

**TOWN PLANNING BOARD**

**Minutes of 389th Meeting of the  
Metro Planning Committee held at 9:00 a.m. on 23.1.2009**

**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

Professor N.K. Leung

Professor Bernard V.W.F. Lim

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

Chief Traffic Engineer/Hong Kong,  
Transport Department  
Mr. H.L. Cheng

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**

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  
Mr. J.J. Austin

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

**Agenda Item 1**

Confirmation of the Draft Minutes of the 388th MPC Meeting held on 9.1.2009

[Open Meeting]

1. The draft minutes of the 388th MPC meeting held on 9.1.2009 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(a) New Town Planning Appeal Received

Town Planning Appeal No. 1 of 2009 (1/09)

Proposed 2-storey House in “Residential (Group D)” zone

Lot No. 1030, DD 221, Kap Pin Long New Village, Sai Kung

(Application No. A/SK-PK/158)

2. The Secretary reported that an appeal against the decision of the Town Planning Board (TPB) to reject on review an application for a proposed 2-storey house in the “Residential (Group D)” (“R(D)”) zone on the approved Pak Kong and Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11 was received by the Appeal Board Panel (Town Planning) (Appeal Board) on 13.1.2009. The application was rejected by the TPB on 31.10.2008 for the reasons that the development was not in line with the planning intention of the “R(D)” zone and no strong justifications had been provided to merit a departure from the planning intention; the proposed relaxation of plot ratio from 0.2 to 0.36 was not minor; and the approval of the application would set an undesirable precedent for other similar applications within the “R(D)” zone.

3. The hearing date of the appeal was yet to be fixed. The Secretary would act on behalf of the TPB in dealing with the appeal in the usual manner.

(b) Town Planning Appeal Statistics

4. The Secretary reported that as at 23.1.2009, 21 cases were yet to be heard by the Appeal Board. Details of the appeal statistics were as follows :

Allowed	:	23
Dismissed	:	109
Abandoned/Withdrawn/Invalid	:	130
Yet to be Heard	:	21
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	284

**Tsuen Wan and West Kowloon District**

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

**Agenda Item 3**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/400            Proposed Temporary Office and Shop and Services  
for a Period of 5 Years in “Industrial” zone,  
72-76 Texaco Road, Tsuen Wan (Lot No. 462 in DD 443)  
(MPC Paper No. A/TW/400A)

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Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed conversion of an existing 12-storey industrial building (i.e. Hing Yip Centre) to a temporary office building with shop and services (retail shop) on ground floor for a period of 5 years;
- (c) departmental comments – the Director-General of Trade and Industry (DG of TI) objected to the application as the site was located within an active industrial area and the proposal would reduce the supply of land available to meet the demand for industrial and related uses within the area in the near future. Other concerned Government departments had no objection to or no adverse comments on 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 did not support the application based on the assessment in paragraph 12 of the Paper. The site was within the well-established industrial area in Tsuen Wan East. To sustain the existing active and established industrial uses, to support the growth of the economy of Hong Kong, and to cater for the future demand for industrial land, existing land zoned “Industrial” (“I”) on the Outline Zoning Plan (OZP) should be retained for industrial uses. There was also departmental concern on the proposed conversion on a lengthy temporary basis which could affect the long-term supply of industrial land. Moreover, the proposed office and shop and services uses were not in line with the Town Planning Board's decision to retain the existing “I” sites including those in Tsuen Wan East and the planning intention for the industrial area on the approved Tsuen Wan OZP.

6. Members had no questions on the application.

Deliberation Session

7. The Committee noted that the application site was located in Tsuen Wan and Kwai Chung districts in close proximity to various port and Airport facilities. In view of the need for more industrial space to cater for the logistics and freight forwarding uses, it was appropriate to retain the site for industrial use in order to meet the existing and future demand.

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

- (a) the application site was located in the well-established industrial area in Tsuen Wan East where industrial activities were active. The proposed office and shop and services development were not in line with the Board's agreement to retain the "Industrial" ("I") sites in the area as recommended under the Report on the Updated Area Assessments of Industrial Land in the Territory and the planning intention for the "I" zone of the approved Tsuen Wan Outline Zoning Plan No. S/TW/26 which was to ensure an adequate supply of industrial floor space to meet demand from industrial and related activities;
- (b) there was insufficient information to demonstrate that there was a shortfall in the provision of office and shop and services floor space to serve the industrial activities in the area; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the "I" zone. The cumulative effect would result in loss of industrial floor space in the area.

**Agenda Item 4**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/92                      Proposed One Additional Storey on an Existing House  
in “Residential (Group C)” zone,  
307 Castle Peak Road, Ting Kau, Tsuen Wan  
(MPC Paper No. A/TWW/92)

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**Presentation and Question Sessions**

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

- (a) background to the application, highlighting that the maximum plot ratio (PR) for any development within the “Residential (Group C)” (“R(C)”) zone was restricted to 0.4 and a maximum building height of 3 storeys including car park or a maximum PR of 0.75, provided that the noise impact from Castle Peak Road on the proposed development would be mitigated to the satisfaction of the Town Planning Board;
- (b) the proposal was for the erection of an additional storey (3m) over the existing 2-storey house with an increase in PR from 0.6 to 0.75. The additional storey would become the second floor of the existing house for a living room and a study room which would be designed as an enclosed cubicle with an entrance facing away from Castle Peak Road;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) two public comments were received during the statutory publication period. One commented that the owners/residents of the surrounding developments should be consulted and the other raised objection to the application due to adverse impacts on view, sunlight, privacy; increase in cold and hot air emission; and cause environmental nuisance during the construction phase; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. The proposed development would not involve site formation works and prefabricated building materials would be used to minimize the noise and dust effects during the construction period. The Director of Environmental Protection had no objection to the proposal since the living room and the study room were in an enclosed style with an entrance facing away from the noise source and the road traffic noise from Castle Peak Road were screened off by two adjacent houses. The addition of one storey on top of the existing 2-storey building was in line with the maximum building height of 3 storeys in the “R(C)” zone and would not be incompatible with the surrounding buildings. All concerned Government departments consulted had no adverse comments on or no objection to the application.

[Mr. Raymond Y.M. Chan and Dr. Daniel B.M. To arrived to join the meeting at this point.]

- 10. Members had no questions on the application.

#### Deliberation Session

- 11. The Committee noted that the use and development intensity of the proposed residential development complied with the planning intention and development restrictions as stipulated in the Notes for the “R(C)” zone of the Outline Zoning Plan.

- 12. 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 23.1.2013, 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) all the existing trees on the Site should be preserved and protected throughout the construction period to the satisfaction of the Director of Planning or of the TPB; and



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

13. The Committee also agreed to advise the applicant :

- (a) to apply to the Director of Lands for lease modification if the proposed development was found in breach of the lease conditions;
- (b) to submit building plans to the Building Authority to demonstrate compliance with the Buildings Ordinance and its regulations;
- (c) to note the comments of the Director of Fire Services regarding the compliance of the Code of Practice for Means of Access for Firefighting and Rescue; and
- (d) to note the comments of the Director of Water Supplies regarding connection to Government water mains and land matter associated with the provision of water supply.

[The Chairperson thanked Mr. K.T. Ng, STP/TWK, for his attendance to answer Members' enquiries. Mr. Ng left the meeting at this point.]

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

#### **Agenda Item 5**

[Open Meeting]

Proposed Amendments to the  
Approved Kwai Chung Outline Zoning Plan No. S/KC/21  
(MPC Paper No. 3/09)

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14. The Secretary said that as the proposed amendments were related to sites within

the Kwai Chung District, Dr. Winnie S.M. Tang had declared interest in this item as she was a member of the Kwai Tsing District Council. The meeting noted that Dr. Tang had tendered an apology for not attending the meeting.

[Ms. Olga W.H. Lam left the meeting temporarily at this point.]

