

TOWN PLANNING BOARD

**Minutes of 410th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 18.12.2009**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Hon. Starry W.K. Lee

Mr. K.Y. Leung

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr. H.M. Wong

Assistant Director/Kowloon, Lands Department
Mr. Gary Cheung

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

Secretary

Absent with Apologies

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Maurice W.M. Lee

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
Miss Alice Y.Y. Cheung

Agenda Item 1

Confirmation of the Draft Minutes of the 409th MPC Meeting held on 4.12.2009

[Open Meeting]

1. The draft minutes of the 409th MPC meeting held on 4.12.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Abandonment of Town Planning Appeals

- (a) Town Planning Appeal No. 11 of 2007
Temporary Concrete Batching Plant
for a Period of 5 Years in “Open Storage” Zone,
Lot 167 (Part) in D.D. 83 and Adjoining Government Land,
Kwan Tei North, Fanling
(Application No. A/NE-TKL/286)

2. The Secretary reported that the appeal was received by the Appeal Board Panel (Town Planning) (TPAB) on 6.11.2007 against the decision of the Town Planning Board (TPB) on 17.8.2007 to reject on review the subject application for a temporary concrete batching plant for a period of 5 years in an “Open Storage” zone on the approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TLK/12. The Secretary reported that on 13.11.2009, the appeal was abandoned by the Appellant of his own accord; and on 16.12.2009, the TPAB confirmed the abandonment in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

- (b) Town Planning Appeal No. 6 of 2009
Proposed Filling of Pond for Permitted Agricultural Use
in “Village Type Development” zone,
Lots 952 to 956 in DD 113,
Ho Pui, Yuen Long
(Application No. A/YL-KTS/449)

3. The Secretary reported that the appeal was received by the TPAB on 22.6.2009 against the decision of the TPB on 3.4.2009 to reject on review the subject application for proposed filling of pond for permitted agricultural use at a site zoned “Village Type Development” on the approved Kam Tin South OZP No. S/YL-KTS/11. The Secretary reported that on 9.12.2009, the appeal was abandoned by the Appellant of his own accord; and on 16.12.2009, the abandonment was confirmed by the TPAB in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(ii) Appeal Statistics

4. The Secretary reported that as at 18.12.2009, a total of 21 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	24
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	136
Yet to be Heard	:	21
<u>Decision Outstanding</u>	:	<u>0</u>
Total	:	292

(iii) Approval of Draft Plans

5. The Secretary reported that, on 8.12.2009, the Chief Executive in Council (CE in C) approved the following draft OZPs under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) and the approval of the OZPs was notified in the Gazette on 18.12.2009 :

- (i) Shau Kei Wan OZP (to be renumbered as S/H9/16);
- (ii) Kowloon Tong OZP (to be renumbered as S/K18/16); and
- (iii) Tsing Yi OZP (to be renumbered as S/TY/24).

(iv) Reference Back of Approved Plan

6. The Secretary reported that on 8.12.2009, the CE in C referred the approved Tai Po OZP to the TPB for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the OZP was notified in the Gazette on 18.12.2009.

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H8/5 Application for Amendment to the Notes of
“Comprehensive Development Area” and
the “Comprehensive Development Area (1)” zones of the
Approved North Point Outline Zoning Plan No. S/H8/22
to Incorporate the Development Restrictions,
Ex-Government Supplies Department Depot Site, Oil Street;
14-30 King Wah Road; and
Harbour Grand Hong Kong Hotel, 23 Oil Street, North Point
(MPC Paper No. Y/H8/5)

7. The Secretary reported that the subject application was submitted by Green Sense and related to the “Comprehensive Development Area” (“CDA”) zone in respect of the ex-Government Supplies Department site (ex-GSD site) in Oil Street and “Comprehensive Development Area (1)” (“CDA(1)”) zone in respect of the King Wah Road site (14-30 King Wah Road) and the Harbour Grand Hong Kong Hotel (HGHK) (23 Oil Street) site on the

Approved North Point Outline Zoning Plan (OZP) No. S/H8/22. The King Wah Road Site was the subject of a section 16 planning application under agenda item 16 to be considered by the Committee at the same meeting. As Mr. Raymond Y.M. Chan had business dealing with the owner of the site, he had declared an interest on agenda item 16 and thus should also declare an interest on this item. The Secretary also reported that Dr. Daniel B.M. To had also declared an interest on this item as he was currently a District Councillor of the Eastern District Council which had passed motions on 8.5.2008 and 12.6.2009 respectively in relation to the site at King Wah Road. The Committee noted that Mr. Raymond Chan and Dr. Daniel To had not arrived to join the meeting.

8. The following representatives from Planning Department (PlanD) were invited to the meeting at this point :

Ms. Brenda K.Y. Au	- District Planning Officer/Hong Kong (DPO/HK)
Mr. Tom C.K. Yip	- Senior Town Planner/Hong Kong (STP/HK)
Dr. Conn Yuen	- PlanD's Consultant

9. The following applicant's representatives were also invited to the meeting at this point :

Ms. Ho Ka Po] Green Sense, the applicant
Dr. Victor Chan Ka Ming] Coalition Concerning the Development at King Wah Road North Point (the "Coalition")
Mr. Patrick Leung Siu Sun] District Councillor, Eastern District Council

10. The Chairperson extended a welcome and explained the hearing procedures. Mr. Tom C.K. Yip, STP/HK, was then invited to brief Members on the background of the application. With the aid of a Powerpoint presentation, Mr. Tom Yip did so as detailed in the Paper and made the following main points :

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

(a) background to the application;

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

- (b) the proposed amendments to the Approved North Point OZP No. S/H8/22 in respect of the ex-GSD site, the King Wah Road site, and the HGHK site as detailed in paragraph 1 and Plan Z-2 of the Paper. In summary, the applicant proposed to amend the Notes of the “CDA” zone (for the ex-GSD site) and “CDA(1)” zone (for the King Wah Road site and the HGHK site) of the OZP to incorporate the following development restrictions :

“CDA” zone

- a maximum plot ratio (PR) of 4, of which not less than 3.5 is for residential use;
- a maximum building height (BH) of 80mPD and 90mPD for the northern half and southern half of the site respectively;
- two 40m-wide non-building areas (NBAs) on the north-eastern and south-western boundaries; and
- the gross floor area (GFA) that could be exempted by the Building Authority (BA) shall not exceed 10% of the total GFA; and

“CDA(1)” zone

- a maximum PR of 4, of which not less than 3.5 is for residential use;
- a maximum BH of 80mPD;
- two 15m-wide NBAs on the north-eastern and south-western boundaries of the King Wah Road site; and
- the GFA that could be exempted by the BA shall not exceed 10% of the total GFA;

- (c) the applicant’s justifications as detailed in paragraph 2 of the Paper;
- (d) the departmental comments as detailed in paragraph 9 of the Paper which were highlighted below :
- the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) considered that there was yet a

benchmark established for determining the acceptability of a development project in terms of air ventilation. The PlanD had commissioned an Air Ventilation Assessment (AVA) consultant, CO₂nnsulting Ltd, to provide independent professional comments on the AVA submitted by the applicant. The major comments of PlanD's consultant were that there were discrepancies found in the study report, including missing wind directions, choice of baseline conditions which assumed no development on the subject sites, methodology for determining site velocity ratio and location of test points. Such discrepancies indicated that the study report did not fulfill the minimum requirements of the "Technical Guide for AVA for Developments in Hong Kong" ("Technical Guide for AVA") adopted by the Government, and the conclusions drawn in the applicant's study report were therefore not justified;

- the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department (CBS/HKE&HU, BD) commented that regarding the applicant's proposed 10% cap for the total exempted GFA, there was no provision under the Buildings Ordinance limiting the percentage of the exempted GFA;
- the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) advised that regarding the public comments on the traffic issues, the traffic impact assessment (TIA) conducted in support of the planning application for the King Wah Road site (Application No. A/H8/398) had demonstrated that the traffic conditions would remain acceptable after completion of the proposed residential development. As required under the Planning Brief (PB), for the ex-GSD site, a TIA would need to be conducted to address traffic and transport issues and propose mitigation measures if necessary at the planning application stage;
- the Director of Environmental Protection advised that the development restrictions adopted in the PBs for the ex-GSD and King Wah Road sites

would unlikely give rise to adverse/insurmountable environmental impacts;

(e) the public comments received during the statutory publication period were detailed in paragraph 10 of the Paper and highlighted below :

- a total of 211 public comments were received. 196 public comments including 178 in the form of four types of standard letters supported the application and 15 objected to the application. The supportive comments were submitted by a Legislative Councillor, two Eastern District Council (EDC) members, the Democratic Alliance for the Betterment and Progress of Hong Kong Eastern Branch (DAB), one Incorporated Owners' Committee, one management company of a nearby building, two concern groups (i.e. Designing Hong Kong Limited and the Coalition Concerning the Development at King Wah Road) and members of the public. The opposing comments were submitted by the landowner of the King Wah Road site and members of the public. The views were summarized as follows :

Supportive

- the supportive comments mainly shared the applicant's concerns on the adverse impacts of the proposed developments on the ex-GSD and King Wah Road sites. They supported the applicant's proposal as the reduction of development intensity and provision of NBAs would improve air ventilation and sunlight penetration in the area and reduce heat island effect; the proposed BH reduction was in compliance with the Urban Design Guidelines in the Hong Kong Planning Standards and Guidelines (HKPSG) in that taller buildings should be located inland with lower developments on the waterfront; and the proposed 10% cap for the total exempted GFA could help solve the problem of expanded building bulk arising from GFA exemption;

Opposing

- the landowner of the King Wah Road site opposed the application

mainly on the grounds that the PB for the King Wah Road site was endorsed by the Committee in September 2009 after a due process of public consultation, and the s.16 application (No. A/H8/398) submitted by the landowner of the site was to fulfill the PB requirements; the s.12A application had singled out air ventilation to justify the proposed reduction in PR, BH and realigning NBAs without providing other sound justifications to support the proposed amendments; and there were doubts on the technical validity of the findings in the applicant's AVA submission;

- some members of the public opposed the application mainly on the grounds that the proposed downzoning would discourage private sector investment; the reduction of BH could not help resolve the heat island effect; the environmental justification for the proposed amendments was questionable; and the proposed developments under the PBs would be compatible with the surrounding buildings;
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper which was summarized below :
- the application involved the “CDA” zone covering the ex-GSD site and the “CDA(1)” zone covering the King Wah Road site and HGHK site. The ex-GSD site was rezoned to “CDA” in 1995 with the imposition of a maximum GFA of 123,470m² (i.e. equivalent to a PR of 10.6). The HGHK site and King Wah Road site were rezoned to “CDA(1)” in 1999 and 2000 respectively, and a maximum PR of 15 and a maximum BH of 165mPD were imposed on the southern part of these two sites in 2000. Both zones were mainly intended for comprehensive development for commercial and residential uses. PBs stipulating a lower development intensity had also been endorsed for the ex-GSD site and the King Wah Road site. The applicant's proposal, i.e. a maximum PR of 4 and a maximum BH of 80mPD to 90mPD, represented a major reduction of the permitted development

intensity of the application sites under the OZP and the endorsed PBs;

- The application was mainly supported by an AVA report which was in Appendix Ia of the Paper. Apart from the report, the applicant had not submitted any assessment on other relevant aspects e.g. visual, environmental, traffic and infrastructural, to support the proposed amendments. There was no other basis/explanation on how the proposed PR of 4 was derived;

Ex-GSD and King Wah Road sites

- the development restrictions under the two endorsed PBs, i.e. a maximum net PR of 7.5 (residential) or 11 (office) and a BH of 110mPD (main roof level) for the King Wah Road site, and a net PR of 8.6 and a BH of 100mPD to 110mPD for the ex-GSD site, were established after going through a due process and striking a proper balance among relevant factors, and were considered acceptable. The two sites were within an area mixed with commercial and residential developments. The residential developments to the north of Electric Road had PRs ranging from about 6 to 10, and BHs ranging from 68mPD to 123mPD, e.g. Harbour Heights (PR of 9.75, 120mPD-123mPD) and City Garden (PR of 8, 85mPD). The major office developments in the area, i.e. Manulife Tower and AIA Tower, had a PR of 8.6 and 15.7 and a BH of 144mPD and 177mPD respectively. The development restrictions under the PBs for the two sites were generally compatible with those of the surrounding developments;

HGHK site

- the site was rezoned to “CDA(1)” on 26.2.1999. The existing hotel development at the site with a PR of 15 and a BH of 147mPD was newly completed in 2009 in accordance with an approved planning application. A maximum GFA of 41,340.7m², equivalent to a PR of

15, and the BH stipulated under the OZP, i.e. maximum 165mPD, had been stipulated for the southern part of the site in the lease. The applicant had not provided any assessment to support the proposed stringent development restrictions for the site. There was no basis for reducing the PR and BH for the site as proposed;

Cap for Exempted GFA

- the Council for Sustainable Development had embarked on a public engagement exercise on “Building Design to Foster a Quality and Sustainable Built Environment” covering the GFA concession issue. It would be premature to adopt a 10% cap for the application sites before completion of the review. In addition, the proposed 10% cap was merely justified on the basis of the impact on building bulk, without any comprehensive study on the current GFA concessions for different types of facilities. There was no basis to single out the application sites for imposing a 10% cap on GFA concessions at this stage prior to the adoption of any new policy;

AVA

- the applicant’s AVA study focused only on the ex-GSD site, without covering the King Wah Road and HGHK sites. Nor had it investigated the air ventilation impacts of the development restrictions proposed in the application. There was no explanation on how the proposed development restrictions could be derived from the findings of the AVA study;
- the applicant’s AVA study pointed out that the development scheme under the PB for the ex-GSD site, i.e. ‘the Proposed Case’, would reduce the wind velocities at the site and along Electric Road and King’s Road as compared with the existing condition under ‘the Control Case’. However, the Control Case was based on an unrealistic assumption that there would be no redevelopment of the

site (i.e. existing situation), which was in conflict with the planning intention of the “CDA” zone to encourage comprehensive development for residential and/or commercial uses. As pointed out by PlanD’s AVA consultants, the applicant’s AVA study did not fulfill the minimum requirements of the Technical Guide for AVA on various aspects and had a number of deficiencies. In particular, the Technical Guide for AVA stipulated that the comparison of AVA was to be conducted between design options. The ‘Control Case’ used in the applicant’s report was that of existing conditions but not a design option of the PR proposed by the applicant. The conclusions of the report were therefore not justified;

Public Comments

- Regarding the concerns on wall effect and development intensity, the development restrictions under the PBs were formulated after going through a due process and a proper balance of relevant factors, and had required the provision of various NBAs, setbacks and wind corridors to enhance the air ventilation in the concerned areas. DEP had advised that the development parameters under the PBs would unlikely give rise to adverse environmental impacts. Regarding the view that the proposed reduction in BHs was in compliance with the Urban Design Guidelines in providing lower buildings along the waterfront and taller buildings at inland areas, the BHs stipulated in the two PBs were formulated with due regard to the relevant principles under the Urban Design Guidelines and the compatibility with the surrounding developments. On traffic concerns, TD had pointed out that the TIA for the King Wah Road site (No. A/H8/398) had demonstrated that the traffic conditions would remain acceptable after completion of the proposed development, and a TIA would be required for the ex-GSD site to address the traffic and transport issues at the planning application stage; and
- the opposing public comments that the applicant’s AVA study had

some technical deficiencies as it did not provide a strong support to the proposed development restrictions, and the proposed BH and PR restrictions for the application sites might not have a direct bearing on heat island effect in the urban area were noted. However, the issues related to unemployment, poverty and flat prices mentioned by some of the commenters were not of direct relevance to the application.

