

## **TOWN PLANNING BOARD**

### **Minutes of 416th Meeting of the Metro Planning Committee held at 9:00 a.m. on 9.4.2010**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. K.Y. Leung

Vice-chairman

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor P.P. Ho

Professor C.M. Hui

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Professor S.C. Wong

Ms. L.P. Yau

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

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

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

Assistant Director/Kowloon, Lands Department  
Ms. Olga Lam

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

Secretary

**Absent with Apologies**

Mr. Felix W. Fong

Ms. Julia M.K. Lau

Professor Joseph H.W. Lee

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Miss H.Y. Chu

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

## **Opening of the New Term**

[Open Meeting]

1. The Chairperson said that it was the first meeting of the new term of the Metro Planning Committee (MPC). She congratulated Mr. K.Y. Leung being appointed as the Vice-chairman of the MPC. She also welcomed the nine new Members of the MPC, namely, Professor P.P. Ho, Professor C.M. Hui, Ms. Julia M.K. Lau, Professor Joseph H.W. Lee, Mr. Clarence W.C. Leung, Mr. Laurence L.J. Li, Mr. Roger K.H. Luk, Professor S.C. Wong and Ms. L.P. Yau.

## **Agenda Item 1**

Confirmation of the Draft Minutes of the 415<sup>th</sup> MPC Meeting Held on 19.3.2010

[Open Meeting]

2. The draft minutes of the 415<sup>th</sup> MPC meeting held on 19.3.2010 were confirmed without amendments.

## **Agenda Item 2**

Matters Arising

[Open Meeting]

3. The Secretary reported that there were no matters arising from the last meeting.

[Ms. Maggie M.K. Chan arrived to join the meeting at this point.]

**Tsuen Wan and West Kowloon District**

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

**Agenda Item 3**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/690                      Shop and Services  
                                    in “Other Specified Uses” annotated “Business” zone,  
                                    Unit C2, G/F, Fung Wah Factory Building,  
                                    646, 648 and 648A Castle Peak Road, Cheung Sha Wan  
                                    (MPC Paper No. A/K5/690)

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4.           Dr. Winnie S.M. Tang declared an interest in this item as her company was located near the application site which could be viewed from the company. As the subject application was only for shop and services uses at a unit on the ground floor of the building, the Committee considered that Dr. Tang’s interest was remote and she could be allowed to stay at the meeting.

**Presentation and Question Sessions**

5.           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 shop and services use on the ground floor of Fung Wah Factory Building;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;

- (d) during the statutory publication period, one public comment was received from the Incorporated Owner of Fung Wah Factory Building. The commenter indicated that the majority of the committee members of the Incorporated Owner objected the application; and

[Mr. Roger K.H. Luk arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 11 of the Paper. The shop and services use was considered generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone, which was to allow for greater flexibility in the use of the existing industrial or industrial-office (I-O) buildings provided that the use would not induce adverse fire safety and environmental impacts. It also complied with the Town Planning Board (TPB) Guidelines No. 22D for ‘Development within “OU(B)” Zone’ in that it would not generate significant adverse impacts on the developments within the subject building and the adjacent areas. The aggregate commercial floor area of valid approved applications for shop and services uses on the ground floor of the subject building, including the application premises, was 230m<sup>2</sup>, which had not exceeded the maximum permissible limit. In this connection, the Director of Fire Services had no objection to the application. The shop and services use was not incompatible with the uses of the subject industrial building, which mainly comprised offices ancillary to industrial/trading firms and workshops on the upper floors. Regarding the public comment, the commenter had not provided grounds of objection while the relevant Government departments consulted had no objection to or no comment on the application from the fire safety, traffic, environmental and environmental hygiene aspects. Previous applications (No. A/K5/558, A/K5/632 and A/K5/678) for retail shop, fast food shop and general shop and services uses respectively at the subject premises were approved by the Committee. Nevertheless, the last approval (No. A/K5/678) was revoked on 10.1.2010 due to non-compliance with the

approval condition on the implementation of fire service installations. Should the Committee decide to approve the application, a shorter compliance period was proposed to monitor the progress of compliance with approval conditions. The applicant would 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 to any further application.

6. Members had no question on the application.

#### Deliberation Session

7. The Chairperson pointed out that application for non-industrial uses in industrial buildings was not uncommon. The TPB had prepared and promulgated two sets of Guidelines (No. 22D and 25D) for consideration of uses and developments within the “OU(B)” and “Industrial” zones respectively. For the subject application, the TPB Guidelines No. 22D was relevant.

