

RESTRICTED

TOWN PLANNING BOARD

**Minutes of 406th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 23.10.2009**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Mr. Maurice W.M. Lee

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

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

Assistant Director (Kowloon), Lands Department
Ms. Olga Lam

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

Secretary

Absent with Apologies

Professor Bernard V.W.F. Lim

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
Miss H.Y. Chu

Town Planner/Town Planning Board
Ms. Kathy C.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 405th MPC Meeting held on 9.10.2009

[Open Meeting]

1. The draft minutes of the 405th MPC meeting held on 9.10.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) Town Planning Appeals Received
 - (a) Town Planning Appeal No. 7 of 2009 (7/09)
Temporary Vehicular Access Road, Car Parking Spaces, Sitting Out Area, Children's Play Area and Plantation of Trees
for a Period of 3 Years in "Green Belt" zone,
Lots 1558 (Part), 1559 (Part), 1560 (Part), 1564 (Part), 1565 (Part), 1566 (Part), 1567 (Part) in DD 130 and Adjoining Government Land, Tuen Mun
(Application No. A/TM-LTYY/181)

2. The Secretary reported that the appeal was received by the Appeal Board Panel (Town Planning) on 13.10.2009 against the decision of the Town Planning Board (the Board) on 28.8.2009 to reject on review an application (No. A/TM-LTYY/181) for temporary vehicular access road, car parking spaces, sitting out area, children's play area and plantation of trees at the application site in the zoned "Green Belt" ("GB") on the Lam Tei and Yick Yuen Outline Zoning Plan (OZP). The reasons for rejection by the Board were that the proposed width and area for the vehicular access were excessive; the proposed road layout failed to demonstrate that the proposal would not create road safety problems or affect the adjacent Small House developments; and the approval of the application would set an undesirable precedent for similar applications within the "GB" zone.

- (b) Town Planning Appeal No. 8 of 2009 (8/09)
Temporary Warehouse and Workshop for Metal, Plastic and Construction
Materials for a Period of 3 Years in “Village Type Development” zone,
Lots 93 (Part) and 94 (Part) in DD 127 and Adjoining Government Land,
Hung Uk Tsuen, Ping Shan, Yuen Long
(Application No. A/YL-PS/298)
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3. The Secretary reported that the appeal was received by the Appeal Board Panel (Town Planning) on 15.10.2009 against the decision of the Board on 14.8.2009 to reject on review an application (No. A/YL-PS/298) for temporary warehouse and workshop for metal, plastic and construction materials at a site zoned “Village Type Development” (“V”) on the Ping Shan OZP. The reasons for rejection by the Board were that the development was not compatible with the surrounding residential uses and no planning justification had been given to justify a departure from the planning intention of the “V” zone; there was no information to demonstrate that the proposed development would not pose adverse environmental impact on the surrounding areas; and the approval of the application would set an undesirable precedent for other similar uses to proliferate in the “V” zone.

4. The hearing dates of the appeals were yet to be fixed. The Secretary would represent the Board to handle the appeals in the usual manner.

(ii) Town Planning Appeal Statistics

5. The Secretary said that as at 23.10.2009, a total of 22 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows :

Allowed	:	24
Dismissed	:	110
Abandoned / Withdrawn / Invalid	:	134
Yet to be Heard	:	22
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	291

Tsuen Wan and West Kowloon District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/680 Proposed Comprehensive Development for Residential, Commercial and Government, Institution or Community Uses with Public Open Space Provision in “Comprehensive Development Area” zone, the Site of the Urban Renewal Authority Development Scheme at Hai Tan Street/Kweilin Street and Pei Ho Street, Sham Shui Po (Master Layout Plan Submission)
(MPC Paper No. A/K5/680)

Presentation and Question Sessions

6. The Secretary reported that the application was submitted by the Urban Renewal Authority (URA) and the following Members had declared interests in this item :

Mrs. Ava S.Y. Ng as the Director of Planning))	being non-executive directors of the URA;
Mr. Walter K.L. Chan)	
Mr. Maurice W.M. Lee	-	being a former non-executive director of the URA with the term of office ended on 30.11.2008;
Ms. Olga Lam as the Assistant Director of the Lands Department	-	being an assistant to the Director of Lands who was a non-executive director of the URA;

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| Mr. Andrew Tsang
as the Assistant Director of the
Home Affairs Department | - being an assistant to the Director of Home
Affairs who was a non-executive director
of the URA; |
| Professor Bernard V.W.F. Lim | - being the principal of AD+RG Ltd. which
was one of the consultants of the applicant
(URA); and |
| Mr. Raymond Y.M. Chan | - being a Member of the Home Purchase
Allowance (HPA) Appeals Committee. |

7. The Committee noted that Professor Bernard V.W.F. Lim and Mr. Andrew Tsang had tendered apologies for being unable to attend the meeting, Mr. Maurice W.M. Lee had not yet arrived at the meeting and Ms. Olga Lam had already left the meeting. Since the HPA Appeals Committee was not appointed by or under the URA, the Committee agreed that Mr. Raymond Y.M. Chan's interest was indirect and he could remain in the meeting. As the Chairperson had to leave the meeting, the Committee agreed that the Vice-chairman should take over and chair the meeting for the item. The Vice-chairman chaired the meeting at this point.

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

[Ms. Sylvia S.F. Yau and Dr. Daniel B.M. To arrived to join the meeting at this point.]

8. With the aid of a Powerpoint presentation, 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 proposed comprehensive development for residential, commercial and government, institution or community (GIC) uses with public open space (POS) provision (Master Layout Plan (MLP) Submission);
- (c) departmental comments – the Director of Environmental Protection (DEP) had no objection to the application if the practicality of the proposed traffic noise mitigation measures were accepted and their implementation could be

ensured by relevant authorities. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the proposed architectural fins would unlikely block the views from the residential flats through a sensible choice of building materials. The proposed “staggered design” in mitigating noise impact was considered more visually interesting as compared to single aspect design. The Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) advised that Sites A, B and C were considered as three separate sites for plot ratio (PR) and site coverage calculations under the Buildings Ordinance, hence the development intensity for each site should comply with the restrictions under the Building (Planning) Regulations. Regarding the proposed Landscape Master Plan (LMP), CTP/UD&L, PlanD commented that the covered podium gardens with headroom less than 4.5m should be discounted from the countable private open space; more different variety of recreation facilities such as children’s play area and outdoor fitness stations should be provided at the podium gardens; and ground level greening should be maximised;