15. The Committee also noted that Ms. Olga W.H. Lam owned a property in this district which would be affected by one of the proposed amendment items relating to the Former Kwai Chung Police Quarters site. Members agreed that Ms. Lam's landed interest was direct but noted that she had left the meeting temporarily for this item.

16. Mr. Y.S. Lee, STP/TWK, presented the proposed amendments to the Kwai Chung Outline Zoning Plan (OZP) and covered the following main aspects as detailed in the Paper:

- (a) there were five proposed amendment items to the OZP as detailed in paragraph 3 and Annex B of the Paper. Item A was to rezone part of the Kwai Chung Estate Redevelopment Phase 2 site from "Residential (Group A)" ("R(A)") and 'Road' to "Open Space" ("O") and from "R(A)" to 'Road' to reflect the district open space that was already developed on the site. Item B was to rezone a church and its wider areas at Hing Shing Road from "R(A)" and "O" to "Government, Institution or Community" ("G/IC"), and a strip of land near Osman Ramju Sadick Memorial Games Hall at Hing Fong Road from "G/IC" to "O" to reflect the current developments. Item C was to rezone the Former Kwai Chung Police Quarters site together with an adjoining strip of road from "G/IC" and 'Road' to "Residential (Group E) 1" to permit public housing development. As the site was subject to traffic noise impacts from the surrounding roads, planning permission for residential development was required in order to ensure that all possible environmental mitigation measures could be incorporated for the consideration of the Town Planning Board (the Board) at the planning application stage. Item D was to rezone the development known as "The Apex" from "Comprehensive Development Area" to "Commercial (2)" and 'Road' to reflect its current use. Item E was to

rezone a portion of play areas and a portion of Shek Lei Catholic Primary School in Shek Lei Estate from “G/IC” to “R(A)” to follow the vesting order boundary of Shek Lei Estate.

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

- (b) the proposed amendments to the Notes of the OZP, as detailed in paragraph 4 and Annex C of the Paper, were made in accordance with the endorsed revised Master Schedule of Notes and its further refinements;
- (c) opportunity was taken to revise the Explanatory Statement (ES) of the OZP as detailed in Annex D of the Paper to reflect the latest status and planning circumstances in the Area; and
- (d) no adverse comments on the proposed amendments were received from relevant Government departments. However, the District Lands Officer/ Tsuen Wan and Kwai Tsing (DLO/TW&KT), Lands Department subsequently commented that paragraph 3.3 of the ES which specified that those areas (such as non-building area or areas for garden, slope maintenance and access road purposes) carrying no development right under the lease should be excluded from plot ratio and site coverage calculation, should be deleted from this ES unless there was approval from the Committee on Planning and Land Development. Planning Department had explained to DLO/TW&KT that paragraph 3.3 of the ES only stated a general principle and that the same paragraph had previously been incorporated into the ES of a number of OZPs considered by the Board and that no problem had occurred so far.

17. The Committee noted that the proposed amendments were mainly to reflect the existing developments. The Committee also agreed that paragraph 3.3 of the ES should be retained as it only expressed a general principle.

18. After further deliberation, the Committee decided to :
- (a) agree to the proposed amendments to the approved Kwai Chung Outline Zoning Plan (OZP) No. S/KC/21 and its Notes;
  - (b) agree that the draft Kwai Chung OZP No. S/KC/21D at Annex B of the Paper (to be renumbered as S/KC/22 upon exhibition) and its Notes at Annex C of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
  - (c) adopt the revised Explanatory Statement (ES) at Annex D of the Paper as an expression of the planning intentions and objectives of the Board for the various land use zonings of the OZP; and
  - (d) agree that the revised ES at Annex D of the Paper was suitable for exhibition together with the draft Kwai Chung OZP No. S/KC/21D (to be re-numbered as S/KC/22 upon exhibition) under section 5 of the Ordinance.

[Ms. Sylvia S.F. Yau and Mr. Nelson W.Y. Chan arrived to join the meeting, while Ms. Olga W.H. Lam returned to join the meeting at this point.]

### **Agenda Item 6**

[Open Meeting]

Proposed Amendments to the  
Approved Tsing Yi Outline Zoning Plan No. S/TY/22  
(MPC Paper No. 4/09)

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19. The Secretary said that as the proposed amendments were related to sites within the Tsing Yi District, Dr. Winnie S.M. Tang had declared interest in this item as she was a member of the Kwai Tsing District Council. The meeting noted that Dr. Tang had tendered an apology for not attending the meeting.

20. Mr. Y.S. Lee, STP/TWK, presented the proposed amendments to the Tsing Yi Outline Zoning Plan (OZP) and covered the following main aspects as detailed in the Paper:

- (a) on 11.5.2007, a planning application (No. A/TY/96) for a proposed concrete batching plant and asphalt production plant use in the “Industrial” (“I”) zone of the OZP was submitted to the Metro Planning Committee (the Committee) for consideration. The Committee could not consider the application as there was no provision to grant planning permission to the application which included ‘asphalt production plant’. The Committee agreed that the approved Tsing Yi OZP No. S/TY/22 should be amended in order to make provision for consideration of planning applications for ‘asphalt production plant’ use. Subsequently, the Committee also agreed that all statutory plans currently with provision under the Notes for ‘Concrete Batching Plant’ should be amended to ‘Asphalt Plant/Concrete Batching Plant’;
- (b) the proposed amendments to the Notes of the OZP, as detailed in paragraph 5 and Appendix I of the Paper, were mainly to revise the Schedule of Uses of the Notes for the “I” and “Other Specified Uses” (“OU”) annotated “Boatyard and Marine-oriented Industrial Uses” zones by amending the term ‘Concrete Batching Plant’ in Column 2 to ‘Asphalt Plant/Concrete Batching Plant’;
- (c) opportunity was also taken to revise the Explanatory Statement (ES) of the OZP as detailed in Appendix II of the Paper to reflect the latest status and planning circumstances in the Area; and
- (d) no adverse comments on the proposed amendments were received from relevant Government departments. However, the District Lands Officer/ Tsuen Wan and Kwai Tsing (DLO/TW&KT), Lands Department subsequently commented that paragraph 3.3 of the ES which specified that those areas (such as non-building area or areas for garden, slope maintenance and access road purposes) carrying no development right under the lease should be excluded from plot ratio and site coverage

calculation, should be deleted from this ES unless there was approval from the Committee on Planning and Land Development. Planning Department had explained to DLO/TW&KT that paragraph 3.3 of the ES only stated a general principle and that the same paragraph had previously been incorporated into the ES of a number of OZPs considered by the Board and that no problem had occurred so far.

21. The Committee noted that the proposed amendments were mainly to make provision for consideration of planning application for 'asphalt production plant' use. The Committee also agreed that paragraph 3.3 of the ES should be retained as it only expressed a general principle.

22. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the Notes of the approved Tsing Yi Outline Zoning Plan (OZP) No. S/TY/22;
- (b) agree that the draft Tsing Yi OZP No. S/TY/22A at Annex B of the Paper (to be renumbered as S/TY/23 upon exhibition) and its Notes at Appendix I of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
- (c) adopt the revised Explanatory Statement (ES) at Appendix II of the Paper as an expression of the planning intentions and objectives of the Board for the various land use zonings of the OZP; and
- (d) agree that the revised ES at Appendix II of the Paper was suitable for exhibition together with the draft Tsing Yi OZP No. S/TY/22A (to be re-numbered as S/TY/23 upon exhibition) under section 5 of the Ordinance.