8. A Member sought clarification on the mechanism of controlling the aggregate commercial floor area limit as mentioned in paragraph 4(c) of the Paper, and asked whether an approved use could be implemented before the fulfilment of approval conditions stipulated by the TPB.

9. In response to the first question raised by that Member, Mr. P.C. Mok said that owing to fire safety concern, the Fire Services Department (FSD) had advised that the aggregate commercial floor area on the ground floor of an existing industrial/I-O building with and without sprinkler systems should as a general rule not exceed 460m<sup>2</sup> and 230m<sup>2</sup> respectively. Applications for such uses would be considered on a first-come-first-served principle. PlanD would keep a record on the aggregate commercial floor area approved by the TPB and their expiry dates on the ground floor of an existing industrial/I-O building. Prospective applicant could check with PlanD on the aggregate commercial floor area figure in the concerned industrial/I-O building. For any application which would result in slight exceedance of the relevant floor area limit, the applicant had to demonstrate that the fire safety concern could be satisfactorily addressed. Relevant Government departments,

including FSD, would be consulted on the application and the TPB would consider each case based on its own merits. The Secretary supplemented that the 230m<sup>2</sup>/460m<sup>2</sup> criteria were based on the internal guidelines of FSD, which were not the requirements under the Fire Services Ordinance, and had been incorporated into the TPB Guidelines No. 22D and 25D.

10. In response to the second question raised by that Member, the Secretary said that whether an approved use could be implemented before the fulfilment of approval conditions would depend on the kinds of approval conditions imposed by the TPB. For example, the TPB could impose a negative condition stipulating that no population intake was allowed before the implementation of certain works. A revocation clause could also be imposed to ensure that if the applicant failed to comply with the approval condition(s) within the specified time limit(s), the planning permission would be revoked without further notice. Since fire safety was a major concern and a pre-requisite for approving any change of use to commercial uses within an industrial/I-O building, a time-limited condition and a revocation clause to ensure the timely provision of fire safety measures would be imposed for such approved applications. For proposed commercial use, the time limit for compliance with the fire safety condition would be before operation of the use. For existing commercial use applying for regularization, a 6-month compliance period would normally be given. As for the subject case, the Chairperson said that the last approval (No. A/K5/678) had been revoked and hence a shorter compliance period of 3 months was proposed by PlanD in order to monitor the progress of compliance.

11. In response to another Member's questions, the Secretary said that according to the TPB Guidelines No. 22D as summarised in paragraph 4 of the Paper, the limits on commercial floor area did not apply to uses which were ancillary to or for the purposes of supporting the industrial activities and the routine activities of the workers in the industrial/I-O building. These uses included bank, fast food counter, electrical shop and local provision store and showroom in connection with the main industrial use.

12. A Member referred to paragraph 6 of the Paper and asked why the fast food counter under Application No. A/K5/669 was counted as part of the commercial floor area under the 230m<sup>2</sup> limit. In response, Mr. P.C. Mok said that according to the relevant TPB Guidelines, the 230m<sup>2</sup>/460m<sup>2</sup> criteria did not apply to fast food counter. Regarding Application No. A/K5/669, the application premises had a total floor area of 105m<sup>2</sup> and the

applied uses were for shop and services (fast food counter, fruit juice shop and metal-ware shop). As the applicant did not provide a breakdown of the 105m<sup>2</sup> for the floor area of the various applied shop uses, the total floor area of 105m<sup>2</sup> was therefore counted as part of the commercial floor area under the 230m<sup>2</sup> limit.

13. The Secretary said that the relevant TPB Guidelines were available in the file tabled at the meeting for easy reference. The relevant papers and minutes of meetings setting out the background of the guidelines could be sent to Members for reference. If required, the representative of FSD could also be invited to attend TPB meeting in future to further explain the 230m<sup>2</sup>/460m<sup>2</sup> criteria.

[Post-meeting Note: The relevant TPB Guidelines, papers and minutes of meetings were sent to Members on 22.4.2010.]

14. 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 was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape and fire service installations in the subject premises, within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.7.2010; 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.

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

- (a) to note that a shorter compliance period was granted in order to monitor the fulfilment 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 by the Committee to any further application;



- (b) to note the comments of the District Lands Officer/Kowloon West, Lands Department to apply for the temporary wavier to permit the applied use; and
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department to ensure that the change in use would comply with the Buildings Ordinance, in particular the provision of 2-hour fire resisting separation walls between the subject premises and the remaining portion of the building in accordance with Building (Construction) Regulation 90 and Code of Practice for Fire Resisting Construction 1996.