11. The Chairperson then invited the applicant's representatives to elaborate on the application. With the aid of a Powerpoint presentation, the following main points were made:

- (i) Presentation by the applicant (Ms. Ho Ka Po) :

Lack of Wind Corridors and Greening Areas

- (a) the area in Fortress Hill, North Point, was characterized by high density development, in particular in the area around Oil Street and King Wah Road in the waterfront area, there was a lack of wind corridors and greening areas. The provision of more high-intensity developments in the area would have serious adverse impacts on the environment;

Proposed Reduction of Scale for Oil Street Development

- (b) for the Ex-GSD site at Oil Street, it was proposed to reduce the permissible PR at the site for commercial/residential development from 8.6 to 4; to reduce the maximum permissible BH from 100mPD (near IEC) and 110mPD (near Electric Road) to 80mPD (near IEC) and 90mPD (near Electric Road); to rearrange and expand the width of the wind corridors from 3 numbers (approximately each of 15m-wide) to 2 numbers (each of 40m wide) on both sides of the site; and to cap the total exempted GFA to 10% of the total GFA of the site;

AVA

- (c) whilst there was no AVA submitted in previous rezoning

applications submitted by the applicant, the present application had included the findings of an independent study at Appendix 1 of the Paper, viz. “Air Ventilation Assessment of the Oil Street planning area by CFD Approach”, which was undertaken by University of Science and Technology of Hong Kong (USTHK);

- (d) based on the findings of the AVA, it was concluded that upon implementation of the development on the ex-GSD site as per the requirements stated in the PB, the reduction of wind velocity at Electric Road would be about 26% with the pollutant concentration increased by approximately 35%. The reduction of wind velocity at King’s Road would be around 27% with the pollutant concentration increased by 36%. As such, it would be appropriate to reduce the development intensity for the ex-GSD site;

Purpose of AVA

- (e) PlanD’s comment that there was a number of deficiencies in the submitted AVA study was noted. However, the applicant was of the view that AVA submitted by developers had become a tool to secure Government approvals and a means that was only affordable by the rich people;
- (f) the AVA for the development on the ex-GSD site prepared by PlanD had only compared three hypothetical development schemes at the site and did not provide information on the ventilation for the existing condition and that upon development. While the AVA submitted by the applicant had compared the existing condition with upon development, PlanD should provide the same information for consideration;

Proposed Reduction of Scale for King Wah Road Development

- (g) it was proposed to reduce the permissible PR at the site from 11 (for commercial) or 7.5 (for residential) to 4; to reduce the maximum permissible BH from 110mPD to 80mPD; to increase the width of

wind corridor from 10m to 15m; to increase the number of wind corridor from 1 to 2 on both sides of the site; and to cap the total exempted GFA to 10% of the total GFA of the site. Concerning the wind corridor in the southwestern part of the site, the proposed width of 15m would tally with the existing width of Fook Yum Road and facilitate the circulation of sea breeze to the inland area;

Blocking the Existing Wind Corridors

- (h) the existing North Point waterfront area was already a high-density environment with a number of high-rise buildings such as the hotel development (HGHK Hotel) and the AIA Tower. The tall buildings to be erected on the ex-GSD and King Wah Road sites would further block the wind corridor, jeopardizing the ventilation for the low-rise buildings in the inland area. Apart from the building height, the height of the roof-top structure of new developments would also adversely affect ventilation of the area;
- (i) it was noted that for the development at the King Wah Road site, the wind corridor was blocked by the building near the IEC. A 15m-wide wind corridor was proposed in the northeastern part of the site adjacent to the hotel and another 15m-wide wind corridor was proposed in the southeastern part of the site to tally with the existing width of Fook Yum Road with a view to enabling wind blowing to the inland areas;

Capping the total Exempted GFA

- (j) for the King Wah Road development, as it only required a 5-minutes walk to the nearby MTR station, the need for parking provision at podium level should be reviewed. Moreover, the podium structure (which would be expected for GFA calculation) would result in expanded building bulk and site coverage which would affect ventilation at street-level. To address the problem, the Government should consider imposing a ceiling to the exempted GFA for the two sites;

(ii) Presentation by the Coalition (Dr. Victor Chan Ka Ming) :

- (k) the Coalition represented the owners of the residential buildings (including Harbour Heights, Victoria Centre, Fu Lee Loy Mansion, Merlin Garden, Kam Tao Building, Ngan Tao Building, Hoi Tau Building, Carson Building, Wah Hoi Mansion, Wang Fai Mansion and Hoi Shing Building, etc.) in the vicinity of the King Wah Road development. The HGHK Hotel (165mPD) had already blocked the sunlight penetration and resulted in various environmental problem in the King Wah Road neighbourhood. The development at the King Wah Road site (110mPD) would further aggravate the environmental problem in the area;
- (l) the proposed development at King Wah Road was not in line with the ‘Harbour Planning Guidelines for Victoria Harbour and its Harbour-front Areas’ by the Harbour-front Enhancement Committee (HEC) as it was incompatible with the surrounding environment in terms of development intensity, building height, etc;

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

Wall Effect from Existing High-Rise Buildings / Proposed Developments

- (m) existing developments such as City Garden and Provident Centre had already created a wall effect and blocked the wind blowing from the waterfront to the inland area in this part of North Point. The linear arrangement of new developments such as the HGHK Hotel (165mPD) and the AIA Tower (177mPD) had further worsened the situation in the waterfront area. Coupled with the serious traffic congestion and air pollution in the inland area, the residents in the adjacent buildings such as Fu Lee Loy Mansion would be significantly affected by the development at King Wah Road and the ex-GSD site. Moreover, it was not appropriate for PlanD to use the high-rise buildings, such as the HGHK Hotel and the AIA Tower, to

assess compatibility with the neighbourhood but the existing low-rise developments, such as Fu Lee Loy Mansion, should be used for comparison. Upon the future development of the ex-GSD site and the King Wah Road site, there would be more high-rise buildings with large building bulk in the area which would further reduce air ventilation and sunlight penetration in the area and increase the heat island effect. The Coalition therefore supported the subject application and the proposals to provide two 15m-wide wind corridors in the King Wah Road site. They also supported the two proposed 40m-wide wind corridors suggested for the ex-GSD site;

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

Traffic Congestion

- (n) traffic congestion problems in the area had been a grave concern of the local residents. Large-scale developments in the area such as the HGHK Hotel, AIA Tower had caused serious adverse traffic impacts on the local road network along Watson Road, Electric Road, Wang On Road, King Wah Road and Oil Street. Upon development of the King Wah Road site and the ex-GSD site, more vehicles including coaches would be using the local road network. This would further worsen the traffic condition and air quality in the locality. While it was not the intention to call a stop on future development, more studies and data should be provided to alleviate the local residents' concern on the traffic problems. As such, the proposal put forward by the applicant, which would enable better air ventilation, was supported;

Protection of Ridgeline and Stepped Height

- (o) according to the Urban Design Guidelines and the Explanatory Statement of the Approved North Point OZP which stated that the building height restrictions were to preserve the views to the ridgelines from public viewpoints and to maintain a stepped height

concept in that four height bands – 100mPD, 110mPD, 120mPD and 130mPD had been imposed from the waterfront to the inland and foothills areas, the development at the King Wah Road site with a maximum building height of 110mPD was contravening the stated policy and guidelines. The long-term interest of the residents should not be sacrificed to cater for the benefit of a few developers; the forward-looking and long-term planning intention for the harbour should not be selectively implemented; and the long-term interest of the citizens should not be ignored and the public should not be unfairly treated while the developer could enjoy the benefit; and

- (p) the fact that PlanD had sought an independent assessment on the submitted AVA by the applicant was appreciated. It would be appreciated if PlanD could continue to adopt such a practice in seeking an independent assessment on all submitted technical assessments, in addition to AVA, in future applications;
- (iii) Presentation by Mr. Patrick Leung Siu Sun (District Councillor, EDC) :
- (q) the present application was supported. PlanD was inconsistent in applying the planning principles and planning restrictions to the various development sites in North Point. It was stipulated in the North Point OZP that the ex-North Point Estate was restricted to 80mPD with a stepped height towards the inland area. However, the King Wah Road site was permitted for a maximum building height up to 110mPD. Given the fact that both sites were at the same waterfront, the same principles and considerations should be applied and both sites should be subject to the same BH restrictions of 80mPD; and
 - (r) the EDC was consulted on the King Wah Road Development on several occasions. The applicant's proposal was in line with the motions passed by the EDC at its meeting on 8.5.2008 and

12.6.2009 requesting PlanD to restrict the development at King Wah Road site to a maximum PR of 3 and a maximum BH of 80mPD with a 12m wide NBA along its southwestern boundary. PlanD should restrict the development parameters at the King Wah Road site as per the public aspiration; and

Conclusion

- (s) Ms. Ho Ka Po called upon the Government to postpone the sale of the ex-GSD site till after the review on “Building Design to Foster a Quality and Sustainable Built Environment’ covering the GFA concession issue by the Council for Sustainable Development with a view to incorporating appropriate restrictions and capping the exempted GFA/scale of the development;
- (t) as for the AVA, it would be appropriate for PlanD to provide information on the existing conditions on ventilation and the comparison between the three notional schemes with the existing conditions; and

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

- (u) in view of the Secretary for Development’s commitment that should opportunity arise, the Government would endeavour to liaise with the developer with a view to reducing the building height; and to incorporating restrictions in the course of lease modification and land exchange applications, the TPB should adopt the same principles in determining on the application.

12. Members had the following main views and questions on the application :

For PlanD:

- (a) what were the width of the Ex-GSD site and the width of the three wind corridors to be provided for the site as stipulated in the PB;

- (b) as there were designated vantage points to assess the impact of the development on the ridgeline, had PlanD done any assessment in this regard so as to protect the ridgeline in the North Point area; and
- (c) what was the progress of the further study to develop benchmark standards for AVA in Hong Kong;

For Applicant:

- (a) how were the two 40m-wide wind corridors proposed for the ex-GSD site derived; and
- (b) had the applicant examined the underlying reasons for the traffic congestion at the local road network; was it generated by high-density developments in the area or due to traffic management problems like illegal road-side parking.

13. Ms. Brenda K.Y. Au made the following main points :

- (a) as shown in Plan Z-2 of the Paper, with the provision of the two 40m-wide wind corridors, the remaining width of the Ex-GSD site for development would be around 35m. This would be less than one-third of the original width of the site. As stipulated in the PB for the Ex-GSD site at Appendix III of the Paper, there should be three wind corridors through the site including along Oil Street, northeastern boundary and in the middle part of the site. The widths of the three wind corridors had not been specified in the PB for the site. However, in preparing the notional scheme for the site, it was assumed that the width of the two wind corridors on both sides of the site was 15m whereas the one in the middle of the site was 25m. It was also stipulated in the PB that the future developer of the site should make reference to the recommendations of the AVA in the preparation of the MLP submission for approval by the TPB; and should the proposed scheme deviate from the development concept in the PB, the future developer was

required to carry out an AVA for the proposed scheme to demonstrate no worse-off, if not better, of the outdoor wind environment when compared with the requirements specified in the PB;

- (b) as viewed from the Tsim Sha Tsui vantage point, the majority of the ridgelines in this part of North Point had already been blocked by existing buildings. As such, there was no specific recommendation in the Urban Design Guidelines of the HKPSG to protect this section of the ridgelines. As stipulated in the PBs, the King Wah Road site was subject to a maximum BH of 110mPD, whilst the Ex-GSD site adopted a two-tier BH restriction with 100mPD for the portion facing the waterfront and 110mPD at the back. In considering the BH restrictions for these two sites, considerations had been given to the existing conditions of the surrounding area and the BH restrictions stipulated for the respective zones under the OZP. For instance, although Fu Lee Loy Mansion had an existing BH of about 68mPD, it was subject to a maximum permitted BH of 110mPD upon redevelopment. Other developments in the neighbourhood, including Harbour Heights and the AIA Tower, also had a maximum permitted BH of 110mPD; and
- (c) there was yet a benchmark established for determining the acceptability of a development project in terms of air ventilation. According to the “Technical Guide for AVA” adopted by the Government, the purpose of the current AVA framework was to enable comparison of design options in external air ventilation terms and identification of potential problem areas for design improvement. As the applicant’s AVA for the Ex-GSD site compared a design option based on the development parameters laid down in the PB with the existing situation of the site (i.e. not a design option as such), the applicant’s AVA had not complied with the requirements of the Technical Guide for AVA. Ms. Au also supplemented that when proposing BH restrictions and NBAs for various zones on the draft OZP, PlanD had undertaken an AVA for the North Point area, including the ex-North Point Estate site and the application sites, with the existing conditions of the area taken into consideration. The results of the AVA

showed that with the recommended building profile and the incorporation of NBAs for the North Point area, there would be general improvements on the wind environment of the waterfront area, around Victoria Park and the mid-level areas. Ms. Au also pointed out that the further study to develop benchmark standards for AVA in Hong Kong currently being undertaken by PlanD was scheduled for completion next year. Prior to the completion of the benchmark study, the requirements of the Technical Guide for AVA based on comparison of design options should be adopted for preparation of AVA.

14. Ms. Ho Ka Po made the following main points:

- (a) as the Ex-GSD site was in a prominent waterfront location, it was recommended to provide two 40m-wide wind corridors on both sides of the site to facilitate higher wind permeability from the waterfront to inland area. With the provision of the two wind corridors, it was possible to erect a tower with a BH of 80mPD near the waterfront and another tower with a BH of 90mPD in the southern part, resulting in a PR of 4 for the site; and
- (b) the applicant did not have the resources to undertake technical assessments to examine the traffic conditions in the area. However, it was evident that the traffic generated from newly completed hotel on the King Wah Road site had worsened the traffic congestion in the area. It was envisaged that the traffic situation in the neighbourhood would deteriorate further when the Ex-GSD and the King Wah Road sites were developed.

15. In response to the Chairperson's enquiry, Ms. Brenda K.Y. Au said that according to the Notes of the "CDA" zone on the OZP, a section 16 application for development on a "CDA" site had to be submitted in the form of a Master Layout Plan to be supported by various technical assessments, including the traffic impact assessment, for the consideration of the TPB.

16. Dr. Victor Chan Ka Ming said it was well appreciated that PlanD had employed an independent consultant to undertake AVA study for the application sites. It was

considered that Government departments should undertake independent technical assessments such as traffic impact assessment and visual impact assessment for proposed development under planning applications, rather than based on the technical assessments submitted by the applicants. This would ease the worry of the local residents who had doubts on the recommendations of technical assessments that were undertaken by private developers. In response, the Chairperson said that according to the existing practice, the technical assessments to back up a planning application would be undertaken and submitted by the applicant. The applicant's technical assessments would then be circulated to relevant Government departments, which would render their professional comments/advice to the TPB for its consideration of the application. In answering the Chairperson's enquiry, Mr. H.L. Cheng said that the Transport Department would give comments on the traffic impact assessments submitted by applicants based on the department's standard practice and guidelines.

17. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairperson thanked the applicant's representatives as well as PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

18. The Chairperson informed Members that the "Technical Guide for AVA for Developments in Hong Kong" was issued in 2006 by the Housing, Planning and Lands Bureau and the Environment, Transport and Works Bureau as a guideline requiring comparison of different design options and to identify potential problem areas for design improvement. She pointed out that AVA was only one of the considerations in assessing development applications and a balance should be struck in considering the applications.

19. A Member said that the applicant's concern about the problem of expanded building bulk arising from the GFA concession under the Buildings Ordinance (BO) was also a common concern of the general public. This Member opined that to avoid the situation in which the GFA/building bulk of a completed development with GFA concession granted

under BO would exceed the GFA/building bulk of that development previously approved by the TPB under a planning application, applicants seeking planning permission for proposed development should be asked to state clearly in their submission about any proposed GFA concession to be applied under BO for the TPB's consideration. This Member's view was shared by two other Members. In this regard, the Secretary explained that TPB approved planning applications on the terms as submitted by the applicant to the TPB. In the planning application, the applicant would usually include the expected / bonus / non-accountable GFA in the proposed building bulk though the exact amount might not always be stipulated. If an application involved proposed GFA concession under BO, the TPB in approving the application, would advise the applicant that he had to apply the GFA concession from the Building Authority (BA) to obtain the necessary approval, and if the GFA concession was not granted by the BA and major changes to the approved scheme were required, the applicant would be required to apply for a fresh planning application to the TPB. To facilitate TPB's consideration, a Member suggested and other Members agreed that for future planning applications, applicants should be asked to mention clearly in their submissions about the aggregate total of the proposed GFA concession to be applied under BO, and PlanD should quote such aggregate figure in the TPB Papers.