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

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

**Agenda Item 7**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/509                      Proposed Hotel in “Residential (Group A)” zone,  
179 Prince Edward Road West, Mong Kok  
(MPC Paper No. A/K3/509)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposal to redevelop a vacant 4-storey tenement building into a 17-storey hotel with 50 guestrooms;
- (c) the justifications put forth by the applicant as summarised in paragraph 2 of the Paper in that the proposed hotel development was compatible with the surrounding developments, the site was highly accessible, and it was in line with Government’s objectives to meet the growing demand for hotel accommodation;
- (d) departmental comments – the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) said that the existing building was among the list of 1,440 buildings with high heritage value and would probably be accorded with a grading by an expert assessment panel assigned by the Antiquities Advisory Board due to its historical and architectural merits. Whilst the building might not be qualified for consideration as possible monuments, all graded buildings should be

preserved as far as possible. Other concerned Government departments had no objection to or no adverse comment on the application;

- (e) one public comment from an individual was received during the statutory publication period. The commenter supported the application as it would improve the surrounding environment; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. The proposed hotel with a plot ratio of 9 and a building height of 65.7mPD was considered not incompatible with the surrounding land uses which were predominantly medium-rise commercial/residential developments ranging from 24mPD to 92mPD. The proposed hotel would unlikely generate adverse environmental, traffic and drainage impacts on the surrounding areas. Relevant Government departments had no objection to or no adverse comments on the application. Although the AMO said that the existing building at the site might be accorded with a grading due to its historical and architectural merits, and should be preserved as far as possible, the premises was privately owned and the building had not been designated for preservation.

24. Members had no questions on the application.

#### Deliberation Session

25. Three Members considered the comments offered by the AMO regarding whether the existing building on the application site was worthy of preservation to be ambiguous. They opined that the AMO should expedite the grading exercise of historical buildings and submit the application site to the expert assessment panel for urgent consideration on its historical and architectural merits. Without firm advice from the AMO on whether the building was worthy of preservation, the Committee could not make a decision on whether the redevelopment proposal was acceptable.



26. Another Member shared the same views and said that, as shown on Plan A-3 of the Paper, the existing building on the application site together with the adjoining building had formed a symmetrical design which was rarely found nowadays. The redevelopment of the existing building into a 17-storey hotel development would destroy such design. Although the existing building was yet to be graded, the AMO should state clearly whether the building should be preserved. This Member further said that the Government should come up with a compensation arrangement if the building was to be preserved in order not to affect the development right of the property owner.

27. While supporting the other Members' views, one Member expressed a general concern on the preservation of historical buildings. Although the AMO advised that the existing building should be preserved as far as possible, the policy on heritage preservation of ungraded buildings was yet to be formulated and the zoning of the application site did not express any planning intention requiring the preservation of the historical building on the site.

28. In response to a Member's enquiry of the Government's Heritage Policy, the Secretary said that the Heritage Conservation Policy was under review by the Administration. There was a list of 1,440 buildings with higher heritage value which would be considered by an expert assessment panel for grading purposes. As the review was yet to be completed, the Board could only make a decision based on the existing policy. Should Members agree, the Board could ask the AMO to confirm whether the subject building had been considered by the expert assessment panel and, if not, submit the subject historical building to the expert assessment panel for a decision on its historical grading before the Board made its decision on the planning application.

29. As it was unclear from AMO's advice on whether the existing building on the application site would be graded and hence should be preserved, the Chairperson said that the Committee might consider to defer making a decision on the application pending additional views from AMO to be obtained. Members generally agreed the AMO should be requested to consult the expert assessment panel on the recommended grading of the existing building on the application site and whether it should be preserved.

30. After further deliberation, the Committee decided to defer a decision on the application pending further advice from the Antiquities and Monuments Office of Leisure

and Cultural Services Department on whether the existing building on the application site should be preserved.

### **Agenda Item 8**

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/510                      Proposed Office Development in “Residential (Group A)” zone,  
Nos. 115-123A Prince Edward Road West, Mong Kok  
(MPC Paper No. A/K3/510)

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#### Presentation and Question Sessions

31.            The Committee noted that the applicant on 15.1.2009 had requested for deferment of the consideration of the application in order to allow more time to address the comments from the Transport Department.

#### Deliberation Session

32.            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.

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

**Special Duties Section**

[Miss Fiona S.Y. Lung, Chief Town Planner/Special Duties (CTP/SD) and Mr. L.K. Wong Town Planner/Special Duties (TP/SD) were invited to the meeting at this point.]

[Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

**Agenda Item 9**

[Open Meeting]

Proposed Revision to the Planning Brief for the  
ex-Government Supplies Department Depot Site, Oil Street, North Point  
(MPC Paper No. 5/09)

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33. The Secretary said that the following Members had declared interest in this item:

Dr. Daniel B.M. To	being a member of the Eastern District Council (EDC) and the Planning, Works and Housing Committee (PWHC) of the EDC
Mrs. Ava S.Y. Ng	] owned a property at Cloud View Road
Mr. K.Y. Leung	]

34. As PWHC had passed a motion requesting further reduction of plot ratio (PR) and building height (BH) restrictions for the site, Dr. To's interest was considered direct and he should be requested to leave the meeting temporarily during the discussion of and deliberation on the application. The Secretary said that according to the Town Planning Board (the Board) Procedure and Practice, Mrs. Ng's and Mr. Leung's interests in the item would be indirect and not substantial as Cloud View Road was quite far away from the site. The Committee agreed that Mrs. Ng and Mr. Leung could stay in the meeting and participate in the discussion of and determination on this item.

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

35. The Secretary said that an e-mail from a Mr. Cheung Hok Ming providing

comments on the land use planning of the Oil Street site was received by the Secretariat of the Town Planning Board on 22.1.2009. A copy of the relevant e-mail had been tabled at the meeting for Members' reference.

36. With the aid of a Powerpoint presentation, Miss Fiona S.Y. Lung, CTP/SD, presented the Paper and covered the following main points as detailed in the Paper :

- (a) the ex-Government Supplies Department Depot Site (the Site) was zoned "Comprehensive Development Area" ("CDA") on the draft North Point Outline Zoning Plan (OZP) No. S/H8/21;
- (b) PlanD carried out a detailed study in 2006 to review and determine the appropriate development parameters of the Site with a view to amending the previous Planning Brief (PB), taking account of changing community aspirations. On 10.8.2007, the Committee endorsed revisions to the PB for the Site, which had incorporated views of the public, the EDC and the Harbour-front Enhancement Committee, and the findings of the air ventilation assessment. The revisions were mainly to:
  - (i) reduce total gross floor area (GFA) by 43% from 123,470m<sup>2</sup> to 70,200m<sup>2</sup>;
  - (ii) reduce the building height (BH) from 165mPD to 100mPD (seaward) and 120mPD (landward); and
  - (iii) provide at least 3,530m<sup>2</sup> of public open space (POS) within the Site;
- (c) on 16.5.2008, the Town Planning Board (the Board) when considering the representations in respect of the draft North Point Outline Zoning Plan (OZP) No. S/H8/20 agreed to amend the maximum BH restrictions for the inland area along both sides of Electric Road from 120mPD to 110mPD and also requested to amend the BH restriction in the endorsed PB for the south-eastern part of the Site from 120mPD to 110mPD accordingly;