- (d) three public comments were received during the statutory publication period. One comment submitted by the Incorporated Owners (IO) of 205-211A Hai Tan Street requesting to include their building into the development scheme so as to improve the environment and transport/pedestrian networks in the area and to attain a better planning. The other two comments were submitted by an owner and the IO of 270-286 Tung Chau Street (i.e. Tung Chau Building). They requested to include their building into the development scheme as the building was 47 years old of poor condition and lacking of facilities, and the residents could not afford rehabilitation. They also expressed concerns that construction works of the URA scheme would adversely affect the building structure of Tung Chau Building;
- (e) the District Officer (Sham Shui Po) advised that Sham Shui Po District Council (SSP DC) was consulted on 1.9.2009 on the MLP. The DC Members had raised concerns on the effectiveness of the staggered building

form in reducing noise pollution and enhancing air ventilation; the inclusion of elderly facilities in the project; and that the management authority of the POS at Pei Ho Street should rest with the developer. Moreover, a letter dated 26.8.2009 from the IO of Tung Chau Building, requesting to include their building into the development scheme, was addressed to his Department. A copy of the same letter had also been submitted to the Town Planning Board (the Board) as public comment; and

- (f) PlanD's views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper which was summarised below :

Development Intensity

- the proposed development intensity, with an overall domestic PR of 7.5 and non-domestic PR of 1.09 (based on a net site area of 6 620m² excluding a section of Pei Ho Street) was in line with the maximum domestic and non-domestic PRs of 7.5 and 1.5 as stipulated in the subject Development Scheme Plan (DSP) and the planning brief (PB) endorsed by the Committee in July 2009. For the development intensity of individual sites, the applicant proposed to accommodate all GIC floorspace within Tower 1, resulting in a non-domestic PR of 2.97 for Site A. The applicant also proposed that, to minimise traffic noise impact from West Kowloon Corridor (WKC) and provide an integrated at-grade POS (1 500m²) at Site C, the domestic PR for Site C was only 7.26 while domestic PR for Site B was 8.52. There was no planning objection to the proposed development intensity as long as the overall PRs for the whole “Comprehensive Development Area” (“CDA”) site complied with the DSP and the endorsed PB as well as the PRs for individual sites complied with the Buildings Ordinance;

Public Open Space

- the provision of 1 500m² at-grade and uncovered POS in Site C amalgamated with a portion of Pei Ho Street largely complied with the Notes of the DSP and the endorsed PB, and could help alleviate the shortfall of local open space in Cheung Sha Wan Area. The applicant

agreed that the POS would be opened to the public at reasonable hours, and it would be managed and maintained either by the grantee (i.e. URA), the developer or its nominated agent;

GIC Facilities

- according to the endorsed PB, a minimum of 2 200m² GFA should be reserved for social welfare facilities and any residual GFA not required by Government departments for GIC uses might be considered for social enterprise or general non-domestic use. In the current proposed scheme, a total of 2 200m² GFA had been reserved in Site A, of which 1 940m² GFA would be used for social welfare facilities. The provision of GIC facilities as a whole largely complied with the endorsed PB;

Noise Compliance

- the applicant claimed that the noise compliance rate of the current scheme would be about 82% with the implementation of the proposed noise mitigation measures. DEP advised that he would have no objection to the application if the practicality of the proposed noise mitigation measures were acceptable to and the implementation of such measures could be ensured by relevant authorities. In this regard, CTP/UD&L, PlanD had no adverse comment on the proposed noise mitigation measures, and CBS/K, BD had no objection to the application; and

Public Comments

- for the public comments proposing to include 205-211 Hai Tan Street and Tung Chau Building into the development scheme area, it should be noted that similar requests had already been considered and not upheld by the Board in the draft DSP preparation and representation consideration stages. The draft DSP with the current boundary was subsequently approved by the Chief Executive in Council on 3.6.2008. There was no major change in the planning circumstances since the consideration of the representations. Regarding SSP DC Members'

concerns, the Environmental Assessment (EA) and Air Ventilation Assessment reports submitted by the applicant had demonstrated the effectiveness of the staggered building design in reducing traffic noise and enhancing air ventilation. Concerned departments had not raised adverse comment on these aspects. Moreover, a condition would be imposed requiring the applicant to manage and maintain the POS if the application was approved.

9. Members had the following views and questions on the application :
- (a) while the applicant claimed that the current scheme would achieve an 82% noise compliance rate as required in the Notes of the DSP, whether there would be other measures to alleviate the noise nuisance to the remaining 18% of the residential units;
 - (b) whether the management and maintenance responsibilities of the POS at Pei Ho Street would be eventually borne by the small owners of the future residential development;
 - (c) what was the distribution of the private open space within the proposed development, and whether the private open space in Site A could be accessed by the users of the GIC facilities, who were mainly elderly people and children;
 - (d) whether it was a requirement for the applicant to provide a single large POS of 1 500m² at the eastern part of Site C;
 - (e) there was concern on the opening hours of the POS which should take into account the local needs;
 - (f) whether it was possible to install noise barriers on the WKC to alleviate the traffic noise impact;
 - (g) as the proposed residential blocks were located close to the WKC, the

future residents would not only be affected by traffic noise but also air pollution problem; and

- (h) whether the applicant would take appropriate action in response to the concerns raised by the public commenters to minimize the construction impact to or improve the poor condition of the adjacent old buildings.

10. In response to Members' views/questions, Mr. P.C. Mok made the following main points :

- (a) the area in the vicinity of the application site was affected by traffic noise from WKC. The EA report submitted by the applicant had demonstrated a noise compliance rate not less than 80% as required under the Notes of the DSP. If the sites within the development scheme area were redeveloped for residential use on their own, which was always permitted as the sites were zoned "Residential (Group A)" before they were designated as a development scheme area, the noise compliance rate would be much lower;
- (b) in the current application, the URA proposed that the POS would be managed and maintained either by the grantee (i.e. the URA), the developer or its nominated agent. Relevant Government bureaux/departments consulted, including SDEV and DLO/KW, were of the view that the POS should be managed and maintained by the URA. Should the application be approved, an approval condition requiring the URA to manage and maintain the POS was recommended to be imposed, which was the same as a similar application (No. A/K5/646) for an URA development scheme at Lai Chi Kok Road/Kweilin Street and Yee Kuk Street;
- (c) according to the applicant, the proposed scheme would provide private open space in accordance with the minimum requirement of 1m² per person as specified in the Hong Kong Planning Standards and Guidelines. The private open space would be provided at ground level (including the "internal street" in Site C) and in the form of podium gardens/landscaped

roof. As the private open space was located at the podium of Tower 1 and intended for the enjoyment of the residents, it might not be opened for use by the GIC users. However, the POS in Site C and the “internal street” in Site B could be easily accessible by the GIC users by just crossing the road at the junction at Hai Tan Street and Kweilin Street;