20. A Member shared the concern of the local residents about the possible adverse impacts of the future development on the subject "CDA" sites upon the local neighbourhood. This Member considered that such concern should be taken account of by the TPB. In response, the Chairperson said that as the Ex-GSD and King Wah Road sites were zoned "CDA" on the OZP, the applicants for planning permission of development on these sites had to submit a Master Layout Plan to be supported by technical assessments, including TIA and visual impact assessments for the TPB's consideration.

21. A Member said that in the formulation of development parameters for the Ex-GSD and King Wah Road sites under the PBs, the Committee had given due regard to relevant planning considerations including the waterfront setting, surrounding developments, urban design considerations, HEC's harbour planning guidelines, the findings of relevant AVA study, and the comments of Government departments on the various technical aspects. The Committee had also considered the views of the HEC and EDC on the draft PBs. On the other hand, the applicant did not submit relevant technical assessments to support the proposal under the subject application. Hence, there was no ground for the Committee to

agree to the application. Moreover, the applicant's proposal of asking Government departments to employ consultants to undertake independent technical assessments for considering planning applications could not be supported given the significant time and resource implications. The Chairperson added that under the existing practice, the applicants were required to undertake technical assessments to support their applications for proposed developments and the relevant Government departments would provide their professional comments on the technical assessments to the TPB for consideration. The above views were shared by other Members.

22. A Member suggested and Members agreed to amend the rejection reason in paragraph 12(b) of the Paper to reflect that when proposing BH restrictions for various zone on the draft OZP, PlanD had undertaken an AVA for the North Point area, including the application sites, with the existing conditions of the area taken into consideration.

23. After further deliberation, the Committee decided not to agree to the application for amendment and the reasons were :

- (a) the planning intentions of the application sites are mainly for comprehensive development for residential and commercial uses. The development restrictions as shown on the Outline Zoning Plan and/or in the Planning Briefs were formulated after going through a due process and a proper balance of relevant planning considerations and assessments, and were still appropriate. The proposed more stringent development restrictions for the "Comprehensive Development Area" ("CDA") and "Comprehensive Development Area (1)" zones, which basically rely on air ventilation consideration, were unjustified;
- (b) the air ventilation assessment (AVA) report submitted did not follow the Technical Guide for AVA for Developments in Hong Kong and had a number of deficiencies. In particular, the Control Case adopted in the assessment was based on an unrealistic assumption that there would be no redevelopment of the "CDA" zone covering the ex-Government Supplies Department Depot site, which was intended for comprehensive development. There was also no assessment on the air ventilation

performance of the proposed development restrictions;

- (c) in determining the building height restrictions for the North Point area, the Planning Department had undertaken an AVA, which had taken into account the existing conditions of the area, to ensure that the restrictions were acceptable in terms of air ventilation; and
- (d) it was considered premature to impose a 10% cap on the total exempted gross floor area (GFA) for the application sites before the completion of the ongoing review on the matter by the Council on Sustainable Development and the adoption of any new policy on GFA concessions. Moreover, there was no substantiation on how the proposed 10% cap was derived.

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

Tsuen Wan and West Kowloon District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/SC/1 Application for Amendment to the
Approved Stonecutters Island Outline Zoning Plan No. S/SC/8
from “Other Specified Uses” annotated “Container Related Uses”
and “Other Specified Uses” annotated “Petrol Filling Station”
to “Other Specified Uses” annotated “Container Related Uses
and Underground Sewage Treatment Works” and
from “Other Specified Uses” annotated “Container Related Uses”
to “Other Specified Uses” annotated “Petrol Filling Station”,
Land bounded by Mei Ching Road, West Kowloon Highway,
Hing Wah Street West and Container Port Road South,
Stonecutters Island
(MPC Paper No. Y/SC/1)

24. The Secretary reported that as the application was submitted by Environmental Protection Department (EPD), Mr. H.M. Wong had declared an interest in this item as he was EPD's representative in the Committee. Mr. Wong left the meeting temporarily for this item.

Presentation and Question Sessions

25. The following representatives from Planning Department (PlanD) were invited to the meeting at this point :

Mr. P.C. Mok	Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK)
Miss Ivy C.W. Wong	Town Planner/Tsuen Wan and West Kowloon (TP/TWK)

26. The following applicant's representatives were also invited to the meeting at this point :

Mr. Elvis Au
Dr. H.Y. Yeung
Mr. S.K. Lau
Mr. Kelvin Lau
Ms. Christina Ko Hartinger
Ms. Helen Lee
Mr. Raymond Leung
Ms. Y.T. Li

27. The Chairperson extended a welcome and explained the hearing procedures. Mr. P.C. Mok, STP/TWK, was then invited to brief Members on the background of the application. With the aid of a Powerpoint presentation, Mr. Mok did so as detailed in the Paper and made the following main points :

(a) background to the application;

- (b) the proposed amendments to the Approved Stonecutters Island Outline Zoning Plan (OZP) No. S/SC/8 and the indicative Master Concept Plan (Drawings Z-2 to Z-9 of the Paper) submitted by the applicant, the Environmental Protection Department (EPD), as detailed in paragraph 1 of the Paper in respect of a site involving the land bounded by Mei Ching Road, West Kowloon Highway, Hing Wah Street West and Container Port Road South, Stonecutters Island. In summary, the applicant proposed to amend the Stonecutters Island OZP as follows (Drawing Z-1 of the Paper):
- From “Other Specified Uses” annotated “Container Related Uses” (“OU(Container Related Uses)”) (about 99.4%) (“OU(Container Related Uses)”) and “Other Specified Uses” annotated “Petrol Filling Station” (“OU(PFS)”) to “Other Specified Uses” annotated “Container Related Uses and Underground Sewage Treatment Works” (“OU(Container Related Uses and Underground Sewage Treatment Works)”); and
 - From “OU(Container Related Uses)” to “OU(PFS)”;
- (c) the applicant’s justifications as detailed in paragraph 2 of the Paper;
- (d) the departmental comments as detailed in paragraph 10 of the Paper. In summary, concerned Government departments had no objection to or no adverse comment on the application;
- (e) during the statutory publication period, four public comments were received as detailed in paragraph 11 of the Paper. In summary, one commenter was concerned that the construction of building shown on the Master Concept Plan such as logistics centre would create large traffic volume and chaotic traffic situation. Three other commenters, who were the container terminal operators, strongly objected to the inclusion of logistics buildings on the Master Concept Plan for the Site with the following main grounds :
- the Site was currently used for container storage depots and lorry

parking which provided good support to Kwai Tsing Port and it would be used increasingly in future to meet the container storage needs of the container terminals' growth in trans-shipment throughput;

- no member of the Hong Kong Logistics Development Council or Port Development Council had asked for logistics centres to be located in Kwai Chung next to Kwai Tsing Port. Logistics centres did not support the Kwai Tsing Port throughput and had negligible synergy with the container terminal activity;
 - logistics centres planned at the Site and adjacent sites would also bring a substantial number of additional truck-trips onto the already congested Container Port Road South and adjacent roads; and
 - the Government's Hong Kong Port Master Plan 2020 – Power Port Recommendation clearly stated that the Site be reserved for use in supporting and enhancing of Kwai Tsing Port's container throughput capacity and efficiency, and such recommendation should be implemented;
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper which was summarised below :

Site Identification

- EPD completed the 'Environmental and Engineering Feasibility Assessment Studies in Relation to the Way Forward for the Harbour Area Treatment Scheme' in 2004 which concluded that the subject site of appropriate size was the most suitable location for the underground Biological Treatment Plant (BTP) and it had the locational advantage of being adjacent to the existing Stonecutters Island Sewage Treatment Works (SCISTW). The proposed underground BTP was considered not incompatible with the surrounding developments. EPD completed another consultancy study 'Co-use of Land by the Harbour Area

Treatment Scheme (HATS) Stage 2B Biological Treatment Plant and Other Facilities on Stonecutters Island – Feasibility Study’ (Co-use Study) in 2009 which established the feasibility of co-development of the proposed underground BTP and various kinds of above ground container related uses at the Site. Under such arrangement, land utilization could be maximized while maintaining the original planning intention of the Site for container related uses;

Review in Further Consultancy Study

- the present design and layout of the proposed BTP was only indicative to demonstrate the feasibility of co-use development at the Site. The applicant would carry out a consultancy study in 2010/11 to examine the implementation of the HATS Stage 2B, which would further identify and recommend the feasible design options and schematic designs for the underground BTP with updated data and information gathered;

Environmental Aspect

- odour control and monitoring system and noise reduction facilities would be provided to minimize potential odour and noise nuisances generated by the proposed BTP. Moreover, the proposed BTP was considered as a designated project under the Environmental Impact Assessment Ordinance (EIAO). A detailed EIA would be required at design stage to address any environmental issues of the proposed BTP to meet the requirements under the EIAO;

Urban Design and Traffic Aspects

- based on the indicative Master Concept Plan, the above ground complex of the proposed BTP with a maximum building height of 25m was considered acceptable in view of the surrounding context of the area. Relevant departments had no objection to the application on the visual and traffic aspects;

Existing Temporary Facilities

- with regard to Transport Department (TD)’s concern on displacement of existing temporary parking and container storage facilities, TD had

agreed with the applicant that this could be reviewed and dealt with in the detailed planning, design and construction stages of the HATS Stage 2B; and

Public Views

- the applicant had consulted the Sham Shui Po and Kwai Tsing District Councils on the proposed BTP and amendments to the OZP and the DC Members were generally in support of the proposal. With regard to the public comments of the container terminals operators objecting to the proposed logistics centres at the Site, the proposal was merely an indicative scheme and the applicant aimed to illustrate the feasibility of various kinds of container related uses to be co-developed with the underground BTP. The Notes of the proposed “OU(Container Related Uses and Underground Sewage Treatment Works)” zone already allowed flexibility for different kinds of container related uses at the Site not just limited to logistics centre. The Secretary for Transport and Housing (STH) stated that the Government would balance the needs and interests of different stakeholders and identify suitable sites to meet their demands for land. Regarding the public concern on the potential traffic generated by the proposed logistics centres, the development intensity of the above ground container related uses was determined by the ‘traffic budget approach’ based on maximum development capacity that could be sustained by existing and planned traffic networks in the area. TD and STH advised that further TIA would be conducted with a view to identifying traffic improvement measures to ensure that the scale of the proposed developments on the Site would not overload the surrounding road network;

Recommended Amendments

- to clearly delineate the landuses of the Site, PlanD recommended the following revisions to the applicant’s proposed amendments to the OZP (Plan Z-6 of the Paper) :
 - (a) noting that the applicant’s proposed “OU(Container Related

Uses and Underground Sewage Treatment Works” zone did not clearly reflect the ancillary above ground complex of the proposed BTP, it was proposed to revise the zoning as “OU(Container Related Uses and Underground Sewage Treatment Works with Ancillary Above Ground Facilities)”. The permitted use under Column 1 in the Notes was also revised from ‘Underground Sewage Treatment/Screening Plant’ to ‘Underground Sewage Treatment/Screening Plant with Ancillary Above Ground Facilities’ accordingly (Appendix V of the Paper);

- (b) to include the basic development parameters of the proposed BTP, including maximum 2 levels of basement sewage treatment plant, area of underground BTP and area of ancillary above ground complex, etc. in the Explanatory Statement of the OZP; and
- (c) as the proposed electricity substation (ESS) serving both the HATS Stage 2A and Stage 2B would be developed separately from the proposed BTP and would have its own development programme, an individual zoning, i.e. “Government, Institution or Community” (“G/IC”) was proposed to facilitate its development.

28. The Chairperson then invited the applicant’s representatives to elaborate on the application. With the aid of a Powerpoint presentation, Mr. Elvis Au and Mr. Raymond Leung made the following main points :

- (a) the policy background of the HATS as detailed in paragraph 2 of the Paper. The present application was to dovetail with the implementation timing of the HATS Stage 2B with a view to securing the land reserve for the underground BTP;
- (b) the planning considerations in terms of site selection, the underground BTP

and the co-use of land with other facilities :

Site Selection

- the choice of site for the secondary treatment plant under HATS Stage 2B was a result of prudent consideration. The proposed location under the subject application was in close proximity to the primary treatment plant under HATS Stage 2A to the south of Hing Wah Street West. It would improve the overall operational efficiency and resource utilization of both plants;

The Underground BTP

- the underground BTP might adopt the design-build-operate (DBO) procurement mode, and the details of the DBO would be incorporated in the future tender document as appropriate. The Stanley Sewage Treatment Works was also located underground and proved to be operating well. Reference would also be made to relevant overseas examples with a view to working out the most suitable design for the proposed underground BTP which would be the largest underground BTP in the world; and

Co-Use of Land with Other Facilities

- there was close liaison and discussions between the applicant and relevant departments and the proposed Master Concept Plan was agreed among the Government departments. The co-use of land with other facilities above ground would help sharing the resources and help improve the environment. There was no objection from the public to the underground BTP. The public comments objected to the provision of logistical centre in the site, but not the underground BTP.

29. Members had the following main views and questions on the application :
- (a) while the provision of supporting facilities for the HATS was supported, there was a concern on the visual impact and excessive massing of the

indicative above ground development for the logistics centre/utility building on the site as shown in the photomontage in the applicant's submission. The applicant should provide detailed design on the layout of the above ground development at the site, with a view to ensuring that it would not have adverse visual impacts on the surrounding residential developments;

- (b) regarding the proposed "OU(PFS)" zone under item C of the applicant's proposed amendment (Drawing Z-1 of the Paper), would liquefied petroleum gas (LPG) filling facilities be incorporated in the PFS in addition to petrol filling facilities;
- (c) whether the proposed underground BTP under application was the largest BTP in the world;
- (d) what was the follow-up action for EPD to consult the public on the detail design of the proposed underground BTP;
- (e) was there any example of co-use of land vertically in Hong Kong and how to assess the compatibility of various land uses;
- (f) the odour problem of the proposed BTP would be a major concern of the local residents and the concerned DCs should be consulted on how to mitigate such problem. It was noted that the residents of Hoi Lai Estate had lodged complaints about the odour problem of the existing sewage treatment works at Stonecutters Island;
- (g) there was concern that the proposed BTP and its ancillary above ground facilities would take up the land which was reserved for logistic/container related uses; and
- (h) the above ground container facilities, including the logistics centres, would be affected by the construction works of the proposed BTP, and how could the interface problem be resolved.

30. Mr. P.C. Mok advised Members on the following :

- (a) LPG filling facilities would be incorporated in the PFS in addition to the petrol filling facilities;
- (b) the control of land uses at different levels on the application site could be specified in the Notes covering the proposed “OU (Container Related Uses and Underground Sewage Treatment Works with Ancillary Above Ground Facilities)” zone on the OZP; and
- (c) to the north of the application site and in Tsing Yi, there were other “OU” sites reserved for container-related uses.