- (d) pursuant to the decision of the Board, the BH restriction for the landward portion of the Site, as stated in paragraph 4.1 and Plan 4 of the PB, was proposed to be reduced from 120mPD to 110mPD whilst that for the seaward portion would remain as 100mPD;
- (e) on 8.5.2008, when the Planning, Works and Housing Committee (PWHC) of the EDC was considering a development proposal at 14 – 30, King Wah Road, it passed a motion requesting the Administration to further reduce the plot ratio (PR) and BH of the Site to gross PR of 3 and 80mPD respectively, so as to tally with those proposed for the ex-North Point Estate (ex-NPE) site;
- (f) PlanD considered that there was no strong justification to further reduce the gross PR and BH as proposed by the EDC. As compared with the GFA stipulated under the OZP (i.e. 123,470m<sup>2</sup>), the GFA in the PB (i.e. 70,200m<sup>2</sup>) was already reduced by 43% and the development intensity (i.e. a gross PR of 6 and net PR of 8.6) was already lower than those of its surrounding developments which ranged from a PR of 8.4 to 15.7. The GFA in the PB had struck a reasonable balance among the planning objectives, public aspirations and optimising the development potential of the Site. A lower PR (i.e. a gross PR of 3.28, a net PR of 5.74) was proposed for the ex-NPE site mainly due to the large and elongated site configuration, long frontage along the Island Eastern Corridor which was subject to severe environmental constraints, and site specific requirements including the provision of public open space, public transport terminus and other Government, Institution or Community facilities, which would impose severe constraints on its building design. The Oil Street site was, however, subject to fewer constraints. Moreover, the proposed BH in the PB were generally in line with its surroundings and would help create a stepped height profile within the Site and along the waterfront from the Harbour Heights to the west and the City Garden to the east; and
- (g) the Site was one of 10 sale sites on the Application List specified on a pilot basis for hotel development. To cater for hotel development on the Site

which was conveniently accessible by public transport and surrounded by a mixture of commercial, residential and hotel uses, a minimum GFA of 30,000m<sup>2</sup> for hotel use was proposed to be specified in the land sale conditions. Amendment to the PB was however not necessary as the hotel GFA was within the confines of the parameters specified in the PB which stipulated a minimum GFA of 20,960m<sup>2</sup> for non-domestic use. The current stipulation in the PB could therefore allow flexibility to cater for any future change of use of the Site.

37. The Committee noted that the proposed revision to the BH restriction of the development as stated in the PB was generally in line with the overall BH profile as stipulated on the North Point OZP.

38. After further deliberation, the Committee agreed to the proposed amendments as stated in paragraph 3 of the Paper and endorsed the proposed revision to the Planning Brief at Annex III of the Paper. The Committee also noted the latest development as stated in paragraph 4 of the Paper.

[The Chairperson thanked Miss Fiona S.Y. Lung, CTP/SD and Mr. L.K. Wong, TP/SD for their attendance to answer Members' enquiries. They left the meeting at this point.]

## **Hong Kong District**

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H7/152                      Proposed Minor Relaxation of Building Height Restriction  
for a Proposed Residential Development  
in "Residential (Group B)" zone,  
29-31 Yuk Sau Street and 21-23 Village Road, Wong Nai Chung  
(MPC Paper No. A/H7/152)

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### Presentation and Question Sessions

39. The Secretary said that the application site was the subject of 29 representations against, amongst others, the amendment incorporated in the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/14 to impose a building height (BH) restriction of 100mPD for the site. After giving consideration to the representations on 8.8.2008, the Town Planning Board (TPB) decided not to make any amendment to the BH restriction of the application site. On 17.12.2008, the Court of First Instance approved a consent of summons in respect of a judicial review (JR) requesting for an order of interim stay of the submission of the draft OZP pending the determination of the JR proceedings or until further order. As such, the submission of the draft Wong Nai Chung OZP to the Chief Executive in Council (CE in C) for approval was withheld and the hearing date of the JR was not yet fixed. As the draft Wong Nai Chung OZP and the representations were yet to be submitted to the CE in C for consideration, according to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), a decision on a s.16 application should be deferred if the application site was still subject to outstanding adverse representations yet to be submitted to CE in C for consideration. It was therefore considered appropriate to defer consideration of the application pending the submission of the draft OZP and the final decision of the CE in C on the representations.

### Deliberation Session

40. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department pending the submission of the draft Wong Nai Chung Outline Zoning Plan to the Chief Executive in Council and its final decision.

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

[Mr. Derek W.O. Cheung, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

**Agenda Item 11**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H14/60

Proposed Public Utility Installation

(Micro-cell Base Station) in “Road” zone,

Pavement of Mount Kellett Road, The Peak Area

(near No. 52, Mount Kellett Road)

(MPC Paper No. A/H14/60)

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41. The Secretary said that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Raymond Y.M. Chan and Felix W. Fong, having current business dealings with SHK, had declared interests in this item. They should be invited to leave the meeting temporarily during the discussion of and deliberation on the application.

[Messrs. Raymond Y.M. Chan and Felix W. Fong left the meeting temporarily at this point.]

Presentation and Question Sessions

42. Mr. Derek W.O. Cheung, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (micro-cell base station (MCBS)) comprised an equipment cabinet [0.6m(L) x 0.5m(W) x 1.3m(H)], an electricity meter pillar [0.6m(L) x 0.5m(W) x 1.3m(H)] on the pavement of Mount Kellett Road, and an antenna on top of an existing lamp pole. The equipment cabinet and the antenna would be connected by an underground coaxial cable;

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

- (c) the justifications put forth by the applicant, as summarised in paragraph 2



of the Paper, were mainly to improve the mobile telephone coverage throughout Mount Kellett and the surrounding area;

- (d) departmental comments – the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had no in-principle objection to the application provided that a footpath with a minimum width of 1.2m would be maintained for pedestrian movement after installation. The Director-General of Telecommunications, Office of Telecommunications Authority (DG of Telecommunications, OFTA) strongly supported the application as the proposed MCBS, which was small in size, would enable the residents and visitors to Mount Kellett Road and the vicinity to enjoy good quality mobile telephone service; the application was made in accordance with the OFTA’s “Guidance Note for Submission of Application for Installing MCBS on Highway Facilities or on Unleased and Unallocated Government Land”, and all mobile network operators were required to follow the “Code of Practice for the Protection of Workers and Members of Public Against Non-Ionising Radiation Hazards from Radio Transmitting Equipment” (“CoP”) and to ensure that the level of non-ionizing radiation complied with the limits recommended by the International Commission on Non-Ionizing Radiation Protection (“ICNIRP”) for the protection of the occupational personnel and the general public. The Director of Health (D of Health) said that there was no convincing scientific evidence showing that the MCBS would cause adverse health impacts to humans if the operation of the proposed base station met the relevant sets of exposure limits recommended by the ICNIRP. Other concerned Government departments had no objection to or no adverse comments on the application;
- (e) no public comment was received during the statutory publication period. However, the District Officer (Central & Western) (DO(C&W)) said that three MCBSs would be installed in the area and the locals might have concern on the possible adverse health impact; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessment in paragraph 9 of the Paper. The proposed MCBS would not affect the pedestrian flow of the area which was rather low and a clear width of 1.4m would be maintained for the footpath after the installation. In this regard, AC for T/U, TD had no objection to the application. While the visual impact of this application might not be significant, the Government would closely monitor the installation of MCBS with a view to maximizing the share-use of facilities or land in order to address the concern on the potential cumulative impact of similar developments. No public comment was received during the statutory publication period of the application. While DO(C&W) mentioned that 3 MCBSs would be installed in this area, DG of Telecommunications had indicated that no other applications for installation of MCBS using lamp posts along Mount Kellett Road was received. D of Health advised that there was so far no convincing scientific evidence showing that the low level radio frequency signals from radio base stations would cause adverse health impacts to humans if the operation of the proposed base station met the relevant sets of exposure limits recommended by ICNIRP. DG of Telecommunications also advised that all mobile network operators are required to follow the “CoP” and to ensure that the level of non-ionizing radiation generated by their MCBS complied with the limits recommended by ICNIRP. The proposed MCBS would unlikely cause adverse health impact to the pedestrians and residents in the area.

43. In response to a Member’s question on whether and how OFTA would coordinate the applications from various operators for installing MCBS at nearby locations or at the same piece of land, Mr. Derek W.O. Cheung said that in accordance with the “Guidance Note for Submission of Application for Installing MCBS on Highway Facilities or on Unleased and Unallocated Government Land” at Appendix II of the Paper, OFTA would encourage the operators to share the use of scarce resources with each other and OFTA would resolve conflicts among operators, if any, in order to minimise the number of road openings and the demand for road space and other resources.

44. Referring to Plan A-3 of the Paper, a Member asked whether there was any technical reason for the applicant to choose the subject lamp pole and not to install the

antenna to the existing lamp pole on the right hand side, which was much closer to the proposed MCBS and the existing telephone manhole. Mr. Derek W.O. Cheung said that during the departmental consultation stage carried out by OFTA, Lands Department had raised objection to installing the antenna on the lamp pole at the right hand side as that lamp pole fell within the boundary of a registered slope.