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/TWK/5                      Renewal of Planning Approval under Application No. A/TWK/3  
for Temporary Public Vehicle Park (Excluding Container Vehicle) Use  
(Letting of Vacant Monthly Vehicle Parking Spaces to Non-residents)  
for a Period of 3 Years in “Residential (Group A)” zone,  
Car Park Blocks and Open Car Parks at Chak On Estate, Nam Shan Estate,  
Pak Tin Estate, Shek Kip Mei Estate and So Uk Estate, Sham Shui Po  
(MPC Paper No. A/TWK/5)

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16.            The Secretary said that the application was submitted by the Hong Kong Housing Authority (HKHA) and the following Members had declared their interests in this item :

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| Mrs. Ava S.Y. Ng<br>as the Director of Planning                   | - being a member of the Strategic Planning Committee (SPC) of the HKHA;                |
| Ms. Olga Lam<br>as the Assistant Director of the Lands Department | - being an alternate member of the Director of Lands who was a member of the HKHA; and |
| Mr. Andrew Tsang  | - being an alternate member of the   |

as the Assistant Director of the  
Home Affairs Department

Director of Home Affairs who was a  
member of the SPC of the HKHA.

17. The Committee considered that the interests of the above Members were direct and they should leave the meeting temporarily for the item.

18. In addition, the Secretary said that the City University of Hong Kong (CityU) had submitted a public comment on the application. Mr. K.Y. Leung, being a member of the Departmental Advisory Committee of the Department of Public and Social Administration of CityU, Mr. Raymond Y.M. Chan, being a member of the Divisional Advisory Committee of the Division of Building Science and Technology of CityU, and Ms. Maggie M.K. Chan, being the Council Member of CityU, had declared their interests in this item. The Committee considered that the interest of Ms. Maggie M.K. Chan was direct and she should leave the meeting temporarily for this item. As the role of the two Advisory Committees to which Mr. K.Y. Leung and Mr. Raymond Y.M. Chan belonged to was only advisory in nature about the course syllabus, the Committee considered that their interests were indirect and they were allowed to stay at the meeting.

19. As the Chairperson had to withdraw from the meeting, the Committee agreed that the Vice-chairman should take over and chair the meeting in her stead. The Vice-chairman chaired the meeting at this point.

[Mrs. Ava S.Y. Ng, Ms. Olga Lam, Mr. Andrew Tsang and Ms. Maggie M.K. Chan left the meeting temporarily at this point.]

#### Presentation and Question Sessions

20. Mr. P.C. Mok, STP/TWK, said that the replacement of page 9 of the Paper was sent to Members on 7.4.2010 for consideration. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval under Application No. A/TWK/3 for temporary public vehicle park (excluding container vehicle) use for a

period of three years from 17.4.2010 to 16.4.2013 for letting the vacant monthly vehicle parking spaces at the application sites within Chak On Estate, Nam Shan Estate, Pak Tin Estate, Shek Kip Mei Estate and So Uk Estate to non-residents;

- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) four public comments were received during the statutory publication period. The Jockey Club New Life Institute of Psychiatric Rehabilitation Association and the Shek Kip Mei Estate Block 22 Mutual Aid Committee had no objection to and no comment on the application respectively. One commenter supported the application as it would relieve the shortage of parking spaces in the district and provide additional income. The other commenter, CityU, had no comment on the application, but suggested that if the utilisation rate of the Nam Shan Estate car park block could not be improved, some or all floors should be rented to CityU at a lower rate to alleviate the pressure generated by the shortage of floor space for the implementation of the four-year curriculum; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 11 of the Paper. The proposal did not involve new development or redevelopment of the application sites. According to the applicant, the average vacancy rates of the monthly parking spaces in the concerned estates ranged from 57% to 87% between December 2008 and November 2009. As such, the proposed letting of vacant parking spaces to non-residents could allow more efficient utilization of resources. The applicant indicated that allocation priority to rent the parking spaces would continue to be given to the residents of the concerned estates and the monthly charge for both residents and non-residents would be the same. As adequate parking facilities could be maintained, the provision of parking facilities for the residents of the concerned estates would not be compromised. Since there was no increase in the total number of parking spaces at each concerned

estate, the proposal would not generate significant increase in traffic. The Assistant Commissioner for Transport/Urban, Transport Department and the Commissioner of Police also had no objection to the application. The temporary nature of the application for a period of three years 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 reviewed. The application sites were subject to two previous applications (No. A/TWK/1 and A/TWK/3) which were approved by the Committee in 2004 and 2007 respectively for the same use on a temporary basis for three years. Since then, there was no material change in the planning circumstances or change in the land use of the surrounding areas. Four public comments were received with one supporting and three having no objection to or no comment on the application. Regarding the proposal of one of the commenters, CityU, to rent the Nam Shan Estate car park block, CityU could directly liaise with the applicant.

