

TOWN PLANNING BOARD

**Minutes of 385th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 21.11.2008**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Mr. Maurice W.M. Lee

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
Ms. Olga W.H. Lam

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

Secretary

Absent with Apologies

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. Ellen Y.Y. Lau

Dr. Winnie S.M. Tang

Assistant Director(2), Home Affairs Department
Mr. Andrew Y.T. Tsang

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. Doris S.Y. Ting

Agenda Item 1

Confirmation of the Draft Minutes of the 384th MPC Meeting held on 7.11.2008

[Open Meeting]

1. The draft minutes of the 384th MPC meeting held on 7.11.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) New Town Planning Appeals Received

- (i) Town Planning Appeal No. 6 of 2008
Temporary Open Storage of Construction Materials and Machinery
for a Period of 3 Years in “Agriculture” zone,
Lot 1595(Part) in D.D. 113, Ma On Kong,
Kam Tin, Yuen Long
(Application No. A/YL-KTS/421)
- (ii) Town Planning Appeal No. 7 of 2008
Temporary Office for a Period of 3 Years
in “Agriculture” and “Village Type Development” zones,
Lot 1028B(Part) in D.D. 113, Kam Tin, Yuen Long
(Application No. A/YL-KTS/422)
- (iii) Town Planning Appeal No. 8 of 2008
Temporary Open Storage of Construction Materials for a Period of 3 Years
in “Agriculture” zone,
Lots 1012(Part), 1014(Part), 1015A(Part), 1015RP(Part),
1035(Part) and 1038(Part) in D.D. 113,
Kam Tin, Yuen Long
(Application No. A/YL-KTS/424)

- (iv) Town Planning Appeal No. 9 of 2008
Temporary Open Storage of Construction Machinery (Excavators)
for a Period of 3 Years in “Agriculture” zone,
Lots 1012(Part), 1013(Part), 1014(Part), 1015A(Part),
1015RP(Part) and 1016(Part) in D.D. 113,
Kam Tin, Yuen Long
(Application No. A/YL-KTS/425)
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2. The Secretary reported that the subject four appeals were received by the Appeal Board Panel (Town Planning) (AB) on 10.11.2008 against the decision of the Town Planning Board (TPB) to reject on review four applications (No. A/YL-KTS/421, 422, 424 and 425) for the captioned temporary uses for a period of 3 years. The subject site of Applications No. A/YL-KTS/421, 424 and 425 were zoned “Agriculture” (“AGR”) on the approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/11 whereas the subject site of Application No. A/YL-KTS/422 was zoned “AGR” and “Village Type Development” on the same OZP.

3. Applications No. A/YL-KTS/421, 424 and 425 were rejected by the TPB mainly for the reasons that (i) the development was not in line with the planning intention of the “AGR” zone; (ii) the application did not comply with the TPB Guidelines for “Application for Open Storage and Port Back-up Uses”; (iii) there was insufficient information to demonstrate that the proposed development would not generate adverse traffic, environmental, landscape and/or drainage impacts; and (iv) approval of the application, even on a temporary basis, would set an undesirable precedent. Application No. A/YL-KTS/422 was rejected by the TPB for the reasons (i), (iii) and (iv) as stated above and that the development was incompatible with the surrounding land uses which were predominantly rural in character.

- (v) Town Planning Appeal No. 10 of 2008
Temporary Warehouse for Storage of Ceramic Tiles
for a Period of 3 Years in “Agriculture” zone,
Lots 806, 808(Part), 809, 811, 812, 813(Part), 823 BRP, 824 BRP,
825, 826(Part) in D.D. 46 and Adjoining Government Land,
Loi Tung, Sha Tau Kok
(Application No. A/NE-MUP/54)

4. The Secretary reported that the subject appeal was received by the AB on 11.11.2008 against the decision of the TPB to reject on review an application (No. A/NE-MUP/54) for temporary warehouse for storage of ceramic tiles for a period of 3 years at a site zoned “AGR” on the approved Man Uk Pin OZP No. S/NE-MUP/11. The application was rejected by the TPB for the reasons that the applied use was not in line with the planning intention of the “AGR” zone, and no strong justifications had been provided for a departure from the planning intention, even on a temporary basis.

5. The Secretary said that the hearing dates of all five appeals were yet to be fixed. The Secretariat would act on behalf of the TPB in dealing with the appeals in the usual manner.

(b) Town Planning Appeal Statistics

6. The Secretary reported that as at 21.11.2008, 19 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	23
Dismissed	:	109
Abandoned/Withdrawn/Invalid	:	129
Yet to be Heard	:	19
<u>Decision Outstanding</u>	:	<u>0</u>
Total	:	280

Special Duties Section

[Miss Fiona S.Y. Lung, Chief Town Planner/Special Duties (CTP/SD), Mr. Roy C.H. Li, Senior Town Planner/Special Duties (STP/SD), and Ms. Lily Y.M. Yam, Senior Town Planner/Hong Kong (STP/HK) were invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H3/2 Application for Amendment to the Draft Sai Ying Pun and Sheung Wan Outline Zoning Plan (OZP) No. S/H3/21 from “Residential (Group A)” to “Government, Institution or Community” and “Open Space” and Amendments to the Notes of the OZP to indicate the Heritage Significance of the Site and to retain the Walls, Stairs and Wall Trees, Former Police Married Quarters Site at Hollywood Road, Hong Kong
(MPC Paper No. Y/H3/2)

7. The Secretary informed the Committee that the applicants’ representatives had tabled a set of proposed Notes for the “OU (Heritage Site to include Public Open Space)” zone which was different from the original proposal and a copy of a newspaper article written by one of the applicants.

Presentation and Question Sessions

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

Miss Fiona S.Y. Lung	- Chief Town Planner/Special Duties (CTP/SD)
Mr. Roy C. H. Li	- Senior Town Planner/Special Duties (STP/SD)
Ms. Lily Y.M. Yam	- Senior Town Planner/Hong Kong (STP/HK)

9. The following applicants' representatives were invited to the meeting at this point :

Mr. Ian Brownlee
Ms. Katty Law Ngar-ning
Mr. John Stuart Batten
Ms. Cheng Lai-king

10. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. Roy C.H. Li, STP/SD, to brief Members on the background to the application.

11. With the aid of a Powerpoint presentation, Mr. Roy C.H. Li presented the application as detailed in the Paper and made the following main points :

The Proposal

- (a) the application was to amend the draft Sai Ying Pun and Sheung Wan OZP No. S/H3/21 by rezoning the application site from "Residential (Group A)" ("R(A)") to "Government, Institution or Community" ("G/IC") and "Open Space" ("O") and to amend the Notes of the OZP. The major proposals were:
 - (i) to rezone the upper platform and part of the central platform of the site (3,218m²) to "G/IC" for Government, Institution or Community (GIC) use, subject to a height limit of 3 storeys;
 - (ii) to rezone the lower platform and part of the central platform of the site (2,600m²) to "O" for public open space (POS) use; and
 - (iii) to include in the Notes for the proposed "G/IC" and "O" zones and annotated on the OZP that the site was of heritage significance and that the walls, stairs and wall trees should be retained;
- (b) according to the indicative development proposal submitted by the applicant, the main features of the conceptual layout were:

- (i) the proposed “O” zone would include a landscaped area, while the proposed “G/IC” zone would accommodate a low-rise free-standing Residential Care Home for the Elderly (RCHE) and a Heritage Interpretation Centre;
- (ii) retention of all the existing walls around the site except for two pedestrian entrances; the granite stairs leading from Staunton Street and from the central platform to the lower platform; the existing redbrick wall and the underground public toilet; all the wall trees and the significant tree near the vehicular entrance; and any relics in the site in-situ;
- (iii) reinstatement of a pedestrian entrance from Shing Wong Street and a previous entrance via Aberdeen Street; and
- (iv) identification of the former location of the Shing Wong Temple in the design of the park.

The Application Site

- (c) the application site (the site) was a Government site occupied by two vacant blocks of the former police married quarters on the central platform and a block formerly used as the Junior Police Call (JPC) Club House on the lower platform. A disused underground toilet was located at the junction of Staunton Street and Aberdeen Street.
- (d) the surrounding areas were predominantly residential in character with some ground floor shops and the site formed part of the Dr. Sun Yat-sen Historical Trail;

Background

- (e) the former Central School was erected on the site in 1889. The site had been used as the former police married quarters development since early 1950s and was left vacant since 1997 upon the relocation of the police

married quarters. The site was rezoned from “G/IC” to “R(A)” on 11.12.1998. Since then, the “R(A)” zoning of the site had remained unchanged;

- (f) part of the site was the subject of a planning application (No. A/H3/362) for a proposed Refuse Collection Point (RCP) approved by the Metro Planning Committee (the Committee) with conditions on 15.7.2005.
- (g) on 25.11.2005, the Committee considered a s.12A application (No. Y/H3/1) submitted by some local residents including the applicants for the subject application. The Committee rejected the application and decided that a Planning Brief (PB) should be prepared for the site to guide the future development, taking account of the local aspirations for preserving the cultural heritage and historic features of the site, setting a maximum development intensity, and increasing the provision of POS. The PB was endorsed by the Committee on 2.2.2007;
- (h) on 25.5.2007, the Committee deferred a decision on the subject application as proposed by PlanD and supported by the applicant pending the completion of further historical research and archaeological investigation (AI) for the site undertaken by the Antiquities and Monuments Office (AMO) and the deliberation by the Antiquities Advisory Board (AAB);
- (i) AMO presented the findings of the archaeological investigation to AAB at its meeting on 20.11.2007. The findings confirmed that some features of the former Central School had been reasonably preserved, and any revitalization proposals should be based on the premise that the remaining features of Central School would be preserved and should have full regard to the historical significance of Central School to the development of Hong Kong. AAB considered that heritage preservation requirements should be imposed on the redevelopment of the site and recommended that the remaining features of the Central School should be preserved, while some alterations should be allowed to strike a balance between heritage preservation and future use of the site;

