

TOWN PLANNING BOARD

Minutes of 404th Meeting of the Metro Planning Committee held at 9:00 a.m. on 18.9.2009

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

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Mr. Maurice W.M. Lee

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

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

Assistant Director/Kowloon, Lands Department
Ms. Olga Lam

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

Secretary

Absent with Apologies

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. K.Y. Leung

Dr. Winnie S.M. Tang

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. W.S. Lau

Town Planner/Town Planning Board
Ms. Karina W.M. Mok

Agenda Item 1

Confirmation of the Draft Minutes of the 403rd MPC Meeting Held on 4.9.2009

[Open Meeting]

1. The Secretary reported that Mr. Anthony Loo, the Assistant Commissioner for Transport (Urban), Transport Department, on 17.9.2009 had proposed amendments to the last sentence of paragraphs 24 and 31 of the draft minutes of 403rd MPC meeting held on 4.9.2009 to read “TD had plans to improve the footpath along Oil Street between King's Road and Electric Road to ease pedestrian congestion” and “in response to a question from the Chairperson, Mr. H.L. Cheng confirmed that the clear footpath width of 1.54m between the kerb line and the proposed equipment cabinet was acceptable as pedestrian flow in the area was low” respectively. As Members had no objection to the proposed amendments, the Committee agreed to confirm the draft minutes subject to the amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Draft Planning Brief for the “Comprehensive Development Area(1)” Site
at 14-30 King Wah Road, North Point

2. The Secretary reported that the subject site was owned by a subsidiary of Henderson Land Development Co. Ltd. (HLD). Mr. Raymond Y.M. Chan, having current business dealings with HLD, and Dr. Daniel B.M. To, being a Member of the Eastern District Council which had previously passed motions in relation to the subject item, had declared interests in the item. The Committee noted that Dr. To had tendered an apology for being unable to attend the meeting and Mr. Chan had not yet arrived at the meeting.

3. The Secretary said that the Committee on 4.9.2009 had requested the Planning Department (PlanD) to examine if the minimum greening ratio of 10% at ground level of the subject site could be increased. PlanD had prepared a Paper to report back on the matter which was sent to Members on 16.9.2009. Taking into consideration the 15m and 10m non-building areas at the northern and western parts of the site respectively and the 6m

building setback at the southern part which could be used for greening, the Urban Design and Landscape Section of PlanD advised that the minimum greening ratio at ground level could be increased to 15% while still maintaining an overall greening ratio of 20% for the whole site. After deliberation, the Committee considered the revised greening ratio acceptable and agreed to endorse the revised page 4 of the Planning Brief at Annex I of the Paper.

Tsuen Wan and West Kowloon District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/516 Proposed Petrol Filling Station,
Permitted Shop and Services (Retail Shop) and Permitted Office
in “Other Specified Uses” annotated “Business” zone,
11-15 Kok Cheung Street, Mong Kok (KIL No. 9706 and Extension)
(MPC Paper No. A/K3/516)

Presentation and Question Sessions

4. Mr. Wilson W.S. Chan, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application - the application site was previously zoned “Industrial” and previously occupied by an industrial building with a petrol filling station (PFS) on the ground floor which had been converted into a commercial/office development with retention of the PFS on the ground floor under a section 16 application No. A/K3/248 approved by the Committee in September 1993;
- (b) the proposed PFS had a floor area of about 375m² and was located on the

ground floor (portion) of a proposed 30-storey commercial/office building. While ‘Shop and Services’ and ‘Office’ uses were always permitted under the current “Other Specified Uses” annotated “Business” (“OU(Business)”) zone, planning permission for the proposed PFS was required;

- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application. From fire safety viewpoint, the proposed PFS being located underneath a commercial/office building was considered unacceptable. Such prevailing policy had been formulated due to the grave inherent fire safety concerns of PFS and the growing expectation of the public to live or work away from facilities with high potential hazards. Regardless of whether the applicant could partially or fully comply with the relevant requirements as stipulated in paragraph 3.8 of Chapter 12 of the Hong Kong Planning Standards and Guidelines (HKPSG), the proposed PFS was considered not compatible with the proposed commercial/office building according to the current standard. In order to reflect the current policy, proposed amendments to the relevant chapter of the HKPSG were currently underway. The Director of Environmental Protection (DEP) advised that the proposed PFS was a potential noise emitting facility according to Chapter 9 of the HKPSG. Its current layout with ingress/egress along Kok Cheung Street directly facing a residential development, Ocean Court, opposite Kok Cheung Street at about 15m away was undesirable from noise planning perspective;
- (d) during the statutory publication period of the application and the further information, a total of 10 public comments were received which were detailed in paragraphs 10.1 and 10.2 of the Paper. While one commenter indicating no comment on the application, nine raised objection to the application mainly on grounds of proximity of the proposed PFS to residential developments, and the wall effect and adverse air quality, air ventilation, natural lighting, environmental and health impacts caused by the proposed 30-storey redevelopment. The District Officer (Yau Tsim Mong) advised that some Members of the Yau Tsim Mong District Council opined that the proposed PFS should be located in open area instead of

inside a building; 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 PFS was an in-situ redevelopment of the existing PFS at the application site which was the subject of a previously approved application No. A/K3/248. There was no change in the nature of the land uses at the application site (i.e. ground floor for PFS and upper floors for commercial/office uses), although the plot ratio and building height of the subject building upon redevelopment would be increased from 10.66 to 12 and from about 51.5mPD to 131.05mPD respectively. The proposed PFS would unlikely cause adverse traffic impact on the surrounding areas. However, D of FS objected to the application as the proposed PFS located on the ground floor of a commercial/office building was considered not acceptable from current fire safety viewpoint. In response to the applicant's further information dated 15.9.2009 at Appendix Ih of the Paper, D of FS was further consulted who maintained his stance of not supporting the application. A dangerous goods (DG) licence under the Dangerous Goods Ordinance (Cap. 295) was required for the operation of a PFS. The decision to grant a DG licence rested with D of FS based on fire risk assessment. The siting and construction of a PFS underneath a commercial/office building was unacceptable according to the current fire safety requirements for the regulatory control of PFS. DEP advised that the current layout of the proposed PFS with ingress/egress directly facing Ocean Court was undesirable from noise planning perspective.

[Mr. Raymond Y.M. Chan and Ms. Olga Lam arrived to join the meeting at this point.]

5. In response to the Chairperson's enquiry, Mr. Wilson W.S. Chan said that the applicant, in its letter dated 15.9.2009, mainly pointed out that the proposed PFS had met the requirements for a PFS without liquefied petroleum gas (LPG) filling facilities on the ground floor of commercial building as specified in paragraph 3.8.4 of Chapter 12 of the current HKPSG. Three carpark floors would be provided above the proposed PFS separating it from the commercial/office uses above. D of FS was further consulted on the further

information and reiterated that the proposed PFS underneath a commercial/office building was considered not acceptable under the current policy. They would have no objection to a PFS if there were no commercial/office floors above. Proposed amendments to the relevant chapter of the HKPSG to reflect the current policy were already underway.

6. Several Members raised concerns on the discrepancy between the standards set out in the HKPSG and the current policy of the Fire Services Department (FSD). The proposed PFS had complied with the requirements set out in the HKPSG, but not acceptable to D of FS under the current policy. The following questions and views were raised by Members:

- (a) whether there were any similar planning applications for PFS on the ground floor with other uses above in the past;
- (b) what was the relationship between the fire safety legislation and the HKPSG;
- (c) while paragraph 3.8.4(f) of Chapter 12 of the HKPSG stated that other commercial uses might be permitted on the upper floors of PFS without LPG filling facilities, would such PFS with other uses above no longer be allowed in the proposed amendments to the HKPSG currently being pursued by D of FS;
- (d) as D of FS indicated that the concerned HKPSG was yet to be revised, it appeared that the concerned policy as mentioned in D of FS's comments was still being formulated. Under such circumstances, a Member opined that the policy would still have to go through consultation procedures and subject to endorsement by the relevant approval authority; and
- (e) what were the procedures and current progress of amending the relevant part of the HKPSG.

7. In relation to Members' view in paragraph 6(d) above, Mr. C.W. Tse, the Assistant Director (Environmental Assessment), Environmental Protection Department, said

that according to paragraph 9.1.4(b) of the Paper, D of FS indicated that the current policy had already been formulated. He then asked if the current policy had been made known to the public.

