

TOWN PLANNING BOARD

**Minutes of 397th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 5.6.2009**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

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. Leslie H.C. Chen

Mr. Mauice W.M. Lee

Ms. Sylvia S.F. Yau

Ms. Starry W.K. 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
Mr. J.J. Austin

Town Planner/Town Planning Board
Mr. Terence Leung

Agenda Item 1

Confirmation of the Minutes of the 396th MPC Meeting held on 22.5.2009

[Open Meeting]

1. The draft minutes of the 396th MPC meeting held on 22.5.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that on 2.6.2009, the Chief Executive in Council approved the draft Ma Wan Outline Zoning Plan (OZP) (to be renumbered as S/I-MWI/14) and the draft Tseung Kwan O OZP (to be renumbered as S/TKO/17) under section 9(1)(a) of the Town Planning Ordinance. The approval of the plans would be notified in the Gazette on 12.6.2009.

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K20/105 Minor Relaxation of Maximum Non-domestic Gross Floor Area
Restriction for the Incorporation of a Social Welfare Facility
(Social Service Centre) within Hoi Lai Estate
in “Residential (Group A) 9” zone,
Unit 4, G/F, Hoi Nga House, Hoi Lai Estate,
West Kowloon Reclamation
(MPC Paper No. A/K20/105)

Presentation and Question Sessions

3. The Secretary reported that as the application was submitted by the Hong Kong

Housing Authority (HKHA), the following Members had declared interests in this item:

Mrs. Ava Ng as Director of Planning	Being a member of the Strategic Planning Committee (SPC) of the HKHA
Mr. Stanley Wong	Being a member of the HKHA
Prof. Bernard Lim	} Having current business dealings with the Housing Department
Mr. Raymond Chan	
Mr. Andrew Y.T. Tsang as Assistant Director(2), Home Affairs Department	Being an alternate member for the Director of Home Affairs who was a member of the SPC of the HKHA
Ms. Olga W.H. Lam as Assistant Director (Kowloon), Lands Department	Being an alternate member for the Director of Lands who was a member of the HKHA

4. Members noted that Mr. Andrew Tsang had tendered apologies for being unable to attend the meeting and Prof. Bernard Lim, Mr. Raymond Chan and Ms. Olga Lam had not yet arrived to join the meeting. The Secretary said that as both the Chairperson and the Vice-Chairman had declared interests in this item, according to the Town Planning Board's Procedure and Practice, the Chairperson should continue to chair the meeting out of necessity. Members agreed.

5. Mr. Walter Chan asked whether he needed to declare an interest in this item as he was a Member of the HKHA more than three years ago. The Secretary explained that only dealings within the past three years needed to be declared and, in this case, there was no interest to declare.

[Mr. Stanley Wong left the meeting temporarily 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.]

6. Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of maximum non-domestic gross floor area restriction for the incorporation of a social welfare facility (social service centre);
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) during the statutory publication period, two public comments supporting the application were received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed social service centre was to provide social welfare service to serve the local residents and was permitted as of right under the "Residential (Group A)" ("R(A)") zoning of the OZP. The proposed social service centre involved only about 50m² in GFA and was considered small in scale. Proposals for minor relaxation of non-domestic GFA restriction for the "R(A)9" zone had been approved before. Taking all these previous minor relaxations together, the total additional non-domestic GFA of 608m² represented a cumulative increase of about 7.4% which was considered acceptable. The proposed relaxation of non-domestic GFA did not result in any increase in the scale or bulk of the existing development and would not have any adverse traffic or environmental impacts.

7. Members had no question on the application.

Deliberation Session

8. 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 5.6.2013, 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 condition:

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.

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

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/341 Proposed Hotel in “Residential (Group A)” zone,
Shop No.12 (Portion) on G/F and the entire 1/F of Po Kai Mansion,
12 Wo Yi Hop Road, Kwai Chung, New Territories
(Kwai Chung Town Lot No. 224)
(MPC Paper No. A/KC/341)

Presentation and Question Sessions

9. The Committee noted that on 21.5.2009, the applicant requested for deferment of the consideration of the application for 2 months so as to allow time for him to settle the queries made by various Government departments.

Deliberation Session

10. After further 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. Y.S. Lee, STP/TWK, for his attendance to answer Members' enquires. Mr. Lee left the meeting at this point.]

Hong Kong District

[Ms. Brenda K.Y. Au, District Planning Officer/Hong Kong (DPO/HK), and Ms. Lily Y.M. Yam, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/389 Proposed Hotel in "Residential (Group A)" zone,
338-346 Queen's Road West, Sai Ying Pun, Hong Kong
(MPC Paper No. A/H3/389)

Presentation and Question Sessions

11. Ms. Lily Y.M. Yam, STP/HK, informed the Committee that replacement pages for pages No. 7 and 13 of the Paper had been tabled for Members' information. They only involved minor corrections to some figures. She presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

[Ms. Olga Lam arrived to join the meeting at this point.]

- (b) the proposed hotel development;
- (c) departmental comments – no adverse comments from concerned Government departments were received. The Chief Architect/Advisory & Statutory Compliance, Architectural Services Department (CA/A&SC, ArchSD) considered that the tower portion (3/F and above) could be set back from the site boundary fronting Queen’s Road West and that the tower façades could be broken down with more vertical articulation so as to avoid being too imposing over Queen’s Road West and to respect the architectural scale of neighboring buildings. The Commissioner for Tourism supported the application as the proposed development would increase the number of hotel rooms, broaden the range of accommodations for visitors, and support the rapid development of convention and exhibition, tourism and hotel industries;

[Mr. Raymond Chan arrived to join the meeting at this point.]