- (j) as announced in the Policy Address 2008, the site had been formally removed from the Application List and the public would be consulted in finding the best approach to revitalise the site for education and creative industries uses taking into account the history and characteristics of the area along Hollywood Road;

Local Views and Public Comments

- (k) District Officer (Central & Western), Home Affairs Department advised that at a Central & Western District Council (C&WDC) Special Meeting held on 2.4.2008, Members held diverse views on whether the site should be rezoned to “G/IC” and “O”. Members unanimously supported a motion which requested the Government, inter alia, to balance between heritage conservation and economic development, and to achieve the objectives of preservation and revitalization of heritage, development of open space, appropriate use of community resources and promotion of heritage tourism;
- (l) during the statutory publication period of the application and further information on the application, 1,206 (including 1,133 submitted in standard comment forms, letters or emails) and 432 (including 417 submitted in standard comment forms) public comments were received with the majority in support of the application. Some commented that the heritage features in the site should be preserved and some considered that the former police married quarters were of extraordinary architectural merits. Some considered that the local character of the area should be preserved and the site should not be used for residential development as it would seriously affect the traffic, environment, and living conditions in the area and there was an acute shortage of open space and community facilities in the district. Some commenters had suggested various adaptive re-use of the site such as craft industries, arts and performance venues, museums, Dr. Sun Yat-sen park, Senior Citizen Centre, swimming pool, community centre, etc. Two commenters suggested that low-rise development should be allowed on the site as it would not block the views

to the ridgelines and the harbour, and one raised concern on traffic and road safety aspects as the proposed rezoning would invite huge number of tourists and local visitors to the area;

Departmental Comments

- (m) the Commissioner for Heritage of the Development Bureau (DEVB) would investigate further how best the site could be used for creative industry and educational use and would seek the Board's agreement for zoning amendment in due course. As such, a decision to rezone the site from "R(A)" to "G/IC" and "O" at this stage was considered premature;
- (n) the Secretary for Home Affairs and the Director of Leisure and Cultural Services had no comment on the proposed rezoning and advised that any proposed uses of the site should be able to meet the preservation requirements recommended by AAB. According to the advice of AMO, the architectural merits of the former police married quarters buildings were not high;
- (o) the Assistant Commissioner for Transport/Urban, Transport Department said that according to the report of "Strategic Traffic Review of Central Business District" completed in 2003, the road networks in Central could accommodate the traffic generated by all known developments in the area including this site;
- (p) the Director of Social Welfare had reservations to support the free-standing RCHE on cost-effectiveness ground. There was no current plan for elderly services at the site as a wide spectrum of community support services was available to senior citizens living in the area;
- (q) the Director of Food and Environmental Hygiene confirmed that there was a need for reprovisioning the existing Bridges Street RCP which had previously been planned to be permanently reprovisioned at the site; and had reservation on providing dog toilets, market and reprovisioning of hawker stalls affected by Urban Renewal Authority (URA) development at

the site as suggested in some public comments;

- (r) the Director of Leisure and Cultural Services considered the development potential for constructing a swimming pool, community centre or sports ground on the site, as suggested in some public comments, was slim due to the small area of the site. The existing library provision in the district was sufficient and there was another Sun Yat Sen Memorial Park and Swimming Pool Complex which was under construction in other parts of the district; and

Planning Consideration and Assessment

- (s) PlanD did not support the application based on the assessment as detailed in paragraph 11 of the Paper. The site would no longer be used for residential purpose and the public would be involved in finding the best approach to revitalize the site for education and creative industries uses taking into account the history and characteristics of the area along Hollywood Road. It was premature to rezone the site to “G/IC” and “O”, as proposed by the applicants, as it might pre-empt further investigation on the best approach to revitalize the site in consultation with the public. The heritage preservation aspect would be considered in the process of the further investigation of the revitalization proposal for the site and opportunity would also be taken to address the community aspiration for more open space in the neighbourhood and the departments’ requirements to provide RCP and RCHE facilities in the area. The applicants’ proposed zoning implied that one block of the former police married quarters would be demolished to form part of the proposed landscaped area might not be in line with the future revitalization plan. As the site would no longer be used for residential purpose, the associated traffic and environmental concerns would unlikely arise and the approved PB for residential development would no longer be relevant. Relevant bureaux/departments including Leisure and Cultural Services Department, Social Welfare Department and Food and Environmental Hygiene Department had reservations on some of the proposed adaptive re-uses of the buildings suggested by the applicant and the public commenters.

12. The Chairperson then invited the applicants' representatives to elaborate on their justifications for the application. Mr. Ian Brownlee made the following main points :

- (a) the application, which was submitted in January 2007 when there was limited information on the heritage value of the site, had gained wide public support in the preservation of the site to reflect its heritage value. A set of supplementary information including the most comprehensive summary of the history and heritage significance of the site based on input from members of public, academics, people with interest and knowledge about the area was prepared and submitted to the Committee in March 2007;
- (b) the original submission was based on the fact that the site would be used for residential development with high intensity. The applicant therefore simply proposed a solution to reserve a significant portion of the area for use as public open space and other community facilities including elderly homes and RCP in order to address the severe shortfall of about 5-7 ha of POS in the area and to provide the needed facilities. The main objective was to replace the residential component by a public use component;
- (c) the application was met with another obstacle when the Board approved the PB for the site irrespective of the opposing views by the C&WDC at that time. However, the Committee did play an important role in requesting for information on the heritage significance of the site which led to the carrying out of further historical survey and AI of the site by AMO;
- (d) the applicant had written to the then Secretary of Planning and Lands and the current Secretary for Development in February and August 2007 respectively requesting for the removal of the site from the Application List until the decision on the historical and heritage value of the site had been made but did not receive much response until Chief Executive (CE) announced in his Policy Address 2007 that the site could be temporarily taken off from the Application List for one year to allow investigation to

take place. The whole process was a bureaucracy battle;

- (e) although the site was finally removed from the Application List as announced by CE in his Policy Address 2008 which meant that the site would not be sold for residential development, the site was still zoned “R(A)” on the OZP with an approved PB for residential development;
- (f) during the public forum conducted by the Development Bureau (DEVB) to gauge the views of the community on how to revitalise the site, the applicant understood that the public had expressed a strong desire to preserve the site for heritage purpose even though public views collected at the forum were not made available to the applicant;
- (g) the ‘Burra Charter’ was a guide to determining the cultural significance of a site and its principles were directly applicable to the site. Relevant components of the ‘Burra Charter’ were summarised as below:
 - (i) why ‘Conserve’ – places of cultural significance enriched peoples lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experience. Hence, the traditional approach adopted by AMO which only concerned about individual historic buildings should be changed. Places of cultural significance had to be conserved for present and future generations as they were irreplaceable and precious;
 - (ii) on ‘Cautious Approach’ – a cautious approach was required of changing as much as necessary but as little as possible;
 - (iii) on ‘Use’ – new use of a place should involve minimal change to significant fabric and use and should respect associations and meanings; and where appropriate should provide for continuation of practices which contributed to the cultural significance of the place; and

(iv) on 'Setting' – conservation required the retention of an appropriate visual setting and other relationships that contributed to the cultural significance of a place;

(h) the applicants intended to present the 'Burra Charter' to AAB. The principles of the 'Burra Charter' should be adhered to in deciding the long-term use of this important site which had deep religious, historical and cultural significance.

13. With the aid of some photos, Ms. Katty Law Ngar-ning made the following main points:

(a) since the Committee's rejection of a section 12A application (No. Y/H21/1) for rezoning the application site from "R(A)" to "G/IC" submitted by the Central and Western Concern Group (the Group) on 25.11.2005, the Group had been doing a lot of researches on the history and background of the site with a view to unveiling the historical significance of the site;

(b) since the occurrence of 'Star Ferry' and 'Queen's Pier' incidents, the public had increased their awareness on the need to preserve the local culture and heritage. This application was therefore submitted in January 2007, followed by further information including the concept and principles of the 'Burra Charter' submitted in March 2007;

(c) in response to the request of the Town Planning Board (the Board), AMO had conducted an AI on the site and unearthed the foundation of the former Central School which was a very significant part in the history of Victoria. Three historical aspects were revealed by the AI : (i) the presence of Shing Wong Street to the northwest of the site indicated that the temple had once existed on the site. A research article by Carl T. Smith, a historian, had also documented the existence of the Shing Wong Temple at the site; (ii) the physical remains of the Central School including its walls, granite pillars and stairs, foundations were documented in AAB's report; and (iii) the architecture of the police married quarters representing a rare example

of early Modernist Bauhaus-inspired structures;

- (d) the heritage value of the site was indisputable and hence it should be preserved and protected by the introduction of an appropriate zoning. Should the site remain to be zoned “R(A)”, it might convey a confusing message to the public that the heritage site might be used for residential development;
- (e) the C&WDC at its meeting in April 2008 had passed a motion requesting the Government to balance between heritage conservation and economic development and to rezone the site to an appropriate zoning such as “OU for cultural, historical and greening purposes to achieve the objectives of preservation and revitalisation of heritage, with the development of public open space. The approach of introducing adaptive reuses to heritage sites such as the former Central Police Station should also be applicable to this site; and
- (f) since the Administration and the applicant had a common vision that the site with heritage value should be preserved for adaptive reuse of the public, it was an appropriate time to consider rezoning the site from “R(A)” to “OU (Heritage Site to include Public Open Space)” as currently proposed.