- (d) according to the PB, a POS of 1 500m² should be provided at Site C and amalgamated with a section of Pei Ho Street between Hai Tan Street and Tung Chau Street. The single large POS at Site C as proposed in the current scheme could avoid the erection of buildings at this part of Pei Ho Street, and could provide an enhanced pedestrian connection between the redevelopment scheme and the open space underneath the WKC;
- (e) the opening hours of the POS would be determined by the URA. It was believed that the URA would take into account the comments of the District Council concerned and the local residents;
- (f) as the WKC was built years ago, there were practical difficulties in terms of design and loading for the installation of noise barriers on the flyover;
- (g) the applicant had submitted an EA report of which DEP did not have any specific comment on the air pollution aspect; and
- (h) it was noted that Tung Chau Building had applied for the Building Rehabilitation Loan Scheme administered by the URA.

11. Further to STP/TWK’s reply in paragraph 10 above, Mr. C.W. Tse of Environmental Protection Department (EPD) referred to paragraph 4.2.4 of the supplementary planning statement submitted by the applicant and supplemented that the applicant had assessed the air quality impact of vehicular emissions from the adjacent road network within 500m of the proposed redevelopment. The assessment results indicated that the air quality in terms of nitrogen dioxide and respiratory suspended particulate within the redevelopment project would comply with the respective Air Quality Objectives. Regarding the noise issue, Mr. Tse informed the meeting that EPD had issued a professional practice

note on road traffic noise in which acceptable levels of compliance with the noise criteria for sites of different areas were specified. For the current application, an 80% noise compliance rate was considered acceptable in view of the size of the site. Mr. Tse further said that, as mentioned in paragraph 4.2.3 of the supplementary planning statement, the traffic noise impact assessment indicated that the total compliance rate for the proposed development was 82%, and 18% of the residential units would still exceed the noise limit, with the exceedance level ranging from 71dB(A) to 72dB(A). Sound insulation measures and window-type air conditioners were recommended to be installed in those units which failed to achieve the noise criterion. This was considered acceptable to DEP.

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

12. A Member noted that footbridges would not be provided between the sites or to external areas as they would block the air circulation. However, this Member opined that footbridge linkage connecting the podium gardens in Sites A, B and C should be provided in order to facilitate an easy access to the open spaces, particularly for the elderly. Mr. P.C. Mok said that as the local traffic was not busy, footbridge connection between the sites might not be necessary. Also, the podium gardens were private open space provided to the residents of respective sites, it might give rise to management problem if the three sites were connected together. Mr. Anthony Loo of Transport Department agreed that there was no strong justification for footbridge connection in view of the low traffic flow on the local roads.

13. In reply to a Member's question, Mr. P.C. Mok, by referring to Drawing No. LMP/002 in the supplementary planning statement, said that the areas with timber deck were located on ground level but were underneath the podium, i.e. they were covered spaces. The "internal street" and the timber deck areas were accessible to the public and there were ground floor shops on both sides of the "internal street".

Deliberation Session

14. Members had some discussions on the management and maintenance responsibilities as well as the opening hours of the POS. As the proposed scheme was undertaken by the URA, Members agreed that the POS should be managed and maintained

by the URA or its agents. It was noted that the Development Bureau had commissioned a consultancy study to formulate guidelines on the management and maintenance of public open space within private developments. The public would be consulted in due course.

15. Regarding the adverse noise impact of WKC on the subject sites, Mr. C.W. Tse of EPD informed the meeting that when the draft DSP was considered by the Board in April 2007, Members had raised concerns on the traffic noise impact of the WKC on future residents, and agreed to impose an 80% noise compliance rate in the Notes of the DSP. The current scheme had met the noise compliance rate requirement. In view of Members' concern, the Secretary suggested that the noise mitigation measures as recommended in the EA report for the remaining 18% of residential units such as sound insulation measures and installation of window-type air conditioners could be incorporated as an approval condition. Members agreed.

16. A Member asked whether noise barriers of lighter weight materials could be installed on WKC. Mr. C.W. Tse of EPD said that as there was inadequate structural loading available at the WKC, noise barriers of 1 to 2 feet high only could be installed on the flyover even light-weight materials were used.

17. A Member suggested that the proposed landscaped corner at the junction of Kweilin Street and Hai Tan Street could be enlarged to form a "square" for the public enjoyment by moving the podium in Site C towards Pei Ho Street. However, this might affect the layout of the POS at Pei Ho Street. Members agreed that this suggestion could be relayed to the URA for their consideration in the detailed design stage.

18. In response to some Members' enquiries, the Secretary said that management problems were anticipated if private open space in Sites A, B and C were required to be open for use by people other than the residents. A Member shared the same view and said that the current scheme with the provision of a single large POS and private open space would bring about much improvement to the environment of this old urban area. This Member also suggested that the design of the POS should be user-friendly to the elderly people and young children. The Secretary suggested that an advisory clause could be incorporated requesting the applicant to consider the provision of barrier-free access and appropriate facilities in the detailed design of the POS to cope with the needs of the elderly population

and young children in the Sham Shui Po district. Members agreed.

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

19. After further deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.10.2013, 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 submission and implementation of a revised MLP to take into account the approval conditions as stated in paragraphs (b) to (i) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design, provision, management and maintenance of the public open space, at no cost to the Government, to the satisfaction of the Director of Planning or of the TPB;
- (e) the public open space should be open for public enjoyment daily on reasonable hours basis;
- (f) the provision of social welfare facilities of not less than internal floor area of 1 294.5m² to the satisfaction of the Director of Social Welfare or of the TPB;
- (g) the submission of a sewerage impact assessment and the implementation of any necessary upgrading works to the satisfaction of the Director of

Drainage Services or of the TPB;

- (h) the design and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (i) the provision and implementation of noise mitigation measures as recommended in the submitted environmental assessment report to the satisfaction of the Director of Environmental Protection or of the TPB.