- (d) during the statutory publication period, 23 public comments were received, 20 of which were in standard letters supporting the application. The remaining three comments either objected to or expressed grave concerns on the application on grounds of adverse traffic impacts and incompatibility with the character of the area. The District Officer (Central & Western) reported that the District Council (DC) Member of the concerned constituency considered that the area was not of high vehicular flow and had no objection to the proposal. However, other DC members had previously raised concerns on traffic impacts generated by hotel developments in general and requested that the DC should be consulted on applications for hotel development; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in Paragraph 10 of the Paper. Since mid-2007, with the exception of three hotel applications which involved either amendments to previously approved schemes or

in-situ conversion of existing commercial/office buildings, no proposed hotel developments within the “R(A)” zone with a plot ratio (PR) of 15 had been approved on Hong Kong Island, mainly for the reason that those developments were not compatible with the adjoining residential developments in terms of development intensity. A PR of about 12 was considered generally acceptable for new hotel developments in the “R(A)” zone as the development intensity would be more compatible with residential developments with a permitted PR of 8 to 10. While the applicant claimed that there would not be an increase in building height as compared with the previously approved scheme (No. A/H3/385) of 105.926mPD, the proposed development intensity was significantly higher than the surrounding residential developments with PR ranging from about 3.1 to 10.5. Approval of the application would be inconsistent with the MPC’s adopted approach in granting planning permissions for new hotel developments in the “R(A)” zone with a maximum PR of 12, and would set an undesirable precedent for similar hotel developments, the cumulative effect of which would adversely affect the general amenity in the area.

[Mr. Nelson Chan arrived to join the meeting at this point.]

12. The Chairperson asked how did the current scheme manage to accommodate a 25%-increase in GFA without increasing the building height and site coverage compared with the previous scheme. By referring to Drawing A-10 in the Paper, Ms. Brenda Au explained that compared with the previous scheme, the current scheme involved an addition of two storeys as the basement floors and two storeys above ground for hotel rooms. The storey height of each floor was also reduced so that the absolute height of the building remained the same.

13. A Member asked whether the rooftop E&M rooms were counted as storeys of the building. In response, Ms. Brenda Au explained that if the covered structures constituted more than 50% of the roof area of the floor below, the space so created would constitute a storey. As shown in Drawing A-9 of the Paper, the rooftop structures for both the previous scheme and the current scheme did not exceed the 50% coverage criteria and therefore were not regarded as storeys.

14. The Secretary supplemented that, in the previous scheme, there was one floor of 6m high for E&M services provided on the top of the building which was accounted for as a storey, whereas the current proposal had stacked the E&M services into three levels of rooftop structures. This also explained why the current scheme was able to accommodate two additional storeys for hotel rooms without an increase in building height as measured from the main roof.

15. In response to the Chairperson's question whether it was common for developments to have three levels of rooftop structures, Ms. Brenda Au replied that such developments were quite rare.

Deliberation Session

16. A Member commented that the rooftop structures were excessive in height for both the previous and the current schemes.

17. Another Member considered that given the site's location along Queen's Road West and the general principle adopted by the Board to accept a maximum PR of 12 for new hotel developments in the "R(A)" zones, unless with very strong justifications, the Member did not support the application for a hotel development with a PR of 15.

18. The Chairperson commented that the area was predominantly residential in character with a permitted PR of 8 to 10. The development intensity of the previously approved scheme with a PR of 12 was already the maximum acceptable extent given the PR of the surrounding residential buildings ranged from 3.1 to 10.5. The proposed PR of 15 was considered excessive.

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

- (a) the development intensity of the proposed hotel development, with a plot ratio of about 15, was significantly higher than those of the surrounding residential developments; and

- (b) the approval of the application for hotel development with a PR of about 15 would be inconsistent with the Board's adopted approach in granting planning permissions for new hotel developments, and would set an undesirable precedent for similar hotel developments, the cumulative effect of which would adversely affect the general amenity of the area.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H10/81 Proposed Minor Relaxation of Site Coverage Restriction
from 15% to not more than 26.17%
in "Residential (Group C)" zone,
Jessville, 128 Pok Fu Lam Road, Hong Kong (R.B.L. 324)
(MPC Paper No. A/H10/81)

Presentation and Question Sessions

20. Ms. Lily Y.M. Yam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – Jessville was a Grade III historic building. The applicant had previously submitted an application (No. Y/H10/3) to the Board under section 12A of the Town Planning Ordinance to rezone the site and the adjacent area to "Other Specified Uses" ("OU") annotated "Residential Development with Historical Building Preserved" with four development options proposed up to a maximum plot ratio (PR) of 3. As the Government did not support any of the proposals, the application was subsequently withdrawn. Several rounds of discussions were then held between the applicant and the relevant bureaux/departments to draw up a suitable development option for the site. The applicant had finally submitted the current application for a 'preservation-cum-development' scheme with a PR of 2.1 and with Jessville preserved;

- (b) the proposed minor relaxation of site coverage (SC) restriction from 15% to not more than 26.17% in “Residential (Group C)” zone was to facilitate the development of two residential towers with a 15% SC while preserving the historic building with a SC of 11.17%. Jessville would be converted to a residents’ clubhouse and public access to not more than 50% of Jessville and the area around the building would be provided on a limited scale (access by a maximum of 50 persons on one day each month as a minimum). In addition, other controlled access by special interest groups could be considered under a special arrangement;