14. Ms. Cheng Lai-king made the following main points:

- (a) when C&WDC was consulted on PlanD’s proposal to rezone the site from “G/IC” to “R(A)” for residential development in late 90’s, the DC members did not raise objection to the proposal but requested the provision of additional GIC facilities such as an RCP, RCHE, POS, etc. to meet the local demand. The site was subsequently put into the land sale list but had not yet been developed;
- (b) with the increasing number of new developments in the vicinity, including the URA redevelopment projects H18 and H19, there was wider public concern on the congested environment and the adverse traffic impact

caused by the proposed residential development to the area. In addition, the community had an increasing concern on heritage preservation in recent years, especially when the historical significance of the site was revealed by the discovery of physical remains of the former Central School. The Central School was the first English school operated by the Government and hence it marked an important milestone in the education history of Hong Kong. Further investigation on the historical remains should be undertaken; and

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

- (c) the C&WDC had a lengthy discussion on the subject site in April 2008 and passed three motions mainly to request the Government to formulate an overall plan to preserve and revitalise the site; to change the zoning of the site from “R(A)” to “OU” for cultural, historic preservation and greening purposes; and to balance the needs for preserving the historic site and economic development and to preserve the original outlook of the site and allow public use. She was of the view that the site should therefore be developed into some compatible uses open freely for public enjoyment. Using the site for restaurant purpose might not be suitable.

15. With the aid of some photos, Mr. John Stuart Batten made the following main points:

- (a) the Group was a small group of people who aimed at arousing public awareness on the history of the Central and Western district which was one of the oldest parts of Hong Kong. The Group had participated in a number of projects including the URA H18 and H19 redevelopment, a commercial development in Staunton Street, the West Island Line development, and organising the Graham Street Market Festival;
- (b) when the first rezoning application was submitted by the Group in 2005, the Group had no knowledge on the heritage value of the site and hence proposed to demolish the two existing buildings for the development of a

park. However, when the historical significance of the site was revealed, the Group concluded that the two buildings, with their typical engineering/architectural design, should be preserved;

- (c) the Group had spent great effort in collecting public views and over a thousand of public comments with a majority showing support to the application were received; and
- (d) DEVB had launched a public engagement exercise in the past six months and AMO had organised an open day for the site to gauge the views of the community on how best the site should be revitalised. The currently proposed zoning of “OU (Heritage Site to include Public Open Space)” had covered a schedule of uses which should have met the intention of DEVB. The applicant hoped that the Committee would agree that the proposed “OU” zone was the most appropriate zoning for the site.

16. Mr. Ian Brownlee then made the following additional comments:

- (a) while the Committee’s paper prepared by PlanD acknowledged that the site would no longer be sold for residential purpose, the conclusion of the paper was to retain the “R(A)” zoning for the site. The “R(A)” zoning should be changed if it was no longer appropriate for the site;
- (b) there was an approved PB for the site based on the “R(A)” zoning. As the PB was no longer relevant for the site, it would be more reasonable for the Committee to delete the approved PB now;
- (c) the King Yin Lei development and the Tai Po Lookout building were rezoned “OU (Historical Building Preserved for Cultural, Community and Commercial Uses)” and “OU (Historical Building Preserved for Cultural and Community Uses)” respectively at a time when the adaptive reuses were not yet known. The site should also be rezoned to “OU (Heritage Site to include Public Open Space)” and a schedule of uses currently proposed could be revised to include other compatible uses; and

- (d) the whole statutory plan-making process including reference back of the approved plan by Chief Executive in Council for amendment and the proposed zoning amendments to the OZP would take about one year. The process of rezoning from “R(A)” to “OU (Heritage Site to include Public Open Space)” should start now to allow the public to give views on the appropriate use of the site. It could be carried out in parallel with the public consultation process to be conducted by DEVB next year.

17. Ms. Cheng Lai-king said that the C&WDC had planned to open the site for a few days in February 2009 in order to solicit public views on the appropriate future uses of the site. Members were welcomed to participate and expressed their ideas.

18. Noting that the site would not be used for residential development and there was wide public support to use the site for GIC purposes, a Member asked whether the site could be rezoned at this juncture and whether there was a time-table for the consultation to be conducted by DEVB. Miss Fiona S.Y. Lung, CTP/SD, said that while the Administration had announced that the site would not be used for residential development but be preserved and revitalised for creative industries and educational uses, it could be concluded that the “R(A)” zoning was no longer valid. However, it was considered that the most appropriate zoning for the site could not be finalised at this stage pending the public consultation to be undertaken by DEVB. The public consultation would be conducted in 2009 and the Administration intended to launch an expression of interest (EOI) exercise/open design competition to collect views on the appropriate proposals for revitalising the site. It would therefore be pre-mature at this stage to decide on the specific zoning for the site. A submission to the Board on the future zoning of the site after the consultation exercise would be made.

[Ms. Starry W.K. Lee left the meeting at this point.]

19. In response to another Member’s query on whether the PB could be removed, Miss Fiona S.Y. Lung said that as the site would not be used for residential development, the approved PB was no longer relevant.

20. A Member asked whether the proposed zoning of “OU (Heritage Site to include Public Open Space)” was in line with the planning intention of the site and whether it would pose constraints on the future works to be undertaken by the Government. Miss Fiona S.Y. Lung replied that a clear direction to preserve the site and revitalise it for education and creative industries uses had been set out in the Policy Address 2008. Pending the public consultation, it was premature, at this stage, to decide on whether the “G/IC” and “O” zoning proposed in the s.12A application or the “OU” zoning newly suggested at this meeting, or some other zonings would be the most appropriate zoning for the site. To avoid giving the public an impression that the future use of the site had been pre-determined prior to the consultation, it would be more appropriate not to amend the “R(A)” zoning for the time being pending the result of the public consultation to be undertaken in 2009.

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

21. Mr. Ian Brownlee said that their main concern was on the mechanism to preserve the heritage value of the site. The same approach adopted by the Committee in preserving the heritage value of the former Central Police Station and King Yin Lei should be applied to this site. The public consultation carried out by DEVB was a non-statutory process and heritage preservation of the site might not be the major component in the EOI exercise undertaken by DEVB. The Committee should initiate the statutory public consultation process by rezoning the site to “OU (Heritage Site to include Public Open Space)” at this juncture.

[Mr. Maurice W.M. Lee arrived to join the meeting at this point.]

22. Mr. John Stuart Batten said that the Group had carried out extensive public consultation before coming up with the currently proposed “OU (Heritage Site to include Public Open Space)” zoning for the site taking into account its historical and heritage significance.

23. The Chairperson asked the applicant whether the proposed “OU (Heritage Site to include Public Open Space)” zoning tabled at this meeting would replace the “G/IC” and “O” zonings as proposed in the original application. Mr. Ian Brownlee said that the new proposal was submitted in response to the assessments in the MPC Paper and the suggestions

of the C&WDC. The Committee could consider both options and decide on the suitable option.

24. Noting that Ms. Cheng had indicated earlier that restaurant use was not suitable at the site, the Chairperson asked why 'Eating Place' was included as a Column 1 use under the proposed "OU (Heritage Site to include Public Open Space)" zone. Ms. Cheng Lai-king explained that she objected to using the whole site for restaurant use as it could only serve a small group of customers who could afford to pay. She considered that the future use of the site should allow enjoyment by the general public. In this regard, she said that inclusion of refreshment kiosks and small-scale restaurants in the future development was acceptable.

25. Ms. Katty Law Ngar-ning said that while the Group was open-minded on the future uses of the site, it was important to ensure that it should be freely accessible to the public.

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

Deliberation Session

27. A Member said that the views between the applicant and PlanD were not conflicting. If it was now clear that the site would not be used for residential development, it would be important to send a clear message to the public that the site would be preserved and revitalised for other compatible uses. The "R(A)" zoning was no longer valid and the PB should be deleted. This Member said that consideration should be given to fast-tracking the consultation process.

28. The Chairperson said that as announced in the Policy Address 2008, the site would be removed from the Application List and be preserved and revitalised for education and creative industries uses. It was perfectly clear that the site would not be used for

residential development. However, she said that the zoning could only be determined taking account of the public views on the most appropriate use of the site.

29. Two Members inclined to support the rezoning of the site as the Administration had decided not to use the site for residential purpose, and the uses allowed under the proposed zoning could be suitably modified to avoid pre-empting the future development on the site. One of them said that the “OU (Heritage Site to include Public Open Space)” zone proposed by the applicant was in line with the intention of the Administration and the public to preserve the site in view of its heritage significance. The other Member said that even if there were subsequent amendments to the zoning or its associated Notes after the public consultation exercise, this should not deter rezoning from taking place at this point.

30. Another Member was concerned that the approval of the application at this point would pre-empt the future use of the site as there was a lack of community consensus on how the site should be revitalised and re-used. A decision to rezone the site to the “OU” zone proposed by the applicants at this meeting without going through the due process of public consultation and commented by relevant Government departments was not satisfactory.

31. A Member said that the decision of the Administration on not using the site for residential development was very clear, and it was important to convey this message clearly to the applicants and the public. This Member suggested to delete the approved PB. Two other Members shared the view that the public should be well informed of the intention not to use the site for residential development. One of them opined that a time-table on the follow-up actions in particular the public consultation should be made known to the public.

