the name of the Board.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/251 Proposed School (Kindergarten)
 in “Residential (Group C)1” zone,
 1/F, 109 Waterloo Road,
 Kowloon Tong
 (MPC Paper No. A/K18/251)

Presentation and Question Sessions

34. 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 (kindergarten);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) three public comments were received during the statutory publication period raising objection to the application mainly on the grounds of traffic congestion and road safety concerns, especially the drop-off/pick-up of students along northbound of Waterloo Road and near Essex Crescent; no mitigation measures were taken by the applicant to improve the traffic situation; and noise nuisance from students; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11 of the Paper. The proposed kindergarten complied with the Town Planning Board Guidelines No. 23 in that it was not incompatible with the surrounding residential area with kindergartens, nurseries and primary schools; the provision of on-site parking and loading/unloading facilities and their proposed layout were acceptable to the Transport Department; no significant adverse impacts on traffic, environment and infrastructure provisions of the area were anticipated; and no felling or removal of the existing tree on the application site. Regarding the local objections to the application, relevant departments had no objection to the application.

35. In reply to a Member's question, Mr. C.C. Lau, STP/K, said that there were similar planning approvals for converting a whole building or redevelopment of a site for kindergarten use in Kowloon Tong area. The current application was an extension to the existing kindergarten on G/F of the subject building which was approved by the Committee on 18.8.2006 (Application No. A/K18/238). Regarding the major differences between the current and the previously approved application on the subject site, Mr. Lau said that with the proposed extension on 1/F, the number of classrooms would be increased from 7 to 15, the maximum number of pupils from 134 to 283, and the number of private car parking spaces

from 2 to 3 and taxi lay-bys from 1 to 2 with the number of school bus lay-bys remained unchanged at 5. Moreover, the applicant proposed to adopt different school hours for the classes located on G/F and 1/F in order to avoid adverse traffic condition on the surrounding road network. In response to this Member's queries, Mr. Lau said that the Commissioner of Police and the Assistant Commissioner for Transport/Urban, Transport Department (TD) did not provide information on public complaints on illegal parking outside kindergartens in the Kowloon Tong area. However, there were public comments raising concern on parking of vehicles in the area.

Deliberation Session

36. A Member, by referring to Plans A-3 and A-4 of the Paper, said that the drop-off/pick-up area within the application site would likely be used as open-air activity area for the pupils, which was considered undesirable. This Member said that he was not objecting to the current application but considered that a review should be undertaken in the longer term to work out some standards or guidelines on the provision of open-air activity area and drop-off/pick-up area for kindergartens. The Chairperson suggested relaying Members' views on the design requirements of kindergarten to the Education Bureau for consideration. Members agreed.

37. While the applicant had proposed to provide drop-off/pick-up area within the application site, some Members raised concern on the possible traffic impact due to drop-off/pick-up activities along Waterloo Road as stated in the public comments received. Mr. Anthony Loo of TD said that his department had no objection to the application as the provision of the proposed parking and loading/unloading facilities was in accordance with the Hong Kong Planning Standards and Guidelines and was considered acceptable. In view of the general concern on the possible traffic impact due to improper loading/unloading activities, Mr. Loo suggested including an advisory clause asking the applicant to remind parents to arrange drop-off/pick-up activities within the application site. Members agreed.

38. A Member opined that the staggered school hours proposed by the applicant might in effect extend the duration of adverse traffic impact and noise nuisance on the surrounding areas. The Chairperson suggested including an advisory clause reminding the applicant to minimise causing noise nuisance to the neighbouring uses. Members agreed.

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 6.6.2012, 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 firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the design and provision of parking facilities, loading/unloading spaces, lay-bys and car park layout for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the submission and implementation of a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note that 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) consult the Registration Section of the Education Bureau on the school registration process under the Education Ordinance and Regulations;
- (c) provide details of the conversion works for the consideration of the Antiquities and Monument Office of the Leisure and Cultural Services Department;
- (d) follow Chapter 9 of the Hong Kong Planning Standards and Guidelines (HKPSG) in providing practicable noise mitigation measures as far as practicable and/or as a “last resort” measure provide acoustic insulation in form of well gasketed windows as per Appendix 4.4 in Chapter 9 of the

HKPSG and air-conditioning to abate the excessive road traffic noise disturbance on the affected classrooms of the proposed school;

- (e) resolve any land issue relating to the development with other concerned owners/occupiers of the subject premises;
- (f) note that the drop-off/pick-up activities should be carried out within the application site to avoid causing adverse traffic impact on the surrounding roads; and
- (g) minimise noise nuisance to the neighbouring uses.

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

Agenda Item 11

Any Other Business

41. There being no other business, the meeting was closed at 10:15 a.m..