[Mr. Nelson W.Y. Chan left the meeting temporarily at this point.]

### Deliberation Session

45. Members raised a concern on the possible proliferation of the MCBS at nearby locations and urged OFTA to review all applications in a coordinated manner and to maximise the shared use of space and facilities by the operators as far as practicable. The Chairperson said that Members' concern could be relayed to OFTA for consideration.

46. 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 23.1.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of a clear width of not less than 1.2m for the pedestrian pavement after the installation of the proposed micro-cell base station (MCBS) and electricity meter pillar to the satisfaction of the Commissioner for Transport or of the TPB; and
- (b) the compliance with the conditions set out in the "Conditions for Working within Water Gathering Ground" and the "Condition of Working in the Vicinity of Waterworks Installations" in carrying out the works for the proposed MCBS and electricity meter pillar to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) note the District Lands Officer/Hong Kong West & South, Lands Department's advice that the applicant should apply separately to relevant Government departments for consent to implement the works for the proposed MCBS and electricity meter pillar should the application be approved;
- (b) note the comments of the Chief Highway Engineer/Hong Kong, Highways Department (HyD) in paragraph 7.1.4 of the Paper particularly on the requirement that there should be a horizontal clearance of not less than 500mm between the kerb line and the equipment, and the applicant should apply for an excavation permit from HyD if excavation on public road was required;
- (c) note Director of Health's comments in paragraph 7.1.8(a) of the Paper on direct on-site measurements upon commissioning of the concerned MCBS to ensure the compliance with the "Code of Practice for the Protection of Workers and Members of Public Against Non-Ionising Radiation Hazards from Radio Transmitting Equipment" issued by Office of the Telecommunications Authority; and
- (d) note the comments of the Director of Electrical and Mechanical Services that the "Code of Practice on Working near Electricity Supply Lines" and the "Code of Practice for the Electricity (Wiring) Regulations" should be observed when carrying out the construction and electrical works.

[The Chairperson thanked Mr. Derek W.O. Cheung, STP/HK, for his attendance to answer Members' enquiries. Mr. Cheung left the meeting at this point.]

[Miss Annie K.W. To, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

**Kowloon District**

**Agenda Item 12**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/92                      Proposed Minor Relaxation of Building Height Restriction from 80mPD to 89.47mPD for a Permitted Residential Development in “Residential (Group B)” zone, 170C, 170D, 170E and 170F Boundary Street, Ho Man Tin  
(MPC Paper No. A/K7/92)

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48.            The Secretary said that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Raymond Y.M. Chan and Felix W. Fong, having current business dealings with SHK, had declared interests in this item. As the Planning Department (PlanD) had requested to defer consideration of the application, the Committee agreed that Messrs. Chan and Fong could stay at the meeting, but noted that they had not yet returned to join the meeting.

Presentation and Question Sessions

49.            The Secretary said that there were four non-site specific representations to the draft Ho Man Tin Outline Zoning Plan No. S/K7/19 in relation to the proposed building height (BH) restrictions in general, and three site specific representations on “Residential (Group B)” zone opposing the BH restriction of 80mPD including that for the application site submitted by the applicant. After giving consideration to the representations on 11.7.2008, the Town Planning Board (the Board) decided not to make any amendment to the BH restriction for the application site. According to the Town Planning Board Guidelines No. 33, a decision on a section 16 application would be deferred if the zoning of the application site was still subject to outstanding adverse representation in respect of a draft plan yet to be considered by the Chief Executive in Council (CE in C) and the substance of the representation was relevant to the subject application. In this regard, PlanD recommended the Committee not to consider the subject application until the CE in C had made a decision on the relevant adverse representations in respect of the OZP.

Deliberation Session

50. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department pending the Chief Executive in Council's decision on the adverse representations in respect of the draft Ho Man Tin Outline Zoning Plan No. S/K7/19.

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

**Agenda Item 13**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/236                      Shop and Services  
in "Other Specified Uses" annotated "Business" zone,  
Factory Unit No. 3 (Portion), G/F, Kowloon Bay Industrial Centre,  
15 Wang Hoi Road, Kowloon Bay  
(MPC Paper No. A/K13/236)

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51. The Secretary said that the application was submitted by Dairy Farm Co. Ltd.. Mr. Raymond Y.M. Chan, having current business dealings with the applicant, had declared interest in this item. The Committee noted that Mr. Chan had already left the meeting for the item.

[Mr. Nelson W.Y. Chan, Ms. Starry W.K. Lee and Dr. Daniel B.M. To returned to join the meeting at this point.]

Presentation and Question Sessions

52. Miss Annie K.W. To, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that a previously approved planning application for the same use on the application premises submitted by the same applicant was revoked by the Town Planning Board on

20.10.2008 due to non-compliance with the approval condition requiring the implementation of fire safety measures within the specified time limit. The premises was currently used as a convenience store without planning permission;

- (b) the proposal for shop and services use;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The use under application was considered generally in line with the planning intention of "Other Specified Uses" annotated "Business" ("OU(Business)") and complied with the Town Planning Board Guidelines for Development within "OU(Business)" zone in that it would not generate significant impacts on fire safety aspect and car parking provision in the existing building. Concerned Government departments had no objection to the application. Moreover, no public or local objection had been received against this planning application. Although the previous planning permission was revoked due to non-compliance of approval condition, the applicant had made efforts to comply with the condition in respect of the submission of fire safety measures. The implementation of the fire safety measures was held up due to an unresolved problem concerning the construction of a ramp for disabled persons. According to the applicant, the problem had now been resolved and implementation of fire service installations was underway. In this regard, a shorter compliance period was recommended in order to monitor closely the implementation of the condition.

53. Members had no questions on the application.

Deliberation Session

54. The Committee considered that the application was generally in line with the relevant Town Planning Board Guidelines.

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

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises within three months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 23.4.2009; 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.

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

- (a) note that a shorter compliance period was granted in order to monitor the fulfillment of the approval condition;
- (b) note that prior planning permission should have been obtained before commencement of the development;
- (c) comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction;
- (d) observe road restriction requirements in force when all loading/unloading activities were taking place; and
- (e) resolve any land issues relating to the development with the concerned owner of the application premises.



[The Chairperson thanked Miss Annie K.W. To, STP/K, for her attendance to answer Members' enquiries. Miss To left the meeting at this point.]

[Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K) and Miss Helen L.M. So, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

[Mr. Raymond Y.M. Chan returned to join the meeting, while Ms. Olga W. H. Lam left the meeting temporarily and Professor Bernard V.W.F. Lim left the meeting at this point.]

### **Agenda Item 14**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/576          Comprehensive Redevelopment with Residential and Commercial  
Uses including Hotel, Office, Retail with Provision of Public Open Space,  
Government, Institution or Community Facilities,  
Public Transport Interchange and Supporting Facilities  
in "Comprehensive Development Area (1)" zone,  
Kwun Tong Town Centre - Main Site (Area Bounded by  
Kwun Tong Road, Hong Ning Road, Mut Wah Street and Hip Wo Street)  
(MPC Paper No. A/K14/576A)

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57.          The Secretary said that the application was submitted by the Urban Renewal Authority (URA). The following Members had declared interests on this item:

Mrs. Ava S.Y. Ng	]	
as the Director of Planning	]	
	]	
Ms. Olga W.H. Lam	]	being a non-executive director of the
as the Assistant Director of	]	URA
Lands Department	]	
	]	
Mr. Walter K.L. Chan	]	
Mr. Maurice W.M. Lee		being an ex-non executive director of the URA (the term of office was ended on 30.11.2008)

Mr. Andrew Y.T. Tsang  
as the Assistant Director of  
Home Affairs Department

being a co-opt member of the  
Planning, Development and  
Conservation Committee of the URA

Mr. Nelson W.Y. Chan

being a member of the Kwun Tong  
District Council and the Kwun Tong  
District Advisory Committee of the  
URA

Professor Bernard V.W.F. Lim

having current business dealings with  
the URA

58. As Mr. Maurice W.M. Lee was no longer a non-executive director of the URA since 30.11.2008 and Mr. Nelson W.Y. Chan was a member of a public advisory body whose role was only advisory in nature, Members agreed that they should declare their interests but could stay in the meeting to join the discussion. Members noted that Mr. Andrew Y.T. Tsang had tendered an apology for not being able to attend the meeting, Mr. Maurice W.M. Lee had not yet arrived to join the meeting, while Professor Bernard V.W.F. Lim and Ms. Olga W.H. Lam had already left the meeting.]

