

## **TOWN PLANNING BOARD**

### **Minutes of 391st Meeting of the Metro Planning Committee held at 9:00 a.m. on 27.2.2009**

#### **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

Ms. Starry W.K. Lee

Mr. Raymond Y.M. Chan

Mr. K.Y. Leung

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**

Mr. Felix W. Fong

Mr. Maurice W.M. Lee

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 390th MPC Meeting held on 13.2.2009

[Open Meeting]

1. The draft minutes of the 390th MPC meeting held on 13.2.2009 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Tsuen Wan and West Kowloon District**

[Ms. Heidi Y.M. Chan, District Planning Officer/Tsuen Wan and West Kowloon and Miss Kitty K.Y. Chiu, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), were invited to the meeting at this point.]

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

**Agenda Item 3**

[Open Meeting]

Proposed Amendments to the  
Draft Tsim Sha Tsui Outline Zoning Plan No. S/K1/23  
(MPC Paper No. 7/09)

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3. The Secretary reported that the following Members had declared interests in this item:

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|--|-----|--|
| Mrs. Ava S.Y. Ng<br>as the Director of Planning                                  | ] ] |  |
| Ms. Olga W.H. Lam<br>as the Assistant Director of<br>Lands Department            | ] ] | being a non-executive director of the<br>Urban Renewal Authority (URA)                           |
| Mr. Walter K.L. Chan   | ] ] |  |
| Mr. Maurice W.M. Lee   | :   | being an ex-non executive director of<br>the URA (the term of office was ended<br>on 30.11.2008) |
| Mr. Andrew Y.T. Tsang<br>as the Assistant Director of<br>Home Affairs Department | :   | being a co-opt member of the Planning,<br>Development and Conservation<br>Committee of the URA   |
| Professor Bernard V.W.F. Lim   | :   | having current business dealings with<br>the URA   |
| Mr. Raymond Y.M. Chan  | :   | having a property at Hillwood Road   |
| Dr. Daniel B.M. To   | :   | his office being located at Carnarvon<br>Road and owned by his company                           |

[Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

4. The Secretary said that this item was for the consideration of proposed amendments to an Outline Zoning Plan (OZP) and related to the plan-making process, and the proposed amendments were mainly related to a completed project of the URA at Hanoi Road. According to the Town Planning Board's procedure and practice, Members who had connection with the URA project site or had landed interest affected by the subject matter should declare their interests, but they could stay at the meeting as the project had already been completed. The Committee agreed that these Members could stay and participate in the discussion of and deliberation on the item. The Committee noted that Mr. Raymond Y.M. Chan had already left the meeting temporarily, Messrs. Maurice W.M. Lee and Andrew Y.T. Tsang had tendered apology for unable to attend the meeting, and Professor Bernard V.W.F. Lim had not yet arrived to join the meeting.

5. Miss Kitty K.Y. Chiu, STP/TWK, presented the proposed amendments to the Tsim Sha Tsui OZP and covered the following main aspects as detailed in the Paper:

- (a) there were two proposed amendment items to the OZP as detailed in paragraph 3 and Attachment II of the Paper. Item A was to rezone a site bounded by Hanoi Road, Carnarvon Road, Bristol Avenue and Mody Road from “Comprehensive Development Area (1)” (“CDA(1)”) to “Commercial (10)” (“C(10)”) zone to reflect a completed URA project comprising hotel, service apartment and commercial development. The occupation permit of the subject development was issued in January 2009. Item B was to rezone a strip of land at Canton Road from “Open Space” to area shown as ‘Road’ to reflect its existing use for road purpose;

[Mr. Anthony Loo arrived to join the meeting at this point.]

- (b) the proposed amendments to the Notes of the OZP, as detailed in paragraph 4 and Attachment III of the Paper, was to revise the Notes for the “Commercial” zone to incorporate the development restrictions for the proposed “C(10)” zone which included a maximum gross floor area (GFA) of 99,588m<sup>2</sup>, a maximum building height restriction of 250mPD as stipulated on the current OZP, and the requirement for provision of not less than 1,200m<sup>2</sup> at-grade public open space within the development. Besides, the Notes for the original “CDA(1)” zone was deleted accordingly; and
- (c) opportunity was taken to revise the Explanatory Statement (ES) of the OZP as detailed in Attachment IV of the Paper to take into account the proposed amendments as mentioned above and to reflect the latest planning circumstances.

6. The Committee noted that the proposed amendments, which were to reflect the current uses of the sites, were in line with the practice of the Board to rezone completed “CDA” developments to appropriate zoning(s).

7. After further deliberation, the Committee decided to :
- (a) agree to the proposed amendments to the draft Tsim Sha Tsui Outline Zoning Plan (OZP) No. S/K1/23 and that the Amendment Plan No. S/K1/23A at Attachment II (to be renumbered to S/K1/24 upon gazetting) and its Notes at Attachment III of the Paper were suitable for exhibition under section 7 of the Town Planning Ordinance; and
  - (b) adopt the revised Explanatory Statement at Attachment IV of the Paper as an expression of the planning intentions and objectives of the Town Planning Board for various land use zonings of the OZP, and should be issued under the name of the Board and published together with the OZP and its Notes.

[Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

#### **Agenda Item 4**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K2/186                      Proposed Shop and Services (Retail Shop)  
   in “Residential (Group A)” zone,  
   3/F-5/F, 37C and 37D Jordan Road, Yau Ma Tei  
   (MPC Paper No. A/K2/186)

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

8. Miss Kitty K.Y. Chiu, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :
- (a) background to the application;
  - (b) the proposed shop and services (retail shop) use at 3/F-5/F of an existing 6-storey composite commercial/residential building at the application site.

The G/F of the existing building was used as retail shops and the remaining floors were vacant. The proposed use would involve alteration and addition works which would result in a change in domestic and non-domestic plot ratios of the existing building. The resultant non-domestic plot ratio for the whole development would become 7.231;

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

- (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 (Yau Tsim Mong); 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 use was considered not incompatible with the surrounding land uses which were predominantly residential buildings with lower floors for commercial uses and would not cause adverse traffic and environmental impacts to the surrounding developments.

9. The Chairperson said that the application site fell within “Residential (Group A)” zone where shop and services use on the lowest three floors of a building was always permitted. However, since the use under application was located on floors above the lowest three floors, planning permission from the Town Planning Board was required.

10. Members had no questions on the application.

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

#### Deliberation Session

11. The Committee noted that the application site was located in an area with vibrant

commercial activities, hence the proposed shop and services use was considered not incompatible with the land uses of the surrounding area.

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 27.2.2013, 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.

13. The Committee also agreed to advise the applicant :

- (a) to consult the Chief Building Surveyor/Kowloon, Buildings Department on the building requirements for the proposed “Shop and Services” use; and
- (b) to note the Chief Building Surveyor/Kowloon, Buildings Department’s comments that the balconies of the existing building were enclosed by glazing which were considered as unauthorized building works. The above unauthorized works would be referred to the Existing Building Division of Buildings Department for follow up with the removal of unauthorized building works if deemed necessary.