32. On the other hand, one Member was concerned with the Administration’s intention to launch an EOI exercise as this might result in having one party taking up the future development of the site, as in the case of the Former Marine Police Headquarters site.

33. One Member commented that a closer scrutiny of the proposed schedule of uses, planning intention and remarks of the proposed Notes for “OU (Heritage Site to include Public Open Space)” zone tabled by the applicant was required such as control on demolition of structures, intended use of the site and what uses to be put under Column 1 and 2 of the Notes.

34. The Chairperson said that it was clear that the site would not be used for residential purpose and hence the approved PB was no longer applicable. However, she considered that the land use zoning designation, the schedule of uses and the remarks of the proposed Notes for the “OU (Heritage Site to include Public Open Space)” zone would need to be further examined and revised to reflect more clearly the intention of the future uses and the appropriate control on the future development.

35. The Secretary supplemented that the planning assessment contained in the MPC Paper was made on the basis of the applicant’s original proposal to rezone the site from “R(A)” into “G/IC” and “O”. As the open space development would require the demolition of one of the existing buildings, PlanD considered that it might not be in line with the future revitalisation plan, and it was inappropriate to rezone the site at this stage. While it was clear that the site would no longer be used for residential development, it would be more appropriate to determine the best approach to revitalise the site after thorough public consultation. Referring to the proposed “OU” zoning tabled by the applicant at the meeting, the Committee should consider not only the planning intention to preserve the heritage value but also the development control on the future uses of the site, in particular the schedule of uses and the remarks specifying the special control required. She said that the zoning proposed by the applicants at the meeting only dealt with the heritage aspect of the site, but not the adaptive reuse of the site. This is particularly so as the “OU” zoning should clearly set out the specified uses for the site. In dealing with the rezoning of the historical sites such as King Yin Lei and the Tai Po Lookout building, which was zoned “OU (Historical Building Preserved for Cultural, Community and Commercial Uses” and “OU (Historical Building Preserved for Cultural and Community Uses” respectively, the Committee had considered carefully the planning intention and the future uses and control on these sites before making a decision.

36. A Member agreed that the proposed set of Notes tabled by the applicant was too crude. Another Member was concerned about the lack of a consensus view on the appropriate uses of the site among the public. The materials tabled by the applicant was not comprehensive and thorough enough and could not be accepted at this stage.

37. The Chairperson concluded that Members generally agreed to partially agree to

the subject application by indicating “R(A)” zone was no longer appropriate and thus the approved PB for the site should be deleted. As the future uses and the revitalisation proposal for the site would require further investigation and the proposed zoning of “OU (Heritage Site to include Public Open Space)” tabled by the applicant was not clear enough and had not been published for public comments, the Chairperson considered it inappropriate to rezone the site at this stage. Though the “R(A)” zoning was to be retained before an appropriate zoning could be identified, the public could be rest assured that the site would not be put to residential development. Government departments would continue to assess the most appropriate zoning for the site in consultation with the public.

38. After further deliberation, the Committee decided to partially agree to the application by deleting the approved Planning Brief for the reason that the application site would no longer be used for residential purpose. As the public would be involved in finding the best approach to revitalize the site for education and creative industries uses taking into account the history and characteristics of the area along Hollywood Road, it was therefore considered inappropriate to rezone the site at this stage from “Residential (Group A)” to “Government, Institution or Community” and “Open Space”, or “OU (Heritage Site to include Public Open Space)” with the set of Notes as proposed by the applicants.

[The meeting adjourned at 11:00 a.m. for a short break of 3 minutes.]

Hong Kong District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H21/1	Application for Amendment to the Draft Quarry Bay Outline Zoning Plan No. S/H21/24 from “Residential (Group B)” to “Residential (Group B) 1” with a maximum plot ratio of 5.8 and a maximum building height of 91 mPD, 1-10 Sai Wan Terrace, Quarry Bay (Shau Kei Wan Inland Lot No. 761 (Part)) (MPC Paper No. Y/H21/1C)
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Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H21/2 Application for Amendment to the Draft Quarry Bay Outline Zoning Plan No. S/H21/24 from “Residential (Group B)” and “Green Belt” to “Residential (Group B)1” with a maximum plot ratio of 5.8 and a maximum building height of 170mPD, 1-10 Sai Wan Terrace, Quarry Bay (Shau Kei Wan Inland Lot No. 761)

(MPC Paper No. Y/H21/2A)

39. As Applications No. Y/H21/1 and Y/H21/2 involved the same “Residential (Group B)” site, the Committee agreed to deliberate the two applications together but the presentation and questions sessions would be conducted separately.

40. The Secretary reported that the application site was owned by a subsidiary of Swire Pacific Ltd. (SP). Mr. Raymond Y.M. Chan, having current business dealings with the SP, had declared interest in this item. The Committee noted that Mr. Chan had already left the meeting.

41. The Secretary informed the Committee that a total of 232 standard letters were received by the Secretariat of the Town Planning Board during the petition staged by concerned parties which indicated support of Application No. Y/H21/1 and objected to Application No. Y/H21/2 as well as to any relaxation of building height restriction of 91mPD under the lease. These letters were tabled at the meeting for Members’ reference.

Application No. Y/H21/1

Presentation and Question Sessions

42. The following representatives from PlanD were invited to the meeting at this point :

- Ms. Brenda K.Y. Au - District Planning Officer/Hong Kong (DPO/HK)
- Mr. Tom C.K. Yip - Senior Town Planner/Hong Kong (STP/HK)

43. The following applicants' representatives of Application No. Y/H21/1 were invited to the meeting at this point :

Mr. Ma Ting-sum
Ms. Li Kwan-yui
Miss Julianna Chan
Mr. Tam Chun-ho
Mr. Leung Siu-sun
Ms. Wong Pui-shan

44. The Chairperson extended a welcome and invited Mr. Tom C.K. Yip, STP/HK, to brief Members on the background to the application.

45. With the aid of a Powerpoint presentation, Mr. Tom C.K. Yip presented the application as detailed in the Paper and made the following main points :

- (a) the application was to rezone the application site (the site) from "Residential (Group B)" ("R(B)") to "Residential (Group B)1" ("R(B)1") and to incorporate the development restrictions of (i) a maximum plot ratio (PR) of 5.8, and (ii) a maximum building height (BH) of 91mPD or the height of the existing building, whichever is the greater, into the Notes for the proposed "R(B)1" zone;
- (b) the site (about 2,540m²) covered 96% of the lot area of Shau Kei Wan Inland Lot (SIL) No. 761. A small part of the lot (4% of the lot area) adjoining the site and falling within the "Green Belt" ("GB") zone was not included in the application. Under the lease, the whole lot was subject to a maximum BH of 300 ftPD (i.e. 91.44 mPD), and the "GB" portion of the lot was restricted for garden purpose and no building structure was allowed on it;
- (c) the site was situated on a small knoll at 45mPD. It was currently vacant and accessible via Sai Wan Terrace and connected with Kornhill Road/King's Road by a pedestrian footpath/steps;

- (d) on 17.7.2006, the Building Authority (BA) approved a set of building plans for a residential development at the whole SIL 761 (about 2,646.79m²) with three 20-storey blocks, a domestic PR of 5.77 and a BH of 91.44mPD. In the building plans, the “GB” portion of the lot formed part of the site for PR calculation under the Buildings Ordinance (BO);
- (e) in July 2007, the applicant applied to Lands Department (LandsD) for lease modification to remove the BH restriction under the lease. The local residents, particularly those from Floridian, raised strong objections to the lease modification application. A decision on the lease modification application had been withheld pending the results of the current s.12A application which was submitted in April 2008 and another s.12A application (No. Y/H21/2) submitted by the lot owner in May 2008;
- (f) the current draft Quarry Bay OZP No. S/H21/25, incorporating mainly amendments to impose BH restrictions for various development zones, was exhibited for public inspection on 25.7.2008. A maximum BH of 120mPD was imposed on the subject “R(B)” zone. More than 100 objections against the BH restriction for the site were received. The BH restriction imposed was intended to preserve the views to the mountain ridgelines and to reinforce a stepped BH concept with lower buildings on the waterfront and taller buildings at the foothill area. Under this context, BH bands of 90mPD, 105mPD and 120mPD were adopted for different parts of Taikoo Shing from north to south. For the residential zones at the foothill area, BH restrictions of 135mPD, 150mPD and 165mPD were adopted. For the area between the waterfront and foothill area, a maximum BH of 120mPD was imposed on the “R(A)” and “R(B)” zones on the two sides of King’s Road including the application site, lower and middle Kornhill, and Kornhill Gardens;
- (g) on 7.11.2008, the subject application and Application No. Y/H21/2 were considered by the Committee. Since the site was the subject of objections, PlanD recommended to defer a decision on the two applications pending

the Chief Executive in Council's decision on the objections. The representatives of both applicants objected to the proposed deferment. After consideration of the applicants' request, the Committee decided to consider the two applications at this meeting;