[Mrs. Ava S.Y. Ng left the meeting temporarily, while Mr. Walter K.L. Chan left the meeting at this point.]

59. The Vice-chairman chaired the meeting at this point. Ms. Starry W.K. Lee also declared interest on this item as she was a member of the Kowloon City District Advisory Committee of the URA. Members considered Ms. Lee's interest as remote and she could stay in the meeting to participate in the discussion.

#### Presentation and Question Sessions

60. The Vice-chairman said that as this item was related to the further consideration of an application which had been thoroughly discussed by the Committee on the previous occasion, PlanD's presentation should focus on how the applicant's further submission had addressed Members' previous concerns and suggestions.

61. With the aid of a Powerpoint presentation, Mr. Eric C.K. Yue, DPO/K, presented the application and made the following main points as detailed in the Paper :

- (a) on 5.12.2008, the Metro Planning Committee (the Committee) decided to defer a decision on the application pending the submission of further information from the applicant to justify the proposed building height of 280mPD for the landmark building. The main concerns/suggestions of the Committee were:
  - (i) the design merits of the proposed 280mPD landmark building were not clearly explained;
  - (ii) Air Ventilation Assessment (AVA) for different height scenarios other than 220mPD and 280mPD for the proposed landmark building should be provided;
  - (iii) the adverse effect on the provision of open space caused by a reduction in building height should be substantiated;
  - (iv) to consider incorporating a public viewing deck in the landmark building; and
  - (v) the glare impact caused by the slanting glass façade on the surrounding environment should be assessed;
- (b) on 22.12.2008, the applicant submitted further information including a revised Visual Impact Assessment (VIA) to address Members' concerns. The justifications provided by the applicant, as detailed in paragraph 2 of the Paper, were summarised below:
  - (i) a single commercial tower would result in better natural ventilation and visual permeability, provide more open space/landscaped area at podium level, allow more effective use of floor space within the retail podium, provide an interesting building height profile stepped

down from 280mPD to 160mPD, and impose less design constraints on the Public Transport Interchange;

- (ii) the scale of the commercial podium, with a floorspace of 111,780m<sup>2</sup> for a regional shopping centre, was considered optimal. It could also serve as a noise barrier for the development. Further increase in bulk might increase the wall effect, worsen the visual quality along Kwun Tong Road and affect air ventilation;
  - (iii) a footprint analysis indicated that the floor plate of the 280mPD commercial tower was optimal as any further increase in footprint would reduce the building gap between the commercial and residential towers, reduce sunlight penetration to inner floor space, worsen air ventilation and result in an ineffective and uneconomical design in the layout of the office and hotel;
  - (iv) the findings of the visual analysis supported the building height of 280mPD for the commercial tower which was visible but not intrusive when viewed from the Quarry Bay Park. It was also visually compatible with the surrounding environment and in line with the cityscape of a town centre;
  - (v) an observation deck with an area not more than 750m<sup>2</sup> was proposed at Level 61 of the 280mPD commercial tower to provide a panoramic view for public enjoyment; and
  - (vi) enhancement measures would be explored at the detailed design stage to improve the day-light penetration of the pedestrian deck, to avoid causing glare nuisances, and to provide 24-hour public access to the pedestrian deck;
- (c) departmental comments – the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L) commented that the applicant had not explored the 2-tower option in detail with the support of

drawings and photomontages. Given the large site area, with appropriate design and disposition, the commercial tower with a larger footprint would not necessarily reduce the building gap between the commercial and residential towers and would not affect at-grade public open space provision. While the 280mPD option only represented a very marginal improvement in the wind velocity ratio (1.5%) over the 220mPD option, no additional AVA was provided to compare the air ventilation performance for other building height scenarios. The justifications for a single commercial tower through air ventilation, open space provision and stepped height design were not sufficient to support the preferred building height of 280mPD from the urban design point of view. The revised VIA was barely satisfactory and the applicant's conclusion that the 280mPD landmark building was acceptable had to be substantiated by other non-visual considerations. The Assistant Commissioner for Transport/Urban, Transport Department had no objection to the proposal subject to the provision of satisfactory traffic and loading/unloading arrangements for the proposed observation deck. Other concerned Government departments had no objection to or no adverse comments on the application;

- (d) a total of 415 public comments were received during the statutory publication period. All except one supported the application on the grounds that the development intensity and building height of the proposed development were acceptable; the landmark building and proposed observation deck could attract tourists and bring more business opportunities; the retail podium could serve as a noise barrier reducing noise nuisances for the nearby residents; and the proposed landmark building would not obstruct the ridgeline. One commenter opposed the application due to its excessive building height and development intensity, its adverse visual impact on the district; the undesirable disposition of building blocks and excessive podium height; its poor quality open space and distorted consultation results; and
- (e) the Planning Department (PlanD)'s views – PlanD had no planning

objection to the application based on the assessment in paragraph 5 of the Paper. Although the proposed building height of 280mPD for the landmark building, which would signify the Kwun Tong Town Centre, could not be justified on visual and design aspects alone, other functionality and engineering considerations should also be taken into account in arriving at a balanced view. The revised VIA had demonstrated that the 280mPD landmark building was visible but not intrusive when viewed from the Quarry Bay Park and was in line with the cityscape of a town centre. To reduce the building height of the landmark building would result in a larger footprint and an ineffective and uneconomical design of the office and hotel floor space. An assessment of the two-tower option could not be conducted as the applicant did not submit the relevant information. An observation deck would be provided at the top of the landmark building to enable the public to enjoy a panoramic view of the district. All the public comments except one supported the 280mPD landmark building. Regarding the concern that no additional AVA had been provided in the current submission to compare the air ventilation performance for the other building height scenarios, this could be addressed by imposing relevant approval condition requiring the submission of a revised AVA. Other detailed design issues such as the problem of glare, massiveness of the retail podium and the provision of the pedestrian deck could be addressed through imposing relevant approval conditions and advisory clauses.

62. Members had the following main questions/views on the application:
- (a) the relationship between different height scenarios for the proposed commercial tower and the vantage points as shown in the Viewshed Analysis at Annex C of Appendix IV of the Paper;
  - (b) whether the observation deck to be provided at the top floor of the commercial tower would be accessible and opened to the public;
  - (c) the reason why the two-tower option was not examined in greater detail, in

particular when the proposed building height of 280mPD had exceeded the existing ridgeline by about 40%; and

- (d) whether the glare effect of the slanting glass façade on the surrounding environment had been properly addressed.