[The Chairperson thanked Ms. Heidi Y.M. Chan, DPO/TWK and Miss Kitty K.Y. Chiu, STP/TWK, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

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



**Agenda Item 5**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K4/55                      Proposed Residential Institution (Student Hostel)  
in “Government, Institution or Community (6)” zone,  
Junction of Cornwall Street and Tat Hong Avenue,  
Shek Kip Mei (NKIL 6284)  
(MPC Paper No. A/K4/55)

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Presentation and Question Sessions

14.            The Secretary said that the application was submitted by the City University of Hong Kong (CityU). Messrs. K.Y. Leung and Raymond Y.M. Chan, being members of an Advisory Committee of the Division of Building Science and Technology and Department of Public and Social Administration of the CityU respectively, had declared interests in this item. Since the applicant has requested the Committee to defer consideration of the application, the Committee agreed that Messrs. Leung and Chan could stay in the meeting.

15.            The Committee noted that the applicant on 20.2.2009 had requested for deferment of the consideration of the application in order to allow time for their review of the application and submission of supplementary information.

Deliberation Session

16.            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.

**Agenda Item 6**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/668                      Proposed Temporary Shop and Services (Showroom for Garments)  
for a Period of 3 Years  
in “Other Specified Uses” annotated “Business” zone,  
Workshop A2, G/F, Block A, Hong Kong Industrial Centre,  
489-491 Castle Peak Road, Kowloon  
(MPC Paper No. A/K5/668)

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**Presentation and Question Sessions**

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

- (a) background to the application, highlighting that the application premises was the subject of a previous application for bank use approved by the Metro Planning Committee (the Committee) in 1980;
- (b) the proposed temporary shop and services (showroom for garments) use for a period of 3 years;
- (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 (Sham Shui Po); 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 use was in line with the planning intention of the “Other Specified Uses” annotated “Business” zone for general business uses and complied with Town Planning Board Guidelines (PG-No. 22D) in terms of

fire safety, land use, traffic and environmental impacts. The proposed use would unlikely generate adverse traffic or environmental impacts on the surrounding areas. Relevant Government departments consulted had no objection to the application.

18. Members had no questions on the application.

#### Deliberation Session

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

20. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.2.2012, 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 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.

21. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Kowloon West, Lands Department for temporary wavier to permit the proposed use under the application;
- (b) to consult the Chief Building Surveyor/Kowloon, Buildings Department to ensure that the change in use was complying with the Buildings Ordinance, in particular, the provision of 2-hour fire resisting separation walls between the Premises and the remaining portion of the building in accordance with Building (Construction) Regulation and Code of Practice for Fire Resisting

Construction 1996; and

- (c) to resolve any land issues relating to the development with the concerned owner of the application premises.

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/669                      Shop and Services  
(Fast Food Counter, Fruit Juice Shop and Metal-ware Shop)  
in “Other Specified Uses” annotated “Business” zone,  
Unit A1, G/F, Fung Wah Factory Building,  
646, 648 and 648A, Castle Peak Road, Cheung Sha Wan  
(MPC Paper No. A/K5/669)

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

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

- (a) background to the application, highlighting that the premises was the subject of two previously approved applications submitted by the same applicant. The latest approved application was revoked by the Town Planning Board on 18.10.2008 due to non-compliance with the approval condition requiring the submission and implementation of fire service installations within the specified time limit. The premises was currently used as a metal-ware shop, a fruit juice shop and a fast food shop without planning permission;
- (b) the shop and services (fast food counter, fruit juice shop and metal-ware shop) use;
- (c) departmental comments – concerned Government departments had no

objection to or no adverse comments on the application;

- (d) one public comment expressing an opinion that there had been too many eating places operated by big business groups in the area was received during the statutory publication period. No local objection/view was received by the District Officer (Sham Shui Po); 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 uses under application were in line with the planning intention of the “Other Specified Uses” annotated “Business” zone and also complied with Town Planning Board Guidelines PG-No. 22D in terms of fire safety, land use, traffic and environmental impacts. They were not incompatible with the uses of the subject industrial building and would unlikely generate adverse traffic or environmental impacts on the surrounding areas. However, as the last application was revoked due to non-compliance with the condition on the submission and implementation of fire service installations, a shorter compliance period of three months was recommended in order to monitor closely the fulfilment of the condition.

23. Members had no questions on the application.

#### Deliberation Session

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

25. 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 and fire service installations in the subject premises, within 3 months from the date of the approval to the satisfaction

of the Director of Fire Services or of the TPB by 27.5.2009; 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.

26. The Committee also agreed to advise the applicant :

- (a) to note that a shorter compliance period was granted in order to monitor the fulfilment of the approval condition;
- (b) to note that prior planning permission should have been obtained before commencement of the development;
- (c) to apply to the District Lands Officer/Kowloon West, Lands Department for the temporary waiver to permit the applied uses should the areas of the applied uses differ from the current waiver covering the Premises;
- (d) to consult the Chief Building Surveyor/Kowloon, Buildings Department on the submission of building plans in respect of separation of the application premises from the remaining portion of accommodation on ground floor by proper fire resisting construction and design, provision of means of escape as well as provision of access and facilities for persons with a disability and sanitary fittings; and
- (e) to consult the Director of Food and Environmental Hygiene regarding the application for food licence.

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

**Agenda Item 8**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/336                      Proposed Hotel  
in “Other Specified Uses” annotated “Business” zone,  
Topy Tower, 659 Castle Peak Road, Kwai Chung (KCTL 193)  
(MPC Paper No. A/KC/336C)

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Presentation and Question Sessions

27.            The Committee noted that on 13.2.2009, the applicant’s representative wrote to the Secretary of the Town Planning Board (the Board) stating that a revised Quantitative Hazard Assessment Report had been submitted to the Coordinating Committee on Land-use Planning and Control relating to Potentially Hazardous Installations (CCPHI) on 10.2.2009 for consideration and the result was still pending. The applicant therefore requested the Board to further defer making a decision on the application for another two months or until the availability of decision from CCPHI.

Deliberation Session

28.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further 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 further 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 as the Committee had already allowed 6 months and a total of 8 months for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

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

**Agenda Item 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/337                      Proposed Flats (Rank and File Quarters)  
in “Government, Institution or Community” and “Green Belt” zones,  
Wo Yip Hop Road, Kwai Chung  
(MPC Paper No. A/KC/337)

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**Presentation and Question Sessions**

29.            Mr. Y.S. Lee, STP/TWK, said that two replacement pages (p.1 and p.9) revising the area breakdown of the application site within the two zones and their corresponding percentage, rectifying a typo in paragraph 11.2, and revising the wording of approval condition (a) in paragraph. 12.2 of the Paper had been tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the application site with an area of about 3,780m<sup>2</sup> was mostly zoned “Government, Institution or Community” and partly zoned “Green Belt” (“GB”) on the Outline Zoning Plan;
- (b) the proposal to redevelop the former Tsuen Wan Fire Services Department Married Quarters (TWFSDMQ) site to ‘flats’ (the rank and file quarters) use for Immigration Department. The proposed development comprised two building blocks (one of eight storeys and the other of 13 storeys) with a plot ratio of 3 and a maximum building height of not more than 100mPD. A total of 144 units and 23 parking spaces would be provided. The applicant had submitted some technical assessments including Traffic Impact Assessment, Noise Impact Assessment and Preliminary Environmental Review to support the application;
- (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 (Kwai Tsing); 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 development was similar in nature to that of the former TWFSDMQ which was in compliance with the Town Planning Board Guidelines for Development within “Government, Institution or Community” Zone in that the proposed quarters were intended for the accommodation of the families of the staff of Immigration Department. The development intensity of the proposed development in terms of plot ratio and building height had largely been reduced as compared to the previous TWFSDMQ and were considered not incompatible with the surrounding GIC facilities which were mainly low to medium rise developments. No adverse impacts on the environment, traffic, urban design and landscape of the surrounding areas were anticipated. Concerned Government departments including Environmental Protection Department, Transport Department and Chief Town Planner/Urban Design and Landscape of Planning Department had no objection to the application. According to the applicant, the inclusion of the slope in the application site was mainly for demarcating the future maintenance responsibility and the slope would remain undeveloped and be excluded from GFA calculation.