21. In response to a Member's question, Mr. P.C. Mok said that according to the applicant, the average vacancy rates of the monthly parking spaces in the concerned estates ranged from 57% to 87%. In view of the high vacancy rates, the applicant proposed to rent the vacant monthly parking spaces to non-residents so as to allow better utilization of the resources. Nevertheless, the applicant had indicated that priority to rent the vacant monthly parking spaces would continue to be accorded to the residents of the concerned estates. In this regard, it had been recommended in paragraph 12.2(a) of the Paper that should the Committee decide to approve the application, an approval condition requiring that the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport to be stipulated. The Vice-chairman added that the subject application involved only the vacant monthly parking spaces rather than the hourly parking spaces. In response to another Member's question, Mr. P.C. Mok said that the requirement of visitor car parking spaces might be stipulated in the vesting order or the planning brief of the public housing estates.

#### Deliberation Session

22. The Vice-chairman remarked that the subject application was to renew the

planning permission of a previously approved application. The vacancy rates of the monthly parking spaces at the concerned estates were also high.

23. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 16.4.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) priority should be accorded to the residents of Chak On Estate, Nam Shan Estate, Pak Tin Estate, Shek Kip Mei Estate and So Uk Estate in the letting of the vacant 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;
- (b) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.10.2010;
- (c) in relation to (b) above, the implementation of fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.1.2011; and
- (d) if any of the above planning conditions (b) or (c) 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.

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

[Mrs. Ava S.Y. Ng, Ms. Olga Lam, Mr. Andrew Tsang and Ms. Maggie M.K. Chan returned to join the meeting at this point.]

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

**Agenda Item 5**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TY/107                Temporary Public Vehicle Park (Excluding Container Vehicle) Use  
(Letting of Surplus Monthly Vehicle Parking Spaces to Non-residents)  
for a Period of 3 Years in “Residential (Group A)” zone,  
Multi-storey and Open Air Car Parks, Cheung Fat Shopping Centre,  
Cheung Fat Estate, Tsing Yi  
(MPC Paper No. A/TY/107A)

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**Presentation and Question Sessions**

24.            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 temporary public vehicle park (excluding container vehicle) use for a period of three years for letting the surplus monthly vehicle parking spaces at the multi-storey and open air car parks of Cheung Fat Estate to non-residents;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had no in-principle objection to the application provided that part of the surplus parking spaces at the subject car parks would be converted to motorcycle parking areas in view of the serious shortage of motorcycle parking spaces at Cheung On and Cheung Fat area. Besides, priority should be given to the residents of Cheung On Estate and Cheung Fat Estate in the letting of the surplus parking spaces;
- (d) during the statutory publication period of the application, 65 public

comments were received with 62 objecting to, two raising concerns and one providing comments on the application. A Kwai Tsing District Council Member raised objection to the application mainly on the ground that as the monthly parking spaces for residents were insufficient, the residents had to wait for long period before they were allocated with the monthly parking spaces. The Incorporated Owners of Ching Nga Court and Cheung Fat Estate as well as the residents of Ching Tai Court, Cheung Fat Estate and the surrounding residential developments raised objection to/concerns on the application. Their major grounds of objections were that priority should be given to the residents of Cheung Fat Estate in using the monthly parking spaces. If parking spaces were to be let to non-residents, only temporary contracts should be signed. There was a lack of car parking facility in the area. Approval of the application would tighten the limited supply of parking spaces and was unfair to those who lived in Cheung Fat Estate and Ching Tai Court. The car park fee would be increased when the supply was tight. The Link should consider reserving parking spaces for hourly parking. Besides, the proposal would worsen traffic congestion problem and honking of cars had caused nuisance to the residents. Outside users were unfamiliar with the parking facility and the narrow driveway would easily cause accident. Moreover, the car parks were poorly maintained. The problem would get worse if no improvement was made and more users were allowed to use the car parks. The justifications provided by the applicant were misleading and the vacancy figures were inaccurate. Due to improper maintenance, many parking spaces were blocked for a long period for maintenance purpose or were in dilapidated condition. In addition, 55 other residents also raised objection to the application in the form of signatures on standard forms. They considered that the existing services should be maintained for the local residents;