8. In response to the questions raised in paragraphs 6 and 7 above, Mr. Wilson W.S. Chan made the following main points :

- (a) there were no similar applications for PFS on the ground floor with other uses above in the past 5 years;
- (b) the HKPSG was a Government manual of criteria for determining the scale, location and site requirements of various uses. It was the administrative guidelines. While paragraphs 3.8.4(a) to (g) of Chapter 12 of the HKPSG stipulated the requirements that the ground floors of commercial buildings might be allowed for PFS without LPG filling facilities, the operation of PFS was governed by the Dangerous Goods Ordinance. In other words, regardless of whether planning permission was required for a PFS, the operator of the PFS would still be required to apply for a DG licence under the above Ordinance and the decision to grant the DC licence rested with D of FS;
- (c) the subject case was rather special in that there was already a PFS on the ground floor of the previous industrial building which was completed in 1983 and a previous application No. A/K3/248 for converting the industrial building to a commercial/office one with PFS on the ground floor was granted by the Committee in 1993. However, D of FS advised that the current application involving a proposed PFS located on the ground floor of a commercial/office building was considered unacceptable based on the current policy;
- (d) there was no information on hand on whether the current policy mentioned in D of FS's comments had been made known to the public. However, according to D of FS, the said policy had already been adopted by D of FS. Generally speaking, D of FS could promulgate its policy in relation to PFS

to the public by amending the relevant chapter of the HKPSG and/or preparing/amending guidelines issued by D of FS himself; and

- (e) according to D of FS, the proposed amendments to the relevant chapter of the HKPSG were now being undertaken in full swing. The proposed amendments would be submitted to the Planning Standards Sub-Committee (PSSC) of the Committee on Planning and Land Development for consideration and approval. Upon approval, the Secretary of the PSSC would issue and promulgate the revised HKPSG.

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

Deliberation Session

9. Several Members considered that the current application for the proposed PFS could not be accepted. Drawing reference to the existing PFSs near Yue Man Square at Kwun Tong, PFS would generate noise and odour nuisances to nearby residents and hence PFS should not be located too close to residential developments. For the current application, the proposed PFS was only about 15m away from Ocean Court across Kok Cheung Street which was considered undesirable. On the other hand, compliance with the requirements stipulated in paragraph 3.8.4 of Chapter 12 of the HKPSG did not necessarily mean that the current application for a proposed PFS could be considered acceptable. Fire safety was an important consideration which should not be compromised in assessing applications for PFS use. For the current application, D of FS had raised objection to the proposed PFS based on fire safety policy. Other Members agreed.

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

10. In response to a Member's query of why an existing PFS was allowed at the application site, the Chairperson said that the subject building with a PFS on the ground floor was completed in 1983 and planning permission for converting the building from industrial to commercial/office uses under Application No. A/K3/248 was granted in 1993. There were also other existing PFSs e.g. those along Arsenal Street in Wan Chai which were located underneath a building. As compared with these PFSs which had been completed years ago,

the current application involved the construction of a new PFS under a redevelopment proposal. As such, it was not unreasonable for D of FS to assess the proposed PFS based on the prevailing fire safety standard.

11. While Members generally agreed to reject the application, it was agreed to add another rejection reason, namely that the proposed PFS was located in close proximity to residential developments, in particular Ocean Court which was about 15m away across Kok Cheung Street.

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

- (a) the proposed petrol filling station (PFS) underneath a commercial/office building was considered not acceptable from current fire safety point of view;
- (b) the proposed PFS was located in close proximity to residential developments, in particular Ocean Court which was about 15m away across Kok Cheung Street; and
- (c) approval of the application would set an undesirable precedent for other similar applications in the area.

13. The Committee also agreed to request the Secretariat of the TPB to relay Members' concern to the Director of Fire Services to expedite the promulgation of the current policy in relation to PFS to the public.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/517 Proposed Shop and Services and Office
 in “Residential (Group E)” zone,
 G/F and 1/F, 37 Beech Street, Tai Kok Tsui
 (MPC Paper No. A/K3/517)

14. The Secretary reported that a replacement page 7 of the Paper had been sent to Members on 17.9.2009 and tabled at the meeting for Members’ consideration.

Presentation and Question Sessions

15. Mr. Wilson W.S. Chan, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, including that the application site was the subject of a previous application (No. A/K3/286) for redeveloping the existing industrial building on site into a composite industrial-office building with local provision shops on the ground floor which was rejected by the Committee on 7.10.1994;
- (b) the proposed shop and services and office uses on the ground and first floors of the existing industrial building respectively;
- (c) departmental comments – concerned Government departments, including the Director of Fire Services, had no objection to or adverse comments on the application;
- (d) two public comments were received during the statutory publication period. One commenter had no comment on the application. The other commenter suggested to resolve the matters of concern raised by the Committee in rejecting the previous application No. A/K3/286; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed shop and services and office uses were in line with the planning intention of the subject “Residential (Group E)” zone for phasing out the existing industrial uses. They were considered not incompatible with the industrial-related offices and warehouses on the upper floors of the subject building and the ground floor uses of the surrounding developments. No adverse impact on the surrounding area was anticipated. Regarding the public comment, the previous application was rejected mainly due to non-provision of on-site loading/unloading facilities. For the current application, the applicant had explained that the amount of loading/unloading activities for the proposed uses would be less than that of the original industrial use. The Assistant Commissioner for Transport/Urban, Transport Department also had no in-principle objection to the application.

16. Members had no question on the application.

Deliberation Session

17. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.9.2013, 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 fire service installations within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2010; and
- (b) if the above planning condition (a) 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.

18. The Committee also agreed to advise the applicant of the following :
- (a) to apply to the District Lands Officer/Kowloon West, Lands Department for lease modification/waiver for the proposed shop and services and office uses at the application premises;
 - (b) to consult the Chief Building Surveyor/Kowloon, Buildings Department on the fire resistance construction requirements for the application premises according to the Code of Practice for Fire Resisting Construction as well as the natural lighting and ventilation requirements for the application premises under the Building (Planning) Regulations; and
 - (c) to note that the Commissioner for Transport had the rights to impose, alter or cancel any parking, loading/unloading facilities and/or any no-stopping restrictions, etc. on Beech Street and other local roads to cope with the changing traffic conditions and needs. The applicant should not expect the Government to provide such facilities for use of the subject premises. Loading/unloading of goods vehicles on public streets, if any, should be confined to off-peak hours.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/518 Proposed Hotel in “Residential (Group A)” zone,
423-425 Reclamation Street,
Mong Kok (KIL Nos. 1166 s.A ss.1 and 1166 s.B)
(MPC Paper No. A/K3/518)

Presentation and Question Sessions

19. Mr. Wilson W.S. Chan, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – the Commissioner of Police (C of P) objected to the application as there was no provision of off-street parking facility to meet the loading/unloading activities generated by the proposed hotel. This would lead to illegal parking problem along Reclamation Street and nearby streets, causing adverse impacts on the local traffic network. Relaxing the parking restrictions of nearby roads to meet the parking need of the proposed hotel was not supported as this would cause adverse traffic impact. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; 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 hotel was considered not incompatible with the surrounding land uses which were predominantly commercial/residential developments with commercial uses on the lower floors. Its proposed development intensity with a plot ratio of about 9 and building height of 61.135mPD was considered not incompatible with the surrounding developments with building height ranging from 24.2mPD to 77.4mPD. It would unlikely generate adverse environmental, traffic and drainage impacts on the surrounding areas. The proposed hotel under application was similar to the previous hotel scheme that was approved by the Committee under Application No. A/K3/500 on 4.1.2008. As there was no change in the planning circumstances, the proposed hotel was considered acceptable. Regarding C of P's concern, the proposed hotel had only 50 guestrooms and no significant adverse traffic impact was anticipated. The Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U,

TD) also had no in-principle objection to the application.

20. Members had no question on the application.

Deliberation Session

21. A Member asked why did C of P raise concern on parking matter and which Government department was the authority for such matter. The Chairperson said that while TD was the authority for parking matter, the Hong Kong Police Force was responsible for the enforcement of traffic legislation and regulations, including parking offences. Mr. Anthony Loo, AC for T/U, TD, said that the traffic along Reclamation Street was not heavy and there were on-street parking spaces on both sides of the street for loading/unloading activities. According to the internal guidelines of TD, the provision of parking and unloading/unloading facilities could be waived for a hotel with only 50 guestrooms. As such, TD had no in-principle objection to the proposed hotel under application.

22. 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 18.9.2013, 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 water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in planning condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB.

23. The Committee also agreed to advise the applicant of the following :

- (a) to apply to the District Lands Officer/Kowloon West, Lands Department for a licence to permit the proposed hotel use;
- (b) the approval of the application did not imply the gross floor area exemption for hotel concession, back-of-house and other facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (c) to consult the Chief Building Surveyor/Kowloon, Buildings Department on the building requirements for the proposed hotel development, including the arrangement of emergency vehicular access according to Part VI of the Code of Practice for Means of Access for Firefighting and Rescue;
- (d) to consult the Chief Officer/Licensing Authority, Home Affairs Department on the licensing requirements for the proposed hotel;
- (e) to note the comments of the Sewerage Infrastructure Group of Environmental Protection Department to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works; and
- (f) to note the comments of the Commissioner of Police regarding the possible impact on traffic flow and pedestrian circulation caused by the proposed hotel.