30. Members had no questions on the application.

#### Deliberation Session

31. To maintain a consistent approach with other private developments, a Member suggested imposing an approval condition stating that no development should be allowed in the “GB” portion of the application site.

32. The Chairperson said that any approval given would be on the terms of the

submitted proposal which did not encroach onto the “GB” portion of the application site.

33. The Secretary said that as shown on Drawing A-1 of the Paper, the proposed building blocks would not encroach onto the adjoining slopes nor the “GB” zone. However, for the sake of clarity, Members might consider imposing a condition prohibiting the use of the “GB” portion of the application site for future development. Members generally agreed to impose such an approval condition to make it explicitly clear that no development should encroach onto the “GB” zone.

34. 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 27.2.2013, 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 an emergency vehicular access, water supply for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the provision of carparking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the implementation of the environmental mitigation measures as stated in the Preliminary Environmental Review to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (e) no building block was allowed to be constructed in the “Green Belt” portion of the application site.

35. The Committee also agreed to advise the applicant to consult the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department regarding the boundary of the

application site and to apply for permanent land allocation for the application site.

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

### **Kowloon District**

[Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), Mr. Wilson W.S. Chan, Senior Town Planner/Kowloon (STP/K) and Miss Christine C.M. Cheung, Town Planner/Kowloon (TP/K), were invited to the meeting at this point.]

### **Agenda Item 10**

[Open Meeting]

Draft Planning Briefs for “Comprehensive Development Area (1)” (KIL 11205)  
and “Comprehensive Development Area (2)” (KIL 11111)  
on Draft Hung Hom Outline Zoning Plan No. S/K9/21  
(MPC Paper No. 8/09)

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### **Presentation and Question Sessions**

36. The Secretary reported that the following Members had declared interests in this item:

- |                       |   |  |
|-----------------------|---|--|
| Mr. Maurice W.M. Lee  | : | Owning a flat in Bulkeley Street       |
| Ms. Starry W .K. Lee  | : | Spouse owning a flat at Whampao Garden |
| Mr. Raymond Y.M. Chan | : | Owning a flat at Laguna Verde          |

37. The Secretary said that Ms. Lee's and Mr. Chan's interests were direct and they should be invited to leave the meeting temporarily during the discussion and determination of the item. The Committee noted that Mr. Maurice W.M. Lee had tendered apology for

unable to attend the meeting.

[Ms. Starry W.K. Lee and Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

38. With the aid of Powerpoint presentation, Mr. Wilson W.S. Chan STP/K, presented the paper and covered the following main points as detailed in the Paper:

Background

- (a) the area covered by “Comprehensive Development Area (1)” (“CDA(1)”) and “CDA(2)” zones at Hung Luen Road was previously zoned as one single “CDA” zone. A Planning Brief (PB) for the “CDA” zone was endorsed by the Metro Planning Committee (the Committee) on 12.4.2002;
- (b) in December 2006, a consultancy study of Hung Hom District Study (the Study) was commissioned by Planning Department to review the uses and development parameters of the “CDA” zone. On 22.2.2008, based on the recommendations of the Study, the Committee agreed to rezone the “CDA” zone to “CDA(1)” and “CDA(2)” zones with revised development parameters;
- (c) during the statutory publication period of the draft Hung Hom Outline Zoning Plan incorporating the above amendments among others, about 100 representations from residents of Whampao Garden against the zoning amendments of the “CDA(1)” and “CDA(2)” zones were received. The main grounds of representations related to adverse air ventilation and visual impacts to Whampoa Garden. The representers proposed to reduce plot ratio (PR) and building heights of the sites, incorporate building setback, and put the Public Transport Interchange (PTI) of the “CDA(1)” site in basement;
- (d) hearing of the representations was conducted on 23.8.2008 and the Town Planning Board (the Board) decided not to uphold the representations. Members of the Board, however, considered that the design issues raised

by the representers should be dealt with when the PBs for the sites were prepared;

### Key Design Issues

#### *Feasibility of Sunken Public Transport Interchange (PTI) at “CDA (1)” site*

- (e) two half-sunken PTI options, i.e. 3m and 5m sunken had been assessed in consultation with Highways Department and Transport Department. PlanD considered that none of the options appeared to have significant planning and visual merits for the following reasons:
  - (i) the overall visual benefits of the sunken PTI options as compared with that of the at-grade PTI option was not significant when viewed from Whampao Garden (the shopping arcade at Shung King Street) and North Point Public Pier;
  - (ii) Leisure and Cultural Services Department objected to the encroachment of the access ramp onto the adjoining proposed urban park for the 5m sunken PTI option as it would take up about 2,350m<sup>2</sup> (10.4%) of the area of the future open space and would also impose significant design constraints on the proposed open space site; and
  - (iii) the sunken options would require the provision of staircases/ escalators/ lifts along the southern boundary of the sites which would jeopardise the proposed provision of a 10m wide landscaped non-building area (NBA) along the southern edge. The width of NBA under the 3m and 5m sunken PTI options would be reduced to 8m and 2m respectively at the point of the proposed staircases/ escalators/ lifts;
- (f) apart from the above, there were other technical problems including additional capital and recurrent funding; additional space for installation of pumping facilities to prevent flooding during heavy rainstorm; problems of

security, air quality and access; and potential noise disturbance;

- (g) in view of the above planning and technical issues, it would not be worthwhile to pursue the sunken PTI options from the planning perspective. However, to address the representers' concern on the preservation of wind and visual corridors from Shung King Street, it had been emphasized in the PB that the future developer should preserve the visual permeability to the harbour from "The Whampoa" at Shung King Street;

*Connectivity and Interfacing with the Proposed New Urban Park*

- (h) to allow better access and to strengthen the connectivity to the waterfront promenade abutting the southern boundary of the sites and the adjacent proposed urban park, the provision of 24-hour pedestrian walkways and landscaped NBAs within the "CDA" sites was required;
- (i) to integrate with the proposed urban park to its east, the adoption of a stepped height/ terraced design for the podium of the PTI for the "CDA(1)" site was required. Besides, treatment to the podium edge of PTI was also required to address the visual impacts to surrounding uses;

*Building Setback Requirements*

- (j) to ensure an integrated design in harmony with the proposed promenade to its immediate south and public open space to its east, a 10m wide landscaped NBA adjacent to the waterfront promenade had been designated in both "CDA(1)" and "CDA(2)" sites;

The Planning Briefs

- (k) the major development parameters of the draft PBs for the "CDA(1)" and "CDA(2)" sites were detailed in Appendices I and II and summarised in paragraph 5.3 of the Paper. In sum, the "CDA(1)" site, with an area of about 15,600m<sup>2</sup>, would be used for retail, hotel and PTI development with a

maximum total gross floor area (GFA) of 62,400m<sup>2</sup> (including not less than 10,750m<sup>2</sup> for PTI) (equivalent to a maximum PR of 4) and a maximum site coverage of 80% (excluding basement). The “CDA(2)” site, with an area of about 13,697m<sup>2</sup>, would be used for retail and office development with a maximum total GFA of 54,788m<sup>2</sup> (equivalent to a maximum PR of 4) and a maximum site coverage of 60% (excluding basement);