- (h) the comments on the application from concerned Government departments were set out in paragraph 10 of the Paper. The Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) suggested that the owner of SIL 761 should be required to allow U-turning of other vehicles within its lot and the passage of local residents over the section of footpath/steps within its lot. Other concerned Government departments had no adverse comment on/no objection to the application;
- (i) during the statutory publication period of the application, 121 public comments were received, with 114 supportive comments from Legislative Councillors, District Councillors, concerned group, local residents and general public; 3 opposing comments from the owner of the site and general public, whilst 4 offering views on the application submitted by local residents of Floridian and general public. The major supporting comments were that the proposed rezoning could prevent adverse visual, air ventilation, traffic and environmental impacts on the neighbourhood. The major opposing comments were that the application would affect the owner's rights to redevelop the site, and the height limit was unreasonably low resulting in wall effect; and
- (j) based on the assessment made in paragraph 12 of the Paper, PlanD partially supported the application as it was considered acceptable to rezone the site from "R(B)" to "R(B)1" so as to impose a maximum PR of 5.8 for the "R(B)1" zone. However, the BH restriction of 91mPD was not acceptable. Taking into account the BH concept for the OZP as outlined in sub-paragraph (f) above, to restrict BH at Taikoo Shing and the site to 80mPD and 91mPD respectively would result in an overall stepped height profile of less diverse variations. The BH of 120mPD for the site would meet the planning objective of maintaining a stepped height profile for the

area and be compatible with the surrounding developments, while at the same time allowing design flexibility. As compared with the maximum domestic PR of 8 permissible under the B(P)R, the proposed lower PR of 5.8 for the site would ensure the development at the site be more compatible in scale and character with the surrounding developments. Regarding the traffic issues raised by the applicant and TD, the District Lands Officer/Hong Kong East, LandsD advised that the imposition of requirements to allow U-turning of other vehicles and the passage of local residents over the section of footpath/steps within the lot could be considered if lease modification was required in future. The proposed development in the building plan submission which included the “GB” portion did not contravene the OZP as the proposed residential development fell entirely within the “R(B)” zone with no PR restriction.

46. The Chairperson then invited the applicant’s representatives to elaborate on the justifications for the application.

47. Before presentation, Mr. Ma Ting-sum clarified the following discrepancies in the Paper prepared by PlanD:

- (a) paragraph 2(a) – the applicant did not say that the BH restriction of 120mPD would breach the mountain ridgeline in Quarry Bay;
- (b) paragraph 2(d) – the applicant did not propose to reduce the maximum BH for Taikoo Shing to 80mPD to tally with his proposed BH restrictions of 91mPD for the subject site. The applicant actually said that the BH of 91mPD on the site was proposed by making reference to the existing BH of about 81mPD in Taikoo Shing; and
- (c) paragraph 8.2(b) – the number of storeys of the two blocks of Floridian should be 28 storeys and 22 storeys.

48. With the aid of a Powerpoint presentation, Mr. Ma Ting-sum made the following main points:

- (a) the site was located within an existing built-up area with a number of large residential developments including Taikoo Shing, Kornhill and Kornhill Gardens providing about 20,000 residential flats;
- (b) the site, together with a residential development to its immediate west, Floridian, were served by Sai Wan Terrace which was a very steep, substandard and dead-end road. The lease modification application submitted by the land owner to remove the BH restriction had attracted wide public concern not only from the local residents of Floridian, but also other residents of Taikoo Shing, Kornhill and the Orchards in the surrounding areas;
- (c) the application was a balanced proposal taking into account the interests of both the developer and the residents. The development rights currently enjoyed by the developer under the OZP, the lease and the B(P)R, i.e. a maximum BH of 91mPD, a PR of 5.8, and the use of the “GB” portion of the lot (about 106m²) for a landscaped area with no building/structures, should be respected even though the interest of the local residents had been affected to a certain extent. The portion of “GB” zone adjoining the site should be preserved to maintain the existing greenery enjoyed by the public. It was unreasonable to rezone this area for residential development;
- (d) various options with different combinations of BH (ranging from less than 91mPD to 170mPD) and PR restrictions for the site would cause different impacts on the developer and local residents/environment. With a proposed PR of 5.8 and a BH of 91mPD, the rights of the developer would not be affected. With the proposed PR of 5.8, any further increase in BH to 120mPD or 170mPD would benefit the developer at the expense of the local residents and the overall environment;
- (e) the PR of “R(B)” zone in other OZPs covering areas such as North Point, Causeway Bay, Mid-levels East and West and Wong Nai Chung was 5, which was lower than 5.8 as currently proposed by the applicant. Notwithstanding this, the applicant considered that a higher PR of 5.8 for

the site could still be tolerated in order not to infringe upon the existing development rights enjoyed by the developer;

- (f) the existing developments in the area had already developed a stepped height profile following the topography of the area with lower BH in Taikoo Shing near the waterfront increasing gradually uphill towards Kornhill. Such BH concept developed about 30 years ago was highly appreciated by the general public. In recent years, the stepped height concept had been adversely affected by the proliferation of high-rise developments such as the Orchards, One Island East and Grand Promenade, which were out-of-context in the area. Increasing the existing BH restriction of 91mPD under the lease for the site to 120mPD as recommended by PlanD would further destroy the existing stepped height profile and adversely affect the local environment. Effort should therefore be made to avoid the emergence of additional high-rise developments rather than changing the existing BH profile to accommodate the existing tall buildings;
- (g) the relaxation of BH as proposed by PlanD for Taikoo Shing area by 10% near the waterfront, 30% in the central part, and almost 50% in the inner part deviated from the public aspiration to reduce development intensity and BH for the congested urban area. Redevelopment of Taikoo Shing which was a large development was unlikely in the foreseeable future and hence the proposed BHs of 90mPD, 105mPD and 120mPD at Taikoo Shing would not happen. However, the setting of a more relaxed BH restriction at Taikoo Shing would result in a higher BH restriction at the Sai Wan Terrace area in order to maintain stepped height profile. This would have an adverse impact on the Sai Wan Terrace area;
- (h) referring to a comparison table showing the respective BH, site coverage (SC) and PR of development in accordance with B(P)R under BH restrictions of 91mPD and 120mPD for the site, the increase in BH restriction from 91mPD to 120mPD would result in an increase in building volume of the proposed development (i.e. the product of permissible SC

and BH) by 47%. This would result in adverse impacts on the visual quality, air ventilation, sunlight penetration and traffic in the surrounding areas and would aggravate the wall effect;

- (i) according to B(P)R, the maximum SC of the proposed development would be 37% with a BH of 91mPD and 33.33% with a BH of 120mPD. There was doubt if a reduction in SC by 4% would improve the wall effect and air ventilation in the area. With such a small difference in SC, the applicant queried the accuracy of the indicative building layout, as shown in the photomontage on Plan Z-10 of the Paper, which illustrated a significant difference in the wall effect created by a building of a height of 91mPD and that of 120mPD;
- (j) any further increase in the development intensity of the site would overload Sai Wan Terrace and worsen the traffic condition in the surrounding areas, in particular when the developer proposed the provision of 70 to 110 car parking spaces for the future development, which was substantially more than the 53 car parking spaces provided in Floridian. Relevant Government departments including TD and LandsD should explore measures to address the problem; and
- (k) the building plans for a residential development covering SIL 761, including the site and the adjoining "GB" area were approved by the BA. There was a presumption against development in the "GB" zone. The "GB" portion of SIL 761 should not be included into the site area for PR calculation under the building plan submission. According to Town Planning Board Guidelines for Application for Development within "GB" zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10), a PR of not exceeding 0.4 is allowed for development within the "GB" zone. PlanD's Practice Note for Professional Persons (PNPP) No. 4/2006 stipulated that, for a development straddling more than one land use zones, the whole development should be subject to the more stringent PR restriction among the zones. The building plan approval deviated from these guidelines.

49. A Member asked whether the indicative building blocks with different BHs of 91mPD and 120mPD, as shown on the photomontage in Plan Z-10 of the Paper were correct. Ms. Brenda K.Y. Au, DPO/HK, said that the layout of the building block with a BH of 91mPD was based on the approved building plans with three blocks arranged in a U-shaped on the site. As for the proposed building block with a BH of 120mPD, a more standard rectangular block design was adopted for illustrative purpose.

50. A Member asked how the residents living in the Sai Wan Terrace area could gain access to the MTR Station and other public transport system. Mr. Ma Ting-sum said that the residents would normally use the footpath along Sai Wan Terrace and Hong On Street for access to MTR Entrances at or near Kornhill Plaza. The existing staircase and footpath connecting the site and Kornhill Road and King's Road was mainly for access to the Sai Wan Ho area. In response to the same Member's query on the ownership of the said staircase and footpath, Ms. Brenda K.Y. Au said that the concerned staircase and footpath fell partly within the private lot and the remaining part was on Government land. Although it was not a public footpath, the owner of SIL 761 currently allowed the residents of Floridian to use that section of footpath within the lot. LandsD mentioned that there was a possibility to include in the lease a requirement to allow the residents of Floridian to use the section of footpath and staircase within the lot should a lease modification be required to facilitate the redevelopment of SIL 761.

51. Referring to Plan Z-10 of the Paper, Mr. Ma said that the increase in BH restriction to 120mPD would not resolve the wall effect problem. The developer would have the flexibility to go for a maximum SC unless there was specific control in that respect.

52. As Members had no further question to raise, and the applicant's representatives had no further point to make, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would proceed with the hearing procedures of Application No. Y/H21/2. Upon its completion, the Committee would deliberate on the two applications in their absence and inform the applicants of the Committee's decisions in due course. The Chairperson thanked the applicant's representatives for attending the meeting. They all left the meeting at this point.

Application No. Y/H21/2

Presentation and Question Sessions

53. The following applicant's representatives of Application No. Y/H21/2 were invited to the meeting at this point :

Mr. Alexis Wong]	DLN Architects
Ms. Sherene Mon]	
Ms. Kaman Lai]	
Mr. Ian Brownlee]	Masterplan Ltd.
Ms. Anna Wong]	
Ms. Kimmy Wong]	Swire Pacific Ltd.
Ms. Candy Chan]	

54. The Chairperson extended a welcome and invited Mr. Tom C.K. Yip, STP/HK, to brief Members on the background to the application.