- (e) during the statutory publication period of the further information, three public comments were received. The same Kwai Tsing District Council Member objected to the application for similar reasons. A resident of Cheung Fat Estate objected to the application in view of the poor management of the car park and opined that the surplus parking spaces

should not be let out before the condition of the car park was improved. A comment was submitted by the Incorporated Owners of Cheung Fat Estate mainly expressing that priority should be given to the residents of Cheung Fat Estate in letting the parking spaces and only temporary contracts should be signed if parking spaces were to be let to non-residents; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments in paragraph 10 of the Paper. In planning the parking facilities in the Cheung Fat Estate areas, the car parking provision in Cheung Fat Estate served not only the public housing estates, but also the adjacent Home Ownership Scheme developments. As advised by the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department, the lease for Cheung Fat Estate stipulated that out of the 537 parking spaces (excluding motorcycles and goods vehicles) within the Estate, 402 spaces should be used by the residents of the adjacent Ching Tai Court and Ching Nga Court. Despite the applicant's claim that there was a vacancy rate of 22% of the subject car parks at Cheung Fat Estate, the majority of the 68 public comments objected to the application mainly on the ground that there were inadequate monthly car parking spaces for the residents. In this regard, it seemed that the supply of parking spaces could not meet the demand and the applicant failed to demonstrate that the parking demand of the residents had been adequately met. As pointed out by AC for T/NT, TD, there was serious shortage of motorcycle parking spaces at Cheung On and Cheung Fat area. He had no in-principle objection to the application only if part of the surplus parking spaces at the subject car parks would be converted to motorcycle parking areas. Given the modest vacancy rate of only 22% and the serious shortfall in motorcycle parking spaces, the surplus vehicle parking spaces, if any, could be converted to motorcycle parking spaces to cater for the need of the local residents.

[Mr. Clarence W.C. Leung left the meeting temporarily at this point.]

25. In response to a Member's question regarding how to define "high" and "low"



vacancy rate of car parking spaces in housing estates, Mr. Y.S. Lee said that there was no such definition. As stated in paragraph 1.6 of the Paper, the vacancy rates of the concerned car parks at Cheung Fat Estate only ranged from 18% to 26% between March 2009 and August 2009. AC for T/NT, TD also advised that there was serious shortage of motorcycle parking spaces at Cheung On and Cheung Fat area. The Chairperson added that there was no quantifiable benchmark for determining the vacancy level of car parks as high or low. Moreover, apart from the vacancy rate of the car parks, it was also relevant to consider other factors such as the reasons that caused the vacancy and the applicant's justifications for the proposed letting of vacant parking spaces to non-residents.

26. Noting that there were public comments alleging that many parking spaces at the concerned car parks were blocked and the vacancy figures provided by the applicant were inaccurate, a Member asked if there were criteria to define 'vacant' parking spaces. In response, Mr. Y.S. Lee said that according to a recent site visit, about five parking spaces at the concerned car parks were blocked and could not be used. The Secretary said that there was no definition of 'vacant' parking spaces. Nevertheless, if there were doubts on the information submitted by the applicant, Members could consider deferring the consideration of the application and request the applicant to submit further information to address Members' concerns before making a decision.

[Mr. Clarence W.C. Leung returned to join the meeting at this point.]

27. Two other Members noted that some commenters objected to the application as the local residents had to wait for a long time before they could rent parking spaces at the concerned car parks. These Members opined that such comments appeared to contradict the applicant's information that the vacancy rate of the subject car parks was 22%. They also asked whether the commenters' claim of lengthy waiting period could be verified by PlanD. The Vice-chairman also asked if the applicant had made any responses to the public comments. In response, Mr. Y.S. Lee said that the applicant was aware of the public comments. The public comments were also available for public inspection at the Planning Enquiry Counters in PlanD and the District Planning Office in Tsuen Wan. However, the applicant did not responded to the public comments. The Chairperson noted that the applicant had responded to the departmental comments in Appendix 1e of the Paper. However, the applicant had not responded to the public comments on the application.

28. The Secretary said that the subject car parks were intended for meeting the parking demand of the residents of Cheung Fat Estate, Ching Tai Court and Ching Nga Court. Despite the applicant's claim of having a vacancy rate of 22%, the majority of the 68 public comments received objected to the application mainly because there were inadequate parking spaces for the residents. In this respect, it seemed that the supply of parking spaces could not meet the parking demand of the residents. As such, PlanD did not support the application as the applicant failed to demonstrate that the parking demand of the residents had been adequately met. If the Committee decided to reject the application, the applicant could apply for review under section 17(1) of the Town Planning Ordinance (the Ordinance). In support of the review application, the applicant could submit further information to address the public comments and Members' views as expressed at this meeting. The further information would be published for public comments in accordance with the Ordinance and the relevant Town Planning Board (TPB) Guidelines. The applicant would also be invited to attend the review hearing and present its case to the TPB Members.