- (l) the stepped height profile with lower height facing the waterfront was adopted for both “CDA” sites. For the “CDA(1)” site, the maximum building height restriction ranging from 40mPD in the south near the waterfront to 75mPD in its northern part. The building height of development at the southeastern part should be further stepped down to 15mPD for covering the PTI. For the “CDA(2)” site, the maximum building height restrictions ranging from 40mPD facing the harbour to 75mPD in the inner part of the site;
- (m) apart from the designation of 10m wide NBA along the southern boundary of both sites, two additional NBAs were designated in the “CDA(2) site: namely, one 30m wide NBA at the eastern boundary to separate the building blocks on the site and those at the adjoining “CDA(1)” site, which was in line with the ‘view and wind corridor’ of the “Residential (Group A)2” (“R(A)2”) site to the north of the site; and another 10m wide NBA at the central part to separate the building blocks within the site, which was in line with Oi King Street to the north of the site;
- (n) a PTI was required to be provided in the “CDA(1)” site while the future developer of the “CDA(2)” site was required to provide a footbridge for connecting to the “R(A)2” site at Hung Luen Road to its north in order to complete a major pedestrian elevated walkway system in Hung Hom Bay Area;
- (o) other technical submissions including urban design proposals (together with visual impact assessment), landscape master plans, air ventilation assessment, traffic impact assessment, and environmental assessment report,

etc. were required to be included in the Master Layout Plan (MLP) submission for both sites;

- (p) concerned bureaux/Government departments consulted had no objection to or no adverse comments on the proposed amendments and their comments had been taken into account where appropriate; and
- (q) the Kowloon City District Council and Harbour-front Enhancement Committee would be consulted on the draft PBs upon endorsement by the Committee. Views collected would be reported to the Committee for consideration prior to promulgation of the PBs.

39. In response to a Member's question on the future management and maintenance responsibility of the landscaped NBAs, Mr. Eric C.K. Yue, DPO/K said that it was stated in the PBs that the NBAs within the site should be managed and maintained by the owner(s) of the site and all these NBAs should be open to the public.

40. Ms. Olga W.H. Lam asked whether the GFA of the ancillary retail facilities for the proposed hotel development, which was subject to a maximum of 10% of the hotel GFA under the lease, would be counted towards the hotel GFA as specified in the draft PB for the "CDA(1)" site. Mr. Eric C.K. Yue replied that the maximum GFA of 44,037m<sup>2</sup> for the proposed hotel development had already included its ancillary retail facilities.

41. Ms. Olga W.H. Lam continued to ask whether the future development was required to create a stepped height profile within the same height band as shown on Plan 6 of the Paper. Mr. Eric C.K. Yue explained that while the maximum building height ranges for the "CDA(1)" and "CDA(2)" sites were already stipulated in the Notes of the OZP, the delineation of the different height bands within the two sites as shown on the drawings of the draft PBs were intended to be indicative only. However, the layout of the building blocks should respect the wind/view corridors from Shung King Street and "The Whampao" at Whampao Garden towards the harbour. Moreover, the future developers would be required to submit all relevant assessments including visual impact assessment and air ventilation assessment for the Board's consideration at the MLP submission stage to demonstrate that the layout of the building blocks and the height profile would comply with the requirements laid



down in the PBs and the OZP requirements.

42. In response to a Member's question on whether the proposed footbridge to be provided by the future developer would be provided with escalators or lifts to facilitate access for the disabled, Mr. Eric C.K. Yue said that the design of the proposed footbridge would be worked out by the developer at the detailed design stage and it should meet the current requirements/standards on provision of barrier-free access.

43. Referring to the requirement of the PTI as stated in page 5 of the draft PB for the "CDA(1)" site at Appendix I of the Paper, Mr. Anthony Loo suggested incorporating a clause stating that 'these requirements might be subject to change upon the advice of the Commissioner for Transport' to cater for possible future changes. Members agreed.

44. Another Member commented that consideration should be given to require the future owners of the sites to incorporate environmental friendly measures into the proposed refuse collection facilities to encourage waste recycling. Mr. C.W. Tse agreed to the suggestion and proposed to include in the PBs a requirement for the future developer to provide refuse collection facilities to facilitate waste recycling. Members agreed.

45. After further deliberation, the Committee decided to :

- (a) consider and endorse the draft planning briefs (PBs), incorporating amendments in paragraphs 43 and 44 above, to serve as a guide to facilitate the preparation of Master Layout Plan for the "Comprehensive Development Area (1)" ("CDA(1)") and "CDA(2)" sites for submission to the Town Planning Board in the manner as required under the Notes of the Outline Zoning Plan for the "CDA" zone; and
- (b) agree that the draft PBs were suitable for consultation with the Kowloon City District Council and Harbour-front Enhancement Committee. Views collected would be reported to the Committee for consideration prior to promulgation of the PBs.

[The Chairperson thanked Mr. Eric C.K. Yue, DPO/K, Mr. Wilson W.S. Chan, STP/K, and

Miss Christine Cheung, TP/K, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Miss Helen L.M. So, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

[Ms. Starry W.K. Lee and Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/582                      Proposed Shop and Services  
in "Other Specified Uses" annotated "Business" zone,  
Portion of Unit 1, G/F, 11-13 Shing Yip Street, Kwun Tong  
(MPC Paper No. A/K14/582)

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

46.            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 :

- (a) background to the application, highlighting that part of the application premises had been the subject of nine previous planning applications for shop and services use. The application premises was currently used as part of a Chinese Calligraphy and Arts Centre;
- (b) proposed shop and services use at portion of Unit 1 on the ground floor of an industrial building;
- (c) departmental comments – Director of Fire Services (D of FS) did not support the application from fire safety point of view as the aggregate commercial floor area on the G/F would exceed the maximum permissible limit of 460m<sup>2</sup> the application. District Lands Officer/Kowloon East,

Lands Department advised that the proposed shop and services use of the application premises was in breach of the lease conditions and lease modification to effect the proposed change of use was required should the application be approved by the Board;

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

- (d) one public comment expressing support for 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 did not support the application based on the assessment in paragraph 11 of the Paper. The proposed 'Shop and Services' use did not comply with the Town Planning Board Guidelines for Development within "Other Specified Uses" annotated "Business" ("OU (Business)" Zone (TPB PG-No. 22D) in that the aggregate commercial floor area on the G/F of the industrial building, including the application premises would exceed the maximum permissible limit of 460m<sup>2</sup> and D of FS did not support the application from fire safety point of view.

47. A Member asked if there was any mechanism for the applicant to demonstrate that the fire safety concern of the proposed use, having regard to its specific nature, could be addressed through the provision of fire service installations when the aggregate commercial floor area on the ground floor of an existing industrial building had exceeded the limit of 460m<sup>2</sup>. The Chairperson said that the planning application system was already a mechanism whereby the applicant could provide justifications to demonstrate how the fire safety concern of the proposed use could be addressed. In the subject application, the applicant had not provided such information in the submission.

#### Deliberation Session

48. A Member commented that as the proposed use was not likely to attract a great number of visitors and that there was direct frontage to Shing Yip Street, the applicant could

be advised to submit additional information to demonstrate that the proposed use was acceptable from fire safety point of view.

49. The Chairperson said that while cases could be considered on individual merits, the applicant had not submitted information to demonstrate how the fire safety concern of FSD could be satisfactorily addressed in the subject application.