[The Chairperson thanked Mr. Wilson W.S. Chan, STP/TWK, for his attendance to answer Members' enquiries. Mr. Chan 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 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/681 Temporary Shop and Services (Fast Food Shop) for a Period of 5 Years
in “Other Specified Uses” annotated “Business” zone,
Portion of Flat A (A1), G/F, Ka Ming Court,
688-690 Castle Peak Road, Cheung Sha Wan
(MPC Paper No. A/K5/681)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (fast food shop) use for a period of 5 years on the ground floor of an existing industrial building;
- (c) departmental comments – concerned Government departments, including the Director of Fire Services, had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; 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 temporary fast food shop was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone and complied with the requirements set out in the Town Planning Board Guidelines No. 22D for ‘Development within

“OU(Business)” Zone’. It was not incompatible with the uses of the subject building which mainly comprised a delivery office of the Hong Kong Post, showrooms approved under Application No. A/K5/666 and workshop on the ground floor as well as offices/godowns of industrial/trading firms on the upper floors. No significant adverse impacts on the developments within the subject building and the adjacent areas were anticipated.

25. Members had no question on the application.

Deliberation Session

26. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years up to 18.9.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service installations in the subject premises within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2010; 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.

27. The Committee also agreed to advise the applicant of the following :

- (a) to note that prior planning permission should have been obtained before commencement of the development;
- (b) to apply to the District Lands Officer/Kowloon West, Lands Department for the temporary waiver to permit the applied use;
- (c) to consult the Chief Building Surveyor/Kowloon, Buildings Department to

ensure that the change in use would comply with the Buildings Ordinance, in particular the provision of 2-hour fire resisting separation walls between the subject premises and the remaining portion of the building in accordance with Building (Construction) Regulations and Code of Practice for Fire Resisting Construction 1996; and

- (d) 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.]

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/341 Proposed Hotel in "Residential (Group A)" zone,
1/F and Shop No. 12 (Portion) on G/F, Po Kai Mansion,
12 Wo Yi Hop Road, Kwai Chung
(MPC Paper No. A/KC/341)

Presentation and Question Sessions

28. 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 hotel with 28 guestrooms located on 1/F of a composite building (i.e. Po Kai Mansion) and its own entrance and reception counter to be provided at Shop No. 12 (portion) on the G/F;

- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) could not agree to the application as there was no provision of carparking and loading/unloading facilities within the application premises for the proposed hotel. The adjoining Wo Yi Hop Road and Castle Peak Road were subject to 24-hour no-stopping restrictions. Without the provision of off-street facilities to pick up and drop off passengers, the proposed hotel would generate substantial illegal on-street stopping activities which would have adverse traffic impact on Wo Yi Hop Road and Castle Peak Road. Other concerned Government departments had no objection to or adverse comments on the application;

- (d) six public comments were received during the statutory publication period. They objected to or did not support the application mainly because of the breaching of the Deed of Mutual Covenant (DMC), safety/security concerns if the proposed hotel was an hourly hotel and there was no need for the proposed hotel in view of the presence of a service apartment in the vicinity. Two of the commenters, including the Incorporated Owners of Po Kai Mansion, had each conducted a survey. Both survey results revealed that over 95% of the respondents opposed to the application; 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 hotel was considered incompatible with the residential use on 2/F to 22/F of the subject building. Although it was located within the non-domestic portion of a composite building with its own entrance separated from that for the residential portion, all commenters, including the Incorporated Owners of Po Kai Mansion, opposed to or did not support the application for the reasons mentioned earlier. Except for Ying Fung Commercial Centre, the S.K.H. Lady Macle hose Centre, the Apex and the Apex Horizon All-suite Hotel, the adjacent buildings in the neighbourhood were predominantly residential in nature. The subject building and its surrounding neighbourhood had been rezoned from

“Commercial/Residential” to “Residential (Group A)” (“R(A)”) in 2003 to reflect the land use characteristics of the area. Approval of the application would set an undesirable precedent for the penetration of guesthouse type hotel in the predominantly residential neighbourhood.

29. Noting that TD had no objection to a proposed hotel with 50 guestrooms under Application No. A/K3/518 which was considered earlier at the meeting in Agenda Item 5, a Member asked for the reasons of not agreeing to the current application by AC for T/NT, TD. Mr. Anthony Loo, the Assistant Commissioner for Transport (Urban), TD, said that although the proposed hotel under Application No. A/K3/518 had more guestrooms, the traffic along Reclamation Street in that case was not heavy and there were on-street parking spaces on both sides of the street for loading/unloading activities. For the subject application, Wo Yi Hop Road and Castle Peak Road adjoining the application premises were heavily trafficked and subject to 24-hour no-stopping restrictions. If the proposed hotel had no carparking and loading/unloading facilities, the hotel guests would have to walk about 70-80m from Tai Loong Street to the application premises. This would likely lead to illegal picking up/dropping off/parking problems along Wo Yi Hop Road and Castle Peak Road. As such, TD did not support the subject application. Mr. Y.S. Lee supplemented that PlanD in consultation with TD had explored the option of imposing an approval condition requiring the applicant to provide parking and loading/unloading facilities to the satisfaction of TD. However, given the site constraints and local traffic condition, TD considered it not feasible to provide the required parking and loading/unloading facilities. As such, approving the application with imposition of an approval condition on such provision would give a false expectation to the applicant.

Deliberation Session

30. Several Members doubted if the proposed hotel would cause significant traffic impact as the number of guestrooms was 28 only and it might not be reasonable to assume that the lack of provision of parking and loading/unloading facilities would likely lead to illegal parking problem in the area. Another Member noted that there were vacant premises in the neighbourhood. The proposed hotel could bring in activities and hence help revitalising the area. Since there were residential and commercial developments nearby, parking or loading/unloading facilities might be available in the area. Referring to Plan A-2

of the Paper, the Chairperson asked if a site along Tai Loong Street south of the application premises was a public car park. Mr. Y.S. Lee replied in the affirmative and said that metered parking spaces were available in that public car park.

31. The Secretary said that the site context of this case was different from that of Application No. A/K3/518 in that there was busy traffic and 24-hour no-stopping restrictions along the adjoining roads. The non-provision of parking and loading/unloading facilities in this case was thus considered unacceptable by TD. Mr. Anthony Loo reiterated that given the site constraints, it would not be feasible to provide carparking spaces and loading/unloading facilities as suggested in the approval condition (a) in paragraph 12.2(a) of the Paper.

32. In response to the Chairperson's question on what Column 1 uses were always permitted under the subject "R(A)" zone, Mr. Y.S. Lee said that a range of non-domestic uses such as shop and services, eating place, place of entertainment, private club, etc. were always permitted on the lowest three floors or purpose-designed non-residential portion of a building under the subject "R(A)" zone. The Chairperson said that if the application was to be rejected by the Committee, the application premises could still be used for the above Column 1 uses without the need for obtaining planning permission from the Town Planning Board (TPB). In terms of land use compatibility, a Member said that an "hourly hotel" at the application premises could adversely affect the image of the subject building and cause nuisance to the residents. The Chairperson said that the current application was for a proposed hotel and it might not be appropriate to assume the proposed hotel would operate as an "hourly hotel". Members, however, noted PlanD's view that allowing a hotel in the commercial portion would set a precedent in the predominantly residential neighbourhood.

33. Referring to the public comment submitted by the Incorporated Owners of Po Kai Mansion at Appendix II of the Paper, the Vice-chairman noted that clause (n) of the DMC expressively stated that "the owners shall not use or cause or permit the said building or any part thereof to be used for the purpose of ... an inn, hotel, boarding house, apartment house, lodging house, ...". Even if the application was to be approved by the Committee, the applicant might not be able to operate the proposed hotel according to the DMC. Ms. Olga Lam, the Assistant Director/Kowloon, Lands Department, said that DMC was a private contractual agreement among the co-owners, manager and developer of a building. If the

DMC was breached, the applicant could seek advice from its own legal adviser on whether legal action could be taken. In response to a Member's question on whether breaching of DMC was a relevant consideration in assessing planning applications, the Secretary said that it was not uncommon to receive public comments raising objection to planning applications due to breaching of the DMC. However, it was the practice of the TPB of not taking the DMC as a relevant consideration as it was a private contractual agreement. In addition, even if the planning permission was obtained from the TPB, the applicant would still have to comply with or amend the DMC, where appropriate, to implement the approved use. Each planning application would be considered based on the planning grounds only.