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

- (a) that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) to note the Chief Building Surveyor/Kowloon, Buildings Department (BD)'s comments on the maximum permissible plot ratios (PRs) for the application site under Building (Planning) Regulations and that the approval of the application did not imply that the proposed inclusion of existing lane into the site area for PR and site coverage (SC) calculation, the extinguishment of and building over existing lanes and the proposed exclusion from gross floor area and SC calculation for the covered space outside the set back envelop due to the proposed staggered building form design would be granted by the Building Authority. The applicant should approach the BD direct to obtain the necessary approval and ensure that the proposed development would comply with the Buildings Ordinance;
- (c) to liaise with the District Lands Officer/Kowloon West, Lands Department on land administration matters;
- (d) the arrangement of emergency vehicular access should comply with the

Code of Practice for Means of Access for Fire Fighting and Rescue administered by the BD;

- (e) to consult the Director of Water Supplies on the arrangement and bear all the cost associated with the necessary diversion, connection, protection, extension and capping off of the affected watermains;
- (f) to liaise with the Antiquities and Monuments Office of the Leisure and Cultural Services Department to ensure that no disturbance would be made to the adjacent Grade III Tin Hau Temple and the proposed Grade II building at 170 Yee Kuk Street; and
- (g) to provide barrier-free access and appropriate facilities in the public open space at Pei Ho Street for the elderly population and young children in the locality.

[A short break of 5 minutes was taken.]

[Mrs. Ava S.Y. Ng, Mr. Walter K.L. Chan and Ms. Olga Lam returned to join the meeting whereas Mr. Maurice W.M. Lee arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/682 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Factory A, G/F, Fast Industrial Building,
658 Castle Peak Road, Cheung Sha Wan
(MPC Paper No. A/K5/682)

Presentation and Question Sessions

21. 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 proposed shop and services;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed shop and services use was in line with the planning intention of the “Other Specified Uses” annotated “Business” zone, and complied with the Town Planning Board Guidelines No. 22D in that it would not generate significant adverse impacts on the developments within the subject building and the adjacent areas. The area of the application premises had not exceeded the maximum permissible limit of 460m² for the aggregate commercial floor area on ground floor of the building. Also, the shop and services use was not incompatible with the uses on the upper floors of the subject building which mainly comprised offices of industrial/trading firms and workshops.

22. Members had no question on the application.

Deliberation Session

23. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.10.2011, 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 separating the subject premises from the industrial portion of the building and fire service installations in the subject premises, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

24. The Committee also agreed to advise the applicant to apply to the District Lands Officer/Kowloon West, Lands Department for a temporary wavier for the proposed shop and services use at the application premises.

[The Chairperson thanked Mr. P.C. Mok, STP/TWK, and Ms. Carrie K.C. Chan, TP/TWK, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Mr. K.T. Ng, STP/TWK, was invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/409 Proposed Religious Institution (Church)
in "Residential (Group A)" zone,
Portion of 2/F of Podium A,
Wealthy Garden Shopping Arcade,
2-18 Tsuen Kwai Street, Tsuen Wan
(MPC Paper No. A/TW/409)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed religious institution (church);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Tsuen Wan); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed religious institution use was considered compatible with other uses (including shop and services, church and elderly home) on other floors of the podium (which was a shopping arcade). It was also considered not incompatible with the surrounding land uses, which were predominately composite commercial/residential developments. The proposed change of use from a cinema to a religious institution would not incur any change in the domestic and non-domestic gross floor areas of the existing development. As there was direct access to the application premises from the streets, it was unlikely that the activities of the proposed church would have adverse impacts on the residents of the existing development.

Deliberation Session

26. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.10.2013, and after the said date, the permission should cease to have

effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

27. The Committee also agreed to advise the applicant to submit building plans to the Building Authority to demonstrate compliance with the Buildings Ordinance and its Regulations.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TWW/96 Proposed Eating Place (Cafe and Restaurant)
in "Government, Institution or Community" zone,
Shop No. G, H and I, Ground Floor,
Chan Kee Plaza,
42 Castle Peak Road, Sham Tseng
(MPC Paper No. A/TWW/96)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed eating place (café and restaurant);
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds of adverse air, odour, pedestrian flow, noise and public security/cleaning impacts on Rhine Garden; 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 proposed café and restaurant was not incompatible with other retail shops in the shopping centre nor the surrounding residential developments. The proposed use was small in scale and would not cause any adverse impacts to the surrounding developments. Regarding the public comment, concerned Government departments, including Environmental Protection Department and Transport Department, had no objection to/adverse comment on the application.

29. Members had no question on the application.

Deliberation Session

30. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.10.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the construction, operation and maintenance of the inside services (water supplies) within the private lots to the Water Supplies Department's standards;

- (b) to consult the Director of Food and Environmental Hygiene on the licensing requirements for the café and restaurant at the application premises; and
- (c) prior planning permission should have been obtained before commencing the applied use at the application premises.

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

Hong Kong District

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/395 Proposed Comprehensive Residential Development
and Minor Relaxation of Building Height Restriction
in "Comprehensive Development Area (2)" zone
and area shown as 'Road',
Upper Kai Yuen Lane, Lower Kai Yuen Lane and Kai Yuen Street,
North Point
(MPC Paper No. A/H8/395)

32. The Secretary reported that replacement pages 1 and 3 of the Paper were tabled at the meeting for Members' reference.

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

33. The Chairperson said that as she owned a flat at Flora Garden and the

Incorporated Owners (IO) of Flora Garden had submitted a public comment on the subject application, she declared an interest in this item. She further clarified that she was not a council member of the IO and her flat did not have a direct view towards the application site. While noting that the proposed development might not have direct impact on the property owned by the Chairperson, Members generally agreed that it was prudent for her to withdraw from the meeting to ensure impartiality in the deliberation of the item and to avoid any unnecessary public criticism. As the Chairperson had to leave the meeting, the Committee agreed that the Vice-chairman should take over and chair the meeting for the item. The Vice-chairman chaired the meeting at this point.

[Mrs. Ava S.Y. Ng left the meeting temporarily at this point.]