- (c) departmental comments – the Commissioner for Heritage supported the proposed “preservation-cum-development” arrangement, which had achieved a proper balance among heritage conservation, respect for private development right and the impact on the neighborhood. The Antiquities and Monuments Office (AMO) welcomed the proposal for the preservation of Jessville, and commented that the new development should blend in well with the historic building and its immediate environs. District Lands Officer/Hong Kong West & South, Lands Department (DLO/HK W&S, LandsD) commented since the lot was subject to the Pok Fu Lam Moratorium which prohibited administratively any new land sale and lease modification for more intensive development, partial uplifting of the Pok Fu Lam Moratorium by the Chief Executive in Council was required to facilitate lease modification. The Chief Architect/Advisory & Statutory Compliance, Architectural Services Department (CA/A&SC, ArchSD) commented that the scale of the proposed development appeared compatible with other residential developments in the vicinity. However, Tower 2 could be designed with a view to reducing the development’s visual prominence over other buildings and the ridgelines. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the number of trees that would be disturbed within the application site was quite substantial. The applicant had not demonstrated adequate effort to minimize disturbance to the valuable existing trees. The Assistant

Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) commented that the widening of the existing access road to cater for the proposed development should be carried out by the applicant at his own cost and the Government would not fund the improvement works nor the management/maintenance of the access road;

- (d) during the statutory publication period, five public comments were received from the local residents, the Vice-chairman of the Southern District West Area Committee, a member of the Southern District Council (SDC) and the developer of a nearby residential development. Four objected to the application on the grounds of incompatibility with the surrounding environment, adverse traffic impacts, excessive development scale and that the Pok Fu Lam Moratorium should not be uplifted to cater for the subject application. While the remaining comment made by the SDC member welcomed the preservation of Jessville, concerns were raised on the adverse traffic impact and the potential environmental nuisances that would be generated during the construction stage; and

[Prof. Bernard Lim arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The current application involving a 'preservation-cum-development' scheme was the result of several rounds of discussions between the owners and concerned bureaux/departments. The proposed PR of 2.1 (in addition to the existing GFA of Jessville) was acceptable in view of the development intensity of the neighboring developments and the constraints imposed by Jessville. The proposed PR was within the maximum PR of 3 for a development with 20 or more domestic storeys under the OZP. The proposed relaxation of SC from 15% to 26.17% was mainly to facilitate the preservation of Jessville, which in itself had a SC of 11.17%. The proposed relaxation of SC to a total of 26.17% did not exceed the maximum permissible level of 50% adopted by the Board for Residential Zone 3. The applicant had endeavoured to minimize the visual

disturbance to the historic building and its setting by confining the new development to the northwest portion of the site. Although the proposed development would inevitably be taller than the neighboring buildings given the spatial constraints and the existing platform level, its development intensity was comparable with that of the surrounding developments on the landward side of Pok Fu Lam Road. Regarding the concerns on tree preservation, there appeared to be scope to preserve more trees with minor modification to the scheme. To address CTP/UD&L, PlanD's concerns and to minimize disturbance to the existing trees, an approval condition was recommended requiring the submission and implementation of a tree preservation proposal and a landscape master plan. As for the public comments on the traffic, visual and environmental impacts of the proposed development, it was considered that the proposed development would unlikely create any significant adverse impacts on the area. Relevant Government departments had no objection to the application.

21. A Member asked about the criteria for determining the extent of public access to Jessville, which was restricted to 50 persons per day and only once a month. In response, Ms. Brenda Au referred to paragraph 10.6 of the applicant's planning statement (Volume 1) and indicated that a crucial criterion was to protect the privacy of the future residents. However, she pointed out that the proposed extent of public access was only a minimum, and the applicant was willing to adjust the arrangement of public access subject to future demand. As currently proposed, not more than half of the building and the area around the building would be open to the public, and one particular room would be used to exhibit the history of Jessville and its owner. In addition, controlled access by special groups would also be considered.

22. A Members asked about the restrictions in the Pok Fu Lam Moratorium, and Ms. Brenda Au explained that the Pok Fu Lam Moratorium was an administrative measure to freeze new land sales and lease modifications for more intensive development in the Pok Fu Lam area. As the application site was restricted to one house of European type with a maximum building height of 35 feet in the lease, partial uplifting of the Pok Fu Lam Moratorium by the Chief Executive in Council to process the lease modification was

required.

23. In response to a Member's enquiry whether Government land was involved, and whether the proposal could be accommodated in a single residential tower, Ms. Brenda Au said that no Government land was involved in the current application, and the proposed scheme with two towers would have avoided the excessive building height and building bulk of a single tower scheme.

Deliberation Session

24. Three Members were concerned that the proposed arrangement of public access to Jessville was too restrictive even taking into account the privacy concerns of the future residents. To enhance public access to the historic building, Members considered that it should be open to the public at least one day per week and the open day should be a public holiday. Ms. Brenda Au explained that the applicant made the proposal on the consideration that the location of Jessville was not convenient and it was unlikely to attract many tourists. However, the applicant was willing to relax the arrangement for public access if demand proved to be strong. She indicated that the concerns of Members would be relayed to the Commissioner for Heritage so that an extension of the public access arrangement could be incorporated in the agreement to be signed between the Government and the applicant.

25. In response to an enquiry from a Member, Ms. Brenda Au said that the applicant preferred arranging guided tours for visitors. Another Member added that a reasonable arrangement to facilitate visitors was of paramount importance.

26. Issues such as how the visitors were selected to fill the 50-person quota and how the reservation system would not be abused by people who failed to turn up were raised. The Chairperson suggested and Members agreed that that the Committee should relay its main concerns on the public access arrangement to the Commissioner for Heritage so that he could take these concerns into account in his negotiation with the applicant. Members had a long discussion on the issue of public access to the historic building.

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

27. A Member raised concern on the design compatibility between Jessville and the proposed residential development, and said that no information had been submitted by the applicant to demonstrate that the new development would complement the character of Jessville. Although an advisory clause had been proposed in paragraph 13.2(f) of the Paper, the Member considered that a condition should be imposed requiring the submission of a visual compatibility assessment to ensure design compatibility between the proposed residential towers and Jessville.