55. Mr. Ian Brownlee requested that PlanD's presentation could be more concise in view of the similar nature of the current application and the previous application No. Y/H21/1, and his team had heard PlanD's presentation on the previous case in the public viewing room . Members agreed.

56. With the aid of a Powerpoint presentation, Mr. Tom C.K. Yip presented the application as detailed in the Paper and made the following main points:

- (a) the application was to rezone the application site (the site) from ("R(B)") and "GB" to "R(B)1" and to incorporate the development restrictions of (i) a maximum plot ratio (PR) of 5.8, and (ii) a maximum building height (BH) of 170mPD or the PR and height of the existing building, whichever is the greater, into the Notes for the proposed "R(B)1" zone;
- (b) three possible development options with different PRs, SCs and BHs was submitted by the applicant. The detailed development parameters of these

options were summarised in paragraph 1.3 of the Paper. The preferred option (Option 2) with a PR of 5.8, a SC of 21% and a BH of 169mPD was adopted by the applicant as the basis of this application;

- (c) the comments on the application from concerned Government departments were set out in paragraph 10 of the Paper;
- (d) during the statutory publication period of the application, 169 public comments were received, with 34 supportive comments from general public and 135 opposing comments submitted by Legislative Councillors, District Councillors, Sai Wan Terrace Concern Group, concern group, local residents and general public. The major supporting views were that the revised proposal under Option 2 was better than the scheme under the approved building plans in terms of visual impact, air ventilation and sunlight penetration. The major opposing public comments were that the proposed building with a height of 170mPD was excessively tall, incompatible with the surrounding buildings, create negative impacts on visual quality and air ventilation; and
- (e) based on the assessment made in paragraph 12 of the Paper, PlanD did not support the application. The proposed BH of 170 mPD was incompatible with the surrounding developments in visual terms and would adversely affect the stepped building height profile in the Quarry Bay area. The “GB” portion of the site was restricted to garden use and no building structure was allowed to be erected under the lease. Such area should not be included into the proposed “R(B)1” zone for GFA calculation. To ensure the development at the site would be more compatible in scale and character with the surrounding developments, the imposition of a PR restriction of 5.8 for the “R(B)” portion of the site on the OZP was considered acceptable and would not adversely affect the development rights of the owner. As such, it was considered appropriate to rezone only the “R(B)” portion of the site to “R(B)1” and to impose a maximum PR of 5.8 for the “R(B)1” zone as recommended in another application No. Y/H21/1.

57. The Chairperson then invited the applicant's representatives to present their case. Mr. Ian Brownlee made the following introduction:

- (a) the applicant applied to the Lands Department (LandsD) for a lease modification to remove the BH restriction under the lease in July 2007. As a decision on the lease modification application had been withheld pending the confirmation of the development parameters for the lot, timely consideration of the applications was important in order to facilitate early completion of the lease modification and commencement of the development;
- (b) the current application was submitted at the time when the draft Quarry Bay OZP No. S/H21/24 was in force and there was no BH and PR restrictions for the site; and
- (c) the application was made on the basis of the site constraints and the need to maintain the architectural and design flexibility of the proposed residential development.

58. With the aid of a Powerpoint presentation, Mr. Alexis Wong made the following main points:

- (a) there was no BH restriction for the site on the OZP at the time when building plans for the proposed residential development were approved by the Building Authority in June 2006 and when this application was submitted to the Board in May 2008;
- (b) the site was located on an isolated small knoll surrounded by slopes with the only street frontage at Sai Wan Terrace in the west which posed constraints in fulfilling the requirement of prescribed window under the B(P)R. Development on the site was further constrained by the presence of three MTR underground tunnels traversing the northern portion of the site which occupied about 50% of the total site area. It was roughly

estimated that a building with a maximum of 17 storeys could be built above these MTR tunnels as no piling in this area was allowed in accordance with the Buildings Department's PNAP 77;

- (c) according to the approved building plans, the proposed residential development on the site comprised three 20-storey blocks with a domestic PR of 5.77 and a BH of 91.44mPD. The "GB" portion of the lot, which was designated as a non-building area (NBA) reserved for garden use under the lease, formed part of the site for PR calculation under the BO. The design of the proposed development on the site was further constrained by the need to fulfil the building and fire safety requirements including the provision of unobstructed rectangular horizontal planes in front of windows of residential units to provide adequate lighting, and the provision of a 26m diameter roundabout serving as Emergency Vehicular Access (EVA). Such development constraints had resulted in an undesirable built-form and layout with rugged building outlook, residential flats on ground level, clubhouse at basement, a minimal floor-to-floor height of 2.75m, and the top floor could not be reached by the lift;
- (d) although three options with different development parameters in terms of PR, SC, BH, number of towers, etc. were submitted in the application, the applicant intended to use Option 2, which proposed one tower with a maximum PR of 5.8, maximum SC of 21% and maximum BH of 169mPD, as the preferred option. As compared with the approved building plans, this preferred option had maintained the same PR and GFA but its one-block design would improve air ventilation, increase open space provision and would be less obstructive to the view from Floridian. Nevertheless, the applicant noted that the proposed BH of 170mPD had received a lot of objections;
- (e) an alternative development proposal with a maximum BH of 120mPD as imposed under the current OZP and the same PR of 5.8 had been worked out. The proposed development would comprise two blocks, with the northern block above the MTR underground tunnels and was restricted to a

maximum of 17 storeys (up to 92.8mPD on the main roof) with floor-to-floor height of 3.15m. For the southern block located away from the MTR underground tunnels, it could be developed up to a maximum BH of 120mPD but the floor-to-floor height would be as low as 2.72 m if the PR was to be fully utilised. Such design was not desirable as residential flats had to be provided at ground level, covered landscaped area could not be provided, and air flow at lower level would be blocked;

- (f) taking into account the public comments and PlanD's assessment on the application, the applicant would like to propose an option with a maximum BH of 150mPD. Under the BH of 150mPD, the proposed development would also comprise two blocks with the northern one up to 17 storeys (104.2mPD) and the southern block up to 31 storeys (148.3mPD). The proposed development would have a better floor-to-floor height of 3.15m which was more sustainable and could meet public aspiration for a higher standard of habitable space, and the amount of covered landscaped area would be increased. Besides, gaps could be provided between buildings so as to enhance better air ventilation in the area and resulting in less obstruction to the view of Floridian as compared with the 3-block layout under the approved building plans;
- (g) according to PlanD's proposed stepped height profile for the Quarry Bay and Shau Kei Wan areas, the site was located at the upper side of the height band of 120mPD, close to the next height band of 145mPD. Sympathetic consideration should be given to include the site into the next higher height band in view of its site constraints and the fact that it was located on a small knoll at 45mPD. Besides, the proposed BH of 150mPD for the site was compatible with the BH restriction of 145mPD for Hing Tung Estate and 160mPD for Tung Hei Court to its south;
- (h) while the two developments options with BHs at 120mPD and 150mPD could both comply with the 20% building free zone below the ridgeline when viewed from the public vantage point at Kai Tak and were in line with the stepped height profile concept rising from the waterfront to the

upper hill area, the option with a BH of 150mPD would be a better option by providing more landscaping/amenity area, better air ventilation at ground level, better quality of living space due to higher floor-to-floor height, and more diversity and variety in BH for visual interest;

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

- (i) the proposal to rezone the “GB” portion of the site to “R(B)1” was merely a minor adjustment to the zoning boundary in order to tally with the existing lot boundary. There was no intention to further increase the GFA as the “GB” portion was restricted as a NBA for garden purpose under the lease and could not be built for residential development in view of the need to meet the rectangular horizontal plane for lighting; and
- (j) to conclude, the applicant proposed for the Committee’s consideration another option with a maximum BH of 150mPD and a maximum GFA of 15,351m² in order to allow the Board to exercise better planning control for the site.

59. A Member asked the applicant if consideration had been given to providing a direct access to the MTR station or a lift connecting the site to the street level. Mr. Alexis Wong responded that the MTR platform was not located directly underneath the site and no pedestrian facilities had been included in the current design.

60. Considering that the current application was to rezone the site to “R(B)1” with PR restriction of 5.8 and a BH restriction of 170mPD, a Member asked whether it was procedurally in order for the Committee to consider the new proposal of maximum BH of 150mPD and a maximum GFA of 15,351m² as suggested in the applicant’s presentation.

61. The Chairperson said that there would not be a chance to publish the new option proposed at the meeting, which involved a maximum BH of 150mPD and a maximum GFA of 15,351m², for public comment.

62. Mr. Ian Brownlee said that when considering a s.12A application, the Board

could accept, amend or reject the original proposal. In the processing of a planning application, further information (FI) could be provided to respond to departmental and public comments received. For the subject application, the revised BH restriction of 150mPD for the site was a compromised option responding to PlanD's recommendation of 120mPD and public's comments objecting to the originally proposed 170mPD. Should the proposal of 150mPD be accepted by the Board, an amendment to the OZP was required and the public would be consulted upon exhibition of the amended OZP.