63. In response to Members' views/questions, Mr. Eric C.K. Yue made the following main points:

- (a) visual analysis for 7 options of building height ranging from 200mPD to 320mPD at an interval of 20m had been conducted by the applicant at seven vantage points (viz. Quarry Bay Park, Kai Tak Runway, Hong Ning Road Recreation Playground, Kwun Tong Recreation Playground, Sai Tso Wan Recreation Playground, Devil's Peak and Black Hill). The analysis provided by the applicant had demonstrated that the proposed landmark building at 280mPD would be visible but not intrusive when viewed from these vantage points;
- (b) the applicant had agreed to provide an observation deck (including ancillary food & beverage facilities and souvenir shops) at the top level of the proposed 280mPD commercial tower in order to allow the public to enjoy a 360° unobstructed view of the surrounding areas. As currently proposed, the observation deck was right above the hotel development and was likely to be part of the hotel establishment. However, the mode of operation and opening hours were yet to be determined and would be worked out in the detailed design stage;
- (c) according to the applicant, the development of a single commercial tower was functionally more efficient, and it would improve air ventilation, increase open space provision at the podium level (about 5,000m<sup>2</sup>), and create a more interesting stepped building height profile for the whole development site. Referring to Plan FA-3 of the Paper, the proposed commercial tower could broadly be divided into three portions (viz. the retail podium at the lowest portion up to a building height of about 62mPD;

the office portion in the middle with a building height of around 128m; and the top portion proposed for hotel development with a building height of around 56m). The adoption of a two-tower design could be done either by placing the hotel development as a separate block above the retail podium or by dividing the office and hotel development into two blocks of equal height. Both options were, however, undesirable from urban design and land use planning point of view as the proposed commercial towers would be substantially lower than the four residential towers within the development with building height ranging from 160mPD to 178mPD. Besides, the intention of creating a landmark building signifying the Kwun Tong Town Centre would be defeated and the proposed public observation deck at the top floor would not serve any purpose as its views would be substantially obstructed by the existing commercial development, APM (187mPD) to the south of the site; and

- (d) on the glare effect, the applicant indicated that external shading devices would be considered in the façade design of commercial tower at the detailed design stage and non-reflective construction materials would also be used to avoid causing nuisance to the surrounding. To address this concern, it was proposed to add an advisory clause to remind the applicant to reduce the glare effect.

64. The Secretary supplemented that the applicant had explained in its submission why a single commercial tower was preferred to a two-tower option, although diagrammatic illustrations were not provided. According to the applicant, different height scenarios for the commercial tower had been prepared to demonstrate the visual impact of the proposed development. To prepare additional plans and drawings for the two-tower option based on these different scenarios would require a lot of time, effort and resources which might not be worthwhile solely for comparison purposes.

#### Deliberation Session

65. One Member was concerned with the general belief that a landmark building had to be a tall building which was highly visible from other parts of Hong Kong. Based on the



photomontages submitted by the applicant, the proposed commercial tower of 280mPD was excessive and visually intrusive. This Member also raised a concern on the glare effect caused by the glass façade to the surrounding developments.

66. One Member said that from the perspective of local residents, the development of a single high-rise tower at this location was visually more acceptable than two medium-rise towers. Besides, the residents were also more concerned with the accessibility to and connectivity of the Site with other parts of the district including Tsui Ping Estate, Yuet Wah Street and the town centre and measures to improve the local traffic congestion and the environmental nuisances rather than the height of the tower.

67. Although the applicant's further submission could not satisfactorily address the Committee's previous concerns, one Member tended to support the application due to the aspirations of local residents in Kwun Tong district for the early implementation of this redevelopment project and the fact that the URA had carried out a comprehensive consultation process. Nevertheless, the Member raised a general concern that the current mode of operation of the URA had resulted in the development of a number of excessively tall and massive buildings (e.g. in Tai Kok Tsui), which were out-of-context and incompatible with the surrounding developments. This Member further said that the proposed observation deck should not form part of the hotel development which could only be enjoyed by a small group of people affordable to use the hotel facilities. Instead, the observation deck should be opened to the general public and such requirement should be incorporated as an approval condition.

68. The Secretary explained that planning approval would be given on the terms of the application as submitted by the applicant. The provision of a public observation deck already formed part of the subject application. Nevertheless, the Committee could impose an approval condition to require that the proposed observation deck should not form part of the hotel, but should be opened to the public. For the subject application, given the permitted development intensity for the proposed project and the non-visual and engineering considerations of the proposed development, the development of a high rise development seemed to be inevitable. On the general concern raised by the Member, the Secretary explained that the schemes were previously approved when the community was less concerned about the building height issue and the scheme had to fulfil the housing policy

objective. PlanD would adopt a cautious approach in scrutinising the development proposals for future URA projects in order to ensure that the development intensity and building height of the proposed projects were more compatible with the surrounding areas.

69. Some Members indicated support for the provision of an observation deck which could serve as a tourist attraction and considered that this public viewing facility should be easily accessible to the general public. Relevant approval condition should be imposed to ensure that the observation deck would be opened to the general public.

70. The Vice-chairman said that Members' concerns on improving the connectivity between the Site and other parts of the district, and the traffic and unloading/loading arrangement of the observation deck were partially covered by the approval conditions and advisory clauses as recommended by PlanD in paragraph 6 of the Paper.

71. Two Members said that the revised VIA submitted by the applicant could not satisfactorily address the previous concerns raised by the Committee. The visual impacts of different height scenarios ranging from 200mPD to 320mPD, as shown on the photomontages submitted by the applicant at Annexes C to E of Appendix IV of the Paper, did not show a significant difference and they were unconvinced that the 280mPD option would outperform other options. Moreover, it appeared that the reduction of building height for the proposed commercial tower would not cause any significant negative impacts on the surrounding areas. The Vice-chairman agreed that the applicant had not provided convincing arguments to substantiate the design merits of the 280mPD option but merely focused on presenting the design and functional drawbacks of adopting a two-tower design.

72. Noting the conflicting views between the CTP/UD&L who had reservations on the adequacy of the visual impact assessment submitted and the supportive views of the local residents of Kwun Tong on the single commercial tower of 280mPD, a Member said that the Committee was facing a dilemma on how to balance the wider public interest and local views. This Member was inclined to agree in-principle to the redevelopment proposal but considered that the building height of 280mPD for the commercial tower should be lowered in order to minimise the adverse visual impact of breaching the profile of the ridgeline.

73. One Member said that the height of the landmark building should be compatible with the general character and image of the area as well as the building height of the surrounding developments. Judging from the photomontages of different height scenarios submitted by the applicant, the commercial tower at 260mPD was considered more proportional in its building form and relatively more compatible with the overall building height profile of the surrounding areas. Another Member remarked that the project had the support of the local residents as it was anticipated that the image of the Kwun Tong Town Centre and the living environment of this old district would be greatly improved upon completion of this project.

74. One other Member said that although there was concern on the visual impact of the proposed development, the aspirations of the local residents of Kwun Tong advocating for the early implementation of the project should be taken into account. Since the existing commercial/office development (APM) to the immediate south of the application site had already been developed up to a building height of about 200mPD, it would not be desirable to adopt a two-tower design with medium-rise buildings since it did not meet the local sentiment of creating a landmark building at this location. While the proposed building height of 280mPD for the commercial tower as proposed by the applicant was 'barely acceptable', a lower building height of 260mPD would be more desirable. Another Member shared similar views that a building height of not exceeding 260mPD for the commercial tower could be tolerated taking into account the proposed footprint as shown on Drawing FA-1 of the Paper.

75. Judging from the photomontages at Annex D of Appendix IV of the Paper, one Member said that 240mPD would be more justified in that the proposed commercial tower at such building height would already be visibly taller than other developments, yet it could still form part of the overall building profile. However, another Member said that a proposed building height of 260mPD would be more acceptable than 240mPD in order to create a more discernible stepped height profile with the APM in close proximity. Another Member added that the commercial tower with a height of 260mPD could be accepted because it would allow the public to enjoy an unobstructed view from the observation deck to the old Kai Tai runway. Such panoramic view would however be slightly obstructed if the building height was reduced to 240mPD.

76. A Member considered that the proposed building height of the commercial tower at 280mPD was acceptable as the reduction of 20m would not be visually significant when viewed from various vantage points but the adverse impact for the Kwun Tong Business Area in terms of air ventilation would be substantial should the footprint of the proposed commercial tower be enlarged.

77. The Secretary said that while the applicant had submitted photomontages of the proposed commercial towers of different building height scenarios at various local vantage points (Annex F of Appendix IV of the Paper), the impact of the proposed development at a building height of 280mPD or 260mPD on the local environment might not be too significant.