28. 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 5.6.2013, 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) Jessville should be open to the public for at least one day a week;
- (b) the submission of a visual compatibility assessment on design compatibility between the residential tower blocks and the historic building to the satisfaction of the Commissioner for Heritage or of the TPB;
- (c) the submission and implementation of a detailed Conservation Plan for the conservation of the historic Jessville to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (d) the widening of the existing access road and provision of car parking and loading/unloading spaces to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission and implementation of a tree preservation proposal and a revised landscape master plan with quarterly tree monitoring reports to the satisfaction of the Director of Planning or of the TPB;
- (f) the submission of a natural terrain hazard study and the implementation of

the necessary stabilisation/mitigation works identified therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB;

- (g) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (h) the submission of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

29. The Committee also agreed to advise the applicant :

- (a) to note Members' view that the open day for public to gain access to the historic building should include Sundays and public holidays. Detailed arrangement on this aspect would be worked out between Commissioner for Heritage and the applicant;
- (b) the approval of the application did not imply that Gross Floor Area exemption for the Jessville as recreational facilities for the development would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (c) to note the comments of District Lands Officer/Hong Kong West & South, Lands Department (LandsD) that application for lease modification was required to implement the proposed "preservation-cum-development" scheme and that partial uplifting of the Pok Fu Lam Moratorium by the ExCo was required to facilitate the lease modification;
- (d) to note the comments of the Chief Building Surveyor/Hong Kong West, Buildings Department that the existing access road should be upgraded to the standards laid down in Building (Private Streets & Access Roads) Regulations;
- (e) to note the comments of the Assistant Commissioner for Transport/Urban,

Transport Department that the widening, improvement and maintenance of the existing access road should be carried out at the cost of the applicant;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that LandsD should be consulted if the trees outside the application site boundary were affected by the proposed development;
- (g) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department on the details to be provided in the drainage proposal;
- (h) to note the comments of the Director of Fire Services that the arrangement of Emergency Vehicular Access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by the Buildings Department; and
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the development should comply with Conditions of Working in the Vicinity of Waterworks Installations during construction stage.

[Prof. N.K. Leung and Mr. Walter Chan left the meeting temporarily at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/57 Proposed Minor Relaxation of Building Height Restriction to
Allow 1 Storey of Sky Garden and 2 Basement Storeys
in “Residential (Group C) 5” zone,
21 Tai Tam Road, Tai Tam
(MPC Paper No. A/H18/57)

Presentation and Question Sessions

30. The Committee noted that on 27.5.2009, the applicant requested for deferment of the consideration of the application to allow time for the applicant to revise the proposed scheme to address the departmental comments.

Deliberation Session

31. After further 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 Ms. Brenda K.Y. Au, DPO/HK, and Ms. Lily Y.M. Yam, STP/HK, for their attendance to answer Members' enquires. Ms. Au and Ms. Yam left the meeting at this point.]

Kowloon District

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

Agenda Item 8

[Open Meeting]

Further Consideration of Draft Development Parameters and
Draft Planning Brief for "Comprehensive Development Area" at Inverness Road on
Draft Kowloon Tong Outline Zoning Plan No. S/K18/15
(MPC Paper No. 18/09)

32. With the aid of a powerpoint presentation, Mr. Vincent Lai, STP/K, presented the proposed amendments to the draft planning brief (PB) for the "Comprehensive Development Area" ("CDA") at Inverness Road as detailed in the Paper:

- (a) On 27.3.2009, the MPC considered the draft revised PB for the “CDA” site and the proposed development parameters for the residential development, and agreed that the draft revised PB was suitable for consultation with KCDC.

[Prof. N.K. Leung returned to join the meeting at this point.]

- (b) The comprehensive development in the “CDA” site consisted of a residential development and a school. The major development parameters adopted in the draft PB for the residential portion of the site were as follows:

		Residential Portion of the “CDA” Site
(a)	Site Area (m ²)	7,046
(b)	Domestic Plot Ratio	3.0
(c)	Maximum Gross Floor Area (m ²)	21,138 (domestic)
(d)	Design Population	738
(e)	No. of Flats	212 (assuming an average flat size of 100m ²)
(f)	Maximum Building Height	13 storeys (excluding basement floors) and 67mPD (at main roof)

- (c) To provide better visual and green amenity, non-building areas (NBA) of not less than 10m wide each were proposed between the residential development and the existing schools to the east and southwest for amenity planting. A NBA of not less than 4.5m wide should also be provided along Inverness Road for amenity planting.
- (d) On 23.4.2009, the Housing and Infrastructure Committee (HIC) of the KCDC was consulted on the draft PB. There were diverse views on the proposed use of the site with some supporting the proposed private residential use while others considered that the site should be reserved for school use or for the provision of other community facilities. Moreover, a KCDC member

commented that the maximum building height of 13 storeys was excessive and incompatible with the schools in the area, while another member considered that the 4.5m-wide NBA along Inverness Road should be widened.

[Mr. Walter Chan and Dr. Daniel To returned to join the meeting at this point.]

- (e) After consulting the relevant Government departments, PlanD considered that the proposed private residential use should be retained as there was no shortfall in open space and GIC facilities (including schools and community halls) in Kowloon Tong and the Education Bureau confirmed that there was no need for additional school sites. The Leisure and Cultural Services Department also indicated that the subject “CDA” site was not suitable for the development of a sports ground due to its small size.
- (f) It was proposed that the building height of 13 storeys (67mPD) was to be retained as it was considered appropriate in the local context where the highest development in the area, i.e. Holy Family Canossian College, had a building height of 69.3mPD. The NBA provisions under the current proposal had already taken up about 39% of the total site area. Given the irregular shape of the site which would restrict the design, a further reduction in building height was considered undesirable.