31. To answer Members’ questions, Mr. Elvis Au and Mr. Raymond Leung made the following main points :

- (a) the total capacity of the proposed underground BTP was similar to that of a standard above ground BTP. In terms of area, the proposed underground BTP was the largest in the world. Given the constraint of land resource in Hong Kong, an innovative design for the proposed underground BTP was adopted;
- (b) in the next stage of HATS Stage 2B, there would be a further study to work out the detailed design and layout of the proposed BTP as well as the massing, building bulk and overall design of the above ground uses. The Study would need to ensure that the proposed BTP and above ground uses would not have visual impact on the surrounding residential developments. Concerned DCs would be consulted on the proposed detailed design of the facilities. For Members’ information, in May/ June 2009, the applicant had consulted two DCs (Kwai Tsing and Sham Shui Po) on the proposed underground BTP. The DC Chairmen and Members were invited to a tour of the underground sewage treatment works in Stanley, and they generally supported the proposed BTP at the application site. In the next stage of

detailed design, the applicant would continue to consult the DCs. Moreover, the proposed underground BTP would need to be approved under the Environmental Impact Assessment Ordinance (EIAO), in which there would be a statutory public consultation procedure under the EIAO;

(c) the odour problem of the proposed BTP would be mitigated by the following measures :

- by locating the BTP underground so that it would be completely enclosed;
- by locating the air shaft of the BTP in the southern part of the site so that it would be far away from residential development. The nearest residential development, Mei Foo Sun Chuen, would be about 400m away;
- by adopting the de-odour process/measures adopted by other existing sewage treatment works; and
- to address the concern of the residents of Hoi Lai Estate about the odour problem of the existing sewage treatment works in Stonecutters Island, EPD had sought funds to provide covers on the tanks within the sewage treatment works under the HATS Stage 2A. Regarding the odour issue of the subject underground BTP, the two concerned DCs would be consulted when working out the provision of mitigation measures during the further study. To meet Members' request, EPD would make sure that due regard would be given to the location of the air shaft to avoid any impact of the odour problem on the local residents.

32. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due

course. The Chairperson thanked the applicant's representatives as well as PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

33. Whilst Members in general supported the proposed BTP which was the initiative in the Government's HATS, some Members raised concern about the odour problem and visual impact of the proposed facility. A Member asked if an approval condition could be stipulated to safeguard that the proposed BTP would not cause odour problem affecting the local residents. In response, the Secretary said that should the Committee decide to agree to the applicant's proposed amendments to the Notes and the PlanD's recommended amendments as stated in paragraph 12.9 of the Paper, the proposed BTP would become an always permitted use under the OZP. However, as the proposed BTP was a designated project under the EIAO, EPD had to prepare a detailed EIA at design stage to address any environmental issues, including the odour problem and visual impact, of the proposed BTP to meet the requirements under the EIAO. The EIA reports would be submitted for the consideration of the Advisory Committee on Environment, an independent board with appropriate expertise giving advice on the environmental aspects. After some discussion, Members agreed that the environmental issues of the proposed BTP should be controlled under the relevant Environmental Protection Ordinance, rather than the Town Planning Ordinance. However, Members also agreed that in the approval letter, the applicant should be advised of the Committee's concern about the odour problem that might arise from the operation of the proposed BTP and that proper mitigation measures should be worked out and implemented by the applicant.

34. A Member opined that there should be a proper control on the development intensity and built form of the above ground structures on the application site with a view to minimizing their adverse visual impact on the surrounding residential areas. This Member suggested and other Members agreed that there should be stipulation of development parameters for above ground uses in the Notes of the subject "OU" zone.

35. A Member raised the concern that the existing logistic / container related uses on the application site would be affected by the construction works of the proposed underground BTP. In response, the Chairperson said that such interface problem could be resolved by

reprovisioning the existing uses to an alternative site whilst construction works of the BTP was in progress. This measure had been widely used when works projects were implemented. Regarding the co-use of land involving uses in multi-levels, the Chairperson pointed out that there were many existing examples, including railway projects with railway stations located underground and other developments atop. Specifications could be stipulated in the relevant lease conditions to govern the various uses at different levels of the development. In response to the Chairperson's enquiry, Mr. Gary Cheung advised that to facilitate the use of the application site for different types of development at different levels and by different parties, the Lands Department would grant the land below certain level to EPD and the land above certain level to other parties.

36. After further deliberation, the Committee decided to partially agree to the application for amendment by rezoning the Site from "Other Specified Uses" ("OU") annotated "Container Related Uses" and "Other Specified Uses" annotated "Petrol Filling Station" ("OU(PFS)") to "OU(Container Related Uses and Underground Sewage Treatment Works with Ancillary Above Ground Facilities)", from "OU(Container Related Uses)" to "OU(PFS)", and the designation of a "Government, Institution or Community" ("G/IC") zone, subject to the proposed revisions for the reasons as mentioned in paragraph 12.9 of the Paper and the stipulation of development parameters for above ground uses in the Notes of the "OU" zone.

37. The Committee also decided that the Chief Executive in Council would be requested to refer the approved Stonecutters Island Outline Zoning Plan (OZP) No. S/SC/8 to the TPB for amendments taking into account the proposed Biological Treatment Plant (BTP). The amendments to OZP would be submitted to the TPB or its Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance.

38. The Committee also agreed to advise the applicant that the Committee was concerned about the odour problem that might arise from the operation of the proposed BTP and that proper mitigation measures should be worked out and implemented by the applicant.

[Mr. P.C. Mok, STP/TWK, was invited to the meeting at this point.]

[Professor N.K. Leung and Hon. Starry W.K. Lee left the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K16/35 Office Use
in “Government, Institution or Community” zone,
3/F (portion) and 5/F (portion),
Lai Chi Kok Telephone Exchange,
4 Yuet Lun Street, Lai Chi Kok
(MPC Paper No. A/K16/35)

Presentation and Question Sessions

39. 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 office use;

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

- (c) departmental comments – no objection to or no adverse comment 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 made in paragraph 12 of the Paper. As advised by the Director-General of Telecommunications (DG of T), the areas for office use under the subject application were used as supporting

office for operation of the mobile network and were related to telecommunications uses. The supporting office would provide essential operation and maintenance support for the mobile network. The scale of office use under the subject application, which occupied about 34.7% and 65.2% of the floor area of 3/F (Operation of Mobile Network) and 5/F (Operation of Mobile Network) respectively of the subject TE building, and about 5.91% of the total GFA of the TE building, was considered acceptable. The subject office use was also considered not incompatible with the other operations within the TE building. The total cumulative GFA of office use under the current application i.e. 1,559.53m² and that under the previously approved application (No. A/K16/32) i.e. 762 m² represented a cumulative office use of about 8.73% of the total TE building. This was considered in line with the Town Planning Board Guidelines for development within “G/IC” zone (TPB PG-No. 16). The office use would unlikely generate adverse environmental and traffic impacts on the surrounding areas and all departments consulted had no adverse comment on / no objection to the application.

40. In response to a Member’s enquiry, Mr. P.C. Mok said that the applicant had obtained a number of temporary waivers, though some of them had expired, from the Lands Department (LandsD) for ancillary office use at various floors of the subject TE building. Both DG of T and LandsD had discussions with the applicant to clarify the nature of the office use being sought under the subject application. In this regard, the DG of T had been consulted and he advised that the application premises were not related to telephone exchange uses but the office use under application could be considered as supporting office for the operation of the network and related to telecommunication uses.

Deliberation Session

41. 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 18.12.2013, 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.

42. The Committee also agreed to advise the applicant of the following :
- (a) to apply to the District Lands Officer/Kowloon West, Lands Department for consent to permit office use at the application premises; and
 - (b) to remind the applicant that prior planning permission should have been obtained before commencing the use at the application premises.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/687 Proposed Shop and Services (Ancillary Showroom)
in “Other Specified Uses” annotated “Business” zone,
Factory A, Basement, Fast Industrial Building,
658 Castle Peak Road, Cheung Sha Wan
(MPC Paper No. A/K5/687)

Presentation and Question Sessions

43. 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 (ancillary showroom);
 - (c) departmental comments – no objection to or no adverse comment 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 did not support the application based on the assessment made in paragraph 11 of the Paper. The Notes for the “OU” annotated “Business” (“OU(B)”) zone on the approved Cheung Sha Wan Outline Zoning Plan (OZP) required that shop and services (ancillary showroom) had to be related to an industrial firm in the same premises or the same building. In the current application, the applicant claimed that he intended to occupy a premises on the 2/F of the subject industrial building with an internal floor area (IFA) of 92.9m² for his industrial business. There was no information on the name, nature and exact address of the industrial firm on the 2/F which would be used for the applicant's own industrial business. As such, there was no information to demonstrate the genuine need of an ancillary showroom relating to the industrial firm in the same building or the same premises. Moreover, the size of the proposed ancillary showroom under the subject application, which had an IFA of 333.003m² or about 3.5 times the IFA of the applicant's intended industrial business on 2/F, was considered excessive and there was no information to justify the scale of the proposed shop and services (ancillary showroom). Despite the fact that the applicant owned a number of industrial properties in the vicinity, it could not be demonstrated that the proposed shop and services (ancillary showroom) under the subject application was related to “an industrial firm in the same premises or building” as stipulated in the Notes of the OZP. The approval of the application would set an undesirable precedent for similar applications within the “OU(B)” zone. Similar applications No. A/K5/621 and No. A/K5/634 were rejected by the Committee on 1.12.2006 and 8.6.2007 respectively on the grounds that there was insufficient information to demonstrate that the application premises would be used as a genuine ancillary showroom to an industrial firm in the same premises or same building; the scale of the ancillary showrooms was considered excessive and there was insufficient information to justify the scale of the ancillary showrooms; and the approval would set an undesirable precedent. There was no material change in planning circumstances to justify a departure from the Committee's previous decisions.

44. Members had no question on the application.

Deliberation Session

45. A Member said that as the applicant had not demonstrated that the proposed showroom was ancillary to or supporting the main industrial use at his premises on the 2/F of the subject industrial building, it was appropriate to follow TPB's previous practice of not supporting the application. In response to a Member's enquiry, Mr. P.C. Mok said that according to the Notes for the "OU(B)" zone, the ancillary showroom classifying as shop and services use was a showroom use ancillary to an industrial firm in the same premises or in the same building. If the ancillary showroom use occupied 20% or less than 20% of the total usable floor area of the related industrial firm, it was an always permitted use and planning permission from the TPB was not required. However, if the shop and services (ancillary showroom) use occupied more than 20% of the total usable floor area of the related industrial firm, it was a Column 2 use and planning permission from the TPB under s.16 of the Town Planning Ordinance was required.

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

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

- (a) there was no information provided in the submission to demonstrate that the premises would be used as a genuine ancillary showroom to an industrial firm in the same premises or same building;
- (b) the scale of the ancillary showroom under application was considered excessive. There was no information provided in the submission to justify the scale of the ancillary showroom; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the "Other Specified Uses" annotated "Business" zone.

[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, 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/349 Shop and Services (Metalware Retail Shop)
 in "Industrial" zone,
 Unit B (Portion), G/F, Gold King Industrial Building,
 35-41 Tai Lin Pai Road, Kwai Chung
 (MPC Paper No. A/KC/349)

Presentation and Question Sessions

47. 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 (metalware retail shop);
- (c) departmental comments – no objection to or no adverse comment from concerned Government departments was received;
- (d) one public comment objecting to the application was received during the statutory publication period and no local objection was received by the District Officer (Kwai Tsing); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper.

The retail shop under the subject application was considered not incompatible with the uses at G/F of the subject industrial building. The retail shop with an area of 24m² was small in size and directly accessible from Tai Lin Pai Road. It complied with the Town Planning Board Guidelines No. 25D (TPB PG-No. 25D) and would not induce fire safety problems, environmental concerns or adverse traffic impact. Relevant departments consulted had no adverse comment on the application. The subject industrial building was subject to a maximum permissible limit of 460 m² for aggregate commercial floor area on G/F with sprinkler system and the applied use was accountable for the aggregate commercial floor area. The applied GFA (24 m²) together with the previously approved shop and services use (24.12 m²) under application No. A/KC/330 would not exceed the maximum permissible limit of 460 m². In this regard, the Director of Fire Services (D of FS) had no objection to the application. Regarding the commenter's comments on the illegal demolition of fire resisting separation walls and fire resisting doors, the D of FS had no comment on the matters and the Chief Building Surveyor/ Section D, Buildings Department (CBS/D, BD) stated that no immediate action was proposed against the unauthorised building works which had been recorded for future reference and would be kept under review. In response to the commenter's query if the applicant had resorted to trickery to only apply for 24m² to avoid the wavier payment of the remaining portion of Unit B, District Lands Officer/Tsuen Wan & Kwai Tsing (DLO/TW&KT) advised that site inspections revealed that the subject premises was being operated as a retail area selling small metal accessories and the remaining area of Unit B was used for storage of heavy metal bars and large sized metal sheets. He was not aware of any retail activity being found in the storage area. Other concerned Government departments including the Assistant Commissioner for Transport, and Commissioner for Police had no adverse comment on the application. However, in order not to jeopardize the long term planning intention of industrial use for the subject premises, it was suggested that the application be approved on a temporary basis for a period of three years.

48. Members had no question on the application.

Deliberation Session

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.12.2012, instead of a permanent approval sought, 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 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 18.6.2010; 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.

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

- (a) to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department for a temporary wavier 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' enquiries. Mr. Lee left the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting]

A/KC/350 Proposed Hotel
in “Other Specified Uses” annotated “Business” zone,
57-59 Kwok Shui Road, Kwai Chung
(Kwai Chung Town Lot 46)
(MPC Paper No. A/KC/350)

51. The Committee noted that on 30.11.2009, the applicant’s representative wrote to the Secretary of the TPB and requested the TPB to defer making a decision on the application for two months so as to allow sufficient time for the applicant to address the comments from the Transport Department regarding the parking provision.

52. 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 also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Hong Kong District

Agenda Item 9

Section 12A Application

[Open Meeting]

Y/H15/5

Application for Amendment to the
Approved Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/24
from “Government, Institution or Community”
to “Government, Institution or Community (3)”
so as to allow a residential development cum in-situ redevelopment
of the existing Government, Institution or Community building,
with the maximum total plot ratio of 6.3,
maximum total gross floor area of 97,216.48m²
and maximum building height of 115.6 mPD,
2 Welfare Road, Wong Chuk Hang (Inland Lot 171 RP)
(MPC Paper No. Y/H15/5)

53. The Committee noted that on 17.11.2009, the applicant’s representative wrote to the Secretary of the Town Planning Board (TPB) and requested the TPB to defer consideration of the application for two months in order to allow time for preparation of additional information to address the comments of Government departments.

54. 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 also agreed that the application should be submitted to the Committee for consideration within three 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.

Agenda Item 10

Section 16 Application

[Open Meeting]

A/H15/238 Proposed Petrol Filling Station and Permitted Industrial Building
in “Other Specified Uses” annotated “Business(2)” zone,
19 and 21 Wong Chuk Hang Road, Aberdeen
(Aberdeen Inland Lots 278 and 280)
(MPC Paper No. A/H15/238A)

55. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (HEND). Mr. Raymond Y.M. Chan had declared an interest in the item as he had current business dealings with HEND. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Mr. Raymond Chan could be allowed to stay at the meeting.

56. The Committee noted that on 9.12.2009, the applicant’s representative wrote to the Secretary of the Town Planning Board (the Board) and requested for a further deferment of consideration of the application by the Board for two months. The applicant indicated that since the last request for deferral made in September 2009, liaison with Government departments to address their concerns had been in progress but additional time was required to address the further comments raised by the Transport Department.

57. 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 also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months had been allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

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

[Mr. David C.M. Lam, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H19/59 Proposed School (French Language Education Centre)
in “Residential (Group A) 2” zone,
1/F, Yu King House,
15 Stanley New Street, Stanley
(MPC Paper No. A/H19/59)

Presentation and Question Sessions

58. Mr. David C.M. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (French language education centre);
- (c) departmental comments – no objection to or no adverse comment from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period. The comment was submitted by a property owner of the subject building, who indicated that he would object to the application if the entrance to the proposed school was via the main gate of the building. No local objection was received by the District Officer (Southern); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The propose school use was on the 1/F of a 6-storey commercial/residential

building with retail shops on the G/F. It was considered not incompatible with the other uses within the same building and the surrounding developments where commercial uses and a bazaar were found. The proposed school was located within the non-domestic portion of the building and provided with an independent access at the alley, which was separated from the entrance to the residential floors. The proposed school would unlikely cause any disturbance to the residents in the same building. The proposed school was small in scale with a GFA of 140m² and a maximum capacity of 20 students and four staff members. It would unlikely cause any significant adverse impacts on the area. Concerned Government departments had no objection to the application. In view of the above, the application was considered generally in line with the criteria laid down in the Town Planning Board Guidelines for “Application for Tutorial School under Section 16 of The Town Planning Ordinance” (TPB PG-No. 40). As regards the public comment, the applicant had indicated that the entrance at the alley behind the building would be used as the main entrance to the proposed school, which would unlikely cause nuisance to the residents of the building.