Presentation and Question Sessions

34. With the aid of a Powerpoint presentation, Mr. Tom C.K Yip, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

Background

- (a) the background to the application was detailed in paragraph 4 of the Paper, highlighting that as the application site was only served by Kai Yuen Street, which was a sub-standard road without proper footpath, more intensive development/redevelopment in this area was constrained. A traffic impact assessment (TIA) was conducted by the Government to assess the traffic impacts arising from redevelopment of the residential sites in the Kai Yuen Street area. The TIA concluded that a maximum plot ratio (PR) of 8 could be allowed subject to the implementation of traffic improvements for adjacent roads and improvement/widening of the upper section of Kai Yuen Street. To secure the implementation of relevant traffic improvement and widening proposals, the site was rezoned to “Comprehensive Development Area (2)” (“CDA(2)”) and ‘Road’;

The Application

- (b) the applicants sought planning permission for a proposed comprehensive residential development at the application site which was mainly zoned

“CDA(2)” (about 15 300m²) and partly shown as ‘Road’ (about 2 450m²). The applicants proposed to develop the site by phases since they had only consolidated the ownership of the Lower and Upper Kai Yuen Lane areas (i.e. Phase 1 in the eastern part of the “CDA(2)” zone). Phase 1 would comprise three 31-storey residential blocks, the widening of the carriageway of the upper section of Kai Yuen Street to 7.3m and the provision of a 2.75m wide footpath to the east of Kai Yuen Street along the Phase 1 site. The applicants also sought planning permission for minor relaxation of building height (BH) restriction for the Phase 1 development from 120mPD to 126.5mPD;

- (c) the applicants indicated in the Master Layout Plan (MLP) that the future phases of the comprehensive development would comprise one residential block with a BH of 120mPD at the Wai Oi Mansion site in the eastern part of the “CDA(2)” zone, four 32-storey blocks with a BH of 130mPD at the western part of the zone, and a 2.75m footpath on the western side of Kai Yuen Street and along the boundary of Wai Oi Mansion;
- (d) the applicant had proposed to widen the upper section of Kai Yuen Street in accordance with the requirements as set out in the Explanatory Statement (ES) of the Outline Zoning Plan (OZP). The widening of the lower section of Kai Yuen Street was constrained by the existing private buildings on both sides of the road which were not owned by the applicants;

Departmental Comments

- (e) the departmental comments were detailed in paragraph 10 of the Paper. The District Lands Officer/Hong Kong East advised that the section lots involved in the Phase 1 development were governed by a virtually unrestricted lease. Hence, the lot owner(s) did not need to apply for any lease modification/land exchange to realize the permissible development potential under the subject “CDA(2)” zone. Regarding the future phases, lease modification/land exchange was needed so as to modify the height, roofed-over area and car parking requirements. Moreover, it was noted

that the applicants did not own any of the concerned section lots in the future phases. Since the proposed road improvement/widening scheme of Kai Yuen Street could only be fully implemented after the completion of future phases development, whether the said road scheme could be implemented in full scale was uncertain for the time being. Due consideration had to be made on the scenario where future phases might fall through and/or the road improvement scheme for Kai Yuen Street could not be fully implemented;

- (f) the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department had no objection to the application under the Buildings Ordinance (BO) subject to the satisfaction of Transport Department (TD) and Highways Department (HyD) on the TIA and issues related to safety standards of Kai Yuen Street; and the satisfaction of TD on the provision of car parking facilities and on the proposed servicing strategy. As the eastern and western parts of the application site on either side of Kai Yuen Street were separate sites under the BO for the purpose of PR and site coverage calculation, transfer of PR and site coverage from one part to another would not be allowed;
- (g) the Chief Highways Engineer/Hong Kong, HyD advised that the gradient of Kai Yuen Street would still be quite steep even with the proposed road widening works. Also, as the proposed footpath would be in the form of “stepped footpath” if the road gradient was not improved, this might impose tremendous obstacles for people with physical disabilities (e.g. wheelchair users, people using walking aids etc.) and the elderly;
- (h) the Assistant Commissioner for Transport/Urban (AC for T/U) had no objection to the application from traffic engineering point of view. He advised that improvement of Kai Yuen Street’s gradient was considered not feasible due to topographical constraint;
- (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the original MLP submitted

by the applicants would result in a congested layout for the Phase 1 site with three towers juxtaposed to form a cramped enclosed space in the centre; and as there was no redevelopment programme for the adjoining Wai Oi Mansion, Block 2 should be set back to allow a building separation from it. The applicants had submitted a revised MLP in response to the above comments by increasing the building separation from 15m to 20m within the Phase 1 development site. As such, she had no adverse comments on the revised MLP from the urban design point of view;

Public Comments and Local Views

(j) a total of 435 public comments were received during the statutory publication period with 432 raising objection to the application. Two public commenters provided comments on the extension of Hong Kong Shue Yan University which were not the subject of the application, whereas the other one had no comment on the application. The major grounds of objection were highlighted in paragraph 11.2 of the Paper and summarised below :

- traffic impact – as the proposed road widening of Kai Yuen Street would not be fully completed under the Phase 1 development, additional traffic generated by the proposed development would pose adverse traffic impact on Kai Yuen Street and jeopardize the public safety in the surrounding areas. The developer should provide measures to ease the steep slope of the existing pedestrian footpath, and include the currently locked-up staircase next to Block 5 of Tanner Garden for the installation of escalator/lift for pedestrian use. The pedestrian survey should not be conducted in April and July as there were a lot of school holidays in these two months;
- phased development – the application should not be processed until 90% of the properties in the future phases had been acquired by the applicants. Future residents of Phase 1 development might oppose to the future phases due to adverse impacts of the construction works;
- development intensity – the proposed development was out of character

and context with the surrounding tranquil areas. Development parameters of the site should be lowered, say from a PR of 8 to 3. Redevelopment exceeding the existing development intensity was not acceptable. The proposed development would block the sea view and air flow of residential buildings in Pak Fuk Road;

- minor relaxation of BH – the road widening and provision of pedestrian access were merely to meet the development needs. Provision of separation between buildings to improve air ventilation was to meet the requirements under the OZP, and limitation of floor-to-floor height to 3m was due to site constraint. The applicants should reduce the number of storeys of the proposed development. The proposed relaxation of BH restriction would cause adverse impact on natural air ventilation and light penetration. It would create wall effect, reduce the property value of buildings behind the application site and increase the population in the area;
- inadequate consultation – residents at the application site had not been fully consulted and no consensus had been reached;
- construction impacts – there was no information in the submission to demonstrate that the vehicular access, emergency vehicular access (EVA), pedestrian access and utility services of the remaining part of the “CDA(2)” site would not be adversely affected during the construction of Phase 1 development. The hygiene and the environment might become worse when construction works commenced. Construction works of Phase 1 might endanger the foundation of the nearby 50-year old buildings; and
- technical aspects – there were sewerage and drainage problems in the neighbourhood of Kai Yuen Street and Tanner Road. Measures should be included to improve sewerage and drainage facilities. The Air Ventilation Assessment (AVA) should cover the assessment for the future phases of development;