63. The Secretary clarified that under the current procedures, all s.12A applications submitted under the Town Planning Ordinance would be published for public comments. The applicant could, at any time during the process, submit FI to support the application and the Secretary would consider whether the FI submitted had constituted a material change to the original application. If there was material change in the nature of the original application, the applicant had to submit a fresh application. If the FI was accepted as not constituting material change, the Secretary would then decide whether the FI should be published for public comments. The Town Planning Board Guidelines No. 32 on 'Submission of Further Information in relation to Applications for Amendment of Plan, Planning Permission and Review made under the Town Planning Ordinance' had clearly set out the procedures and clarified what constituted a material change. As the applicant had clarified that the revised BH of 150mPD was an alternative proposal submitted for the Board's consideration in addition to the original proposal, the Committee should consider whether such alternative proposal constituted a material change and, if not, whether it should be published for public comments. The Committee should discuss whether it was appropriate to consider the changes proposed by the applicant at this meeting noting that concerned Government departments did not have a chance to consider whether the new BH and GFA figures were appropriate.

64. Mr. Alexis Wong explained that the maximum GFA of 15,351m² as currently proposed was based on the area of the whole lot including the "GB" portion and the proposed PR of 5.8. Under the lease, the "GB" portion of the site could be included in the site area for the PR/GFA calculation, but had to be excluded for SC calculation. This approach was consistent with that adopted under the approved building plans.

[Mr. K.Y. Leung left the meeting at this point.]

65. A Member said that it was pre-mature to make a decision on whether the alternative proposal as suggested in the applicant's presentation was acceptable without the expert advice from concerned Government departments.

66. Ms. Brenda K.Y. Au said that according to the two 2-block schemes presented by the applicant at the meeting, while the taller southern block had a respective BH of 120mPD and 150mPD, the lower northern block above the MTR underground tunnels was 17 storeys in both schemes. However, in terms of absolute height, the northern block was much taller under the latter scheme with a maximum BH of 150mPD. This seemed to suggest that there might be scope to transfer some GFA from the southern block to the northern block so that the two blocks could achieve a reasonable floor-to-floor height without exceeding a maximum BH of 120mPD. Regarding the applicant's claim on the development constraints above the MTR underground tunnels, concerned Government departments indicated that they could not confirm the maximum number of storeys that could be built above the MTR tunnels in the absence of detailed information provided by the applicant. She was therefore unable to confirm whether the applicant's claim that tower above the MTR tunnels could only be built up to 17 storeys. Moreover, it was also dubious as to whether the southern block under the 120mPD scheme could only achieve a floor-to-floor height of 2.72m. In view of these uncertainties, it could not be concluded whether the maximum BH of 150mPD as proposed by the applicant was really justified. Given the stepped height profile proposed for the area, any development exceeding a BH of 120mPD at the site would be incompatible with the surrounding developments.

67. In response to the Chairperson's enquiry on the total permissible GFA of the site, Ms. Brenda K.Y. Au said that according to the approved building plans, the "GB" portion of the site (106m²) with no building structure was included in the site area for PR calculation as it was regarded as one development under the BO and there was no PR restriction for the site under the OZP. Under the lease, however, the "GB" portion of the site was designated as a NBA restricted for garden use and this area could not be included for the purpose of SC calculation.

68. Mr. Ian Brownlee said that CTP/UD&L of PlanD had no objection to rezone the "GB" portion of the site to "R(B)1" from landscape planning point of view since this part of

the “GB” zone was under private ownership. He reiterated that the site deserved to be given a higher height band of 150mPD in view of its location on top of a small knoll.

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

Deliberation Session

70. The Secretary informed the Committee that the two applications were submitted at the time when the draft Quarry Bay OZP No. S/H21/24 was in force and there was no PR or BH restrictions on the application sites. Although a BH restriction of 120mPD was subsequently imposed on the subject “R(B)” zone under the existing OZP No. S/H21/25, the two applications should be considered under the previous OZP though the prevailing BH restrictions in the current OZP could be taken as a reference.

Application No. Y/H21/1

71. Some Members considered that there was no strong justification to support the maximum BH of 91mPD as proposed by the applicant and considered that a maximum BH of 120mPD was more appropriate for the site taking into account its site level, the BH of the adjoining residential development (i.e. Floridian), and the intention to achieve a discernible stepped height profile.

72. Regarding the maximum PR of 5.8 for the site as proposed by the applicant, Members had a consensus that the PR was acceptable as it would ensure that the future development would be compatible in scale and character with the surrounding developments.

73. After further deliberation, the Committee decided to partially agree to the application by rezoning the site from “Residential (Group B)” to “Residential (Group B)1” (“R(B)1”) so as to impose a maximum plot ratio of 5.8 for the “R(B)1” zone. However, it

was considered inappropriate to impose the maximum building height (BH) of 91mPD, as proposed by the applicant, on the “R(B)1” zone for the following reason:

there was no strong justification to support the maximum BH of 91mPD on the site as it would result in an overall stepped height profile of less diverse variations.

Application No. Y/H21/2

74. A Member considered that there was insufficient information to demonstrate that the proposed BH of 150mPD was acceptable as the proposal had not been circulated to Government departments for comments and the public was not able to comment on the 150mPD proposal. Moreover, as the proposed BH restriction of the site under the Quarry Bay OZP was the subject of a number of objections, it might be preferable to defer consideration of this alternative height proposal until the objection hearing procedure was completed. This would enable the public to have a chance to provide comment on this alternative proposal which was different from the original application.

75. The Chairperson said that the Committee should consider whether the applicant’s proposals of 170mPD and 150mPD or PlanD’s proposal of 120mPD was more appropriate for the site based on the information available. It would not be appropriate to consider deferring the application pending the objection hearing as the s.12A applications and the objections were processed under different procedures under the Town Planning Ordinance.

76. A Member said that as the BH of 120mPD as proposed by PlanD would not compromise the development rights of the site taking into account the site constraints, there was no strong justification to allow a BH higher than 120mPD for the site.

77. A few other Members agreed that there was no strong justification for a BH higher than 120mPD if the BH would not affect the existing development rights at a PR of 5.8 and having regard to the BH of Floridian, with a PR of 7.51 and a BH of 112mPD located on the same platform. There was insufficient justification for BH of 170mPD similarly. As the BH of 150mPD was only proposed at the meeting without sufficient details provided by the applicant, it was not appropriate to make a decision on this proposal. One of them

also pointed out that there was insufficient information to ascertain the applicant's claim that the MTR underground tunnels would restrict the height of building blocks to 17 storeys.

78. Members generally agreed that it was appropriate to impose a PR restriction of 5.8 for the "R(B)" portion of the site as it would ensure that the future development would be compatible in scale and character with the surrounding developments.

79. One Member opined that a taller building at the site would not create a significant impact on the surrounding areas.

80. Two Members raised concern on pedestrian safety as the only vehicular access to the site, i.e. Sai Wan Terrace was a steep and narrow road. The increase in population as a result of the proposed residential development on the site might worsen the existing situation.

81. The Chairperson said that the issue of pedestrian safety along the access road would be dealt with separately by the Transport Department.

82. The Committee agreed that the "GB" portion of the site, which was reserved for garden use under the lease, should not be rezoned to "R(B)1" and should not be taken for PR calculation.

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

- (a) the "Green Belt" portion of the site was restricted to garden use under the lease and no building structure was allowed to be erected on it. Such area should not be rezoned to "Residential (Group B) 1", which would allow residential development on it; and
- (b) the proposed building height restriction of 170mPD was incompatible with the surrounding developments in visual terms and would adversely affect the stepped building height profile in the Quarry Bay area.

84. The Committee also agreed that it was appropriate to rezone the "R(B)" portion

of the site to “R(B)1” so as to impose a maximum PR of 5.8 for the “R(B)1” zone which was in line with its decision on Application No. Y/H21/1.

[Messrs. Felix W. Fong, C.W. Tse and Dr. Daniel B.M. To left the meeting at this point.]

[Ms. Lily Y.M. Yam, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/384 Proposed Hotel in “Residential (Group A)” zone,
90-100 and 106 Hill Road, Hong Kong
(MPC Paper No. A/H3/384A)

85. The Secretary informed the Committee that three objection letters from the local groups addressed to the Director of Planning were received at the meeting of the Traffic & Transport Committee of Central & Western District Council held on 13.11.2008. Moreover, another 6 objection letters (including one with 160 signatures) were also received by the Secretariat of the Town Planning Board during the petition staged by concerned parties this morning. These letters were tabled at the meeting for Members’ reference.

Presentation and Question Sessions

86. Ms. Lily Y.M. Yam, STP/HK, 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 – the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) did not support the application in

that the proposed hotel with 148 guestrooms should comply with the requirements for the provision of internal transport facilities under the Hong Kong Planning Standards and Guidelines. The proposed relocation of 2 metered car parking spaces was not supported as it would affect the loading and unloading facility on the subject road section. The proposed vehicular access arrangement and internal layout with no buffer area between the turning circle and the car lift of the proposed hotel was unsatisfactory. The Chief Town Planner/Urban Design and Landscape, Planning Department also objected to the application from urban design point of view as the proposed hotel was out of character with the neighbourhood;

- (d) a total of 40 public comments from local residents and the general public, management offices and Incorporated Owners of nearby residential buildings, nearby schools, Central & Western District Councillors, a green group and a local concern group were received during the statutory publication period of the application and the further information. Amongst them, 29 raised objections to and 10 provided adverse comments on the application mainly on the grounds that the proposed development was not compatible with the surrounding area which was predominately residential in nature, and would cause adverse traffic, environmental, infrastructural, visual, and social impacts on the surrounding area. Other views included the improvement of the environment of Hill Road in terms of cleanliness and visual appearance brought about by the hotel, and the Board should consider the possible adverse impacts of the proposed development on visual quality, traffic, environment and air ventilation; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 10 of the Paper in that the proposed hotel was considered incompatible with the uses in the neighbourhood, which were essentially residential in character. The building bulk and development intensity of the proposed hotel with a plot ratio (PR) of 15 was incompatible with the surrounding residential developments with PRs ranging from 4 to 9.1. Moreover, no proposed

new hotel development (except in-situ conversion) with a PR of 15 within “R(A)” zone had been approved on Hong Kong Island in the past one year. The approval of the application would set an undesirable precedent for similar hotel developments within the area, the cumulative effect of which would adversely affect the character, general amenity and traffic condition in the area. AC for T/U, TD did not support the application as the provision of internal transport facilities and the vehicular access was unsatisfactory. Moreover, there were public concerns on the land use incompatibility problem; unacceptable development intensity and building height; and the traffic, environmental and infrastructural impacts of the development.