#### Deliberation Session

29. A Member said that the existence of surplus parking spaces at car parks could be due to various reasons. In some cases, it was the poor management of the car parks that had deterred people from renting the parking spaces. In other cases, the surplus parking spaces were due to the reason that the supply of parking spaces was greater than the parking demand. This Member opined that the subject application could only be approved if the applicant could demonstrate that the supply of parking spaces was greater than the parking demand of the residents. This Member also added that it was inappropriate to ask PlanD to verify the commenters' claim that there was a long waiting list for renting parking spaces at the subject car parks. Instead, it should be the onus of the applicant to convince the TPB/Committee that there was a genuine surplus of parking spaces. The above views were shared by other Members.

30. Members generally agreed that the application could not be supported. Members then went through the reason for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate.

31. After further deliberation, the Committee decided to reject the application and the reason was that the subject car parks were intended for meeting the car parking demand of the residents of Cheung Fat Estate, Ching Tai Court and Ching Nga Court. In view of the low vacancy rate and the strong demand for car parking provision (as evident from the large number of objections), there was no planning justification for letting the car parking spaces for residents to non-residents.

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

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

## **Agenda Item 6**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K2/187                      Proposed Hotel in "Residential (Group A)" zone,  
3 and 5 Temple Street, Yau Ma Tei  
(Kowloon Inland Lots 1089 S.A ss.4 and 1089 S.A RP  
and their Extensions)  
(MPC Paper No. A/K2/187)

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### **Presentation and Question Sessions**

32. Mr. C.K. Soh, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application. The application site was the subject of a previous application (No. A/K2/181) for the same use which was approved with conditions by the Committee on 12.10.2007. A comparison between the current scheme and the previously approved scheme (No. A/K2/181) was highlighted in paragraphs 1.4 and 1.5 of the Paper;

- (b) the proposed hotel;
- (c) departmental comments – concerned Government bureau/departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer/Yau Tsim Mong; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 10 of the Paper. As compared with the previously approved scheme (No. A/K2/181), the current application involved a minor increase in the site area from 137.774m<sup>2</sup> to 145.24m<sup>2</sup> by 7.466m<sup>2</sup> (5.42%) due to the inclusion of part of a rear lane in order to align the back boundaries of the application lots with the neighbouring lots into a standard service lane of 3.05m wide. There was a consequential increase in the total gross floor area (GFA) of the proposed hotel (excluding back-of-house area) from 1,239.821m<sup>2</sup> to 1,302.044m<sup>2</sup> by 62.223m<sup>2</sup> (5.02%). However, the number of guestrooms remained unchanged. It was envisaged that the current scheme would not have major difference in terms of its impacts on the surrounding areas as compared with the previously approved scheme. There were existing hotel developments and approved planning applications for hotel/guesthouse developments in the vicinity of the area. The proposed hotel was considered not incompatible with the surrounding land uses, which were predominantly mixed commercial/residential in nature. Moreover, the proposed hotel was not expected to have adverse impact on the character of the neighbourhood. Concerned Government departments had no adverse comment on the application and no public comment was received.

33. In response to a Member's question, Mr. C.K. Soh said that the current scheme involved, among others, an increase in site area which was not due to the setting out of site

boundary at the processing of land grant. As such, a fresh planning permission from the Town Planning Board (TPB) was required. Should the Committee decide to approve the application, the applicant could then apply to the Lands Department (LandsD) regarding the proposed inclusion of the concerned rear lane, which was a piece of Government land, into the development scheme boundary. The applicant could also submit building plans to the Buildings Department (BD) for approval.