33. A Member raised concern on the proposed building height of 13 storeys, which would block the public views from Kowloon Tsai Park. The Member considered that the proposed building height for the private residential development should be compatible with and in any case not exceed the height of the adjacent school, and that the proposed NBAs separating the residential development from the adjoining schools might not be absolutely necessary.

34. The Chairperson asked whether any visual analysis had been conducted for the residential development. By referring to Plan 6 of the MPC Paper No. 10/09 previously considered by the Committee, Mr. Vincent Lai said that photomontages showing the visual impacts of the proposed development from various perspectives, including the northeast and

the southeast, had been prepared.

35. The Chairperson recalled that during the consideration of the draft revised PB by the Committee on 27.3.2009, the proposed building height of 13 storeys (67mPD) was agreed as it was considered comparable with the nearby developments. A Member noted that the subject site was separated from Holy Family Canossian College by Inverness Road, so that the two sites could be considered as located in two separate localities, with buildings to the east of Inverness Road were generally lower in building height.

36. In response to the Chairperson's question, Mr. Vincent Lai said that the building height of a standard school was eight storeys. Members were of the view that consideration could be given to reducing the maximum permitted building height of the private residential site to eight storeys so as to be compatible with the adjacent schools. Moreover, the width of the NBAs abutting Munsang College and the HKICC Lee Shau Kee School of Creativity could be reduced in order not to adversely affect the total developable GFA of the site. To be more prudent, the Chairperson suggested to defer making a decision on the case and requested PlanD to carry out a further visual analysis on the proposed building height. Particular attention should be paid to the visual impact from the adjoining Kowloon Tsai Park.

37. After further deliberation, the Committee decided to defer a decision on the PB and requested PlanD to study the visual impact of the proposed residential development particularly when viewed from Kowloon Tsai Park, and to assess the feasibility of reducing the maximum building height for the site to be more compatible to the adjoining schools.

[The Chairperson thanked Mr. Vincent Lai, STP/K, for his attendance to answer Members' enquires. Mr. Lai 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.]

Agenda Item 9

[Open Meeting]

Proposed Amendments to the Draft Tsz Wan Shan, Diamond Hill and San Po Kong

Outline Zoning Plan No. S/K11/23

(MPC Paper No. 17/09)

38. With the aid of a powerpoint presentation, Miss Annie To, STP/K, presented the proposed amendments to the draft Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) and covered the following main points as detailed in the Paper:

- (a) There were two proposed amendment items to the OZP as detailed in paragraph 4 and shown in Annex II of the Paper. Amendment Item A was to rezone three strips of land across Prince Edward Road East from “Open Space” (“O”) and areas shown as ‘Road’ to “Other Specified Uses” annotated “Landscaped Elevated Walkway”. During the consideration of the representations and comments to the draft OZP on 20.3.2009, the Board considered that some representers’ views regarding the incorporation of the proposed vehicular and pedestrian linkages between San Po Kong and Kai Tak into the OZP could be taken forward when the details of these linkage proposals became available. Amendment Item A was to incorporate these alignments into the OZP. Opportunity was also taken to indicate the existing subways, and the alignments of the proposed underpass Road L1 and the proposed underground shopping street linking Kai Tak and San Po Kong on the OZP for information;
- (b) Amendment Item B was to rezone two sites from “O” to “G/IC” and “GB”, and to rezone two sites from “G/IC” and “GB” to “O”. As the construction works of the Po Kong Village Road District Open Space would be completed by end-2010, it was necessary to adjust the zoning boundary of the “Open Space” (“O”) site covering the district open space to tally with its land allocation boundary;
- (c) The proposed amendments to the Notes of the OZP were mainly to

incorporate the schedule of uses for “OU” annotated “Landscaped Elevated Walkway” zone;

- (d) It was also proposed that the ES of the OZP be revised to take into account the proposed amendments to the OZP and the Notes. The ES would be updated to reflect the latest development and planning circumstances of the OZP;
- (e) Concerned bureaux/departments had been consulted and their comments had been taken into account where appropriate. No adverse comments had been received; and
- (f) It was recommended that, should the Committee agree to the proposed amendments, the Wong Tai Sin DC would be consulted either before or during the exhibition period of the draft OZP No. S/K11/23A (to be renumbered as No. S/K11/24 upon exhibition) for public inspection under section 7 of the Ordinance, depending on meeting schedule of the DC.

39. A Member asked about the details of the proposed underpass Road L1 and the proposed underground shopping street. In response, Ms. Annie To explained that Road L1 was a proposed vehicular linkage and the proposed underground shopping street was for pedestrian use. Both of them would link up the Kai Tak area with San Po Kong. The details of the alignment were still under planning and their connection points with the other road networks had not yet been fixed.

40. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft Tsz Wan Shan, Diamond Hill and San Po Kong OZP No. S/K11/23A and its Notes;
- (b) agree that the draft OZP No. S/K11/23A (to be renumbered as No. S/K11/24 upon exhibition) in Annex II and its revised Notes at Annex III of the Paper were suitable for exhibition for public inspection under section 7 of the Ordinance;

- (c) adopt the updated Explanatory Statement (ES) at Annex IV as an expression of the planning intention and objectives of the Board for the various land use zonings of the draft OZP and to be issued under the name of the Board; and
- (d) agree that the revised ES at Annex IV was suitable for exhibition for public inspection together with the draft OZP.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/240 Shop and Services in “Other Specified Uses” annotated “Business” zone,
Workshop No. 2A on G/F, International Plaza, 20 Sheung Yuet Road,
Kowloon Bay, Kowloon
(MPC Paper No. A/K13/240)

Presentation and Question Sessions

41. 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;
- (b) the shop and services use;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Kwun Tong); and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The “OU(Business)” zone was intended for general business uses. It allowed for greater flexibility in the use of the existing industrial or industrial-office (I-O) buildings provided that the use would not result in adverse fire safety and environmental impacts. The ‘shop and services’ use at the application premises was considered generally in line with the planning intention. The ‘Shop and Services’ use complied with the Town Planning Board Guidelines for Development within “OU (Business)” zone in that it would not generate significant adverse impacts on fire safety and car parking provision in the existing building. The use under application was not incompatible with the other uses within the same building and it was not expected to induce significant adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent area. According to the applicant, the unauthorized cockloft would be removed upon approval of the planning application. Relevant Government departments had no objection to or adverse comments on the application.