87. In response to a Member’s question on why the proposed hotel development was considered incompatible with the school uses in the vicinity as submitted by some public comments, Ms. Lily Y.M. Yam said that PlanD’s main concern was that the proposed hotel was located in a quiet, pure residential neighbourhood with a few schools nearby. A proposed hotel development would likely bring in more visitors and traffic to the area, and hence could affect the tranquillity of the residential area. Similar cases had also been rejected by the Committee. Hotel applications which had received favourable consideration were usually those located in a more bustling environment near major roads.

Deliberation Session

88. A Member opined that a hotel development would not necessarily be incompatible with a residential neighbourhood and cited the example of the hotel in Kornhill. This Member said that the main concern on the subject application was the high density of the development and its location along a steep and narrow road which might cause adverse traffic impact on the surrounding area.

89. The Chairperson said that the matter of incompatibility in the subject application was mainly because of the pure residential neighbourhood where the hotel was located. Noting Member’s comments above, she suggested reflecting clearly in rejection reasons the incompatibility with the tranquil and pure residential neighbourhood and the steep road fronting the site. Members agreed.

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

- (a) the proposed hotel development was not compatible with the surrounding tranquil and pure residential neighbourhood;
- (b) the proposed hotel development with a plot ratio of 15 was incompatible with the adjoining residential developments in terms of building bulk and development intensity;
- (c) there was insufficient information to demonstrate that the proposed hotel development fronting a steep and narrow road would not cause adverse traffic impact;
- (d) the provision of internal transport facilities and the proposed vehicular access were unsatisfactory; and
- (e) the approval of the application would set an undesirable precedent for similar hotel developments within the area, the cumulative effect of which would adversely affect the general amenity in the area.

[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.]

Tsuen Wan and West Kowloon District

[Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), was invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/401 Shop and Services (Fast Food Shop) in “Industrial” zone,
Shops No.1 and 2, G/F, Tung Cheong Factory Building,
177-181 Yeung Uk Road, Tsuen Wan
(MPC Paper No. A/TW/401)

Presentation and Question Sessions

91. Ms. Heidi Y.M. Chan, DPO/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the premises was currently being used as fast food shop without planning permission;
- (b) the shop and services use (fast food shop);
- (c) departmental comments – concerned Government departments had no adverse comments on or no objection to the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tsuen Wan); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper in that the use under application was small in scale and could provide essential supporting service to the local workers in the vicinity. The applied use was not incompatible with the uses of the subject industrial building and would unlikely generate adverse traffic or environmental impacts on the surrounding areas. Concerned Government departments including Fire Services Department, Transport Department, Environmental Protection Department and Trade and Industry Department had no

objection to or no adverse comment on the application. In order not to jeopardize the long term planning intention of industrial use for the subject premises, the application should be approved on a temporary basis for a period of three years.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.11.2011, 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 service installations in the subject premises within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.5.2009; 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.

94. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) that the approval of the application did not imply that necessary approvals would be given by any Government department. The applicant should approach the relevant Government departments direct for any necessary approvals;
- (c) to consult the Chief Building Surveyor/New Territories West, Buildings Department on the submission of building plans in respect of separation of

the application premises from the remaining portion of the subject industrial building by proper fire resisting construction, any non-exempted building works involved, and providing access to facilitate maintenance of manholes and underground drains within Shop No. 2; and

- (d) to consult the Director of Food and Environmental Hygiene regarding the application for food business licence.

[The Chairperson thanked Ms. Heidi Y.M. Chan, DPO/TWK, for her attendance to answer Members' enquiries. Ms. Chan left the meeting at this point.]

Agenda Item 8

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/357-1 Application for Extension of Time for Commencement of
Approved Development under Application No. A/TW/357
for a Period of 4 Years until 29.4.2013
in "Comprehensive Development Area" zone,
Site TW5 at West Rail Tsuen Wan West Station, Tsuen Wan
(MPC Paper No. A/TW/357-1)

Presentation and Question Sessions

95. The Secretary said that the application was submitted by Kowloon-Canton Railway Corporation with MTR Corporation Ltd. (MTRCL) as the authorized agent. Mr. Anthony Loo, being an assistant to the Commissioner for Transport who was a Non-executive Director of MTRCL, had declared interest in this item. As the applicant had requested the Committee to defer consideration of the application, Mr. Loo was allowed to stay in the meeting.

96. The Committee noted that the applicant's representative on 11.11.2008 requested the Committee to defer making a decision on the application by two months so as to allow time for the applicant to assess the implications of conducting an air ventilation assessment

on the development scheme, as per the request of a public comment gathered by Tsuen Wan District Office.

Deliberation Session

97. 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 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 preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Kowloon District

[Ms. Jessica H.F. Chu, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K22/6 Proposed Minor Relaxation of Building Height, Plot Ratio and Site Coverage Restrictions for Permitted Commercial Development in “Commercial (2)” zone, Junction of Cheung Yip Street and Lam Chak Street, Kowloon Bay (NKIL 6215)
(MPC Paper No. A/K22/6)

Presentation and Question Sessions

98. Ms. Jessica H.F. Chu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the application site was currently under construction for an industrial building which, in accordance with the building plans approved since 1998, could be built up to 172.75mPD at a plot ratio (PR) of 11.996. The 13m high podium structure up to 17.35mPD had already been built up to site coverage (SC) of 95.3%;
- (b) proposed minor relaxation of building height (BH) restriction from 100mPD to 136.45mPD, PR restriction from 9.5 to 9.66, and SC restriction from 65% to 95.3% up to 17.35mPD for a permitted commercial development;
- (c) departmental comments – concerned Government departments had no adverse comments on or no objection to the application;
- (d) one public comment from a general public was received during the statutory publication period. The commenter considered that the proposed relaxation of building height, plot ratio and site coverage restrictions were not minor in nature and that the proposed site coverage of 95.3% versus the intention of 65% was most undesirable given the location; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 11 of the Paper in that the application site had a unique background which warranted special consideration and the current application was considered a reasonable compromise to achieve the planning intention under the current approved OZP. The proposed increase in PR from 9.5 to 9.66 was considered a marginal increase and had been reduced significantly as compared with the approved building plans. Although the proposed BH of 136.45mPD was higher than the permitted BH of 100mPD as stipulated in the OZP, it was still considered more compatible with the existing environment than upon completion of an industrial building at a height of 172.75mPD. The relaxation of SC restriction was confined to the as-built podium structure up to 17.35mPD instead of all floors of the proposed

development. All concerned Government departments including Transport Department, Environmental Protection Department and Chief Town Planner/Urban Design and Landscape of PlanD had no adverse comments on the application. As for the public comment raising concern on whether the proposed relaxation was minor in nature, it was considered that the proposed relaxation of PR was considered acceptable while the BH relaxation was consequent upon the PR relaxation. The relaxation of SC was to reflect the existing as-built structure. In view of the exceptional circumstances pertaining to the subject application, the approval of the application would not set an undesirable precedent for other cases which should be considered on individual merits. Should the application be approved, relevant conditions were suggested to the effect that the maximum BH should not exceed 136.45mPD at roof level and PR should not exceed 9.66.

99. Members had no question on the application.

Deliberation Session

100. After further 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 21.11.2012, 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 building height of the proposed development should not exceed 136.45mPD at main roof;
- (b) the plot ratio of the proposed development should not exceed 9.66;
- (c) the site coverage of the proposed development up to 17.35mPD should not exceed 95.3%;
- (d) the provision of fire service installations to the satisfaction of the Director

of Fire Services or of the TPB; and

- (e) the provision of central air-conditioning system with fresh air intake(s) located below 60mPD to the satisfaction of the Director of Environmental Protection or of the TPB.

101. The Committee also agreed to advise the applicant :

- (a) that further relaxation of the development restrictions would not be accepted by the Board;
- (b) that the approval of the application did not imply that necessary approvals would be given by any Government department. The applicant should approach the relevant Government departments direct for any necessary approvals;
- (c) to install odour removal device (such as charcoal filter) at the fresh air intake of the central air-conditioning system to avoid odour nuisance from nearby odour sources;
- (d) to ensure that provision of emergency vehicular access should be in full compliance with Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue;
- (e) to note the comments of the District Lands Officer/Kowloon East to submit an application for lease modification to facilitate the proposed commercial development; and
- (f) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to submit building plans for the proposed conversion from industrial to commercial building.

[The Chairperson thanked Ms. Jessica H.F. Chu, STP/K, for her attendance to answer Members' enquiries. Ms. Chu left the meeting at this point.]

Agenda Item 10

Any Other Business

102. There being no other business, the meeting was closed at 2:00 p.m..