34. While breaching of the DMC was not a relevant consideration, several Members were of the view that local objections should be taken into account in considering an application and that the matters of concern raised in the local objections to the subject application were not unreasonable. The DMC of Po Kai Mansion was very clear in not allowing any part of the building for hotel use. The residents of Po Kai Mansion might have an expectation that no such use would be allowed when they bought or rented their units. Members were sympathetic to the residents of Po Kai Mansion if they had to initiate legal action on their own against the breach of DMC by the proposed hotel which could be costly and time-consuming. This was against the "people-based" principle in discharging the duties of the TPB.

35. In summary, the Chairperson said that Members considered that the proposed hotel use could not be considered incompatible with the residential use on the upper floors of the subject building as suggested in paragraph 12.1(a) of the Paper. Given that the adjacent buildings were predominantly residential in nature and there was no similar guesthouse type hotel in the area, Members considered it more appropriate to indicate the undesirable precedent effect of approving the application, which would lead to penetration of hotel use in the commercial podia of the adjacent residential buildings in the rejection reasons. Members agreed to amend the rejection reasons accordingly.

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

- (a) the applicant had not demonstrated in the application that the proposed hotel

would not cause adverse traffic impact on the surrounding area and proposed feasible measures to address the impact; and

- (b) the approval of the application would set an undesirable precedent which would lead to penetration of hotel use within the commercial podia of the adjacent residential buildings.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/345 Shop and Services (Real Estate Agency)
in “Other Specified Uses” annotated “Business” zone,
Unit C2, G/F, Block 2, Golden Dragon Industrial Centre,
162-170 Tai Lin Pai Road, Kwai Chung
(MPC Paper No. A/KC/345)

Presentation and Question Sessions

37. 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 shop and services (real estate agency) use on the ground floor of an existing industrial building (i.e. Golden Dragon Industrial Centre);
- (c) departmental comments – concerned Government departments, including the Director of Fire Services (D of FS), had no objection to or adverse comments on the application;
- (d) nine public comments were received during the statutory publication period. One commenter had no comment on the application. Eight commenters, including three from the Incorporated Owners of Block 1, Block 2 and the

United Blocks of the Golden Dragon Industrial Centre as well as one from the Incorporated Owners of the adjacent Eastern Industrial Building, supported the application mainly because the applied use could serve the neighbourhood. The lighting and cleanliness of the pedestrian path adjacent to the application premises had also been improved after the opening of the applied use; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The real estate agency complied with the requirements set out in the Town Planning Board Guidelines No. 22D for ‘Development within “OU(Business)” Zone’. It was considered not incompatible with the uses of the subject building. The real estate agency with a floor area of about 21m² was small in scale and hence no adverse traffic or environmental impacts on the surrounding areas were anticipated.

38. Members had no question on the application.

Deliberation Session

39. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- (a) the submission and implementation of fire service installations in the application premises within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2010; 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.

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

- (a) to consult the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department on a temporary waiver for the applied use;
- (b) to consult the Chief Building Surveyor/New Territories West, Buildings Department on the submission of building plans in respect of the implementation of any non-exempted building works and provision of means of escape completely separating the application premises from the industrial portion of the subject industrial building; and
- (c) to remind the applicant that prior planning permission should have been obtained before commencing the applied use at the application premises.

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

Remarks

41. Noting that the representatives of various Government bureaux/departments and their Consultants for Agenda Item 11 had all arrived, the Committee agreed to proceed with consideration of Agenda Item 11 first.

Kowloon District

[Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), Miss Helen L.M. So, Senior Town Planner/Kowloon (STP/K), Ms. Anita Tsui, Ms. Queenie Leung and Mr. William Wat, representatives of the Commissioner for Tourism (C for T), Mr. S.K. Tong, representative of the Civil Engineering and Development Department (CEDD), Mr. K.W. Ma and Mr. Jacky Chan, representatives of the Architectural Services Department (ArchSD), Ms. Helen Cochrane, representative of Meinhardt Environment Ltd., as well as Mr. Benny Ng and Mr. Brian Li, representatives of Thomas Chow Architects Ltd., were invited to the meeting at this point.]

Agenda Item 11

[Open Meeting]

Proposed Amendments to the

Approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/17

(MPC Paper No. 27/09)

42. With the aid of a Powerpoint presentation, Miss Helen So, STP/K, presented the proposed amendments to the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/17 and covered the following main aspects as detailed in the Paper :

Background

- (a) to enhance the attractiveness of Lei Yue Mun and respond to the aspirations of local residents and business operators, the Tourism Commission had initiated an enhancement project for the waterfront of Lei Yue Mun Village which included the construction of a waterfront promenade with public landing facilities, a breakwater linked up with the public landing facilities, a viewing platform and streetscape enhancement;
- (b) the enhancement project would involve reclamation of about 1,000m² of land outside the limit of the Victoria Harbour. The Department of Justice advised that the concerned reclamation works would not violate the Protection of Harbour Ordinance;
- (c) the Civil Engineering and Development Department (CEDD) had carried out a study for the enhancement project which concluded that the proposed enhancement works would have no adverse impacts on the surrounding environment while complying with the various technical and environmental requirements. The extent of reclamation had been kept to the minimum to meet the operational requirements of the proposed public landing facilities which was outside the Lei Yue Mun Fairway limit. The enhancement project was expected to commence construction in 2010 for completion in 2013;

- (d) some proposed enhancement works (including the viewing platform, breakwater and part of the waterfront promenade) were not covered by OZP. The Secretary for Development, under the delegated authority of the Chief Executive, had given directive on 8.5.2009 to extend the planning scheme boundary of the OZP to cover the concerned area;

Proposed Amendments

- (e) to facilitate the implementation of the enhancement project, the following amendments to the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/17 were proposed as detailed in paragraph 4 of the Paper :
 - (i) rezoning of an area of about 3,701m² at the southern coast of Lei Yue Mun Village from “Village Type Development” to “Open Space” (“O”) which was mainly for streetscape enhancement works, part of the proposed waterfront promenade and to reflect the existing recreational uses including a rest garden and a basketball court;
 - (ii) inclusion of an area of about 943m² (including 489m² of sea to be reclaimed) into the planning scheme boundary of the OZP which would be designated as “O” zone to provide for part of the proposed waterfront promenade, viewing platform and public landing facilities; and
 - (iii) inclusion of about 157m² of sea to be reclaimed into the planning scheme boundary of the OZP which would be designated as “Other Specified Uses” annotated “Breakwater” (“OU(Breakwater)”) zone to reflect the planned use;
- (f) a new set of Notes for the proposed “OU(Breakwater)” zone was proposed as detailed in Annex C of the Paper;
- (g) as detailed in Annex D of the Paper, the Explanatory Statement of the OZP would be revised to take into account the proposed amendments and to reflect the latest circumstances of the area;

Consultation

- (h) relevant Government departments had no objection to the proposed amendments and their comments had been incorporated into the Notes or Explanatory Statement of the OZP, where appropriate; and
- (i) the Kwun Tong District Council and Sub-committee on Harbour Plan Review of the Harbour-front Enhancement Committee (HEC) would be consulted on the amendments during the exhibition period of the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/17A (to be renumbered to S/K15/18 upon exhibition) under section 5 of the Town Planning Ordinance.

43. The Chairperson then invited Mr. Benny Ng, representative of Thomas Chow Architects Ltd. which was the Study Consultant to the Architectural Services Department (ArchSD), to elaborate on the design details of the enhancement project. Mr. Ng did so and made the following main points :

- (a) referring to Appendix 4 of Annex E of the Paper, the enhancement project would include street improvement works along the existing footpath leading from a basketball court near Hoi Bun School up to the Tin Hau Temple. Along the footpath, five proposed lookout points would be provided to allow visitors to take photos and enjoy the waterfront. Visitors by land transport could reach the first lookout point through the existing 'Pai Lau' and seafood restaurants. Signage would be provided to direct visitors to different viewing points in the area. This would help provide better connectivity between places;
- (b) apart from land transport, a waterfront promenade incorporated with public landing facilities was proposed along the coastline near the Lei Yue Mun Lighthouse. This would provide a more direct access to the seafood restaurants; and
- (c) the design concept of the enhancement project was to respect the existing

character of the area while enhancing the waterfront of the Lei Yue Mun Village. As such, artificial works would be kept to the minimum whereas tree plantings would be maximised where possible in the project design. With the aid of perspectives and photomontages, views of the proposed enhancement works were shown. For instance, a viewing platform in carp-like shape would be provided near the existing beach which could help bring visitors to the beach and further to the Lei Yue Mun Lighthouse which was a popular sight-seeing point.