- (k) the District Officer (East) advised that a “Kai Yuen Street Redevelopment Concern Group” was formed recently with members from the residents of nearby buildings. They were concerned that the hygiene and the environment would become worse when construction commenced, and were requesting the developer to start the development project until they possessed all the areas within the site; and

Planning Department (PlanD)'s views

- (l) PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper which was summarised below :

Phased Development

- the “CDA(2)” zone covered at least three major development sites or building platforms which were held under different ownership. According to the Explanatory Statement (ES) of the OZP, in order not to jeopardize the redevelopment of private lots readily acquired for amalgamation, development within the subject zone might be implemented by phases provided that redevelopment at an earlier phase would not take up the development potential of the later phases. As stated in the Town Planning Board Guidelines No. 17, phased development was allowed if the planning intention of the “CDA” zone and comprehensiveness of the development would not be undermined, the resultant developments in each phase would be self-contained and development potential in later phase would not be absorbed into the early phases;

- to facilitate a comprehensive planning for the proposed residential development and related road improvement scheme, the application had to cover the whole “CDA(2)” site including the portion of land not owned by the applicants. The different phases were self-contained in terms of layout design and provision of open space, transport and other infrastructure facilities. This would not affect the rights of the owners of the future phases as the gross floor area (GFA) distribution of the

proposed phased development was calculated on the basis of the lot area of different phases on a pro-rata basis. Implementation of the future phases was subject to the concerned owners' agreement and a revised MLP for alternative development proposal for their sites could be submitted in future if they so wished;

Road Improvement Proposal

- the applicants had proposed to address the sub-standard condition of Kai Yuen Street by widening the carriageway of the upper section of Kai Yuen Street to 7.3m with the provision of 2.75m footpath on both sides, as well as providing shuttle lifts at the lower part of Phase 1 and future phases and pedestrian crossing facility for Kai Yuen Street. These road improvement proposals were acceptable to TD;

- regarding HyD's concern on the road gradient, the applicants had explained that the southern end of Kai Yuen Street served as an EVA for Bedford Gardens. As the level of the two ends of the road were fixed, it was technically difficult to improve the gradient of the road. In this regard, AC for T/U considered that improvement to the gradient was not feasible due to topographical constraint. For the accessibility of the disabled and elderly, the applicants indicated that they could access the site by vehicles with drop-off points near the shuttle lifts of the proposed development at the lower level. Barrier-free footpath within the proposed development would also be provided to facilitate their access to the shuttle lifts;

- regarding the management and maintenance responsibility of the widened Kai Yuen Street, an approval condition (as agreed between the applicants and concerned Government departments) would be imposed for the surrendering of private land covered by the proposed widened Kai Yuen Street under Phase 1 development to the Government. In addition, an approval condition was recommended to ensure completion of the road improvement works for Phase 1 before occupation of the proposed development;

Layout and Visual Aspects

- the site was subject to the constraints of being divided into platforms at different levels. The proposed minor relaxation of BH restriction from 120mPD to 126.5mPD for the Phase 1 development was to avoid a sunken living environment below the road level, and to allow a reasonable floor-to-floor height of 3m for typical domestic floors. According to the AVA conducted by the applicants, the proposed BH of 126.5mPD would allow the provision of wider separation between buildings and greater podium permeability, and improve the overall wind environment at the pedestrian level in the surrounding areas. In this regard, the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department considered that the proposed development was compatible in scale with the nearby developments and the minor BH relaxation did not have much visual impact over a compliant base-line scheme (i.e. 120mPD);

Public Comments

- regarding the concern on adverse traffic impact, AC for T/U had no adverse comments on the proposed development from the traffic viewpoint. In order to reflect the pedestrian flow during school days, the applicants had adjusted the results of pedestrian survey conducted in July 2009 upwards by 9% and 12% for a.m. and p.m. peak respectively with reference to the results of a similar survey conducted in April 2009. AC for T/U had no objection to the survey methodology. Regarding the opening up of the staircase adjacent to Block 5 of Tanner Garden for access to the future phases of the proposed development, the staircase was outside the application site and the matter should be dealt with separately;
- for the concerns on sewerage/drainage facilities, air ventilation, visual impacts and structural stability, concerned Government departments had no adverse comments on the technical assessments submitted by the applicants;

- regarding the construction impact, the Director of Environmental Protection pointed out that construction works were subject to the control of relevant environmental legislation. Also, the applicants had committed to adopting various mitigation measures, e.g. good construction site management, minimization of stockpiling and covering of stored materials. Regarding the traffic noise impact, the applicants had clarified that only 6 construction vehicles per hour would be generated during the construction of Phase 1 and only construction vehicles with the permit issued by TD would be allowed to use Kai Yuen Street; and

- for inadequate consultation on the application, it should be noted that the application had been published for three weeks for public comments in accordance with the Town Planning Ordinance. Notification of the application had also been published in the newspapers; posted at the application site and the website of the Town Planning Board; and sent to the owners' corporations/committees of those buildings within 100 feet from the boundary of the application site and the relevant District Council members.

35. The Vice-chairman informed the meeting that Mr. Shiu Ka Fai, an Eastern District Council Member, launched a petition against the current application in the morning. Mr. Shiu had not made any submission to the Town Planning Board.

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

- (a) the applicants had proposed to widen the upper section of Kai Yuen Street but not the lower section because this section was outside the application site. There was concern that the capacity at this part of the road, particularly at the narrow junction of Kai Yuen Street and Tanner Road, might cause obstruction to the traffic flow upon the redevelopment of the application site;

- (b) whether the proposed number of car parking spaces could meet the requirement;
- (c) there was concern that the residential blocks within the Phase 1 site were too close to the adjacent existing buildings, particularly the distance between Block 3 and Pak Lee Court of Bedford Gardens;
- (d) whether the proposed building separation of 20m was a standard requirement;
- (e) whether it was possible to revise the design for Phase 1 development, say by adding one more unit on each floor of the residential blocks, so that the BH restriction of 120mPD stipulated on the OZP for the site would not be exceeded;
- (f) whether the applicants had acquired any properties in the future phases of the proposed development; and
- (g) it appeared to be unfair to the developers of future phases since the PR for Phase 1 was 8.93 but the PRs for Wai Oi Mansion and the western part of the subject zone were 7.96 and 7.45 respectively.