59. Members had no question on the application.

Deliberation Session

60. 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 18.12.2013, 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 before operation of the use.

61. The Committee also agreed to advise the applicant to note the comment of the Secretary of Education regarding the need for registration of a new school under the

Education Ordinance.

[The Chairperson thanked Mr. David C.M. Lam, STP/HK, for his attendance to answer Members' enquiries. Mr. Lam left the meeting at this point.]

[Mr. Derek W.O. Cheung, STP/HK, was invited to the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/163 Temporary Public Vehicle Park (Excluding Container Vehicle)
(Letting of Surplus Monthly Vehicle Parking Spaces to Non-residents)
for a Period of 3 years in "Residential (Group A)" zone,
G/F to 5/F, Car Park Block,
Hing Wah (I) Estate,
11 Wan Tsui Road, Chai Wan
(MPC Paper No. A/H20/163)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) (letting of surplus monthly vehicle parking spaces at the multi-storey car park in Hing Wah (I) Estate to non-residents) for a period of 3 years;
- (c) departmental comments – no objection to or no adverse comment 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 (Eastern); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The application premises was the subject of a previous application (No. A/HK/1) for the same use approved by the Committee on 26.3.2004 on a temporary basis for three years. There was no material change in the planning circumstances since then. According to the applicant, the average vacancy rate of the car parking spaces if not let to non-residents between March and August 2009 was 83%. The letting of the surplus parking spaces to non-residents as proposed in the application might help utilize the resources more efficiently. The proposed temporary period of three years was considered reasonable in that the vacant parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed. The proposal did not involve any new development or redevelopment of the application premises. As there was no increase in the total number of car parking spaces at the estate, the proposed conversion of ancillary car parking spaces to public vehicle park would not generate additional traffic flow nor worsen the environmental conditions in the area. Concerned Government departments had no adverse comments on the application. In view of TD's advice, it was recommended that should the Committee decide to approve the application, an approval condition be stipulated to require that priority should be accorded to the residents and occupiers of the Hing Wah (I) Estate and residents of Hing Wah (II) Estate in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport. Lands Department (LandsD) advised that the parking spaces in the subject multi-storey car park were restricted to use by residents or occupiers of the Hing Wah (I) Estate or their visitors except 95 private car parking spaces should be provided for use by residents of Hing Wah (II) Estate.

63. Members had no question on the application.

Deliberation Session

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following condition :

- priority should be accorded to the residents and occupiers of the Hing Wah (I) Estate and residents of Hing Wah (II) Estate in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

- (a) to apply to the District Lands Officer/Hong Kong East, Lands Department for a temporary waiver for the proposal; and
- (b) to note the comments of Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department regarding the gross floor area calculation for the proposed temporary public vehicle park under the Building (Planning) Regulations and the resultant plot ratio (PR) not to exceed the permitted PR under the Buildings Ordinance.

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

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

[Ms. Donna Y.P. Tam, Senior Town Planner/Hong Kong (STP/HK), Ms. Yim Yuen Ling, Senior Building Surveyor/Hong Kong East (SBS/HKE), Buildings Department (BD) and Mr. Pang Wing Hong, Building Surveyor/Hong Kong East (BS/HKE), BD, were invited to the meeting at this point.]

Agenda Item 13

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/H25/10A)

Presentation and Question Sessions

66. 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 temporary exhibition hall for motor vehicles for a period of 3 years;
- (c) departmental comments – no objection to or no adverse comment from concerned Government departments was received;
- (d) the District Officer (Wan Chai) advised that upon informal consultation with the relevant District Councillors and district personalities, many of the respondents disagreed with the proposal, because of safety concern and they were worried that the design of the application premises was not suitable for exhibition purpose; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 4 of the Paper. The main points of the assessment were summarised as follows:
 - the main concern in the subject application lied not in land use but

in how to ensure compliance of the planning conditions relating to technical requirements of relevant departments. In terms of land use, the temporary car exhibition hall for motor vehicles had been approved by the Committee since 2003 and had been in operation until recently. There was no land use compatibility problem. However, in terms of implementation of the requirements under the planning conditions, the applicant had a track record of failing to fulfill the conditions on means of escape (MoE) and fire service installation (FSI) requirements, thus the Committee in considering the current application at its meeting on 18.9.2009 raised particular concern on the monitoring of the mode of operation as proposed by the applicant, which in turn, would affect the MoE and FSI requirements;

- to address the Committee's concerns, the applicant proposed a mechanical monitoring system, a management plan and an audit checking system, including appointment of an independent professional to carry out monitoring work on a monthly basis and an Authorized Person (AP) to carry out independent audit check on a bi-monthly basis and to report non-compliance to relevant Government departments or the TPB;
- according to the Buildings Department (BD), initial checking revealed that the existing MoE provision was acceptable and BD had no in-principle objection to the application subject to the approval conditions on the provision of MoE to its satisfaction. As advised by BD, for any over-population at the subject premises arising from unauthorized material change of use from that shown on the approved building plans, BD may take action under the Buildings Ordinance (BO) as might be appropriate;
- at the previous Committee meeting on 18.9.2009, Members raised concern on the enforceability and monitoring of the fulfillment of the planning conditions. The mechanical monitoring system and

an independent audit checking system proposed by the applicant could help control the number of visitors to the parking area. Audit reports highlighting any non-compliance and certified by an AP on a bi-monthly basis could be submitted to BD, who was the competent authority to vet the submission from the applicant. If the applicant failed to comply with the approval conditions, BD would inform PlanD and the planning permission could be subject to revocation; and

- should the Committee decide to approve the application, it was suggested to stipulate approval conditions on the provision of MoE and FSI requirements as well as approval conditions to prohibit motor shows/car fairs; restrict the number of cars (345) to be parked at the premises; restrict the number of visitors (300); require the installation of the mechanical mechanism system before the proposed use was put into operation; and require the conduct of audit check and submission of bi-monthly audit report. As advised by District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD), such requirements could also be incorporated into the temporary waiver for the proposed use at the premises. It was also recommended that a shorter approval period of two years, instead of three years, be granted to monitor the operation of the subject temporary exhibition hall for motor vehicles, and to advise the applicant that no sympathetic consideration would be given if the current permission was revoked again due to non-compliance with the approval conditions.

67. Members had no question on the application.

Deliberation Session

68. A Member enquired whether the audit reports mentioned in the approval condition (f) suggested in the Paper only be required when there was non-compliance performance at the application premises. In response, Ms. Donna Tam clarified that the

applicant was required to submit the audit reports on a regular, bi-monthly basis regardless of any non-compliance performance. As such, Members agreed to amend approval (f) suggested in the Paper to explicitly state the submission requirement.

69. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 18.12.2011, instead of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no motor shows or car fairs or any related events should be undertaken at the premises;
- (b) the number of cars to be parked at the car parking area of the application premises should not exceed 345 at any time;
- (c) the number of visitors allowed at the car parking area of the application premises should not exceed 300 at any time;
- (d) the installation of a mechanical monitoring system to control the number of visitors to the car parking area of the application premises, as proposed by the applicant, before the proposed use was put into operation, to the satisfaction of the Director of Buildings or of the TPB, and to employ an independent professional to monitor the system and prepare monitoring reports on a monthly basis;
- (e) to employ an Authorized Person to conduct audit checks on the monitoring system and the monitoring reports on the number of visitors to the car parking area of the application premises, as proposed by the applicant, on a bi-monthly basis;
- (f) in relation to (e) above, to submit the audit reports every two months, with any non-compliance on the number of visitors to the car parking area of the application premises highlighted, to the satisfaction of the Director of Buildings or of the TPB;

- (g) the submission of proposal for means of escape within 3 months from the date of approval to the satisfaction of the Director of Buildings or of the TPB by 18.3.2010;
- (h) in relation to (g) above, the implementation of the means of escape within 6 months from the date of approval to the satisfaction of the Director of Buildings or of the TPB by 18.6.2010;
- (i) the submission of proposal for fire service installations within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2010;
- (j) in relation to (i) above, the implementation of the fire service installations and submission of documentary proof to indicate that the fire safety requirements were fulfilled within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (l) if any of the above planning conditions (g), (h), (i) or (j) 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.

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

- (a) no sympathetic consideration to further planning application would be given if the current permission was revoked again for non-compliance with the approval conditions;
- (b) to note the Chief Building Surveyor/Hong Kong East & Heritage Unit,

Buildings Department's comments on provision of fireman's lift in accordance with the Code of Practice for Means of Access for Firefighting and Rescue;

- (c) to note the Director of Fire Services's comments on provision of fire service installations including smoke extraction system for the whole application premises;
- (d) to apply to the District Lands Officer/Hong Kong East, Lands Department for effecting the subject temporary waiver; and
- (e) to note the comment of the Director of Environmental Protection that the operator should switch on vehicle engines only when necessary and switch off the engines immediately after use to minimize air pollutants in the proposed exhibition hall, and reference should be made to the Practice Note on "Control of Air Pollution in Car Park" (ProPECC No. 2/96).

[The Chairperson thanked Ms. Donna Y.P. Tam, STP/HK, Ms. Yim Yuen Ling, SBS/HKE and Mr. Pang Wing Hong, BS/HKE, for their attendance to answer Members' enquiries. Ms. Yim and Mr. Pang left the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H24/17 Proposed Bank, Retail Shop, Fast Food Shop,
Restaurant and Service Trades in "Other Specified Uses" annotated
"Pier and Associated Facilities" zone,
Shop Q on 1/F, Central Terminal Building,
Central Piers 7 and 8
(MPC Paper No. A/H24/17)

Presentation and Question Sessions

71. 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 bank, retail shop, fast food shop, restaurant and service trades;
- (c) departmental comments – no objection to or no adverse comment from concerned Government departments was received;
- (d) one public comment from Designing Hong Kong Limited was received during the statutory publication period. The commenter supported the proposed uses as they would bring the needed activity and enjoyment of visitors to the ground floor area, which was currently a miserable empty space at a good location. District Officer (Central and Western) advised that in the previous Central and Western District Council (C&WDC) meetings and Committee meetings, C&WDC members had expressed support to develop the harbourfront by bringing in commercial elements, such as café and shops for the purpose of promoting public enjoyment of the waterfront promenade. C&WDC members had also pointed out that a balance must be struck between developing the harbourfront with commercial elements and retaining sufficient space for unrestricted access and public enjoyment; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed uses were in line with the planning intention of the “Other Specified Uses” (“OU”) annotated “Pier and Associated Facilities” zone, which was intended to recreate the existing Star Ferry icon and identity at the new Central waterfront with the provision of integrated retail/restaurant/tourism-related facilities and pier-roof open space for public enjoyment. The proposed uses within an existing shop area at the CTB

would unlikely cause disruption to the pier operation, passenger circulation and pedestrian access to the public viewing decks on the piers. Concerned Government departments had no objection to or no adverse comment on the application. Having regard to the Transport Department's comments, approval condition (b) on restricting the loading/unloading activities of the proposed restaurant within non-peak hours at Man Kwong Street was suggested should the Board decide to approve the application. Moreover, the applicant should be advised to confine the operations within the application premises in order not to affect passenger and pedestrian circulation.

72. Members had no question on the application.

Deliberation Session

73. 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 18.12.2013, 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 (FSIs) to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the loading/unloading activities should be carried out outside peak hours at the Man Kwong Street to the satisfaction of Commissioner for Transport or of the TPB.

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

- (a) to apply for commercial concession areas from Government Property Administrator and/or to obtain approval from the Secretary for Development for the proposed uses under the Tenancy/Franchise Agreement;

- (b) the proposed uses should be confined within the application premises without encroachment upon the public areas;
- (c) to obtain appropriate food licence/permit from the Director of Food and Environmental Hygiene on the operation of food business at the application premises;
- (d) to ensure that the air-conditioning system(s) and the fresh air intake(s) would be properly designed, located, installed and operated to ensure no unacceptable air pollutant impact on the public at the proposed uses due to the nearby air emissions from ferries; and
- (e) to note the comment of the Director of Fire Services to ensure that the fire service installations (FSIs) and equipment should be provided in accordance with paragraph 4.14 “Commercial Buildings – Low Rise” of the FSI code.

[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.]

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H3/391 Proposed Hotel
in “Residential (Group A)” zone,
338-346 Queen's Road West,
Sai Ying Pun
(MPC Paper No. A/H3/391)

Presentation and Question Sessions

75. Mr. C.M. Li, STP/HK, 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 – no objection to or no adverse comment from concerned Government departments was received and the Commissioner for Tourism supported that application;
- (d) during the statutory publication period, 20 public comments were received from members of the public, local residents, a concern group and a Central and Western District Council member. 14 public comments were in the form of standard letters expressing their support for the application. Five public comments raised objection to the application mainly on the grounds that the proposed hotel would have adverse traffic impacts; it would block the wind corridor and prevent sea breeze from reaching the area; and it would adversely affect the serenity of the area and the views of adjacent buildings. The remaining one public comment pointed out that local residents had concerns on whether any traffic impact assessment should be conducted to ensure that the proposed hotel would not have any adverse traffic impact on the area. The various views expressed by the public comments received should be taken into account when considering the application. District Officer (Central & Western) [DO(C&W)] advised that the Central and Western District Council members had, in the past meetings, shown general concerns over hotel developments in the Central and Western district, in particular on possible adverse traffic, visual and environmental impacts that might result from future hotel establishments; and

(e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The main points of the assessments were summarized below :

- the application site was located in an area with a mixture of commercial and residential developments. An application for a 26-storey hotel (Application No. A/H3/385) with a plot ratio (PR) of 12 at the site was previously approved with conditions by the Committee on 19.9.2008. The proposed hotel was considered not incompatible with the surrounding development in terms of land use;
- it had been TPB's practice to approve hotel applications in "Residential (Group A)" ("R(A)") zone on Hong Kong Island with PR up to 12 mainly for the reason that such a level of development intensity was considered more compatible with residential developments with permitted PR of 8 to 10. Since mid-2007, except 3 hotel applications which either involved amendments to a previously approved scheme or in-situ conversion of existing commercial/office buildings to hotels, no proposed hotel developments within "R(A)" zone with a PR exceeding 12 had been approved on Hong Kong Island;
- the increase in PR from 12 in the previously approved scheme to 13.2 in the current application was mainly to provide larger hotel rooms, without increasing the number of hotel rooms. The additional PR/GFA was absorbed by an increase in the number of storeys from 26 to 29 and revision to the floor layouts. There was no change to the proposed building height of 93.05m (105.926mPD) at main roof level due to a reduction in the floor height except the G/F. Hence, there was basically no increase in the building bulk and the appearance of the building would generally be maintained. The roof-top structure was designed in accordance with the relevant Code of Practice to accommodate the lift overrun and lift machine

room. The proposed increase in PR would not have significant adverse traffic, visual and environmental impacts as compared with the previously approved scheme. Concerned Government departments had no objection to or no adverse comments on the application;

- the podium and the tower in the current application would be set back further from the eastern and northern boundaries respectively. The hotel façade along Queen's Road West would be improved through the proposed provision of greenery. Taking into consideration the presence of some high-rise commercial buildings with PR up to 15 across Queen's Road West to the north, the proposed development under application was considered not unacceptable; and
- as regards the five public comments objecting to the application, there was no increase in building bulk as compared with the previously approved scheme. The proposed hotel had also been further set back from the eastern boundary to provide a slightly wider separation from the adjoining building. A Traffic Impact Assessment in support of the previously approved scheme was accepted by the relevant Government departments and there was no increase in the number of hotel rooms in the current application. The Transport Department had no adverse comment and would continue to monitor the traffic situation and implement traffic improvement measures where necessary. As regards the stone wall behind Algar Court mentioned in one of the objecting comments, the Antiquities and Monument Office of the Leisure and Cultural Services Department advised that there was no heritage building or record of a stone wall with historical significance in the vicinity of Algar Court.