42. Members had no question on the application.

Deliberation Session

43. 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 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2009; 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.

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

- (a) apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver or lease modification;
- (b) appoint an AP to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the provision of :
 - (i) the separation from the adjoining premises with walls having 2 hours fire resistance period in accordance with Building (Construction) Regulation 90 and paragraph 8.1 of the Code of Practice for Fire Resisting Construction 1996;
 - (ii) access and facilities for the persons with a disability under Building (Planning) Regulation 72 and Design Manual : Barrier Free Access 2008;
- (c) strictly follow the regulatory restrictions for loading/unloading activities so as to avoid interfering with the mainstream traffic; and
- (d) consult Food and Environmental Hygiene Department regarding food licence for operation of food business under Food Business Regulation.

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

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

this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K10/231 Proposed Religious Institution (Church)
 in “Residential (Group B)” zone,
 No. 322 Prince Edward Road West, Kowloon City, Kowloon
 (MPC Paper No. A/K10/231)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed religious institution (church) development;

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

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, two public comments on the application were received. One Member of the Kowloon City District Council supported the application on the ground that the proposed development was compatible with the surrounding areas. Another commenter considered that the proposed development was acceptable. However, the design of the proposed development should not be too novel; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 10 of the Paper.

The areas surrounding the application site were predominantly residential in character with some shop and services on the lower floors. The proposed religious institution use was considered not incompatible with the surrounding areas. The proposed redevelopment at the application site also complied with the development restrictions stipulated under the “Residential (Group B)” (“R(B)”) zone on the approved Ma Tau Kok OZP. The proposed church scheme had a building height not exceeding 53mPD (about 43m in height) at the main roof. The applicant had confirmed the overall building height (including roof top structure and roof top feature/cross feature), subject to detailed design, would not exceed the 80mPD height limit as stipulated under the OZP. Moreover, there would not be excessive or intrusive lighting from the roof top feature. Given the proposed development scale, site configuration and its relationship with the surrounding visual context, no major visual impacts were envisaged. The proposed development was not expected to generate adverse impact on the local traffic, environment and infrastructural provisions.

46. A Member asked about the building height restriction for the application site and the surrounding areas, and the widths of the pedestrian walkways fronting the subject site. Ms. Jessica Chu replied that the subject “R(B)” zone and the “R(A)2” zone to its east as well as the “R(B)” zones to the south of Prince Edward Road West were all subject to a building height restriction of 80mPD. The “R(C)6” zone west of Grampian Road falling within the draft Kowloon Tong OZP No. S/K18/15 was subject to a building height restriction of 13 storeys. As regards the widths of the pedestrian walkways fronting the site, it was estimated that the relevant section of the pedestrian walkway along Junction Road was 3.1m wide, while the relevant section along Prince Edward Road West was 3m wide.

47. The same Member commented that as the site was located at a busy junction, the building should be set back, especially along Junction Road, to provide more space for the pedestrians. Ms. Jessica Chu said a corner splay had already been provided at the Junction Road/Prince Edward Road West. The issue of setback of the building had been discussed with the applicant, who considered that there was not much room for further setback as the proposal included a church hall on 2/F which needed to accommodate about 500 people, and a car park within the church building, for which sufficient width for ingress and egress was

required.

Deliberation Session

48. The Chairperson asked that, in view of the requirements of the applicant and the technical difficulties arising from the car park, whether it was feasible to set back the building just on the ground floor so that the pedestrian walkway could be widened. A Member suggested that the staircase at the corner of the building as shown on Drawing A-1 could be modified to enlarge the corner splay without affecting the car parking provision or the size of the church hall. Another Member agreed with the suggestion. By referring to Figure No. 2 of the Traffic Design Assessment in the applicant's planning statement, Mr. Anthony Loo said that it was possible to set back the corner of the building by adjusting the staircase so as to bring about an improvement in pedestrian circulation.

49. The Chairperson suggested an approval condition should be added requiring the provision of a larger corner splay. Members agreed.

50. 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 5.6.2013, 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) to set back the building to provide a larger area for the corner splay to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the design and provision of fire services installations to the satisfaction of the Director of Fire Services or of the TPB.

51. The Committee also agreed to advise the applicant :

- (a) to note the comments of the District Lands Officer/Kowloon East on the lease modification matters for the proposed development;
- (b) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by Buildings Department;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that in order to improve the streetscape of the surrounding environment, the applicant was encouraged to provide a set back especially along Prince Edward Road West if feasible. For more greenery, planting on the flat roofs at 3/F and the main roof should be provided;
- (d) to note the comments of the Director of Environmental Protection that Chapter 9 of the Hong Kong Planning Standards and Guidelines in locating and designing all fixed noise sources, in particular the central air-conditioning plant, to avoid causing adverse noise impact to the surrounding noise sensitive uses should be followed. Moreover, the fresh air intakes of the air-conditioning/mechanical ventilation systems should be properly located to avoid adverse air quality impact arising from vehicular emissions and/or chimney emission (if any); and
- (e) to note the comments of the Drainage Services Department that the applicant should check that the existing sewerage system in the vicinity of the site had adequate capacity to accommodate the increase in the sewage discharge due to the proposed development and to implement local sewerage upgrading works at his own cost if found necessary.