34. The Secretary further explained that with the inclusion of the concerned rear lane, the site area of the development scheme would be increased and the permissible GFA based on an enlarged site area would also be increased. Upon obtaining planning approval, the applicant could apply to LandsD for the proposed inclusion of Government land into the development scheme boundary. In case LandsD refused to grant the concerned Government land to the applicant, the approved development scheme of the proposed hotel would have to be amended due to the reduction in site area/GFA and possible amendments of the other development parameters. When there were proposed amendments to an approved development scheme, the applicant could refer to the TPB Guidelines No. 36A on 'Class A and Class B Amendments to Approved Development Proposals' and determined if the proposed amendments were classified as Class A or Class B amendments. The former did not require further application to the TPB whereas the latter were subject to TPB's approval upon application made under section 16(A)2 of the Town Planning Ordinance (the Ordinance). Under section 2(5)(b) of the Ordinance, the TPB had delegated its authority to the Director of Planning to consider applications for Class B amendments, except that the application was considered unacceptable by the concerned Government departments (including local objections) or involving deletion of Government, institution or community facilities initiated by the relevant Government departments. Amendments falling outside the scope of Class A or Class B amendments would require the submission of fresh section 16 planning application to the TPB. The Secretary said that a reduction in GFA was a Class A amendment and did not require the approval of the TPB. To implement the proposed hotel development, the applicant would also need to submit building plans to BD for approval. At the building plan submission stage, PlanD would provide statutory and district planning comments on the building plans to BD. For building plan submissions which were in contravention of the relevant statutory plans and/or development schemes approved by the TPB, PlanD would recommend the Building Authority to invoke s.16(1)(d) or s.16(1)(da) of the Buildings Ordinance to reject the building plans. In brief, development control in Hong

Kong was mainly exercised by the planning, land and building authorities through the processing of development proposals under the Town Planning Ordinance, land leases and the Buildings Ordinance respectively. While their functions were inter-related, the exercise of powers by each authority was independent from each other with respect to their own purview and/or regulations.

### Deliberation Session

35. In response to the same Member's question, the Secretary further explained that with the inclusion of the concerned rear lane into the development scheme boundary, the site area and total GFA of the proposed hotel would be increased by 7.466m<sup>2</sup> and 62.223m<sup>2</sup> respectively. As such, there would be a land revenue gain to the Government if LandsD approved the application for inclusion of Government land into the development scheme boundary. The Chairperson remarked that even if planning approval for the current scheme was obtained, the application for inclusion of Government land into the development scheme boundary would be processed by LandsD separately.

[Dr. Winnie S.M. Tang left the meeting at this point.]

36. In response to another Member's question, Mr. C.K. Soh said that the portion of the rear lane to be included into the development scheme boundary of the proposed hotel would not be built over. However, it would be counted towards the calculation of GFA. In addition, the width of the rear lane would be standardized to 3.05m while not affecting the pedestrian circulation.

37. 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 9.4.2014, 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 of a sewerage impact assessment and implementation of the sewerage improvement and upgrading works identified therein to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) the approval of the application did not imply the gross floor area (GFA) exemption for hotel concession and back-of-house facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the application for hotel concession including the exemption of back-of-house facilities from GFA calculation under Building (Planning) Regulation 23A would be considered upon formal submission of building plans subject to compliance with the criteria under the Practice Notes for Authorized Persons and Registered Structural Engineers APP-40;
- (c) to note the comments of the District Lands Officer/Kowloon West, Lands Department that he had no objection to the application subject to the following :
  - (i) there would be a clear headroom of 5m above the ground level of the Extensions to Kowloon Inland Lots 1089 S.A.ss.4 and 1089 S.A RP; and
  - (ii) no bar and restaurant was to be provided within the extension areas unless the land owners had obtained a licence from his office to remove the five categories of the offensive trades before carrying out the bar and restaurant business;
- (d) to note the comments of the Chief Officer/Licensing Authority, Home Affairs Department that :

- (i) the hotel proposal should be accepted by the Building Authority. An occupation permit issued by the Building Authority should be submitted to his office at the time of application under the Hotel and Guesthouse Accommodation Ordinance; and
- (ii) the licensed area in one application must be physically connected and should not be separated by other private residences or uses not connected with the operator's business as a hotel operator; and
- (e) to note the comments of the Director of Fire Services that licensing requirements would be imposed upon receipt of a formal licence application under the Hotel and Guesthouse Accommodation Ordinance and after subsequent site inspection by the staff of the licensing authority.

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

### **Hong Kong District**

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

#### **Agenda Item 7**

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

[Open Meeting (Presentation and Question Sessions Only)]

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

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39.                      The Chairperson and the Secretary declared their interests in this item as they



were graduates of the Sacred Heart Canossian School which had submitted a public comment on the application. The Vice-chairman said that according to the Town Planning Board (TPB)'s Procedure and Practice, only the officer bearer of an executive board, a board of directors or a management committee of a club/association/union/other bodies should be regarded as having direct interest in the item and required to leave the meeting. For the ordinary members, Members would be allowed to stay at the meeting after declaring interests. He considered that the interests of the Chairperson and the Secretary, being the graduates of the school, were indirect and insubstantial, and hence they should be allowed to stay at the meeting. A similar practice had been adopted by the Committee in considering applications submitted by an educational institution. Other Members agreed. The Secretary added that there were previous cases that the Secretary was allowed to stay at the meeting after declaring interest, having regard the fact that the Secretary was not a Member of the TPB.