76. Members had no question on the application.

Deliberation Session

77. A Member queried whether the Committee might set an undesirable precedent for other similar cases by approving the current application with an increase in PR from 12 in the previously approved scheme to 13.2 in the current application. In response, Ms. Brenda Au said that in deciding the development intensity of a site and whether or not the development of such development intensity would set an undesirable precedent, its compatibility with surrounding land uses had to be taken into account and each case should be considered on its individual merits. In this regard, the application site was located in Queen's Road West which was a mixed commercial/residential neighbourhood and the proposed hotel was considered compatible with the development context. As compared to the previously approved hotel scheme with a PR of 12, the current proposal with a PR of 13.2 would not result in any increase of hotel rooms, building height and car parking provision which might affect the neighbourhood; and there were improvement measures incorporated into the hotel scheme in that the podium and the tower in the current scheme would be setback further from the eastern and northern boundaries respectively; and the hotel façade along Queen's Road West would be improved through the proposed provision of greenery. Taking into consideration the presence of some high-rise commercial buildings with PR up to 15 across Queen's Road West to the north, the proposed hotel development under the present application was considered not unacceptable. Members noted the specific development context of the Queen's Road West neighbourhood in relation to the present application.

78. 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 18.12.2013, 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 upgrading of the existing branch sewer along the northern boundary of the application site and its connection with the trunk sewer along Queen's Road West to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the setting back of the proposed tower above the podium from the northern

and eastern boundaries of the application site to the satisfaction of the Director of Planning or of the TPB;

- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the provision of waterworks reserve within 1.5m from the centreline of the water mains within the site to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the approval of the application did not imply that the proposed non-domestic plot ratio (PR) of the proposed hotel development and the proposed gross floor area (GFA) exemption for back-of-house facilities would be granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. In addition, if hotel concession, in particular the non-domestic PR of the development, was not granted by the BA and major changes to the current scheme were required, a fresh planning application to the Town Planning Board might be required;
- (b) to note the comments of the Chief Building Surveyor/Hong Kong West, BD on uses that were/were not qualified as back-of-house for exclusion from GFA calculations; exclusion of the right-of-way from site area calculation being subject to modification; design of the refuge floor, windows of guest rooms, access for the disabled and canopies over the main entrance, separation of the staff resting room and workshop on 4/F, and the provision of A/C plant rooms on 5/F and 6/F;
- (c) to apply to the District Lands Officer/Hong Kong West & South, Lands

Department for a licence to permit the applied use and to note the comment on lease modification;

- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department with regard to the provision of more greenery within the site;
- (e) to note the comments of the Commissioner of Police on the need to address possible stopping of coaches immediately outside the hotel;
- (f) to note the comments of the Director of Fire Services regarding the compliance of the Code of Practice for Means of Access for Firefighting and Rescue; and
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department regarding the provision and maintenance of water works reserve within the site.

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

[Mr. Tom C.K. Yip, STP/HK, was invited to the meeting at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/398 Proposed Residential Development
in "Comprehensive Development Area (1)" zone,
14-30 King Wah Road, North Point
(Inland Lot 7106 s.B, s.C, RP and Portion of Extension to RP)
(MPC Paper No. A/H8/398)

80. The Secretary reported that the application was submitted by a subsidiary of

Henderson Land Development Co. Ltd. (HEND). Mr. Raymond Y.M. Chan had declared an interest in the item as he had current business dealings with HEND. Mr. Raymond Chan left the meeting temporarily for this item.

[Mr. Gary Cheung left the meeting temporarily at this point.]

Presentation and Question Sessions

81. 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 residential development;
- (c) departmental comments – no objection to or no adverse comment from concerned Government departments was received;
- (d) a total of 933 public comments were received during the statutory publication period. Out of these comments, 16 supported the application and 917 of them objected to the application. The supportive comments were submitted by members of the public while the opposing comments were submitted by a Legislative Councillor, 23 Eastern District Council (EDC) members (17 of them submitted under the letter of the Democratic Alliance for the Betterment and Progress of Hong Kong Eastern Branch, and one on behalf of Democratic Party Hong Kong Island Branch Eastern Group), one Incorporated Owners Committee and one Management Office of nearby buildings, two concern groups (i.e. Green Sense and the Coalition Concerning the Development at King Wah Road North Point) and members of the public. Out of the 917 opposing comments, 651 were in standard letters of five types. The major public views were summarized as follows :

Supportive (members of the public)

- the plot ratio (PR) and building height (BH) of the proposed development were much lower than those allowed under the Outline Zoning Plan (OZP) and of the buildings in the surrounding areas. The proposed development would be compatible with the surrounding buildings;
- the development of the site had been delayed for a long time. Air ventilation could not be singled out to determine the development intensity. The application had struck a balance between the environmental consideration and the community needs, and would bring vibrancy and job opportunities to address the unemployment and poverty issues;
- North Point was a rather old urban area with limited new housing supply. New developments would meet the need of new flats and increase the local property value which was beneficial to the flat owners;
- when the applicant briefed the Harbour-front Enhancement Committee (HEC) on the subject application on 4.11.2009, the HEC generally considered that the proposed development had made improvements on various aspects when comparing with the previous development proposals for the site;

Opposing

Common views

- the City Garden, Provident Centre and the Harbour Grand Hong Kong (HGHK) hotel had already created a row of wall along this part of the waterfront in North Point. The proposed development would aggravate the wall effect, block the air ventilation and lighting in the area, and trap the air pollutant in particular that generated from the petrol filling station at Fook Yam Road. Fu Lee Loy Mansion behind the site, which was only 68mPD in height, would be severely

affected;

- the proposed development did not comply with the Urban Design Guidelines in the Hong Kong Planning Standards and Guidelines (HKPSG) in that taller buildings should be located inland with lower developments on the waterfront to avoid dominating the harbour and to increase permeability to the harbour. Moreover, the proposed development would ruin the Hong Kong Island vista when viewed from the Kowloon side;
- the existing traffic condition along Fook Yam Road, Wang On Road and King Wah Road was saturated. The roads and pedestrian pavements in the area were narrow. The width of pedestrian pavements did not comply with the requirement under Chapter 8 of the HKPSG, i.e. 3.5m to 4.5m for footpaths in high-density area. During peak hours where traffic congestion was frequent, pedestrians were forced to walk on the carriageway. The proposed residential development would further aggravate the traffic condition in the area. Moreover, the traffic generated from the proposed development would increase traffic noise;

Eastern District Council (EDC) members

- the development parameters for the application site should follow the motions passed by the EDC at its meeting on 8.5.2008 and 12.6.2009, requesting the adoption of a maximum PR of 3, a maximum BH of 80mPD and a 12m-wide non-building area (NBA) along the south-western boundary for the site;

Concern groups

- Green Sense, in its 12A application No. Y/H8/5, proposed the adoption of a maximum PR of 4, a maximum BH of 80mPD and two 15m-wide NBAs on the two sides for the site;
- the site was currently restricted to industrial use under the lease. The Government still had the chance to reduce the development intensity of the site at the lease modification stage;

Members of the public

- there was doubt on the objectivity and independence of the Air Ventilation Assessment (AVA) conducted by the applicant's consultant. The AVA should be conducted by the consultant appointed by the Government with costs recovered from the developer; and
 - instead of protecting the interest of the developer, the Government should safeguard the public interest and the living quality of the local residents. The site should be designated for open space use;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. PlanD's assessments of the application were summarized below :

Compliance with planning intention and PB

- (i) the proposed residential development was generally in line with the planning intention of the "Comprehensive Development Area (1)" ("CDA(1)") zone, which was primarily to encourage comprehensive development of the area for residential, commercial, leisure and tourism related uses. A Planning Brief (PB) was endorsed by the Committee to guide the development of the site. In the formulation of the development parameters under the PB, due regard had been given to the relevant planning considerations including the waterfront setting, surrounding land uses, Harbour-front Enhancement Committee (HEC)'s harbour planning guidelines and the comments of Government departments on the relevant technical aspects. HEC and EDC were consulted on the draft PB, and the views received had been duly considered by the Committee. In sum, the development parameters under the PB were established after going through a due process and striking a proper balance among relevant factors. The development parameters under the application were in line with the endorsed PB, and were considered acceptable;

Land use compatibility

- (ii) the site was within an area mixed with commercial and residential developments. It was sandwiched by Harbour Height and the Harbour Grand Hong Kong (HGHK) Hotel, which had a PR of 9.75 and 15 and a BH of 123mPD and 147mPD respectively. The proposed residential development, with a PR of 7.5 and a BH of 110mPD, was considered not incompatible with the developments in the surrounding areas in terms of use, BH and development intensity. The Architectural Services Department (ArchSD) and PlanD had no adverse comments on the application from the urban design perspective and the Visual Impact Assessment (VIA) submitted by the applicant;

Visual and air ventilation

- (iii) In accordance with the requirements of the PB, the proposed development had incorporated NBAs of 6m, 10m and 15m on three sides of the site. In particular, the 10m-wide NBA along the south-western boundary would serve as a wind and visual corridor. To the east of this NBA, the applicant had provided a further setback at ground level by about 6.7m to 7m, more than the 2m required in the PB. The proposed 15m-wide and 6m-wide NBAs fronting Island East Corridor (IEC) and King Wah Road would allow separation between the future building blocks and the IEC and residential developments on the opposite side of King Wah Road. According to the applicant's AVA, the proposed development was unlikely to generate adverse impact on the local wind environment. PlanD's AVA consultant had no adverse comment on the submitted AVA, and considered that the AVA generally followed the "Technical Guide for Air Ventilation Assessment for Developments in Hong Kong" ("Technical Guide for AVA") adopted by the Government;

Landscape

- (iv) the Landscape Master Plan submitted by the applicant had achieved a greening ratio of 20% of the site, with 15% provided at ground level. The proposed NBAs would provide opportunity for greening. Vertical greening along the podium façade facing King Wah Road had been proposed to enhance the streetscape. PlanD had no adverse comment on the landscape provision;

Technical Aspects

- (v) according to the technical assessments submitted by the applicant, the proposed residential development would not generate any significant adverse impact on the surrounding areas. Relevant Government departments had no objection to or adverse comments on the application. In particular, the submitted Traffic Impact Assessment (TIA), which included a pedestrian assessment, had indicated that the proposed development would not have adverse impact on the vehicular and pedestrian traffic in the area. On the traffic noise aspect, as proposed by the applicant and agreed by Director of Environmental Protection (DEP), an approval condition was proposed to prohibit population intake for the proposed residential development before the completion of the proposed semi-enclosures and noise barriers for the section of IEC facing the site;

10m-wide public walkway

- (vi) regarding the 10m-wide public walkway along the south-western boundary, it should be designed and constructed by the developer and an approval condition was recommended should planning approval be given. Upon completion, it would be handed back to the Government for subsequent management and maintenance. The relevant requirements could be incorporated into the lease at the lease modification/land exchange process. The landscaped

areas at other parts of the site, i.e. those fronting King Wah Road and IEC were private areas which should be designed, constructed, managed and maintained by the applicant; and

Public comments

- (vii) regarding the public concerns on development intensity and wall effect, the proposed development parameters in the application were generally in line with the PB and the proposed development was considered not incompatible with the surrounding developments. On air ventilation, the proposed 10m-wide wind corridor on the south-western boundary would allow air permeability, and the applicant's AVA had indicated that the proposed development would not have adverse impact on the local wind environment. In this regard, PlanD's AVA consultant had no adverse comment on the applicant's AVA. Regarding the concern on trapping of air pollutant generated from the petrol filling station (PFS) at Fook Yam Road, DEP had advised that the PFS had been installed with vapour recovery system to minimize air pollution. Regarding the traffic concerns, the Transport Department had no in-principle objection to the application and no adverse comment on the submitted TIA. Regarding the suggestion for the Government to conduct the AVA for private development proposal, it was the established practice that the applicant should conduct the AVA itself and PlanD would critically examine the AVA submitted by the applicant based on objective standards and criteria. For the subject application, PlanD had also commissioned a consultant to provide independent professional advice on the applicant's AVA and the consultant had no adverse comment on the submitted AVA. Regarding the concern of traffic noise impact on the surrounding areas, DEP had no objection to the application and considered that major noise impact due to the development was not anticipated. Regarding the open space provision, there was an overall surplus of about 6.6 ha of open space for the North Point Planning

Scheme Area, taking into account all existing and planned provision. The supportive comments stating that the proposed development was generally compatible with the surrounding developments and relaying HEC's views were noted. However, issues related to unemployment, poverty and flat prices mentioned by some of the commenters were not of direct relevance to the consideration of the application.

82. To answer the Chairperson's enquiry, Ms. Brenda K.Y. Au referred to Drawings A-1 and A-9 of the Paper and explained that the podium for the proposed development would have a height of 19mPD which was similar to that of IEC. This podium would be adjoining to the podium of the adjacent HGHK Hotel. On the area above the podium where the two residential towers were located, there was a separation of about 30m between the northern residential tower and the building block of the adjacent HGHK Hotel. This would allow the breeze from the sea reaching the inland area of North Point. Referring to Drawing A-11 of the Paper, Ms. Au said that there was a 15m clear distance between IEC and the proposed development where emergency vehicular access and servicing area would be provided. The 10m-wide landscape walkway towards IEC would be open for public use. In response to a Member's enquiry, Ms. Au explained that the height of the adjoining hotel was 147.3mPD, with its podium at 24.4mPD. There would be a distance of about 8m between the southern residential tower near King Wah Road and the adjoining hotel.

Deliberation Session

83. A Member said that although the applicant had met the requirements stipulated in the PB for the site, the podium of the proposed development would adjoin the podium of the adjacent hotel, leaving no separation between the two developments at the ground level. This might create wall effect at the waterfront. In this regard, the Secretary pointed out that the 10m-wide landscape walkway along Fuk Yum Road and the Oil Street served as wind corridor in that locality. Members noted that while there was setback in the southwest part of the site, there was no separation from the adjacent hotel at the ground level.

84. Two Members considered that to allow the local residents in King Wah Road neighbourhood to have some view of the harbour and also for better ventilation purpose, it

might be worthy to request the applicant to revise the scheme so that there would be a physical gap between the proposed development and the adjacent hotel at the ground level. In response, Ms. Brenda Au said that the proposed gap might give rise to tunnelling effect and result in a strong wind situation in this locality. A Member concurred with this view and said that the provision of such a gap would only be beneficial to a few residents at King Wah Road.

85. Members generally acknowledged that the applicant had basically followed the requirements stipulated in the PB. Some Members opined that there might not be a strong reason to request the applicant to revise the scheme to provide a further setback from the adjacent hotel. However, some Members considered that given the public aspiration for a sustainable living environment and the strong comments from the local residents on the adverse impacts of the proposed development regarding visual and wind circulation on the King Wah Road neighbourhood, it would be worthy to request the applicant to revise the scheme to provide a setback to address local concerns. After further discussion, Members agreed to amend the approval conditions suggested in the Paper by stipulating an additional condition to require the applicant to revise the scheme with a view to allowing a setback of at least 3m between the proposed development and the lot boundary of the adjacent hotel without changing the location of the 10m-wide landscape walkway in the southwestern part of the site.

86. 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 18.12.2013, 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 (b) to (f) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of non-building areas with a minimum width of 15m, 10m and 6m along the north-western, south-western and south-eastern

boundaries of the site respectively, and a further setback of the proposed development on ground level by at least 6.7m from the non-building area along the south-western boundary;

- (c) the provision of a setback of at least 3m from the lot boundary of the adjacent Harbour Grand Hong Kong Hotel;
- (d) the design and provision of a 10m-wide at-grade public landscaped walkway along the south-western boundary of the site to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB;
- (f) the design and provision of ingress/egress point, parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (h) the implementation of the sewerage upgrading works identified in the Sewage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB; and
- (i) no population intake for the proposed residential development should be allowed prior to the completion of the proposed semi-closures and noise barriers for the section of Island Eastern Corridor facing the site.