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

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

this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/591 Shop and Services in “Other Specified Uses” annotated “Business” zone,
Part of Portion 1 of Factory B, G/F, Block 1 of Camelpaint Buildings,
62 Hoi Yuen Road, Kwun Tong, Kowloon
(MPC Paper No. A/K14/591)

Presentation and Question Sessions

52. 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 – the application premises had been the subject of two previous planning applications (No. A/K14/544 and 564) for shop and services use. They were approved by the Committee on 8.6.2007 and 18.4.2008 respectively, but they were revoked by the Board on 8.12.2007 and 18.10.2008 respectively for failing to comply with the approval condition on fire safety measures before the expiry of the time limit;
- (b) the shop and services use;
- (c) departmental comments – the District Lands Officer/Kowloon East, Lands Department (DLO/KE, Lands D) commented that the subject lot was restricted to industrial purposes and the proposed use of the premises was in breach of the lease conditions. If planning approval was granted by the Committee, he would proceed with the waiver submitted by the applicant to permit retail shop purposes at the subject premises. The Director of Fire Services (D of FS) 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.

No objection from other departments was received;

- (d) during the statutory publication period, one public comment supporting the application was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The “OU(Business)” zone allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the use would not induce adverse fire safety and environmental impacts. The shop and services use was considered generally in line with this planning intention. The shop and services use 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. Since the two previous approvals (Application Nos. A/K14/544 and A/K14/564) were revoked due to non-compliance with the approval condition, shorter compliance periods were proposed to monitor the progress of compliance. Moreover, the applicant would be advised that should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, no sympathetic consideration would be given to any further application.

53. In response to a Member's question, Miss Helen So said that there was no difference between the current application and the previous applications. The Chairperson supplemented that the current application was submitted only because the previous planning permissions were revoked.

Deliberation Session

54. A Member commented that the repeated submissions of planning applications were in effect a delaying tactic to buy time to avoid complying with the approval conditions. In response, Miss Helen So said that as the application premises was previously used as a dangerous goods warehouse, FSD had some additional fire safety requirements on the

proposal. The applicant had previously made submissions to the Fire Services Department (FSD) but had only partially met its requirements.

55. The Secretary said that failure to comply with approval conditions within the specified time period was common, especially in rural areas. In view of this situation, a standardized approach in processing these cases had been worked out for the consideration of both Planning Committees. If a planning permission was revoked for failing to comply with the approval conditions, the compliance periods in the subsequent planning permission would be shortened so as to closely monitor the compliance of approval conditions, and it would be made clear to the applicant that no sympathetic consideration would be given to any further application. If the planning permission was revoked yet again, PlanD would recommend to the Planning Committees to reject any future planning application.

56. In response to the Chairperson's question, Miss Helen So replied that the applicant had failed in both submitting and implementing the fire safety measures to the satisfaction of Director of Fire Services during the last planning permission. For the current application, an advisory clause had been proposed to advise the applicant that no sympathetic consideration would be given to any further application. No such advisory clause had been imposed in the last planning permission.

57. A Member noted that the Chief Building Surveyor/Kowloon, Buildings Department had advised the applicant in paragraph 9.1.3 of the Paper that an Authorized Person should be appointed for the submission of building plans to demonstrate compliance with the Buildings Ordinance, including the fire resisting construction. This Member was concerned that there would not be enough time for the applicant to obtain building plan approval from Buildings Department within a three-month compliance period. In response, Miss Helen So said that the applicant could apply for an extension of time (EOT) for compliance with approval conditions, where necessary.

58. The Chairperson said that as no forewarning in the form of an advisory clause had been given to the applicant when the planning permission was last granted, planning permission should be granted this time, but with a shorter compliance period of three months and a warning that no sympathetic consideration would be given should the planning permission be revoked again due to non-compliance with approval conditions. The

Secretary said a period of three months for complying with the approval condition was appropriate considering that safety was an issue of paramount importance and the applicant should comply with this condition as soon as possible.

59. 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 provision of a means of escape separating the subject premises 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 5.9.2009; 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.

60. The Committee also agreed to advise the applicant :

- (a) should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, no sympathetic consideration would be given to any further application;
- (b) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction as advised by the Director of Fire Services; and
- (c) to note the Chief Building Surveyor/Kowloon's comments to appoint an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the fire resisting construction and the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72.

[Mr. Felix Fong left the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/592 Proposed Shop and Services
 in “Other Specified Uses” annotated “Business” zone,
 Portion of Unit 1, G/F, Wah Shing Centre,
 11-13 Shing Yip Street, Kwun Tong, Kowloon
 (MPC Paper No. A/K14/592)

Presentation and Question Sessions

61. 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;
- (b) the proposed shop and services use;
- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application as the aggregate commercial floor area on the ground floor of the building would exceed the maximum permissible limit of 460m². The District Lands Officer/Kowloon East, Lands Department commented that the proposed shop and services use was in breach of the lease conditions and lease modification was required to effect the proposed change of use;
- (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 did not support the application based on the assessments as detailed in Paragraph 11 of the Paper. The floor area of 460m² in the current application, when added to

the existing commercial floor area of 457m² on the ground floor of the building, would far exceed the maximum permissible limit of 460m². The application was therefore not in line with the Town Planning Board Guidelines for Development within “Other Specified Uses (Business)” Zone (TPB PG-No. 22D).

62. A Member asked how much the proposal would have exceeded the maximum permissible limit of 460m². Miss Helen So said that the existing commercial floor area at the ground floor of the building was already 457m². Approval of application with a floor area of 460m² would result in a total commercial floor area of 917m² which would far exceed the limit of 460m².

63. The same Member asked whether PlanD had discussed with the applicant on the options available to him regarding the application premises. Miss Helen So replied that the applicant had been advised that he could use the application premises for other uses such as warehouse or canteen for which no planning permission was required. Miss Helen So further explained that as there was no buffer floor separating the industrial uses on upper floors from the commercial uses on the ground floor, D of FS considered that the limit of 460m² should be maintained for the subject building.