50. One Member said that the maximum permissible commercial GFA of 460m<sup>2</sup> on the ground floor of an existing industrial building with sprinkler systems was already clearly stated in the relevant Town Planning Board Guidelines and should not be deviated unless with very strong justifications. This Member considered that it was the responsibility of the applicant to prove that the subject application was acceptable from fire safety point of view.

51. The Secretary said that the Committee had consistently applied the Town Planning Board Guidelines regarding the maximum commercial GFA that could be allowed in the ground floor of an existing industrial building in considering many similar applications, and had rejected those which resulted in the aggregate commercial GFA exceeding 460m<sup>2</sup>. Should the applicant consider that there were means to address the fire safety concern of FSD, the applicant could seek a review of the decision of the Committee under s.17 of the Town Planning Ordinance and submit further information to justify his case.

52. Another Member commented that the maximum limit of 460m<sup>2</sup> of commercial GFA appeared to be rather rigid. Flexibility should be allowed for certain uses with low fire risk or with enhanced fire service installations. The current applicant should be advised to appoint fire engineering expert to propose measures on how the fire safety concern could be addressed.

53. The Chairperson said that it would be more prudent to reject the subject application at this stage as it did not comply with the relevant Town Planning Board Guidelines and there was no information in the submission to demonstrate how the fire safety concern could be addressed. In this regard, she suggested adding a reason for rejection indicating that the applicant had not submitted any information to demonstrate that the proposed use was acceptable from fire safety point of view. Members agreed.

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

- (a) the proposed 'Shop and Services' use did not comply with the Town Planning Board Guideline for Development within "Other Specified Uses (Business)" Zone (TPB PG-No. 22D) as the total floor area accountable for the aggregate commercial floor area had exceeded the maximum permissible limit of 460m<sup>2</sup> and was not acceptable from fire safety point of view; and
- (b) there was no information in the submission to demonstrate that the proposed 'Shop and Services' use was acceptable from fire safety point of view.

### **Agenda Item 12**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/583                      Proposed Place of Recreation, Sports or Culture (Arts Gallery)  
in "Other Specified Uses" annotated "Business" zone,  
Portion of Units 1 and 2, G/F, 11-13 Shing Yip Street, Kwun Tong  
(MPC Paper No. A/K14/583)

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

55. 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 :

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

- (a) background to the application, highlighting that part of the application premises had been the subject of 13 previous planning applications for shop

and services use, and the application premises was currently used as part of a Chinese Calligraphy and Arts Centre without planning permission;

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

- (b) the proposed place of recreation, sports or culture (arts gallery);
- (c) departmental comments – Director of Fire Services (D of FS) objected to the application as the proposed arts gallery was considered not compatible in an industrial building from fire safety point of view. The arts gallery would attract large number of visitors who were not familiar with the building or the area, hence increasing the unnecessary life risk in case of fire or other calamities. The Director of Food and Environmental Hygiene (DFEH) said that the proposed activity was an exhibition defined in Schedule 1 to Places of Public Entertainment (PPE) Ordinance, Cap. 172. Hence, the applicant was required to apply for a PPE Licence from his department. The Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) advised that as FEHD had confirmed that the proposed arts gallery could be regarded as a Place of Public Entertainment, the proposed use was not acceptable under Building (Planning) Regulation 49A stipulating that a place of public entertainment should not be situated in a building which was used for any purposes other than those of such place of public entertainment. District Lands Officer/Kowloon East, Lands Department (DLO/KE, Lands D) said that the proposed use was in breach of the lease conditions, and a lease modification to effect the change of use was required should the application be approved;
- (d) one public comment expressing support for 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 did not support the application based on the assessment in paragraph 10 of the Paper. D of FS had raised objection to the application as the proposed arts gallery was

considered not compatible in an industrial building from fire safety point of view and CBS/K, BD also considered that the proposed arts gallery was not acceptable under the Building (Planning) Regulation 49A.

56. Members had no questions on the application.

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

#### Deliberation Session

57. Two Members said that although the use under application might not attract a substantial number of visitors, the current application should not be approved as such use within an existing industrial building was not acceptable under the prevailing Buildings Ordinance and D of FS had objected to the application from fire safety point of view. The applicant should consider to propose measures to demonstrate that the proposed use was acceptable from fire safety point of view. As the applicant had not provided such submission in the subject application, the Committee agreed to adding a reason for rejection indicating that the applicant had not submitted any information to demonstrate that the proposed use was acceptable from fire safety point of view.

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

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

- (a) the proposed arts gallery was considered not compatible in an industrial building from fire safety point of view;
- (b) the proposed arts gallery was not acceptable under the Building (Planning) Regulation 49A; and
- (c) there was no information in the submission to demonstrate that the proposed use was acceptable from fire safety point of view.

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

[Professor N.K. Leung, Ms. Starry W.K. Lee and Mr. Raymond Y.M. Chan left the meeting at this point]

### **Hong Kong District**

[Ms. Brenda K.Y. Au, District Planning Officer/Hong Kong (DPO/HK), Ms. Donna Y.P. Tam, and Mr. Derek W.O. Cheung, Senior Town Planners/Hong Kong (STPs/HK), were invited to the meeting at this point.]

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/379                      Proposed Minor Relaxation of Gross Floor Area Restriction  
in "Commercial (2)" zone,  
1 Matheson Street, Causeway Bay  
(MPC Paper No. A/H5/379)

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

59.            With the aid of a Powerpoint presentation, Ms. Donna Y.P. Tam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, highlighting that the application site was previously zoned "Other Specified Uses" annotated "Comprehensive Redevelopment Area" and a Master Layout Plan (MLP) for a commercial/office development with a maximum non-domestic gross floor area (GFA) of 184,400m<sup>2</sup> was approved by the Town Planning Board (the Board) on 12.5.1989. Upon completion of the development (i.e. Times Square) in 1993, the site was subsequently rezoned to "Commercial (2)"



("C(2)") zone in January 2001 to reflect the completed development and a maximum non-domestic GFA of 183,589m<sup>2</sup>, based on the Occupation Permit, had been stipulated in the relevant Notes of the OZP. A previous application (No. A/H5/324) for minor relaxation of the GFA restriction by 95.3m<sup>2</sup>, mainly to facilitate the conversion of part of 9/F of the commercial complex into a food plaza, was approved by the Metro Planning Committee (the Committee) on 8.11.2002. Building plan approval for the conversion works was granted by the Building Authority in November 2002;

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

- (b) the proposed minor relaxation of GFA restriction from 183,589m<sup>2</sup> to 183,697.925m<sup>2</sup> (+108.925m<sup>2</sup> (+0.06%)) to facilitate the addition of an escalator system, which comprised three pairs of escalators providing direct connection between 3/F and 5/F, 5/F and 7/F, as well as 7/F and 9/F in the central atrium void of Times Square to improve patron circulation;
- (c) the justifications submitted by the applicant, as summarised in paragraph 2 of the Paper, were that the proposed increase in GFA of 40.44m<sup>2</sup> was considered minor as compared with the existing GFA; the proposal was to enhance patron circulation which only involved changes in internal circulation arrangement and would not affect the overall building bulk of the development;
- (d) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (e) one public comment objecting to the application mainly on grounds that Russell Street was already very congested was received during the statutory publication period and no local objection/view was received by the District Officer (Wan Chai); and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. Since

the previous planning permission for minor relaxation of GFA granted in 2002 had already lapsed, the currently proposed alteration works involving an increase in GFA from the restriction stated in the OZP required permission from the Board. The currently proposed increase in GFA of 108.925m<sup>2</sup> (+ 0.06%) was to cater for internal alteration works for the provision of 3 pairs of new escalators to improve circulation of patrons within the commercial arcade and would not increase the overall bulk of the existing development. The scale of the proposed increase in GFA was minor and no adverse planning impact was anticipated. As regards the concern on the congestion of Russell Street raised in the public comment, since the application involved internal alteration works only, Transport Department considered that there should not be significant increase in pedestrian attraction.