37. In response to Members' views/questions, Ms. Brenda K.Y. Au, DPO/HK, made the following main points :

- (a) the lower section of Kai Yuen Street was 7m in width (the narrowest point) which was adequate for one-lane, two-way traffic. The widening of this part of the road was constrained by the private lots, which were not owned by the applicants, on both sides of the road;
- (b) a total of 264 car parking spaces were proposed for the whole redevelopment scheme which would provide a total of 1 346 flats. The proposed number of car parking spaces as well as the TIA submitted by the applicants were acceptable to TD;

- (c) the proposed layout for Phase 1 development had been revised with a view to achieving a wider separation between buildings within the site. If it was considered necessary to increase the separation between Block 3 and Pak Lee Court of Bedford Gardens, the building form/disposition of the residential blocks in Phase 1 might need to be further revised;
- (d) the original layout for Phase 1 development proposed a 15m-wide separation between building blocks. This was considered undesirable by CTP/UD&L, PlanD as it would result in a congested living environment with three towers juxtaposed to form a cramped enclosed space in the centre. In response, the applicants had proposed to increase the separation between building blocks from 15m to 20m;
- (e) while it was possible to reduce the BH of the proposed development by increasing the GFA on each floor of the residential blocks, it would result in a larger site coverage and would likely reduce the separation between the building blocks;
- (f) the applicants claimed that they had acquired 100% ownership of the properties at Lower Kai Yuen Lane and represented almost 100% of the owners of Upper Kai Yuen Lane within the Phase 1 site. It was understood that the applicants had not acquired any property rights in the western part of the subject zone, and that Wai Oi Mansion was under different ownership. However, it should be noted that, as stated in the ES of the OZP for the “CDA(2)” zone, in order not to jeopardize redevelopment of private lots readily acquired for amalgamation, future development within the subject zone might be implemented by phases; and
- (g) the area of the “CDA(2)” zone was about 15 300m², covering private land and some government land. The maximum PR of 8 stipulated in the OZP was applicable to the whole “CDA(2)” zone, which was equivalent to a total GFA of 122 400m². The applicants proposed to distribute the total permissible GFA of 122 400m² to different phases of the redevelopment

scheme based on the land area of the private lots (about 15 372m²) on a pro-rata basis. As such, it would not affect the rights of the owners of the future phases since the development potential of each phase was equal (i.e. a PR of 7.96 based on the respective lot area). For reference purpose, PRs based on the respective “CDA(2)” areas as shown on the OZP were also calculated. Under this calculation method, the PR for Phase 1 development was higher (8.93) because only 5 536m² of private lot was zoned “CDA(2)” with the remaining 674m² shown as ‘Road’ on the OZP. For the western part of the “CDA(2)” site, it would result in a lower PR (7.45) as the area zoned “CDA(2)” was 9 285m² (had included some government land) which was larger than the total area of private lots within this part of the site (8 683m²). In addition, it should be noted that the alignment for road improvement/widening for the upper section of Kai Yuen Street as shown on the OZP was only tentative and subject to detailed design including its alignment, gradient, width and curvature. Subject to Government’s approval, the applicant(s) might propose in the MLP an alternative road alignment, demonstrating that the traffic concerns arising from the redevelopment proposal were properly addressed.

38. Further to DPO/HK’s reply in paragraph 36 above, Mr. Anthony Loo of TD supplemented that the lower end of Kai Yuen Street was 7m wide, which was slightly below the standard width of 7.3m. However, the TIA submitted by the applicants had demonstrated that all assessed road junctions would still operate within capacities. He also said that the road gradient of Kai Yuen Street was sub-standard, which was 16% (1:6) compared to the standard of 10% (1:10). In view of the site constraints, there was no room for further improvement of the steep road gradient unless the widened road was in a spiral form, which was however constrained by the existing buildings on both sides of the road. For the proposed car parking facilities, a total of 135 car parking spaces were proposed for Phase 1 development which were below the minimum requirement of 142 as stipulated in the Hong Kong Planning Standards and Guidelines. However, such a reduced level of provision was considered acceptable in view of the traffic condition of the local road.

39. Ms. Olga Lam of Lands Department asked whether the road improvement works completed under Phase 1 development were adequate to serve the development needs. Ms.

Brenda K.Y. Au said that under the Phase 1 development, the upper section of Kai Yuen Street would be widened and a footpath of 2.75m wide would be provided by setting back the development from the existing lot boundary to follow that of the “CDA(2)” zone. The existing vehicular access for the western part of the “CDA(2)” site to be developed as future phases would not be affected.

Deliberation Session

40. A Member enquired whether the applicants had justifications to claim a higher PR of 8.93 as compared to the future phases and whether it was a result of bonus PR by setting back the Phase 1 site for the widening of Kai Yuen Street. Ms. Brenda K.Y. Au said that the applicants had not requested for any bonus PR from the set back for road widening. She also explained that, based on the private lot areas owned by the applicants and the owners of the future phases, the PR was only 7.96.

41. Members had a lengthy discussion on the application and their views were summarised as follows :

- (a) Members generally had no objection to the proposed Phase 1 development and considered that it would bring about improvements to the vehicular and pedestrian traffic by widening the upper section of Kai Yuen Street to 7.3m and providing a footpath of 2.75m wide along the Phase 1 site boundary; and
- (b) however, the majority views were that there was insufficient technical analysis in the current submission to demonstrate the effect on the proposed development caused by the current BH restriction and to justify the need to relax the BH restriction by 6.5m. Some Members suggested that the GFA on each floor of the residential blocks could be slightly increased so that the BH could be maintained at 120mPD. A Member opined that the proposed layout should be revised to increase the distance between the proposed residential blocks and the adjacent existing buildings outside the “CDA(2)” zone. Another Member said that the residential blocks could be “expanded” towards the centre of the site so as to accommodate the

increased GFA on each floor and to avoid being too close to the adjacent existing buildings; and

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

42. To conclude, the Vice-chairman said that it was clear that Members did not accept the application for minor relaxation of BH restriction. As for the MLP, Members considered it prudent to defer a decision pending the submission of a revised MLP from the applicants to follow the current BH restriction of 120mPD as stipulated on the OZP.