Deliberation Session

64. The Chairperson said that the Committee had always followed the requirements stipulated in the TPB PG-No. 22D. No sympathetic consideration could be given to the application.

65. 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” annotated “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 460m²; and

- (b) the Director of Fire Services had raised objection to the proposed ‘Shop and Services’ use from a fire safety point of view.

[Mr. Stanley Wong left the meeting temporarily at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/593 Proposed Hotel in “Commercial (1)” zone,
4th Floor and 5th Floor, 90 Hung To Road, Kwun Tong, Kowloon
(MPC Paper No. A/K14/593)

Presentation and Question Sessions

66. 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;
- (b) the proposed hotel use;
- (c) departmental comments – the District Lands Officer/Kowloon East, Lands Department commented that the proposed hotel was not permitted under the existing lease conditions. If the subject application was approved by the Committee, he might offer a temporary waiver upon receipt of a valid application. The Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had no in-principle objection to the application given the small size of the site, but was of the view that there was no guarantee that the parking and loading/unloading facilities on the public road in the vicinity of the lot would not be altered. The applicant should make the necessary arrangement to meet the parking and loading/unloading needs. The Commissioner for Tourism supported the application as it would increase the number of hotel rooms, broaden the

range of accommodations for visitors, and support the development of convention and exhibition, tourism and hotel industries;

- (d) during the statutory publication period, two public comments were received. One of them supported the application while the other considered that the use of two floors for hotel purposes in an old building with different uses on different floors might not be suitable; and

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

- (e) the Planning Department (PlanD)'s views – PlanD had reservation to support the application based on the assessments given in paragraph 10 of the Paper. The proposed hotel development was not in line with the planning intention of “Commercial (1)” (“C(1)”) zone which was primarily for commercial development with provision of shop, services and eating place to serve the needs of the local workers in the Kwun Tong Business Area. Approval of the application might set an undesirable precedent for similar applications and the cumulative impacts of which might result in adverse traffic implications on the road network in the Kwun Tong Business Area.

67. The Chairperson asked whether there was any requirement under the Hong Kong Planning Standards and Guidelines (HKPSG) for the provision of parking spaces and loading/unloading bays for hotel developments. By referring to paragraph 8.1.2 of the Paper, Miss Helen So replied that, based on the HKPSG, one private car parking space, one loading/unloading bay for goods vehicles, two lay-bys for taxis and one lay-by for single-deck tour buses should be provided.

68. Mr. Anthony Loo, however, supplemented that according to Transport Department's internal guidelines, for hotels with less than 100 rooms, the HKPSG requirements could be waived. As the proposed hotel would only provide 52 guestrooms, it might not be necessary to strictly follow the requirements in the HKPSG.

Deliberation Session

69. A Member noted the comments of the Chief Building Surveyor/Kowloon, Buildings Department in paragraph 8.1.3 of the Paper that natural lighting and ventilation for the guestrooms were required under the Building (Planning) Regulation 30. He commented that, as shown in Drawing A-1 of the Paper, some of the hotel rooms did not have windows and therefore he had reservation on the application. He was also concerned that the area was not suitable for a hotel.

70. A Member commented the servicing facilities for the proposed hotel was inadequate as only two elevators were proposed. Visitors and staff had to share the elevators with users on the other floors, which were occupied by restaurants and a church. Another Member commented that there was no separate entrance to the hotel and was therefore not satisfactory.

71. The Chairperson said that besides the building design and servicing issues, the proposed conversion to hotel use might not be suitable within the "C(1)" zone. The Secretary supplemented that the planning intention of the small "C" sites within the industrial/business area was to provide services such as banks and restaurants in support of the industrial and business developments. The hotel development was therefore not in line with the planning intention of the "C(1)" zone. Although there had been other precedents where hotel developments occupying an entire building were approved within an "OU(B)" zone, no planning permission had been granted for conversion of part of a commercial building in a "C" site within an existing industrial area.

72. A Member commented that as the area was transformed into a business area, the planning intention of the "C" site might become obsolete. However, a piecemeal conversion of the building should not be supported as it would result in incompatibility between the users on different floors.

73. A Member noted as Transport Department had no adverse comments on the traffic implications of the proposal, the rejection reason on cumulative traffic impact was not sound.

74. After further deliberation, the Committee decided to reject the application and the

reasons were :

- (a) the proposed hotel development was not in line with the planning intention of the “Commercial (1)” zone which was primarily for commercial development with provision of shop, services and eating place to serve the needs of the local workers in the Kwun Tong Business Area;
- (b) the layout of the proposed hotel was not satisfactory as some of the guestrooms were not provided with windows for natural lighting and ventilation, and the servicing facilities in support of the proposed hotel were inadequate; and
- (c) approval of the application might set an undesirable precedent for other similar applications within the Kwun Tong Business Area.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K7/94 Proposed Redevelopment for Social Welfare and Hotel
(Guesthouse) (with Ancillary Eating Place) Uses
in “Government, Institution or Community” zone,
HKYWCA Kowloon Centre & Anne Black Guest House,
5 Man Fuk Road, Ho Man Tin, Kowloon (KIL 9182)
(MPC Paper No. A/K7/94)

Presentation and Question Sessions

75. The Committee noted that on 27.5.2009, the applicant requested for deferment of the consideration of the application for 2 months in order to allow time to provide clarifications to the relevant departments.

Deliberation Session

76. After further 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 Miss Helen L.M. So, STP/K, for her attendance to answer Members' enquires. Miss So left the meeting at this point.]

Agenda Item 16

Any Other Business

77. There being no other business, the meeting was closed at 11:30a.m.