60. While noting the merits of providing the escalators to improve the circulation of patrons, a Member asked why such facilities would require planning permission for minor relaxation of GFA instead of seeking GFA exemption from the Building Authority (BA). Ms. Brenda K.Y. Au, DPO/HK, said that the Buildings Department (BD) had their own criteria of assessing what floor space could or could not be exempted from GFA calculation. The total GFA resulting from the proposed alteration and addition (A & A) works was within the maximum GFA permissible under the Building (Planning) Regulations (B(P)R). However, the total GFA had exceeded the maximum GFA for the application site as stipulated in the OZP, planning permission from the Board was therefore required.

#### Deliberation Session

61. The same Member said that the GFA arising from the provision of the escalators might be exempted from GFA calculation under the BO during the building plan submission stage. Having regard to the technical nature of the proposed works and that it would unlikely create any adverse planning implications, consideration might be given to explore whether such kind of minor works could be exempted under the OZP.

62. The Secretary explained that the application site had a long planning history and the maximum GFA stipulated under the OZP when the site was rezoned from “OU(CRA)” to

“C(2)” in 2001, was based on the total GFA of the development as shown on the OP. While the exemption of certain facilities from GFA calculation could be specified under the Notes of the OZP if it was considered appropriate, it might not be appropriate to simply adopt the exemption under BO in the OZP as BO and Town Planning Ordinance were two set of Ordinances with different objectives.

63. Ms. Brenda K.Y. Au said that the applicant had previously submitted building plans regarding the proposed A & A works to the BA for approval. According to the BD’s GFA assessment, the building plans would exceed the maximum GFA as stipulated under the OZP and hence they were unacceptable to the BA. The applicant was therefore required to submit the subject application for minor relaxation of maximum GFA to implement the proposed A & A works.

64. A Member remarked that the imposition of such a specific GFA restriction on the OZP might be too restrictive and did not allow sufficient flexibility for the developer to carry out subsequent minor works for the development.

65. The Chairperson said that when zoning amendments for those completed developments with previous planning approval were carried out, it was the general practice to stipulate the maximum GFA restrictions of those completed development in the Notes of the OZP. A minor relaxation clause would normally be incorporated to allow flexibility for the developer to carry out some minor A & A works.

66. Another Member commented that it was more prudent for the Committee to consider application for minor relaxation of maximum GFA to allow the proposed A & A works, as the works might have some impacts on the design of the development. As regards the currently proposed A & A work which involved addition of three pairs of escalators in the central atrium, they might affect the openness of the atrium. However, this Member agreed that the proposed escalators would help improve patron circulation within the development.

67. The Committee generally agreed that the proposed A & A works would enhance the internal circulation of the patrons in the shopping arcade.

68. 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 27.2.2013, 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 Chairperson thanked Ms. Donna Y.P. Tam, STP/HK for her attendance to answer Members' enquiries. Ms. Tam left the meeting at this point.]

[Mr. Leslie H.C. Chen left the meeting temporarily at this point.]

#### **Agenda Item 14**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H11/94                      Proposed Minor Relaxation of Building Height Restriction  
from 170 mPD to 180 mPD for a Proposed Composite  
Commercial/Residential Development  
in "Residential (Group A)" zone,  
38, 40, 42, 42A and 44 Caine Road, Hong Kong  
(MPC Paper No. A/H11/94)

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

69.            The Secretary said that there were a total of 263 representations to the draft Mid-levels West Outline Zoning Plan No. S/H11/14 in relation to the proposed building height restrictions for various development zones. Although no specific representation was related to the application site, there were representations supporting and opposing to the building height restrictions stipulated for the "R(A)" zone covering the application site. After giving consideration to all representations on 31.10.2008, the Town Planning Board (the Board) decided not to uphold the representations but agreed to amend the Notes of the OZP to partially meet a representation which was not related to the application site. The draft Mid-levels West OZP was the subject of a judicial review (JR) lodged by a representor on 30.1.2009 and a stay of the OZP submission to the Chief Executive in Council (CE in C) for approval until the determination of the JR or until the Court otherwise orders was sought.

The leave for the JR application was granted by the Court of First Instance on 5.2.2009. As such, the submission of the draft OZP to CE in C for approval would be withheld pending the determination of the JR or until further order. The hearing date of the JR had not yet been fixed. 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

70. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department pending the submission of the draft Mid-levels West Outline Zoning Plan and the representations to the Chief Executive in Council and its final decision.

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

### **Agenda Item 15**

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H12/23                      Proposed Minor Relaxation of Building Height Restriction  
in “Residential (Group C) 2” zone,  
12 Shiu Fai Terrace, Mid-levels East, Hong Kong  
(I.L. 2302 s.M & Ext. and 2302 s.X & Ext.)  
(MPC Paper No. A/H12/23)

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#### Presentation and Question Sessions

71. The application was submitted by Stable Castle Ltd. with AGC Design Ltd. (AGC) as one of the consultants. The Secretary reported that Professor Bernard V.W.F.

Lim, having current business dealing with AGC, had declared interest in this item. The Committee noted that Professor Lim had already left the meeting.

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

72. The Secretary informed Members that the Secretariat had received a petition document from the Shiu Fai Terrace Concern Group in the same morning objecting to the application. Copies of the document had been tabled at the meeting for Members' information.

73. With the aid of a Powerpoint presentation, 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, highlighting that the application site (currently occupied by Sun Fair Mansion) together with its adjacent building, Moon Fair Mansion at No. 11 Shiu Fai Terrace, were built on a platform at about 72mPD from Shiu Fai Terrace, and the two buildings currently shared a common access. The application site was the subject of a previous application (No. A/H12/22) for minor relaxation of building height restriction of 3 storeys at a building height of 126.4mPD. The application was rejected by the Metro Planning Committee (the Committee) on 24.10.2008 mainly for the reasons that the proposed development would be much taller than other developments in the "Residential (Group C) 2" ("R(C)2") zone and could not be considered as minor in nature; it would adversely affect the visual openness of Shiu Fai Terrace; and the approval would set an undesirable precedent. The Committee/Board had previously approved similar applications for minor relaxation of building height restriction within the same "R(C)2" zone. One application (No. A/H12/10) for a 14-storey residential development up to a building height of 114.3mPD at No. 8 Shiu Fai Terrace was approved by the Committee on 10.11.2000 while another application for a 14-storey residential development up to a height of 115.55mPD at No. 6 Shiu Fai Terrace was also approved by the Board on review on 9.11.2007;