78. The Vice-chairman noted that majority of Members considered that based on the further information submitted by the applicant, the design merits of the proposed commercial tower at 280mPD were not fully justified. However, a reduced building height of 260mPD for the commercial tower would be more acceptable from planning point of view taking into account the need to strike a balance between the visual and urban design concerns as well as other non-visual functional and engineering considerations. In view of the above, the Vice-chairman concluded that the application would be approved subject to imposition of an approval condition specifying the revised maximum building height of 260mPD for the proposed commercial tower, an approval condition requiring the submission of a revised Master Layout Plan to take into account the revised maximum building height, and a condition requiring that the proposed observation deck should be opened to the public. Members agreed.

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

79. One Member further commented that the proposed building design with a slanting angle at the roof level should be maintained in future submission in order to add variety to the cityscape. The Secretary said that this could be addressed when the applicant submitted a revised Master Layout Plan for approval.

80. 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 23.1.2013, 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) submission and implementation of a revised Master Layout Plan to take into account the approval conditions as stated in paragraphs (b) to (t) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the building height of the proposed commercial development within the application site should not exceed 260mPD;
- (c) the proposed observation deck should be opened for public enjoyment;
- (d) submission of detailed breakdown of the site area and Gross Floor Area for each of the Development Package Areas to the satisfaction of the Director of Planning or of the TPB;
- (e) submission and implementation of the public transport interchange proposal to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB;
- (f) submission and implementation of detailed setback proposal to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB;
- (g) submission of a Landscape Master Plan including tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (h) implementation of the approved Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB.
- (i) submission of the quarterly tree monitoring report to the satisfaction of the Director of Planning or of the TPB;

- (j) submission and implementation of a Landscape Master Plan for the proposed at-grade public open space to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (k) submission and implementation of a tree preservation and tree replanting scheme to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (l) submission of a revised air ventilation assessment and the implementation of mitigation measures identified therein, to the satisfaction of the Director of Planning or of the TPB;
- (m) submission of a revised drainage impact assessment and revised sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (n) submission of a revised traffic impact assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (o) submission of a revised water impact assessment to the satisfaction of the Director of Water Supplies or of the TPB;
- (p) submission and implementation of interim sewerage diversion scheme to the satisfaction of the Director of Environmental Protection and the Director of Drainage Services or of the TPB;
- (q) provision of a refuse collection point to the satisfaction of the Director of Food and Environmental Hygiene or of the TPB;
- (r) provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (s) submission and implementation of a detailed risk assessment and contingency plan on potential road unsettlement of Hip Wo Street, Mut

Wah Street and Kwun Tong Road arising from construction activities of the proposed car park and sunken bazaar to the satisfaction of the Director of Highways or of the TPB; and

- (t) submission and implementation of a design proposal for the retail podium façade and the pedestrian deck along Kwun Tong Road to the satisfaction of the Director of Planning or of the TPB.

81. The Committee also agreed to advise the applicant :

- (a) that the approved Master Layout Plan, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised Master Layout Plan for deposition in the Land Registry as soon as practicable;
- (b) the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue administered by the Buildings Department;
- (c) to liaise with relevant Government departments on the landscape works on public pavement;
- (d) to liaise with relevant Government departments on the management and maintenance responsibilities of the public transport interchange;
- (e) to clarify the management and maintenance responsibilities of the areas to be landscaped and improved by the Urban Renewal Authority with relevant Government departments;
- (f) to liaise with the District Lands Officer/Kowloon East on land administration matters;

- (g) to liaise with affected hawkers on the interim relocation arrangement for the hawker bazaar;
- (h) to liaise with the Director of Food and Environmental Hygiene and wall stall owners on the arrangements for the licensed wall stalls;
- (i) to consult the Kwun Tong District Council on the suggestion to relocate a bus route to Choi Hung Mass Transit Railway Station bus terminus;
- (j) to liaise with relevant Government departments on reprovisioning and management and maintenance responsibilities for Government, Institution or Community facilities and temporary reprovisioning arrangements;
- (k) to liaise with the Commissioner for Transport on temporary traffic management and maintenance matter to ensure that the traffic and pedestrian flow would not be affected during the construction phases;
- (l) to liaise with the Commissioner for Transport on detailed arrangements for the reprovisioning of public transport services including the provision of temporary facilities and other detailed traffic arrangements to refrain the potential traffic problems induced by the observation deck;
- (m) to take note of the Chief Highway Engineer/Kowloon, Highways Department's comments that a minimum clearance of 500mm to the roadside planter from kerblines should be provided subject to the Commissioner for Transport's comment; and to consult their Lighting Division to ensure that the proposed trees would not affect the functioning of road light system;
- (n) to liaise with the Director of Highways on public footpath landscape and streetscape proposal and maintenance responsibilities;
- (o) to note the Director of Environment Protection's comment to explore and implement further noise mitigation measures to minimize road traffic noise



impact on the proposed development and to inform the future occupants clearly of the special design of fixed windows or glazing as one of the noise mitigation measures;

- (p) to note the Director of Leisure and Cultural Services' requirements that no proposed sewer or even temporary one should be laid across the Yue Man Square Rest Garden or laid along the public pedestrian pavement close to the two Old Valuable Trees at Yue Man Square Rest Garden;
- (q) to take note of the TPB's concern on the potential glare effect in the façade design of the commercial tower to avoid causing nuisance to the surrounding areas; and
- (r) to take note of TPB Members' views that the observation deck should not form part of the hotel development.

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/580                      Proposed Shop and Services  
in "Other Specified Uses" annotated "Business" zone,  
Workshop 2, G/F, Kwong Sang Hong Centre,  
151-153 Hoi Bun Road, Kwun Tong  
(MPC Paper No. A/K14/580)

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#### **Presentation and Question Sessions**

82.                      With the aid of a Powerpoint presentation. Miss Helen L.M. So, STP/K, presented the application and covered the following aspects as detailed in the Paper :

[Ms. Olga W.H. Lam and Mrs. Ava S.Y. Ng returned to join the meeting, while Ms. Starry W.K. Lee left the meeting temporarily at this point.]

- (a) background to the application, highlighting that the application premises and the ground floor of the subject industrial building were not involved in any previous or similar planning applications. The application premises was currently used as a logistics centre;
- (b) the proposed shop and services use;
- (c) departmental comments – the District Lands Officer/Kowloon East, Lands Department said that the proposed use was in breach of the lease conditions and a temporary waiver or lease modification was required to give effect to the proposed use should the application be approved. The Director of Fire Services had no in-principle objection to the application provided that a means of escape completely separated from the industrial portion was available and fire service installations were provided to his satisfaction. Other concerned Government departments had no objection to or no adverse comments on the application;
- (d) one public comment in support of the application was received during the statutory publication period and no local objection/view was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed shop and services use was considered generally in line with the planning intention of “Other Specified Uses” annotated “Business” (“OU(Business)”) zone, and complied with the Town Planning Board Guidelines for Development within “OU(Business)” Zone (TPB PG-No. 22D) in that it would not generate significant adverse impacts on the developments within the subject building and the adjacent areas. Relevant Government departments consulted had no in-principle objection to the application.

83. Members had no questions on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.1.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) apply to the District Lands Officer/Kowloon East for temporary waiver or lease modification for the proposed shop and services use at the subject premises;
- (b) comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction;
- (c) demonstrate compliance with the Buildings Ordinance, in particular, the provision of 2 hours Fire Resistance Period separation between the proposed shop and the remaining factory/workshop on G/F of the subject building and reinstatement of the irregularity for compliance with Buildings Ordinance; and
- (d) strictly follow regulatory restrictions when loading/unloading activities

take place, to avoid interfering the main stream traffic, in particular under cumulative effect of nearby road side activities.

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

**Agenda Item 16**

**Any Other Business**

86. There being no other business, the meeting was closed at 11:45 a.m..