44. Members had the following views and questions on the enhancement project :
- (a) the overall direction of respecting the existing character of the area was strongly supported by Members. Notwithstanding, a Member said that new elements should also be introduced in the enhancement project in order to attract more local residents to visit the area;
 - (b) whether the environment of the existing seafood restaurants which were popular to visitors would be improved under the enhancement project. Some identified problems including wet and narrow footpath as well as bad odour should be addressed;
 - (c) whether visitors would go to the Lei Yue Mun Village mainly by sea via the proposed public landing facilities. A Member also raised concern that the new public landing facilities would draw visitors to those seafood restaurants located near the new public landing facilities whereas the business of the seafood restaurants further away would be adversely affected;
 - (d) supporting facilities such as seatings, sun shades and café should be provided at suitable locations to bring about a more pleasant environment for visitors;
 - (e) in view of the growing expectation of the public on the quality of public space, art works should be incorporated into the public space within the

project area;

- (f) referring to Plan 6 of the Paper, the most prominent feature of the enhancement project upon completion as viewed from the sea would be the existing public toilet which was considered undesirable;
- (g) noting that the proposed breakwater would protrude outwards to the sea, was there any need to construct a new breakwater along the waterfront; and
- (h) whether the existing squatters as shown on Plan 6 of the Paper would be affected by the enhancement project.

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

Seafood Restaurants

45. Regarding the environment of the seafood restaurants in paragraph 44(b) above, Mr. K.W. Ma, ArchSD's representative, and Ms. Anita Tsui, C for Tourism's representative, said that the scope of the enhancement project did not include the seafood restaurant area. However, the Tourism Commission had completed minor improvement works in 2003 which included repaving of the footpath serving the seafood restaurants, construction of a 'Pai Lau' and provision of a taxi stand and coach laybys at the entrance area of the seafood restaurants, as well as renovation of a sitting-out area. Under the current enhancement project, new public landing facilities at a nearer location to the seafood restaurants would be provided. This would provide a more direct access to the seafood restaurants.

Accessibility of the Area

46. Regarding the accessibility matter in paragraph 44(c) above, Mr. Eric C.K. Yue, DPO/K, and Ms. Anita Tsui said that at present, visitors could go to the Lei Yuen Mun area by land or sea transport. Facilities related to the land transport and the footpath serving the seafood restaurants had already been improved by the Tourism Commission in 2003. Regarding sea transport, the existing landing facilities at Sam Ka Tsuen were located at about 0.5km away from the seafood restaurants. Upon completion of the new public landing

facilities to be provided under the current enhancement project, the walking distance to the seafood restaurants would be shortened to 0.1km. It was estimated that the new public landing facilities could attract about 10,000 visitors to the area per month.

Project Design

47. Regarding the design details of the enhancement project in paragraphs 44(a), (d) and (e) above, Mr. Benny Ng illustrated with the aid of plans that seatings and sun shades would be provided at different places to provide a pleasant environment for the visitors. In addition, to echo the tent structure of the Hong Kong Museum of Coastal Defence at Shau Kei Wan across the harbour, similar tent structure in smaller scale would also be provided at the waterfront promenade.

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

48. Ms. Anita Tsui said that as it was intended to respect the existing character of the area rather than creating theme-park type of attraction, the use of artificial decorations such as sculptures would be minimized under the enhancement project. The Kwun Tong District Council, the Sub-committee on Harbour Plan Review of HEC, local residents and business operators of the area had been consulted about the enhancement project. While the Kwun Tong District Council had expressed unanimous support on the enhancement project, the Sub-committee on Harbour Plan Review of HEC generally agreed that the existing natural setting of the area should be respected and had no in-principle to enhancing the Lei Yue Mun waterfront.

49. Regarding the public toilet which was of 2 storeys high in paragraph 44(f) above, Mr. Benny Ng said that trees, instead of artificial works, would be used to screen off the visual impact of the concerned toilet. In response to the Chairperson's enquiry, Mr. Benny Ng said that the small white structures as shown on Plan 6 of the Paper were proposed rain shelters.

Proposed Breakwater

50. Regarding the need for the proposed breakwater in paragraph 44(g) above, Mr.

S.K. Tong, CEDD's representative, said that the coastal area of Lei Yue Mun was very windy during the winter season between November to January. It was thus necessary to provide a breakwater to protect the vessels using the public landing facilities to be constructed under the enhancement project.

Existing Squatters

51. Regarding the existing squatters in paragraph 44(h) above, Mr. Eric C.K. Yue, said that not more than 14 squatters would be affected by the enhancement project and eligible residents would be re-housed according to the Government's prevailing rehousing policy.

52. While having no questions on the proposed amendments to the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/17, Members considered that the concerned Government bureaux/departments and their Consultants should take note of Members' views on the design of the enhancement project.

53. After further deliberation, the Committee decided to:

- (a) agree to the proposed amendments to the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/17 and its revised Notes as set out in Annexes B and C of the Paper respectively;
- (b) agree that the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/17A (to be renumbered as S/K15/18 upon exhibition) and its Notes at Annexes B and C of the Paper respectively were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance;
- (c) agree that the updated ES at Annex D of the Paper be adopted as an expression of the planning intentions and objectives of the Town Planning Board (TPB) for the various land use zonings on the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/17A; and
- (d) agree that the updated ES at Annex D of the Paper was suitable for

exhibition together with the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/17A and issue under the name of the TPB.

[The Chairperson thanked Mr. Eric C.K. Yue, DPO/K, Miss Helen L.M. So, STP/K, Ms. Anita Tsui, Ms. Queenie Leung and Mr. William Wat, C for Tourism's representatives, Mr. S.K. Tong, CEDD's representative, Mr. K.W. Ma and Mr. Jacky Chan, ArchSD's representatives, Ms. Helen Cochrane, representative of Meinhardt Environment Ltd., as well as Mr. Benny Ng and Mr. Brian Li, representatives of Thomas Chow Architects Ltd., for their attendance to answer Members' enquiries. They left the meeting at this point.]

[A short break of 5 minutes was taken at 11:00 a.m..]

[Mr. Maurice W.M. Lee left the meeting at this point.]

Hong Kong District

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/384 Proposed Religious Institution
in "Commercial/Residential" zone,
Theatre of Wah To Building (Portion of G/F, UG/F and 1/F - 4/F),
29 Burrows Street, Wan Chai
(MPC Paper No. A/H5/384)

Presentation and Question Sessions

54. 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;
- (b) the proposed religious institution;
- (c) departmental comments – the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department (CBS/HKE&HU, BD) advised that the applicant had not provided the overall plot ratio calculation of the subject site. Its preliminary assessment based on the applicant’s submission revealed that the proposed building works with a new floor on the 1/F would exceed the permissible plot ratio under the Building (Planning) Regulations. In this regard, he had in-principle objection to the application subject to the applicant’s clarification at this stage or compliance with the Buildings Ordinance at building plan submission stage. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment indicating no comment on the application was received. The District Officer (Wan Chai) advised that most local personalities consulted had no comment on the application, but some were concerned about the workload of the security staff of the subject building with an increase of visitors generated by the proposed religious institution; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. The subject building was currently occupied by mixed commercial/residential uses, including other existing religious uses within the non-domestic portion of the building. It fell within an area zoned “Commercial/Residential” with a mixture of commercial and composite commercial/residential buildings. As such, the proposed religious institution was considered not incompatible with the existing uses of the subject building and the surrounding developments. It would unlikely cause adverse traffic and infrastructure impacts on the surrounding area. Regarding CBS/HKE&HU, BD’s comments, should the Committee decide to approve the application, the applicant would be advised that if the additional gross floor area of the proposed development

was not acceptable to the Building Authority at building plan submission stage and major changes to the current scheme were required, a fresh planning application might be required. Regarding the local concern on security aspect, separate accesses had been provided for the non-domestic and residential portions of the subject building.

55. In response to the Chairperson's question about the use of the construction site opposite the application premises on Plan A-2 of the Paper, Ms. Donna Y.P. Tam said that the construction site was for a composite commercial/residential development with non-domestic uses on the lower floors and residential use on the upper floors.

Deliberation Session

56. 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 18.9.2013, 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 fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of a sewerage impact assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (c) the implementation of necessary mitigation measures as identified in the SIA in planning condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB.

57. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the District Lands Officer/Hong Kong East, Lands Department on lease modification for user restrictions; and

- (b) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department on the permissible plot ratio under the Building (Planning) Regulations. If the additional gross floor area of the proposed development was not acceptable to the Building Authority at building plan submission stage and major changes to the current scheme were required, a fresh planning application to the TPB might be required.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H25/10 Temporary Exhibition Hall for Motor Vehicles
for a Period of 3 Years in “Open Space” zone,
Basement Level B1 of the Car Park Complex,
Hong Kong Convention and Exhibition Centre,
1 Harbour Road, Wan Chai
(MPC Paper No. A/H25/10)

58. The Secretary said that after the issuance of MPC Paper No. A/H25/10 on 14.9.2009 and the first Supplementary Paper on 16.9.2009, the applicant had submitted further information on 17.9.2009. As such, another Supplementary Paper II about the further information dated 17.9.2009 was prepared and tabled at the meeting for Members’ consideration. Members were given time to go through Supplementary Paper II before the presentation and question sessions.