- (b) the proposed minor relaxation of building height restriction from 12 storeys above 1 storey carports to 12 domestic storeys above 3 storeys of podium for entrance lobby/electrical and mechanical (E&M) facilities/carparks/clubhouse use for a proposed residential development (i.e. an additional 2 storeys). The height of the proposed residential development would not exceed 115.55mPD;
- (c) the justifications submitted by the applicant as summarised in paragraph 2 of the Paper were mainly that the proposed development with two additional storeys under application was in line with the planning intention and compatible with the adjoining development in terms of land use and building height. The proposed minor relaxation of building height was to allow for compliance with fire safety requirements and enhancing local environment;
- (d) departmental comments – concerned Government departments had no objection to or no adverse comments on the application and their views were summarised in paragraph 9 of the Paper. The Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department (CBS/HKE & HU, BD) advised that the provision of E&M rooms on LG2 and LG1 floors and their sizes should be justified in view of the scale of the development at the building plan submissions stage and the existing driveway as shared access for Nos. 11 and 12 Shiu Fai Terrace could not be served as an Emergency Vehicular Access (EVA) as it did not comply with the Code of Practice for Means of Access for Firefighting and Rescue (MOA Code). Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) required the provision of one loading/unloading for the development and no construction vehicles would be allowed to queue and wait outside the construction site. The Director of Fire Services (D of FS) had no in-principle objection to the application. There was no record showing that the shared access road was an EVA to Moon Fair Mansion. Thus, the safety standard for Moon Fair Mansion would be acceptable with the re-construction of residential development at the application site. Chief Town Planner/Urban Design and Landscape,

Planning Department (CTP/UD&L, PlanD) said that the proposed building height was not incompatible with the neighbourhood and advised that the separation distance of the proposed building above the podium from the adjoining Moon Fair Mansion should be maximised to improve the air and visual permeability of the area. Moreover, two existing mature trees adjacent to the application site warranted special attention on the root protection. Head, Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) had no in-principle objection to the application and advised that the applicant was required to submit a geotechnical assessment report at general building plan stage to the Building Authority;

- (e) a total of 864 comments submitted by the residents and Incorporated Owners of buildings in the vicinity of the site, members of the Wan Chai District Council and a local concern group were received during the statutory publication period of the application and the further information. All commenters objected to the application mainly on the grounds that the fire safety of Moon Fair Mansion would be adversely affected; the traffic problems in the area, especially during the construction stage, would be further aggravated and the proposed development should have its own vehicular access at Shiu Fai Terrace; the proposed building which shifted towards Moon Fair Mansion by 2.5m and protruded towards Shiu Fai Terrace by 6m as compared with the existing development would block the view, natural sunlight and air flow/circulation, and created wall effect causing adverse impacts; the roots of two existing trees would be affected; and the proposed increase in building height could not be considered as minor and would set an undesirable precedent. District Officer (Wan Chai) said that the residents at Shiu Fai Terrace strongly objected to the proposed development on the ground that it would lead to wall effect and the concerned District Councillor and area committee also raised objection to the proposal; and
- (f) 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 two additional storeys which were to accommodate ancillary facilities for the proposed residential development and to meet fire safety requirements, complied with the planning intention behind the provision for minor relaxation of the building height restriction. As compared with the height of the existing building, the proposed building height, which was slightly taller than the existing building by 4.35m and was similar to the approved schemes at Nos. 6 and 8 Shiu Fai Terrace, was not incompatible with the general height profile in the area. Moreover, the proposed additional two storeys would be built by excavation of the existing platform on the site. The proposed setback of the building above the podium by about 10m from Shiu Fai Terrace would improve the visual permeability/openness of the area and could meet the statutory requirements under the MOA Code. According to the applicant, the shifting of footprint towards Moon Fair Mansion by 2.5m was to minimize impact on the retaining wall on the eastern side of the application site and to fulfil the prescribed windows requirement of the rooms facing Greenville Garden, and the applicant had undertaken to further explore the possibility of maximizing the separation distance at the detailed design stage. An approval condition on the disposition of the proposed development was therefore recommended at paragraph 12.2(a) of the Paper to achieve a wider gap between the buildings as far as possible. Other technical concerns regarding the traffic impact of the proposed development, the preservation of two existing mature trees right outside the application site, and slope safety issues could be appropriately addressed by the imposition of relevant approval conditions. Concerned Government departments including AC for T/U, TD, CTP/UD & L, PlanD, and Head (GEO), CEDD had no objection to the proposed development. As regards the public concern on the fire safety of Moon Fair Mansion at 11 Shiu Fai Terrace, D of FS advised that the fire safety standard would be acceptable with the redevelopment of the residential building at the application site. Moreover, the applicant had undertaken to confine all temporary loading/unloading activities of construction vehicles within the construction site according to TD's advice. On the suggestion in the public comments about the provision of its own vehicular access for the

proposed development, the applicant had explained that it would cause adverse traffic impact due to tailing back onto public road and require more excavation at the application site, which was not preferred from geotechnical point of view.

74. A Member asked whether the shifting of the footprint of the proposed building towards Moon Fair Mansion would adversely affect the fire safety of Moon Fai Mansion. Two other Members asked if the existing space between the application site and Moon Fai Mansion had ever been used by ambulances or other fire rescue vehicles as stated in the documents submitted by the Shiu Fai Terrace Concern Group.

75. Ms. Brenda K.Y. Au, DPO/HK said that according to the advice of D of FS, the existing space between the application site and Moon Fai Mansion was not an EVA. As the headroom limit of 2.9m for the existing vehicular access shared by the two developments (i.e. Moon Fair Mansion and Sun Fair Mansion) was not sufficient for ambulances which required a minimum clear headroom of 3.2m, it would be unlikely that ambulance could gain access to the platform level of the existing developments at Nos. 11 and 12 Shiu Fai Terrace. According to D of FS, Shiu Fai Terrace would act as EVA for fire-fighting and emergency rescues for these two residential developments. In this regard, D of FS considered that with the redevelopment proposal at the application site, the fire safety standard of Moon Fai Mansion would still be acceptable. Ms. Au said that there were occasions when some small rescue vehicles had made use of the existing space between the application site and Moon Fai Mansion for emergency service.

76. Noting that the applicant had undertaken to explore the possibility of maximising the separation distance between the proposed development and Moon Fai Mansion at the detailed design stage, a Member queried the effectiveness of imposing an approval condition as recommended in paragraph 12.2(a) of the Paper to help achieve such objective if the minimum separation distance was not specified.

77. Ms. Brenda K.Y. Au said that according to the applicant, the proposed development was subject to some development constraints in terms of the need to comply with the prescribed windows under the prevailing BO and to provide a lift core. The applicant claimed that he would explore the possibility of further reduction in the area of the

lift core in order to maximize the separation distance from Moon Fai Mansion. However, there might be practical difficulties to retain the existing 5m gap between the two developments to the full extent. Moreover, as residential development was permitted as of right on the application site if the building height of the proposed development complied with the OZP restriction, the applicant could still align the building block along the western boundary of the application site. Under the current planning application, there existed an opportunity for the Committee to impose relevant approval condition on the disposition of building block to require the developer to maximise the separation distance between the proposed development and Moon Fai Mansion at the detailed design stage.

### Deliberation Session

78. A Member commented that there was no planning merit in the development proposal to justify the approval of the application. Instead, the shifting of the proposed building towards the neighbouring development had adversely affected the local amenity of the area.

79. Another Member agreed that the applicant could develop the building block up to the site boundary provided that all statutory requirements and other regulations in terms of planning, building design and fire safety, etc. were satisfactorily complied with. Given that the applicant had made an application for minor relaxation of building height restrictions, the Committee should take the opportunity to ensure that the proposed development would result in some planning and design merits by imposing relevant conditions. At least, it should not cause worsening-off in terms of maintaining the separation distance with the neighbouring lot.