43. After further deliberation, the Committee decided to defer a decision on the application pending the submission of a revised Master Layout Plan from the applicants to follow the current building height restriction of 120mPD as stipulated on the approved North Point Outline Zoning Plan No. S/H8/22.

[Professor N.K. Leung, Mr. Felix W. Fong and Mr. Maurice W.M. Lee left the meeting at this point.]

[Mrs. Ava S.Y. Ng returned to join the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/396 Proposed Minor Relaxation of Building Height Restriction
for a Proposed Hotel Development
in “Commercial/Residential” zone,
96-106 Java Road, North Point
(MPC Paper No. A/H8/396A)

Presentation and Question Sessions

44. Mr. Tom C.K Yip, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height (BH) restriction for a proposed hotel development from 110mPD to 119.9mPD;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department advised that the proposal did not meet the criteria for consideration of relaxation of BH restrictions from urban design point of view. The proposed integrated recreational facilities with an outdoor swimming pool at the roof level, which were claimed by the applicant as an innovative design, were intended for the enjoyment of the hotel guests only. The visual effect of adding greenery to the hotel entrance, podium, refuge floor and roof level was trivial and insufficient to bring about significant townscape improvements;
- (d) a total of 12 public comments were received during the statutory publication period raising objection to the application on the grounds that relaxation of BH restriction would have adverse impact on the environment, air quality and air ventilation. The view and air ventilation of the adjoining Dak Shing Building would be blocked. The hotel development should follow the BH restriction stipulated on the Outline Zoning Plan (OZP) which was to protect the ridgeline and the stepped BH profile. The BH relaxation would aggravate the canyon effect and set a bad precedent rendering the BH restrictions ineffective. Reference should be made to the maximum BH of 80mPD for the ex-North Point Estate site. There were already several hotels in the area, hence an additional hotel was not necessary. Open space and leisure facilities should be provided to cater for the aging population in the area; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph 11 of the Paper. While the hotel development involved amalgamation of five smaller lots to avoid piecemeal redevelopments and included a setback of 1 metre wide at part of

the street frontage on G/F and 1/F as well as some greenery, it did not bring about significant improvements to the amenity of the local area. The proposed integrated recreational centre was for the enjoyment of hotel guests only. The proposed advertisement on the building façade for promotion of cultural activities and the exhibition space of 276m² were more related to commercial purposes. Hence, there were insufficient design and planning merits in the submission to justify the proposed relaxation of BH restriction. Regarding the applicant's claim that the proposed BH of the hotel development was similar to that in the approved building plans for a residential development with a BH of 120mPD, the current BH restriction of 110mPD for the application site should be taken as the reference in the consideration of the application. The developments in the same street block of the application site were predominantly low- to medium-rise old buildings on small lots which were ripe for redevelopment. Approval of the application would set an undesirable precedent for similar applications for relaxation of BH restrictions in the area, particularly for these sites. The cumulative effect of which would frustrate the planning intention of achieving a stepped height profile for the North Point area. Regarding the public comments, relevant Government departments had no adverse comment in the aspects of environmental quality and air circulation. The Transport Department considered that the proposed minor BH relaxation would have minimal traffic impact in the area. Adequate open space had been planned to serve the North Point area.

45. Members had no question on the application.

Deliberation Session

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

- (a) there were insufficient design or planning merits in the submission to support the proposed relaxation of building height (BH) restriction; and

- (b) the approval of the application would set an undesirable precedent for similar application for relaxation of BH restrictions in the area. The cumulative effect of approving similar applications would frustrate the planning intention of achieving a stepped height profile for the North Point area.

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

Kowloon District

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K22/8 Temporary Place of Entertainment (Indoor War Game Centre)
for a Period of 4 Years in "Comprehensive Development Area" zone,
Unit 7 on Lower Ground Floor, Newport Centre Phase II,
116 Ma Tau Kok Road; and
Lower Ground Floor (Part), Newport Centre Phase I,
118 Ma Tau Kok Road, To Kwa Wan
(MPC Paper No. A/K22/8)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary place of entertainment (indoor war game centre) for a period of 4 years;
- (c) departmental comments – the District Lands Officer/Kowloon West advised that the temporary indoor war game centre was not permitted under the Government lease and his office was taking appropriate lease enforcement action. The Director of Fire Services (D of FS) did not support the application as the use on the lower ground floors of an industrial building was more susceptible to fire risk and posed more serious hazards when involved in fire;
- (d) no public comment was received during the statutory publication period;
- (e) the District Officer (Kowloon City) advised that Kowloon City District Council Members, Tokwawan Area Committee and Owners Committee/ Mutual Aid Committees/management committees of surrounding buildings near the application premises were consulted on the application. The Committee should take into account all the comments gathered in the consultation exercise in the decision-making process; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph 10 of the Paper. The application was considered not acceptable from fire safety point of view. D of FS did not support the application as the indoor war game centre on the lower ground floors of the subject industrial building was more susceptible to fire risk and posed more serious hazards when involved in fire.

48. In response to a Member's enquiry, Ms. Jessica H.F. Chu said that the applied use was not supported mainly on fire safety ground. D of FS did not support any commercial use in the basement of an industrial building as the basement was more susceptible to fire risk and pose more serious hazards when involved in fire. Regarding the Government's initiatives for industrial buildings as announced in the 2009 Policy Address,

the proposed measures were to encourage the wholesale conversion of an industrial building.

Deliberation Session

49. After deliberation, the Committee decided to reject the application and the reason was that the Director of Fire Services had raised objection to the applied use from fire safety point of view.

Agenda Item 10

Section 16 Application

[Open Meeting]

A/K22/9 Proposed Residential Development (including a Pier (Landing Steps),
Eating Place and Shop and Services uses)
with Minor Relaxation of the Building Height Restriction
in “Commercial (2)” zone,
1-5 Kai Hing Road, Kowloon Bay
(NKILs 5805, 5806 and 5982)
(MPC Paper No. A/K22/9A)

50. The Committee noted that the applicant’s representative requested on 8.10.2009 for a deferment of the consideration of the application for one month in order to allow time to resolve comments from Government departments on the application.

51. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 11

Any Other Business

52. There being no other business, the meeting was closed at 12:15 p.m..