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 :

Background

- (a) background to the application, including that the application premises was the subject of three previous section 16 applications (No. A/H25/2, A/H25/6 and A/H25/9) and four previous section 16A applications (No.

A/H25/6-1 to A/H25/6-4) for extension of time (EOT) for compliance with an approval condition on provision of fire service installations (FSIs) from the original 6 months up to a total of 30 months (until 14.5.2009). The last planning permission granted under Application No. A/H25/6-4 was revoked on 14.5.2009 due to non-compliance with the approval condition on provision of FSIs by the specified date as detailed in paragraph 5 of MPC Paper No. A/H25/10;

The Application

- (b) the applicant sought planning permission for a temporary exhibition hall for motor vehicles for a period of 3 years. According to the applicant's further information dated 17.9.2009, a new mode of operation was proposed under which the existing car parking area at the application premises would be used for parking of pre-owned cars whereas a sales office would be demarcated for conducting sales activities. Visitors would have broad screening of motor vehicles at the sales office and they could be accompanied by sales staff to the car parking area to inspect specific cars upon request. The applicant indicated that the total number of cars to be parked at and the total number of visitors to the car parking area at any time would not exceed 400 and 300 respectively. A third party professional would be employed to monitor the operation and submit reports at any interval;

- (c) if sales activities of the temporary exhibition hall were confined to the sales office as proposed under the new mode of operation, the current provision of MoE at the application premises was already adequate to meet the MoE requirements of the Buildings Department (BD). To adequately meet the FSIs requirements of the Fire Services Department (FSD), it was proposed to provide 4-hour fire rated separation of the sales office from the car parking area;

Departmental Comments

- (d) based on the applicant's latest further information dated 17.9.2009, the Chief Building Surveyor/Hong Kong East & Heritage unit, Buildings

Department (CBS/HKE&HU, BD) had no in-principle objection to the application subject to enforcement of appropriate conditions to the Committee's satisfaction for ensuring the mode of operation and for restricting the number of people gaining access to the car parking area at any one time;

- (e) the Director of Fire Services (D of FS) had no in-principle objection to the application subject to provision of FSIs to his satisfaction. Although fire services certificate covering the sales office had been issued, the current application covered both the sales office and car parking area and hence major FSIs including smoke extraction system might be required for the whole area. The detailed fire safety requirements would be formulated at building plans submission stage;
- (f) the Assistant Commissioner for Transport/Urban, Transport Department had no comment on the Parking Demand Study submitted by the applicant which revealed a consistent surplus of car parking spaces in Wan Chai North area;

Public Comments and Local Views

- (g) during the statutory publication period, one public comment was received objecting to the application and raising queries on why the public car park had been continuously used for the applied use and whether the future infrastructure development in the area would be affected;
- (h) the District Officer (Wan Chai) advised that among the relevant District Councillors and district personalities consulted, many respondents disagreed with the application because of safety concern and were worried that the design of the application premises was not suitable for exhibition purpose; and

Planning Department (PlanD)'s views

- (i) PlanD had no objection to approving the application on a temporary basis for a period of 3 years based on the assessment in paragraph 4 of

Supplementary Paper II. In terms of use, the temporary exhibition hall for motor vehicles was not incompatible with the surrounding land uses, including the adjacent Hong Kong Convention and Exhibition Centre. Planning permissions for the same temporary use had been granted previously. There would be no strong reason to refuse granting permission to the current application if the applicant could resolve all technical concerns raised by relevant Government departments satisfactorily. Having regard to the past record and the departmental comments on the application, should the Committee decide to approve the application, various approval conditions were proposed as detailed in paragraph 5.2 of Supplementary Paper II, including :

- (i) approval conditions (b) and (c) restricting the number of cars to be parked at and number of visitors to the car parking area of the application premises to 400 and 300 respectively at any time to ensure that the fire safety concern was satisfactorily addressed;
- (ii) approval condition (d) requiring the applicant to employ a third party professional to monitor the mode of operation and ensure compliance with the limits on the number of cars and visitors as stated in approval conditions (b) and (c) as well as to submit monthly reports to the Director of Buildings; and
- (iii) approval condition (g) stipulating a revocation clause if the applicant failed to comply with the approval conditions.

60. Members had the following views and questions on the application :

- (a) while CBS/HKE&HU, BD had no in-principle objection to the application “subject to enforcement of appropriate conditions to the Committee’s satisfaction”, it was also stated in the applicant’s further information dated 17.9.2009 that “the applicant is also willing to employ a third party professional to monitor and submit reports to the Town Planning Board (TPB) at any interval”. As such, BD’s comments might be made on the premise

that the submission of monthly reports by the third party professional would be monitored by the TPB itself rather than BD;

(b) there were concerns on the enforceability of the new mode of operation, limits on the number of cars to be parked at and number of visitors to the car parking area of the application premises as proposed by the applicant. Some examples quoted were as follows :

- how could the number of visitors to the car parking area at any one time be counted in view of the mobility of people around the place;
- there could be greater number of visitors to the application premises at peak periods e.g. during weekends and trade fairs; and
- who would be the third party professional and how would it undertake the monitoring work, in particular having regard to its contractual relationship with the applicant;

(c) what was the basis to arrive at the proposed limits on the number of cars and visitors by the applicant. The existing number of car parking spaces at the application premises was 305 only according to the applicant whereas the number of car parking spaces as shown on the revised layout plan submitted by the applicant on 17.9.2009 was about 260 only. It was further indicated in the applicant's further information dated 17.9.2009 that the maximum of persons at the application premises at any one time was 200 only based on the past experience; and

(d) the applicant claimed that a lot of efforts had been made on the provision of FSIs and means of escape (MoE) for the temporary exhibition hall as required under the previous planning permission which was finally revoked due to non-compliance with the related approval condition. A Member asked if the required MoE and FSIs under the previous planning permission were technically not feasible to implement.

61. In response to Members' questions in paragraph 60 above, Ms. Donna Y.P. Tam made the following main points :

- (a) regarding the enforceability of the new mode of operation and limits on the number of cars to be parked at and number of visitors to the car parking area, the applicant was willing to accept any approval conditions to be imposed by the Committee. In this regard, PlanD had suggested to impose appropriate approval conditions in paragraph 5.2 of Supplementary Paper II, failing which would result in revocation of the planning permission. The applicant had also suggested to employ a third party professional to do the monitoring work and submit monthly reports;
- (b) according to the established practice of the TPB, an appropriate Government department would be identified to monitor the discharge of approval condition. The monitoring work on the discharge of the approval condition had all along been undertaken by the relevant Government department. However, if there were problems in the discharge of the approval condition, a submission could be made to the TPB for consideration;
- (c) according to the temporary waiver issued by the Lands Department, the application premises could not be used as a trade fair or exhibition centre or a general exhibition hall for the display of any vehicle of a special nature which would attract substantial number of visitors to the application premises and in turn increase the life risk in case of fire; and
- (d) it was understood that the proposed limits on the number of cars to be parked at and number of visitors to the car parking area were calculated by the applicant based on the capacity that was allowed under the current provision of MoE at the application premises. Under the previous planning permission, different sales counters were located within the car parking area. Visitors could freely inspect the motor vehicles parked at the car parking area where the sales activities would be carried out. The MoE and FSIs requirements were thus assessed based on the use of the entire application premises for car exhibition and hence more stringent as compared with the currently proposed mode of operation. The proposed fire safety measures included five additional MoE staircases equipped with

FSIs from the application premises to the rooftop open space. The building plans incorporated with the proposed MoE and FSIs as required under the previous mode of operation had been approved by BD, but yet to be implemented by the applicant. Under the currently proposed mode of operation, sales activities would be confined to the sales office and there would be a restriction on the number of visitors to the car parking area. The fire safety measures were therefore proposed for the sales office only. According to the applicant, the proposed sales office would have 4-hour fire rated separation from the car parking area and no additional MoE staircase was required in accordance with the prevailing MoE and fire safety requirements; and

- (e) if the car parking area was to be used solely for car parking purpose, some of the existing access corridors might no longer be required. The area released might then be converted to parking spaces, thus allowing greater number of cars to be parked at the car parking area than that currently allowed.