87. 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 comments of the District Lands Officer/Hong Kong East, Lands Department's in paragraphs 9.1.1(d) and (e) of the Paper in respect of the need for a land exchange/lease modification to implement the proposed development;
- (c) to note the comments of the Assistant Commissioner for Transport/Urban, Transport Department in paragraph 9.1.3(b) of the Paper in respect of, upon completion of the proposed 10m-wide public landscaped walkway, the surrendering of the private land covered by the walkway to the Government for future management and maintenance;
- (d) to note the comments of the Chief Engineer/Major Works, Major Works Project Management Office, Highways Department in paragraph 9.1.5 of the Paper regarding the maintenance and protection of highways structures; and
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraph 9.1.8 of the Paper regarding the planting requirements and the provision of seating facilities in the landscaped areas and adequate signage for the public walkway.

[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. Ms. Au and Mr. Yip left the meeting at this point.]

[Messrs. Raymond Y.M. Chan and Gray Cheung returned to join the meeting at this point.]

Kowloon District

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/245 Shop and Services
 in “Other Specified Uses” annotated “Business” zone,
 Unit 2, G/F, Fook Hong Industrial Building,
 19 Sheung Yuet Road,
 Kowloon Bay
 (MPC Paper No. A/K13/245)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services;
- (c) departmental comments – no objection to or no adverse comment 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 (Kwun Tong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The “OU(Business)” (“OU(B)”) zone was intended for general business uses and allowed for greater flexibility in the use of the existing industrial or industrial-office (I-O) buildings provided that the use would not result in adverse fire safety and environmental impacts. Similar applications for

'Shop and Services' use had been approved for other ground floor (G/F) workshop units in the Kowloon Bay Business Area and the G/F of the same industrial building. The proposed 'Shop and Services' use at the application premises was considered generally in line with the planning intention of the "OU(B)" zone and was it not incompatible with other uses within the same building. It complied with the Town Planning Board Guidelines for Development within "OU(B)" zone (TPB PG-No. 22D) in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and in the adjacent area. Concerned Government departments had no objection to the application and no public comment had been received against the application. Since the last approval (Application No. A/K13/201) for 'Shop and Services (newspaper stand/fast food shop/financial institution outlet)' use at the application premises in 2005, the applicants had not made any submission to comply with the planning conditions on fire safety measures. In the current application, the applicants indicated that submission would be made to comply with planning condition should the application be approved. Should the Committee decide to approve the application, it was recommended that the applicants be advised that if they failed to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application.

89. Members had no question on the application.

Deliberation Session

90. 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 safety measures, including the provision of a means of escape completely separated from the industrial

portion and fire service installations in the subject premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010; 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.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver or lease modification;
- (b) to appoint an Authorized Person to submit building plans for the proposed change in use/building alterations to demonstrate compliance with the Buildings Ordinance, in particular, the provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72 and Design Manual : Barrier Free Access 2008;
- (c) to note the Director of Fire Services' advice that the use should not attract unreasonable large number of persons to stay for a long period of time;
- (d) to strictly follow the regulatory restrictions for loading/unloading activities so as to avoid interfering with the mainstream traffic in particular under cumulative effect of nearby roadside activities;
- (e) to ensure that any proposed foul drainage connection from the application premises should be made towards the building's terminal foul manhole and that proper grease trap/tank should be provided for use by the application premises to satisfy current requirements of the Environmental Protection Department/Food and Environmental Hygiene Department, if any part of the application premises was to be used for food operation;
- (f) to consult the Food and Environmental Hygiene Department regarding the

valid food licence if food business was involved; and

- (g) should the applicants fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/246 Temporary Public Vehicle Park (Excluding Container Vehicle)
(Letting of Surplus Monthly Vehicle Parking Spaces to Non-residents)
for a Period of 3 Years in “Residential (Group A)” zone,
Carpark Block and Open Carpark,
Choi Ha Estate,
No. 18 Choi Ha Road, Kowloon
(MPC Paper No. A/K13/246)

Presentation and Question Sessions

92. The Committee noted that two replacement pages (p.7 and p.8) of the MPC Paper amending paragraph 10.6 and paragraph 11.2 of the Paper had been dispatched to Members prior to the meeting.

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

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) (letting of surplus monthly vehicle parking spaces to non-residents) for a period of 3 years;

- (c) departmental comments – no objection to or no adverse comment from concerned Government departments was received;

- (d) two public comments were received during the statutory publication period. The comments were submitted by the Incorporated Owners (IO) of Choi Ha Estate who opposed the conversion of the open carpark into a temporary public vehicle park as it was not conveniently located and sufficient parking spaces had not been provided for the residents of the Estate. There were also traffic management, access and security problems associated with the conversion. A member of the public also opposed the application mainly on traffic, environmental and security grounds. He stated that there were sufficient vehicles parking spaces provided in the nearby private residential developments such as Amoy Garden and the public should be encouraged to use public transport. District Officer (Kwun Tong) [(DO(KT))] had no in-principle objection to the proposal from a community point of view. DO(KT) also advised that according to the concerned District Council members, the views expressed by the community were mixed. While some residents of Choi Ha Estate expressed objections as they considered that the parking spaces should be reserved for use by the residents, people living in nearby residential developments considered that the parking spaces should be opened for use by outside parties especially those who lived nearby; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The current application sought planning permission to convert the existing ancillary vehicle parking spaces at Choi Ha Estate carpark block and open carpark to temporary public vehicle park use to facilitate the letting of surplus monthly vehicle parking spaces to non-residents. It did not involve any new development or redevelopment of the application premises. The applicant indicated that the residents of Choi Ha Estate would be given the priority in the letting of the monthly vehicle parking spaces. As only the surplus monthly vehicle parking spaces would be let out to non-residents, the parking need of the residents of Choi Ha Estate would

not be compromised. As there was no increase in the total number of vehicle parking spaces within the estate, the proposal would not generate additional traffic flow nor worsen the environmental conditions in the area. Concerned Government departments had no objection to/adverse comments on the application. The proposed tenure of three years of the planning permission under application was considered reasonable so that the vacant parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed. The application premises was part of Hong Kong Housing Authority's previous application (Application No. A/K/2) for the same use and the previous application was approved by the Committee on a temporary basis for 3 years up to 28.5.2007. There was no material change in the planning circumstances since the previous temporary approval. As regards the objections from the commenters, it should be noted that the current proposal only involved conversion of existing ancillary vehicle parking spaces in the Estate to temporary public vehicle park use and, no additional traffic flow nor worsening of environmental conditions were anticipated. To address Choi Ha IO's concern on insufficient car parking spaces for the residents, it was recommended that should the Committee decide to approve the application, an approval condition be stipulated to require that priority should be accorded to the residents of Choi Ha Estate in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

94. Members had no question on the application.

Deliberation Session

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB). The planning permission was subject to the

following condition :

- priority should be accorded to the residents of Choi Ha Estate in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises; and
- (b) to review and keep a record of the conditions of the use of parking spaces regularly so as to ensure well management in utilizing the public resources and avoid exploiting the right of letting of monthly car parking spaces by the residents.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/248 Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Unit Part B of A, Ground Floor, Shui Hing Centre,
13 Sheung Yuet Road, Kowloon Bay
(MPC Paper No. A/K13/248)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the shop and services;
- (c) departmental comments – no objection to or no adverse comment 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 (Kwun Tong); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The “OU” annotated “(Business)” (“OU(B)”) zone was intended for general business uses and allowed for greater flexibility in the use of the existing industrial or industrial-office (I-O) buildings provided that the use would not result in adverse fire safety and environmental impacts. Similar applications for ‘Shop and Services’ use had been approved for other ground floor (G/F) workshop units in the Kowloon Bay Business Area. The proposed ‘Shop and Services’ use at the application premises was considered generally in line with the planning intention of the “OU(B)” zone and it was not incompatible with other uses within the same building. It complied with the Town Planning Board Guidelines for Development within “OU (Business)” zone (TPB PG-No. 22D) in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and in the adjacent area. Relevant Government departments had no objection to or adverse comments on the application. In addition, no public comment had been received against the application. Since the last approval (Application No. A/K13/242) was revoked due to the non-compliance with approval condition, a shorter compliance period was recommended to monitor the progress for compliance with the approval conditions should the Committee decide to approve the application. The applicant should also be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the

Committee to any further application.

98. Members had no question on the application.

Deliberation Session

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

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for a temporary wavier or lease modification;
- (b) to appoint an Authorized Person to submit building plans for the proposed change in use to demonstrate compliance with the Buildings Ordinance, in particular, the provision of :
 - (i) 2-hour fire resisting separation wall between the application premises and the remaining portion of the existing workshop on ground floor in accordance with Building (Construction) Regulation 90 and paragraph 8.1 of the Code of Practice for Fire Resisting Construction 1996; and

- (ii) access and facilities for the persons with a disability under Building (Planning) Regulation 72 and Design Manual : Barrier Free Access 2008;
- (c) to ensure that any proposed foul drainage connection from the application premises should be made towards the building's terminal foul manhole and that proper grease trap/tank should be provided for use by the application premises to satisfy current requirements of the Environmental Protection Department/Food and Environmental Hygiene Department, if any part of the application premises was to be used for food operation;
- (d) to consult the Food and Environmental Hygiene Department regarding food licence for operation of food business under Food Business Regulations if food business was involved; and
- (e) a shorter compliance period was granted in order to monitor the fulfillment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/249 Temporary Shop and Services (Fast Food Shop)
for a Period of 3 Years
in "Other Specified Uses" annotated "Business" zone,
Portion of Workshop No. 2, Ground Floor, Metro Centre,
32 Lam Hing Street, Kowloon Bay
(MPC Paper No. A/K13/249)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (fast food shop) for a period of 3 years;
- (c) departmental comments – no objection to or no adverse comment from concerned Government departments was received;
- (d) three public comments were received during the statutory publication period. One of the comments was from a unit owner of Metro Centre and the other two were from members of the public. All of them objected to the application mainly on ground of competition among the existing food operators nearby, who had already experienced difficulty in maintaining business. No local objection was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The “OU” annotated “Business” (“OU(B)”) zone was intended for general business uses and it allowed for greater flexibility in the use of the existing industrial or industrial-office (I-O) buildings provided that the use would not result in adverse fire safety and environmental impacts. Similar applications for ‘Shop and Services’ use had been approved for other ground floor (G/F) workshop units in the Kowloon Bay Business Area and the G/F of the same industrial building. The ‘Shop and Services (Fast Food Shop)’ use at the application premises was considered generally in line with the planning intention and it was not incompatible with the other uses within the same building. It complied with the Town Planning Board Guidelines for Development within “OU(Business)” zone (TPB PG-No. 22D) in that it would not induce significant adverse fire safety, traffic,

environmental and infrastructural impacts on the developments within the subject building and in the adjacent area. Relevant Government departments had no objection to or adverse comments on the application. Regarding the three public comments objecting to the application, it was considered that the “Shop and Services (Fast Food Shop)” use under application was generally in line with the planning intention of the “OU(B)” zone for general business uses, and similar approvals for fast food shops in the Kowloon Bay Business Area had been granted by the Committee.

102. Members had no question on the application.

Deliberation Session

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010; 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.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver or lease modification;
- (b) to appoint an Authorized Person to submit building plans for the proposed

change in use to demonstrate compliance with the Buildings Ordinance, in particular, the provision of :

- (i) 2-hour fire resisting separation wall between the application premises and the remaining portion of the existing workshop on ground floor in accordance with Building (Construction) Regulation 90 and paragraph 8.1 of the Code of Practice for Fire Resisting Construction 1996; and
- (ii) access and facilities for the persons with a disability under Building (Planning) Regulation 72 and Design Manual : Barrier Free Access 2008;
- (c) to ensure that any proposed foul drainage connection from the application premises should be made towards the building's terminal foul manhole and that proper grease trap/tank should be provided for use by the application premises to satisfy current requirements of the Environmental Protection Department/Food and Environmental Hygiene Department, if any part of the application premises was to be used for food operation; and
- (d) to consult the Food and Environmental Hygiene Department regarding food licence for operation of food business under Food Business Regulations.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K8/40

Shop and Services

in "Government, Institution or Community" zone,

Three Premises located under the Open Space Podium

near Lok Fu Shopping Centre Phase 2

and Public Transport Interchange at 198 Junction Road,

Wang Tau Hom

(MPC Paper No. A/K8/40)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period. One commenter, a Wong Tai Sin District Councillor, objected to the application as two/three non-profit making organizations originally operated in Lok Fu Shopping Centre (LFSC) were displaced by profit-making proprietors who could afford for high rents. He considered that the application premises should be let to non-profit making organizations for serving the public. The other commenter, the operator of one of the application premises i.e. Shop G201, requested the Board to favourably consider the application as the bank had been serving Lok Fu Estate for over 30 years, and the relocation of the bank to the application premises was more convenient to their customers. No local objection was received by the District Officer (Wong Tai Sin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The application premises were located at the periphery of the existing Public Transport Interchange (PTI) and it was previously used as an enquiry counter, convenience store (with planning permission) and a maintenance storeroom. The “Shop and Services” uses under application generally complied with the TPB Guidelines for ‘Application for Development/Redevelopment within “G/IC” Zone for Uses Other Than

Government, Institution or Community Uses under Section 16 of the Town Planning Ordinance' (TPB PG-No.16) in that the uses would not adversely affect the normal operation of the existing PTI, and the Transport Department had no adverse comments on the application. The proposed "Shop and Services" uses provided retail and service facilities, in addition to those in the LFSC Phase 2, to serve the daily needs of the local residents and PTI/MTR users. As such, the uses were considered not incompatible with the surrounding uses. The uses under application had a total floor area of about 466.5m², which were relatively small in scale. It was considered that the uses would unlikely cause adverse traffic, environmental, fire safety and infrastructure impacts on the surrounding areas. In this regard, relevant Government departments had no objection to/adverse comments on the application. In addition, previous approval had been granted by the Committee for retail shop at Shop No. G202. Regarding the commenter's concern that the application premises should be let to non-profit making organisations for serving the public, it should be noted that a number of social welfare facilities had already been provided within Lok Fu Estate. Whether the application premises should be let to non-profit making organizations or to the operators for "Shop and Services" uses would be a commercial decision of the applicant.

106. Members had no question on the application.

Deliberation Session

107. 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 provision of fire service installations in the subject premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010; and
- (b) if the above approval 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.

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

- (a) to apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver or lease modification;
- (b) to ensure any change in use should comply with the provisions stipulated in the Buildings Ordinance and the allied regulations; and
- (c) to consult the Food and Environmental Hygiene Department regarding food licence for operation of food business under Food Business Regulations.

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

[Miss Helen L.M. So, STP/K, was invited to the meeting at this point.]

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/604 Shop and Services (Fast Food Shop)
in "Other Specified Uses" annotated "Business" zone,
Shop G4, G/F, Catic Building,
44 Tsun Yip Street, Kwun Tong
(MPC Paper No. A/K14/604)

Presentation and Question Sessions

109. 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 shop and services (fast food shop);
- (c) departmental comments – no objection to or no adverse comment from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period expressing support to the application and no local objection was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The “OU” annotated “Business” (“OU(B)”) zone was intended for general business uses and it allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the shop and services (fast food shop) use would not induce adverse fire safety and environmental impacts. The proposed use at the application premises was considered generally in line with this planning intention and it was not incompatible with other uses in the same building. The proposed use also complied with the Town Planning Board Guidelines for Development within the “OU(Business)” zone (TPB PG-No. 22D) in that it would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and in the adjacent area. Relevant Government departments consulted had no in-principle objection to the application.

110. Members had no question on the application.

Deliberation Session

111. 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 safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises, within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010; 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.