80. A Member agreed that there was site constraints of the development as claimed by the applicant but this Member had doubt on whether there were design and planning merits in the case.

81. The Chairperson commented that the proposal to set back the above-podium development of the proposed building from Shiu Fai Terrace by about 10m would be a planning merit. However, she said that the main concern of the local residents was on the reduction in separation distance between the proposed development and Moon Fai Mansion

though concerned Government departments, in particular BD and FSD, had no objection to or no adverse comments on the application.

82. Having regard to the comments from concerned Government departments that the existing 5m gap between the two developments was not designated for EVA purpose, two Members opined that it would still be worthwhile to request the applicant to maximize the separation distance between the proposed development and Moon Fair Mansion in order to address the local concerns. They said that the approval condition in paragraph 12.2(a) of the Paper regarding the disposition of proposed building would not be sufficient to achieve the aforesaid objective. A specific condition requiring the maximization of separation distance between the proposed development and Moon Fair Mansion, say 3m or more in order to allow the passage of emergency vehicles, should be incorporated.

83. The Secretary said that Members should first decide whether there were sufficient planning merits which warrant the approval of the current application. Should the Committee decide to approve the application, Members should then consider whether an approval condition should be imposed to minimise the adverse impacts on the surrounding developments.

84. One Member considered that there was limited planning merit in the development proposal. Moreover, the approval of the application for a proposed residential development of 12 domestic storeys above 3-storey podium would set an undesirable precedent for other similar applications in the area.

85. In response to a Member's question on the separation distance between the two developments under the previously rejected application at the application site, Ms. Brenda K.Y. Au said that based on the drawings of the podium floors as submitted by the applicant in the previous application, the separation distance between the two developments was the same for the current application. However, the applicant had not submitted any drawing on the disposition of building block in the previously rejected scheme to indicate the separation distance between the two developments above the podium level. She further said that according to the Explanatory Statement of the OZP, consideration of application for minor relaxation of building height would be on individual merits taking into account site constraints, innovative architectural design and planning merits that would enhance the

amenity of the locality. The applicant's justifications were focused more on the site constraints of the development but had also covered the aspect of design and planning merits. Although the application was for minor relaxation of two additional storeys, no significant adverse impact on the local environment was anticipated as the two storeys would be built by excavation into the existing platform of 10m high and the ground floor of the proposed development would remain at the level of the existing platform. Moreover, as compared with the previously rejected scheme, the overall building height of the proposed development had been reduced by 1 storey and 10.85m, and the proposed building above the podium would be further setback by about 4m from Shiu Fai Terrace.

86. One Member said that a balanced approach should be adopted, taking into account the site constraints, the improvements in the current proposal as compared with the previously rejected application, and that the applicant had undertaken to maximise the separation distance between the two developments to address the local concerns. As such, consideration might be given to approve the application with appropriate approval conditions.

87. In response to a Member's question on whether a similar application (No. A/H12/20) for a 14-storey residential development at No. 6 Shiu Fai Terrace, which was approved by the Board on review on 9.11.2007, had any planning merits, the Secretary said that according to the confirmed minutes of that meeting, a specific question on whether there were any planning merits was raised by a Member and it was considered that a 6m building setback from street frontage would help maximise the visual distance from the existing residential developments.

88. One Member opined that Shiu Fai Terrace was a congested built-up area, any application which might further aggravate the adverse traffic and environmental impacts should be carefully considered.

89. Another Member said that having regard to the OZP restrictions which allowed residential developments at Shiu Fai Terrace up to a maximum building height of 12 storeys above one storey carports, the building setback from Shiu Fai Terrace should be considered as a planning merit. For the subject application, the proposed increase in building height by two additional storeys through excavation into the existing platform would not increase the overall building bulk and should not create adverse visual impact on the surrounding area.

The local concerns could be addressed by the imposition of approval conditions.

90. While considering that the proposed setback of the development from Shiu Fai Terrace was a planning merit, one Member said that every effort should be made to maximise the separation distance between the two developments in order to minimise the adverse impact on Moon Fair Mansion and to maintain social harmony in the neighbourhood.

91. Another Member opined that the current application could be approved if the original separation distance of 5m between the residential development at the application site and Moon Fai Mansion could be maintained. This could be achieved by setting back of the proposed development from the western boundary of the application site by 2.5m. This requirement would preserve the current openness enjoyed by the residents and could be effected by imposing an approval condition.

92. Noting the constraint of the site and that the setback of building from Shiu Fai Terrace was considered as a planning merit and the imposition of an approval condition on the provision of a separation distance of 5m could address the local concerns, the Committee agreed to approve the application. If the applicant was not satisfied with the imposition of the planning condition, he could seek a review under s.17 of the Town Planning Ordinance on the approval condition where he could explain direct to the Board the difficulties in making such provision.

93. 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 27.2.2013, 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 disposition of the proposed development to maintain a separation distance of at least 5m from Moon Fair Mansion to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of car parking spaces and a loading/unloading bay to the satisfaction of the Commissioner for Transport or of the TPB;

- (c) the submission and implementation of a tree preservation proposal with special attention to root protection of the two existing trees within the lot boundary of Moon Fair Mansion and a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission and implementation of a report to assess the geotechnical feasibility of the proposed development to the satisfaction of the Director of Civil Engineering and Development or of the TPB; and
- (e) 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.

94. The Committee also agreed to advise the applicant :

- (a) to note the comments of the Director of Architectural Services and the Chief Town Planner/Urban Design and Landscape, Planning Department to maximize the separation distance above the podium from the adjoining Moon Fair Mansion to improve the air and visual permeability of the area;
- (b) to apply for lease modification from the District Lands Officer/Hong Kong East, Lands Department;
- (c) to note the comments of the Director of Buildings that the provision of electrical and mechanical rooms on LG2 & LG1 floors and their sizes should be justified in view of the scale of the development;
- (d) 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
- (e) to note the comments of the Head, Geotechnical Engineering Office, that the proposed building works should not cause damage to any building, structure, land, street or services.

[The Chairperson thanked Ms. Brenda K.Y. Au, DPO/HK, and Mr. Derek W.O. Cheung, STP/HK, for their attendance to answer Members' enquiries. They left the meeting at this point.]

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/234                      Proposed Hotel  
in "Other Specified Uses" annotated "Business(1)" zone,  
41 Heung Yip Road, Wong Chuk Hang (AIL 354)  
(MPC Paper No. A/H15/234)

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

95.            The Committee noted that the applicant's representative on 13.2.2009 wrote to the Secretary of the Town Planning Board requesting for deferment of the consideration of the application for one month in order to allow time for preparing additional information to address the concerns of Government departments.

#### **Deliberation Session**

96.            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 one month was allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.



**Agenda Item 17**

Any Other Business

[Open Meeting]

The Judgment of the Court of Appeal on the Town Planning Board's Appeal in respect of the Judicial Review relating to the Proposed Residential Development at 2A-2E Seymour Road, 23-29 Castle Road and 4-6A Castle Steps, Mid-levels West

97. The Secretary reported that on 27.2.2009, the Court of Appeal dismissed the Town Planning Board's appeal against the Court of First Instance's judgment in November 2007 on the judicial review in respect of the Town Planning Appeal Board's earlier decisions to dismiss two appeals regarding the proposed residential development at the subject site. A copy of the judgment would be despatched to Members and representatives of the Department of Justice would brief Members on the case in due course.

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