Deliberation Session

62. Members were generally concerned with the difficulties to enforce the proposed approval conditions relating to the new mode of operation, limits on the number of cars to be parked at and number of visitors to the car parking area of the application premises as proposed by the applicant. Apart from those identified in paragraph 60(b) above, there was also query on whether the sales activities would be confined to the sales office. Different companies might be allowed to conduct sales activities at the application premises, then how could the visitors to the car parking area which would be restricted to 300 only at any one time be assigned to individual company. A Member opined that the adoption of mechanical device in counting the number of cars and visitors was preferred. Members considered it important to consider what means were available to secure compliance with the proposed approval conditions or to detect a contravention. The application should not be approved if the proposed approval conditions could not be enforced.

63. Members also raised concern on whether BD was willing to take up the

monitoring of the submission of monthly reports by the third party professional in the proposed approval condition (d), having regard that both the applicant's further information dated 17.9.2009 and BD's comments indicated that the said monthly reports would be submitted to the TPB itself rather than BD. The burden of monitoring would fall onto the TPB which had never been involved in actual monitoring of the implementation of the approval conditions. The Chairperson said that it had been the established practice to monitor the discharge of approval conditions by the relevant Government department rather than the TPB itself. In response to the Chairperson's enquiry on whether the Lands Department could take up the monitoring work, Ms. Olga Lam, the Assistant Director/Kowloon, Lands Department replied in the negative. After discussion, Members considered it prudent to defer consideration of the application to allow time to clarify with BD if it would monitor the submission of monthly reports by the third party professional as stated in the proposed approval condition (d).

64. Another area of concern raised by Members was about the proposed limits on the number of cars to be parked at and number of visitors to the car parking area of the application premises at 400 and 300 respectively at any time. A Member opined that according to the applicant's submission in Appendix 1a of MPC Paper No. A/H25/10, there were currently 305 car parking spaces at the car parking area, presumably with adequate provision of FSIs and MoE. As such, it was considered more appropriate to allow only a maximum of 305 cars to be parked at the car parking area rather than a higher limit of 400 cars as currently proposed by the applicant. The number of visitors to the car parking area should also be reduced correspondingly to say 200, taking into account the reduced number of cars being allowed at the car parking area and the maximum number of visitors to the application premises at 200 only based on the applicant's past experience. Another Member shared the above view as allowing more cars to be parked at the car parking area than currently allowed would only attract more visitors to the application premises. In response to the Chairperson's question, Ms. Donna Y.P. Tam said that there were no restrictions on the number of cars to be parked at and visitors to the car parking area in granting the previous planning approvals. Noting that the number of car parking spaces as shown on the layout plan submitted by the applicant on 17.9.2009 was about 260 only, a Member suggested to request the applicant to submit a revised layout plan to justify that 400 cars could be parked at the car parking area while still meeting the relevant Government regulations and requirements. This would facilitate the Committee to assess if the proposed limit of 400 cars at the car

parking area was appropriate or not.

65. After further deliberation, the Committee decided to defer consideration of the application pending the applicant to submit further information on a revised layout plan to justify the proposed limit of 400 cars to be parked at the application premises and clarification from the Buildings Department that it would take up the monitoring of the relevant approval conditions including the submission of monthly reports by the third party professional to be employed by the applicant as required under the proposed approval condition (d).

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

Kowloon District

[Miss Helen L.M. So, 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/K14/601 Proposed Shop and Services
 in "Other Specified Uses" annotated "Business" zone,
 Unit D2 (Portion), G/F, Block II of Camelpaint Buildings,
 62 Hoi Yuen Road, Kwun Tong
 (MPC Paper No. A/K14/601)

Presentation and Question Sessions

66. 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;
- (b) the proposed shop and services use;
- (c) departmental comments – concerned Government departments, including the Director of Fire Services, had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received expressing support to the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed shop and services use was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(Business)”) zone and complied with the requirements set out in the Town Planning Board Guidelines No. 22D for ‘Development within “OU(Business)” Zone’. It would not generate significant adverse impacts on the developments within the subject building and the adjacent areas.

67. Members had no question on the application.

Deliberation Session

68. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.9.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the application 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.

69. The Committee also agreed to advise the applicant of the following :

- (a) to apply to the District Lands Officer/Kowloon East for lease modification for the proposed shop and services use at the application premises;
- (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 appoint an Authorized Person to submit building plans for the proposed change of use to demonstrate compliance with the Buildings Ordinance, in particular the provision of 2-hour fire resisting separation wall between the application premises and the remaining portion of Unit D2 in accordance with the Building (Construction) Regulation 90 and the provision of access and facilities for persons with disability under the Building (Planning) Regulation 72 as advised by the Chief Building Surveyor/Kowloon, Buildings Department.

[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.]

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

- (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 redevelopment generally complied with the Town Planning Board (TPB) Guidelines No. 16 for ‘Application for Development/Redevelopment within “Government, Institution or Community” (“G/IC”) Zone for Uses other than Government, Institution or Community (GIC) Uses’. The proposed redevelopment would not jeopardise the provision of GIC facilities in the area. According to the applicant, additional and enhanced social welfare services, including a day care centre for the elderly, residential care services for the elderly and a family wellness centre, would be provided. Upon redevelopment, the total plot ratio (PR) of the development would be increased from 3.66 to 5.996, which was mainly attributed by the increase of PR from 1.31 to 2.998 in the GIC portion. The PR of the guesthouse portion would only be increased by 0.648 from 2.35 to 2.998. Located in a neighbourhood of high and medium-density developments which were subject to PR restrictions ranging from 5 to 9, the total PR of the proposed redevelopment at 5.996 was at the low end of the range. The building height of the proposed redevelopment at 90mPD would not exceed the maximum building height restriction of the subject “G/IC” zone as stipulated on the statutory plan. Both the Chief Town Planner/Urban Design and Landscape, PlanD and the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department had no adverse comment on the application from urban design and visual points of view respectively. The proposed redevelopment would unlikely generate adverse environmental, sewage, drainage and traffic impact on the surrounding area. Regarding the public concern, the Assistant Commissioner for Transport/Urban, Transport Department had no objection to the application.

71. Members had no question on the application.

Deliberation Session

72. While having no objection to the application, Mr. Anthony Loo, Assistant

Commissioner for Transport (Urban), Transport Department, noted that Man Fuk Road abutting the application site was a sloping road and the redevelopment proposal had included the provision of elderly facilities. For the convenience of the elderly people, he suggested the applicant to explore if the lift service could be extended to provide connection with Waterloo Road. A Member gave support to Mr. Loo's suggestion. As the application site had no direct frontage with Waterloo Road, Mr. Vincent T.K. Lai said that this would require connection through the adjoining petrol filling station (PFS) which was not owned by the applicant. Alternatively, the Chairperson asked if the application site could be connected to Pui Ching Road through the Kowloon Public Library. Mr. Vincent T.K. Lai said that this would be subject to agreement by the relevant Government departments. Members generally welcomed TD's suggestion which could enhance the accessibility of the proposed elderly facilities at the application site by elderly people. As such, Members agreed to stipulate an approval condition requiring the applicant to extend the lift service to provide connection with either Waterloo Road or Pui Ching Road to serve the proposed elderly facilities. The applicant could submit an application to review the Committee's decision to impose the said approval condition under section 17 of the Town Planning Ordinance.

73. 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 18.9.2013, 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 water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the provision of vehicular access and vehicular manoeuvring space to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of lift service to provide connection with either Waterloo Road or Pui Ching Road to facilitate the elderly services to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;

- (e) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the TPB; and
- (f) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

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

74. The Committee also agreed to advise the applicant of the following :

- (a) the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to consult the Chief Officer (Licensing Authority), Home Affairs Department on the licensing requirements for the proposed redevelopment;
- (c) 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;
- (d) to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the width of the planter for tree planting should be at least 1m and the clear soil depth should also be at least 1m;
- (f) to note the comments of the Director of Environmental Protection on the proper location for fresh-air intake during detailed design stage to avoid

exposing future occupants under unacceptable environmental nuisances/impacts; and

- (g) to resolve any land issue relating to the development with the relevant Government bureaux/departments.

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

[Mr. Stanley Y.F. Wong left the meeting whereas Ms. Starry W.K. Lee and Ms. Olga Lam left the meeting temporarily at this point.]

Special Duties Section

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H24/16 Proposed Government Uses (Central Government Complex and Legislative Council Complex) and Open Space
(Amendments to Approved Scheme)
in "Government, Institution or Community (4)" and "Open Space" zones
and area shown as 'Road', Tamar Site in Central, Hong Kong
(MPC Paper No. A/H24/16)

75. Mr. Raymond Y.M. Chan said that he had past business dealings with the competitor of the applicant, i.e. Gammon-Hip Hing Joint Venture, in bidding the Tamar development project. As such, he had declared an interest in considering the previous application No. A/H24/10 which involved the subject Tamar development project. As the bidding process had been completed and the past business dealings did not involve the applicant, the Committee noted that Mr. Chan no longer had conflict of interest in the subject

application.