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

- (a) to apply to the District Lands Officer/Kowloon East for a lease modification or waiver for the shop and services (fast food shop) use at the subject premises;
- (b) to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction;
- (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 (i) provision of 2-hour fire resisting separation wall between the application premises and the remaining portion of existing workshop on G/F in accordance with paragraph 8.1 of the Code of Practice for Fire Resisting Construction 1996 and Building (Construction) Regulation 90; and (ii) provision of access and facilities for the persons with a disability under Building (Planning) Regulation 72;
- (d) to approach the Director of Food and Environmental Hygiene for application for food licence;
- (e) to note that the use should be licensed as ‘food factory’ or ‘factory canteen’; and

- (f) to ensure that any proposed foul drainage connection from the shop should be made towards the building's terminal foul manhole, and that proper grease trap/tank should be provided for use by the said shop to satisfy current requirements of the Environmental Protection Department/Food and Environmental Hygiene Department, if any part of the shop was to be used for food operation.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/605 Proposed Shop and Services (Bank) and Proposed Office
(Involving Direct Provision of Customer Services)
in "Other Specified Uses" annotated "Business" zone,
Unit 2 and Unit 3 of Workshop on G/F
and Store on Cockloft, Camelpaint Buildings Block III,
60 Hoi Yuen Road, Kwun Tong
(MPC Paper No. A/K14/605)

113. The Secretary reported that Mr. Raymond Y.M. Chan had declared an interest in the item as his company, Raymond Chan Surveyors Ltd., was the consultant for the applicant. Mr. Raymond Chan left the meeting temporarily for this item.

[Messrs. H.L. Cheng and Gary Cheung left the meeting temporarily at this point.]

Presentation and Question Sessions

114. 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 (bank) and proposed office (involving

direct provision of customer services);

- (c) departmental comments – no objection to or no adverse comment from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period expressing support to the application; and no local objection was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The “Other Specified Uses” annotated “Business” (“OU(B)”) zone was intended for general business uses and it allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the proposed uses would not induce adverse fire safety and environmental impacts. The proposed shop and services (bank) on G/F and office (involving direct provision of customer services) uses at the cockloft were considered generally in line with this planning intention and they were not incompatible with other uses in the same building. The proposed uses also complied with the Town Planning Board Guidelines for Development within the “OU(Business)” Zone (TPB PG-No. 22D) in that they would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and in the adjacent area. Relevant Government departments had no in-principle objection to the application.

115. Members had no question on the application.

Deliberation Session

116. 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 18.12.2011, 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 suitable fire resistance period (FRP) and design completely separated the proposed uses in subject premises from the industrial portion, and fire service installations in the subject premises, to the satisfaction of the Director of Fire Services or of the TPB before operation of the uses; and
- (b) if the above planning condition was not complied with before operation of the uses, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

117. 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 (bank) and office (involving direct provision of customer services) uses at the subject 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;
- (c) to note the comment from the Director of Fire Services that the proposed bank on the ground floor should be ancillary to or for the purposes of supporting the industrial activities and the routine activities of the workers in the subject industrial building; and
- (d) to appoint an Authorized Person to submit building plans for the proposed Alterations and Additions works to demonstrate compliance with the Buildings Ordinance, in particular, the provision of (i) adequate means of escape should be provided for subject premises in accordance with Building (Planning) Regulation 41(1); (ii) natural lighting and ventilation for the proposed office use under Building (Planning) Regulation 30; (iii) 2-hour fire resisting separation wall between the subject premises and the remainder of the existing building on the ground floor in accordance with

paragraph 8.1 of the Code of Practice for Fire Resisting Construction 1996 and Building (Construction) Regulation 90; and (iv) access and facilities for persons with a disability at the subject premises in accordance with Building (Planning) Regulation 72 and Design Manual : Barrier Free Access 2008 as advised by the Chief Building Surveyor/Kowloon.

[Messrs. Raymond Y.M. Chan, H.L. Cheng and Gary Cheung returned to join the meeting at this point.]

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K15/90 Proposed Residential (Flat) cum Commercial Development
in “Residential (Group E)” zone,
Yau Tong Inland Lot 27,
28 Sze Shan Street, Yau Tong
(MPC Paper No. A/K15/90)

Presentation and Question Sessions

118. 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 residential (flat) cum commercial development;
- (c) departmental comments – no objection to or no adverse comment from concerned Government departments was received;
- (d) three public comments were received during the statutory publication period. All commenters objected to the application. One commenter objected to the high-density development in urban area including the

application site whereas the other commenter objected to the high-rise development at the site. Another commenter considered that car parking space should be provided underground and set back and public access should be provided on all sites. He opined that there was a need to reduce the plot ratio (PR) to ensure a sustainable future traffic flow noting that the future increase of tourists due to the planned tourism enhancement programme and the adjacent redevelopments. No local objection was received by the District Officer (Kwun Tong); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed residential development with commercial uses was in line with the planning intention of “Residential (Group E)” (“R(E)”) zone which was to encourage the phasing out of non-conforming industrial uses. It would help to achieve gradual transformation of Yau Tong Industrial Area (YTIA) to predominantly residential use with ancillary retail facilities. Moreover, the development intensity of the proposed development, which complied with the maximum PR as stipulated in the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP), was considered acceptable. The proposed building height of 100mPD also tallied with the statutory building height restriction. The application site was located at the southeastern fringe of YTIA with Canaryside, the completed residential building to the northeast, and Sam Ka Tsuen Typhoon Shelter in the south. In order to tackle the possible environmental impact from the nearby industrial operations, the applicant had adopted some building layout design/ measures such as the reduced aspect building (RAB) design with structural fins, large portion of fixed glazing at bedrooms and living rooms, solid side walls for some balconies and set back from the adjoining godown. With the incorporation of the environmental mitigation measures, the Director of Environmental Protection had no technical ground to object to the application. The proposed residential and commercial development would not cause any adverse traffic and infrastructure impacts on the development in the neighbourhood. The relevant Government departments had no adverse comment on the application. Regarding the

commenters' objection to the proposed building height and development intensity of the proposed development, it was considered that the proposed building height of 100mPD and the domestic PR of 5 and non-domestic PR of 1 tallied with the development restrictions stipulated in the OZP for the application site. Regarding the concerns on the set back requirements, the applicant had already proposed building set back which tallied with the set back requirements indicated in the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Development Plan.

119. Members had no question on the application.

Deliberation Session

120. 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 18.12.2013, 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 the set back proposal for footpath widening purpose to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the design and provision of parking facilities, loading/unloading spaces and maneuvering space for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of a Traffic Impact Assessment, and implementation of the road improvement works identified therein, to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design and provision of emergency vehicular access and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;

- (e) the design of the building layout to incorporate environmental mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (f) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

121. 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 development at the application site; and
- (b) the arrangement on emergency vehicular access should comply with part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administrated by the Buildings Department.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K15/91 Proposed Residential (Flat) cum Commercial Development
in “Residential (Group E)” zone,
Yau Tong Inland Lot 20,
4 Shung Shun Street, Yau Tong
(MPC Paper No. A/K15/91)

Presentation and Question Sessions

122. 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 residential (flat) cum commercial development;
- (c) departmental comments – no objection to or no adverse comment from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period. One commenter objected to the application and considered that car parking space should be provided underground and set back and public access should be provided on all sites. He opined that there was a need to reduce the plot ratio (PR) to ensure a sustainable future traffic flow noting that the future increase of tourists due to the planned tourism enhancement programme and the adjacent redevelopments. The other commenter supported the application as it provided an opportunity to improve the local traffic and living environment. No local objection was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed residential development with commercial uses was in line with the planning intention of “Residential (Group E)” (“R(E)”) zone, which was to encourage the phasing out of non-conforming industrial uses. It would help to achieve gradual transformation of Yau Tong Industrial Area (YTIA) to predominantly residential use with ancillary retail facilities. Moreover, the development intensity of the proposed development, which complied with the maximum PR as stipulated in the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) was considered acceptable. The proposed building height of 120mPD also tallied with the statutory building height restriction. The applicant had confirmed in the Environmental Assessment report that the environmental planning principles contained in the Hong Kong Planning Standards and Guidelines (HKPSG) had been observed and complied with and the proposed development would not be subject to adverse industrial noise impact. As such, the Director of Environmental Protection had no objection to the application. Except an increase in the proposed building height from

102.5mPD to 120mPD, the major development parameters of the current scheme were similar to those of the previous scheme (Application No. A/K15/82) approved by the Committee on 27.7.2007. Other than the imposition of statutory building height restrictions in May 2008 for YTIA including the application site, there had been no major change in planning circumstances in the surrounding areas since the last approval of the application in 2007. The proposed development would not cause any adverse traffic and infrastructure impacts on the development in the neighbourhood. The relevant Government departments had no adverse comment on the application. Regarding the commenter's objection to the PR of the proposed development, it was considered that the domestic PR of 5 and non-domestic PR of 1 tallied with the relevant development restrictions stipulated in the OZP. Regarding the concerns on the setback requirements, the applicant had already proposed building setback which tallied with the requirements indicated in the draft Cha Kwo Ling, Yau Tong and Lei Yue Mun Outline Development Plan.

123. Members had no question on the application.

Deliberation Session

124. The Secretary said that since the applicant was seeking bonus PR/gross floor area (GFA) for the proposed development which should be approved by the Building Authority (BA), should the Committee decide to approve the application, an advisory clause requesting the applicant to seek BA's approval for the bonus PR/GFA should be added to the planning approval. Members agreed.

125. 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 18.12.2013, 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 the set back proposal for footpath

widening purpose to the satisfaction of the Commissioner for Transport or of the TPB;

- (b) the design and provision of parking facilities, loading/unloading spaces and manoeuvring space for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the design and provision of emergency vehicular access and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the design of the building layout to incorporate environmental mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (e) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) The granting of the bonus plot ratio/gross floor area (PR/GFA) for the proposed setback area was a building administration matter subject to the approval of the Building Authority (BA) at formal building plan submission stage. If the above bonus PR/GFA for the proposed development was not granted by the BA and major changes to the current scheme were required, a fresh planning application to the Town Planning Board might be required;
- (b) the arrangement on emergency vehicular access should comply with part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by the Buildings Department; and
- (c) the applicant was recommended to provide more private open space and greening within the site.

[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, STP/K, was invited to the meeting at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/265 Proposed School (English Language Centre)
with Ancillary Staff Quarters
in "Residential (Group C) 1" zone,
1 Norfolk Road, Kowloon Tong
(New Kowloon Inland Lot 838)
(MPC Paper No. A/K18/265)

Presentation and Question Sessions

127. Mr. Vincent T.K. Lai, STP/K, informed the meeting that as the draft Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/15 was approved by the Chief Executive in Council on 8.12.2009 to become Approved Kowloon Tong OZP No. S/K18/16, the information on OZP as indicated under "Plan" and in paragraph 1.1 on page 1 of the Paper had to be amended accordingly. Mr. Vincent Lai then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (English language centre) with ancillary staff quarters;
- (c) departmental comments – no objection to or adverse comment from concerned Government departments was received;
- (d) five public comments were received during the statutory publication period.

One commenter supported the application. The remaining four commenters raised objection to the application on the grounds that there were already too many schools in the vicinity and the proposed English Language Centre with ancillary staff quarters would lead to traffic congestion and road safety and public safety problems in the neighbourhood. No local objection was received by the District Officer (Kowloon City); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The previous Application No. A/K18/262 for in-situ conversion of the whole existing 2-storey building into a proposed English Language Centre was approved by the Committee on 19.6.2009. Under the current application, instead of proposing conversion of the whole building, the applicant proposed to use the G/F as an English Language Centre and the 1/F as ancillary staff quarters. One car parking space and one lay-by would be provided within the site. The proposed English Language Centre with ancillary staff quarters was considered in line with the Town Planning Board Guidelines for “Application for Tutorial School under Section 16 of the Town Planning Ordinance” (TPB PG-No.40) in that it was not incompatible with the surrounding land uses, including residential development, kindergartens, tutorial schools, religious institutions and community facilities, and relevant Government departments had no in-principle objection to the application. Technical requirements on the fire and building structural safety would be further considered in detail at the stage of building plan submission and/or school licence application. Should the Committee decide to approve the application, relevant approval conditions and advisory clauses were recommended to require the applicant to address all the relevant technical requirements. As regards the public comments, the Secretary of Education, the Assistant Commissioner for Transport/Urban and the Commissioner of Police had no objection to the application.

128. Members had no question on the application.

Deliberation Session

129. 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 18.12.2013, 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 the fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

130. 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. The applicant should also ensure that the proposed change in use complied with the Buildings Ordinance, in particular, justification should be submitted to demonstrate that the existing building structure could withstand the live load pertaining to the proposed English Language Centre with ancillary staff quarters;
- (b) all existing unauthorized building works should be removed;
- (c) to consult the Registration Section, Education Bureau on school registration process under the Education Ordinance and the Education Regulations;
- (d) to follow Chapter 9 of the Hong Kong Planning Standards and Guidelines (HKPSG) in providing practicable noise mitigation measures as far as possible, and/or as a “last-resort” measure providing acoustic insulation in

form of well gasketed windows as per Appendix 4.4 in Chapter 9 of the HKPSG and air-conditioning, to abate the excessive road traffic noise disturbance on the affected classrooms and staff quarters of the proposed school; and

- (e) to resolve any land issue relating to the development with the concerned owner(s) of the application site.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/238 Proposed Hotel
 in “Residential (Group A) 4” zone,
 68 Bulkeley Street,
 Hung Hom (Hung Hom Inland Lots 273 and 314)
 (MPC Paper No. A/K9/238)

Presentation and Question Sessions

131. Mr. Vincent T.K. Lai, STP/K, 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 – no objection from concerned Government departments was received and the Commissioner for Tourism supported the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Kowloon City); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The application site was located at a commercial/residential area in Hung Hom. The proposed hotel use was considered not incompatible with the surrounding developments. The proposed plot ratio of 8.908 (excluding the back-of-house (BOH) facilities) and the proposed building height of 53.30mPD at main roof level did not exceed the maximum plot ratio of 9 (for a non-domestic building) and a maximum building height of 80mPD as stipulated for the subject site on the draft Hung Hom Outline Zoning Plan. It was considered that the proposed hotel would not have significant adverse impacts on the local traffic conditions. As the scale of development was small and only 44 guest rooms were proposed, the non-provision of vehicular access, car parking and loading/unloading facilities in the proposal was considered acceptable by the Assistant Commissioner for Transport/Urban and the Commissioner of Police. It was also considered that the proposed hotel development would unlikely create significant adverse impact on the environment and infrastructure provisions in the area. Relevant Government departments had no in-principle objection to or no adverse comment on the application. The Commissioner for Tourism supported the application as the proposal would support the rapid development of tourism and hotel industries.

132. Members had no question on the application.

Deliberation Session

133. 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 18.12.2013, 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; and

- (b) the submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) that the approval of the application did not imply that the gross floor area exemption for back-of-house facilities included in the application would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to consult the District Lands Officer/ Kowloon West, Lands Department about the lease matter of the proposed development;
- (c) to consult the Office of the Licensing Authority of Home Affairs Department on the licensing requirements for a hotel; and
- (d) to adopt sensitive design and treatment for the exterior of the proposed development, in particular for the lowest three floors which would be occupied by back of house facilities and utility uses.

[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.]

Special Duties Section

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H25/11 Proposed Exterior Designs for ‘Pier’ at Site A and
 ‘Helicopter Landing Pad’ at Site B
 in “Other Specified Uses” annotated “Pier”
 and “Other Specified Uses” annotated “Helipad” zones,
 Sea Area to the Northeast of the Existing Wan Chai East Ferry Pier
 in Wan Chai North to be Reclaimed (Site A) and
 Existing Pier Site and its Adjoining Area
 at the Northern Tip of Expo Drive East (Site B)
 in Wan Chai North
 (MPC Paper No. A/H25/11)

135. The Committee noted that on 11.12.2009, the applicant wrote to the Secretary, Town Planning Board (TPB) and requested the TPB to defer consideration of the application for one month in order to allow time to address comments from the public and Government departments.

136. 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 also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 29

Any Other Business

[Open Meeting]

137. A Member said that in view of the recent incidents about illegal operation of some of the existing columbarium, this Member enquired what actions would be taken by the Government to address the issue. In response, the Chairperson said that relevant Government departments had been overseeing the issue and there was on-going investigation on the suspected cases by the respective departments; appropriate actions on building/lease enforcement and prosecution would be taken in accordance with the provisions of the relevant Ordinances.

138. There being no other business, the meeting was closed at 1:50 p.m..