76. The Secretary said that she and Professor Bernard V.W.F. Lim had declared interests in the item. She, being the Deputy Director of Planning/District, was a member of the Technical Committee of the Special Selection Board for the subject Tamar development project. Professor Bernard V.W.F. Lim was appointed by the Legislative Council (LegCo) for a few months in 2002-2003 as an advisor of a special commission on the architectural aspects of the Tamar development project mainly to consult LegCo members's views on the internal space requirements, but he had not been involved in the tender selection process. The Committee noted that Professor Lim had tendered an apology for being unable to attend the meeting. As the tender selection process had been completed, the Committee agreed that the Secretary could stay at the meeting.

77. The Secretary said that as the subject application involved the proposed LegCo Complex, Ms. Starry W.K. Lee, being a LegCo Member, had declared an interest in the item. The Committee noted that Ms. Lee had already left the meeting temporarily for the item.

Presentation and Question Sessions

78. With the aid of a Powerpoint presentation, Mr. Roy C.H. Li, STP/SD, presented the application and covered the following aspects as detailed in the Paper :

Background

- (a) background to the application, including that the application site was the subject of a section 16 application (No. A/H24/10) for the proposed Government uses (including the Central Government Complex (CGC) and the LegCo Complex) and open space as well as a section 16A application (No. A/H24/10-1) for minor amendments to the approved scheme which were respectively approved with condition by the Town Planning Board (TPB) on 5.10.2007 and the Director of Planning under the delegated authority of the TPB on 27.3.2009;

The Application

- (b) the current application was for the same proposed uses which mainly

involved the following amendments to the approved scheme (No. A/H24/10) as detailed in paragraph 1.2 of the Paper:

- (i) at the LegCo Complex, additional communal facilities (including constitutional library and LegCo archives, studio for sign language interpretation and press photo room) were proposed at two mezzanine floors to support the LegCo's operation whereas additional floor areas from 1/F to 9/F and 5 additional storeys (i.e. 10/F to 14/F) were proposed to meet a possible increase in the number of LegCo Members to a maximum of 120 seats. As a result, the total gross floor area (GFA) and building height of the LegCo Complex would be increased by 17,382m² (from 29,460m² to 46,842m²) and 21.58mPD (from 63.15mPD to 84.73mPD at the highest point of structure) respectively;
- (ii) an eating place, namely Tamar Café, with a total GFA of 265m², (including 69m² in outdoor (covered) area) was proposed at 2/F of the East Wing of CGC Office Block and the adjacent fringe area of public open space (POS) to serve the visitors and to enhance their enjoyment of the POS;
- (iii) the total GFA for the whole Tamar development would be increased by 14,829m² (from 129,160m² to 143,989m²). Out of the additional 14,829m² GFA, 12,465m² GFA to meet the possible increase in the number of LegCo seats at the LegCo Complex would be constructed at a later stage having regard to the actual need in future;
- (iv) with the aid of plans, a comparison of the indicative master layout plans (MLPs) of the approved scheme (No. A/H24/10) and the current scheme were shown. Elevation plans and photomontage showing the proposed expansion of the LegCo Complex were also shown. Other changes in the development parameters of the Tamar development project were highlighted as per paragraph 1.3 of the Paper;

- (c) the plan for the future expansion of the LegCo Complex had been indicated in the submission to the Public Works Subcommittee of the Finance Committee in May 2006. As the expansion proposal was not included in the design-and-build contract for the Tamar development project, it was therefore not included in the previously approved scheme. In early 2009, LegCo indicated that there was a need to provide additional communal facilities and additional office space and hence the current application was submitted by the applicant;

Departmental Comments

- (d) the departmental comments were detailed in paragraph 9 of the Paper. The Director of Administration (D of Admin) supported the application which served to meet the LegCo's requirement for additional facilities/space and to provide a café for public enjoyment. Both the Assistant Commissioner for Transport/Urban, Transport Department and the Director of Environmental Protection had no objection to the application and advised that the current scheme would not cause adverse traffic and environmental impacts respectively. The Chief Architect/Advisory and Statutory Compliance, Architectural Services Department advised that the proposed expansion was compatible with other developments in the vicinity and would not induce significant adverse visual impact on the surrounding areas. Other concerned Government departments, including the Chief Town Planner/Urban Design and Landscape, Planning Department, had no objection to or adverse comments on the application;

Public Comments and Local Views

- (e) two public comments were received during the statutory publication period. One commenter objected to the application mainly due to the blockage of natural sunlight and sea view as well as intensification of the wall effect of developments. The other commenter supported the proposed Tamar Café and suggested to designate outdoor seating area within the POS. However, the same commenter objected to the proposed elevated walkway

connecting between Admiralty and the Tamar site for having no direct connections with the existing elevated network to the nearby commercial buildings at Admiralty. Subway connection was proposed to replace the concerned elevated walkway;

- (f) the District Officer (Central & Western) advised that the Central and Western District Council should be kept informed and consulted as and when appropriate as its members were generally concerned about developments along the harbourfront in the district and the related environmental and traffic implications;

PlanD's Views

- (g) PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed amendments mainly involved expansion of the LegCo Complex and incorporation of the Tamar Café. Apart from some minor increase in GFA and building height, the development parameters of the CGC, the design objectives, principles and concepts of the Tamar development, together with its major features such as disposition of building blocks, size and configuration of the proposed “Green Carpet” deck, etc. were largely the same as the approved scheme. The increase in GFA due to the expansion of the LegCo Complex and incorporation of the Tamar Café would be partly offset by the reduction in GFA in the CGC, leading to an increase in the total GFA for the Tamar development by 14,829m² (or 11%) as compared with the approved scheme. While the building height of the LegCo Complex would be increased to 84.73mPD, it was still lower than the CGC Office Block at 128.83mPD. The proposed expansion of the LegCo Complex would not induce significant adverse visual impact on the surrounding area, the ridgeline and the harbour view. No adverse traffic, air ventilation, environmental and infrastructural impacts on the surrounding area were anticipated. The proposed Tamar Café would be open to public use and enhance the vibrancy of the proposed “Green Carpet”. While the proposed “Green Carpet” concept would remain unchanged, the 69m² GFA proposed for the outdoor seating area (covered) of the Tamar Café would not affect the total

area of 21,020m² reserved for POS under the Tamar development project as the total site area had been slightly increased due to the setting out of site boundary. As the Landscape Master Plan (LMP) would have to be revised to incorporate the proposed amendments, it was recommended to retain the original approval condition requiring the applicant to submit and implement the LMP if the application was to be approved by the Committee. Regarding the public comments, the Tamar Café had already included 69m² of outdoor seating near the fringe area of the POS. D of Admin. advised that the proposed subway connection was not feasible and practical. It would require prolonged partial closure of Harcourt Road which was a major trunk road and significant traffic diversion during the construction stage. The related works for the elevated walkway had been authorized in August 2009. Replacing it by the proposed subway would fail to meet the completion timeframe of the Tamar development project by 2011.

79. Noting that a commenter had raised concern on blockage of view, a Member asked if the current scheme had incorporated any visual treatment to minimize the visual impact of the proposed development. Miss Fiona S.Y. Lung, CTP/SD, said that the proposed building height of the LegCo Complex at 84.73mPD under the current scheme was already much lower than the permissible maximum building height of 180mPD under the subject “Government, Institution or Community(4)” zone. While the views of individual developments might be affected by the current scheme, the applicant had undertaken visual appraisal to demonstrate that the public views from the selected vantage points would not be adversely affected.

80. The same Member asked if seatings would be provided outside the proposed Tamar Café for the enjoyment of the public. Miss Fiona S.Y. Lung replied in the affirmative and said that this would be duly considered in the design of the public space under the Tamar development project.

Deliberation Session

81. 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 18.9.2013, 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 condition that the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB.

82. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department regarding the provision of the waterworks reserve and diversion works if required for the proposed development;
- (b) to note the comments of the Director of Fire Services regarding the fire service requirements; and
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraph 9.1.7(b) of the Paper.

[The Chairperson thanked Miss Fiona S.Y. Lung, CTP/SD, and Mr. Roy C.H. Li, STP/SD, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Ms. Starry W.K. Lee and Ms. Olga Lam returned to join the meeting at this point.]

[Mr. Raymond Y.M. Chan and Mr. C.W. Tse left the meeting at this point.]

Agenda Item 15

[Closed Meeting]

83. The minutes of this item were recorded under separate confidential cover.

Agenda Item 16

Any Other Business

84. There being no other business, the meeting was closed at 1:05 p.m..