40. Professor P.P. Ho asked if he needed to declare an interest as he was acquainted with Mr. Andrew Lee, Principal Partner of Andrew Lee King Fun & Associates Architects Ltd., and Ms. Keren Sze, Managing Director of Aedas Ltd., and the two companies were the Consultants of the subject application. The Secretary explained that a Member had to declare interest based on the 'sunshine test' principle, that is, whether the interest would give rise to a public perception that the advice tendered by that Member to the TPB/Committee might have been biased or influenced by that interest. Members were required to declare their interests to the best of their knowledge. Some friendships which might be so close to warrant declaration of interest to avoid situations that the public might believe the Member's advice to have been influenced by the closeness of the association. The onus of making a declaration rested with individual Members who were in the best position to judge what constituted an interest warranting a declaration. It would be up to the TPB/Committee to decide whether the interest was direct/substantial. If the interest was direct/substantial, the Member would have to withdraw from the meeting. If the interest was indirect/insubstantial, the Member would be allowed to continue to participate in the discussion and determination of the matter. The Committee considered that Professor Ho's interest was indirect and insubstantial, and hence he should be allowed to stay at the meeting.

41. The Secretary further pointed out that Members who had current business dealings with the applicant had to withdraw from the meeting, regardless of whether the dealings were related to the application site or not. If Members had past business dealings

with the applicant which were related to the application site, all such past business dealings should be declared. If the matter involved a completed project, the Member should be allowed to stay. If the matter involved an on-going project, the Member should withdraw from the meeting. For past business dealings with the applicant which were not related to the application site, only the past dealings within three years had to be declared and the Member should be allowed to stay at the meeting.

#### Presentation and Question Sessions

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

- (a) background to the application, including that a set of building plans for a proposed 34-storey (169.9mPD or 103.5m) composite commercial/residential building at the site was approved by the Building Authority (BA) on 29.4.2008;
- (b) the proposed minor relaxation of building height (BH) restriction from 170mPD to 180mPD for a proposed 34-storey composite commercial/residential development at the site. The proposed development comprised 30 domestic storeys above a 3-storey podium (for commercial uses and clubhouse) and a podium garden. According to the Notes for the subject “Residential (Group A)” (“R(A)”) zone, ‘shop and services’ use on the lowest three floors of a building and ‘flat’ use were always permitted within the “R(A)” zone. However, the proposed development with a BH of 180mPD (113.6m) exceeded the BH restriction of 170mPD as stipulated on the relevant Outline Zoning Plan (OZP) by 10m (about 5.9% in terms of mPD or 9.65% in terms of metres). Planning permission for minor relaxation of the BH restriction was thus required;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication periods of the application and the further

information, a total of 124 public comments were received with 110 objected to, 13 supported and one provided comments on the application :

- (i) for the objecting comments submitted by the Central and Western District Council (C&WDC) Members, the major grounds were that the proposed BH relaxation would aggravate the wall effect in the Mid-levels area and block the views, natural lighting and air ventilation of the nearby buildings. There were strong objections from the residents in Leung Fai Terrace. The development intensity in the Mid-levels area was very high and the proposed development would have adverse impacts on the traffic condition, air quality and living environment of the area;
- (ii) for an objecting comment submitted by the Sacred Heart Canossian College of Commerce, Sacred Heart Canossian School Private Section, Sacred Heart Canossian School Sub Section and the Canossian Missions, Hong Kong, the major grounds were that the present air quality at Caine Road was very polluted due to the presence of very tall buildings. Allowing taller buildings to be erected in the area would aggravate the situation;
- (iii) for the objecting comments submitted by the owners' corporations/management office of the nearby buildings and the local residents, the major grounds were that allowing the proposed BH relaxation was contrary to the Government's policies to prevent wall effect, promote greening and ease traffic congestion in the Mid-levels area. The BH could be reduced by lowering the floor-to-floor height, the number of storeys or the podium height. Caine Road could not accommodate more population due to its physical and topographical constraints. Increase in population density would have adverse impacts on the living environment and community facilities. The proposed development was too tall and not compatible with the surrounding buildings. It would have adverse impacts on traffic as well as the tranquility, quaintness and authenticity of the local

environment. It would also cause wall effect and block views, natural lighting and air ventilation, thus endangering the residents' health and affecting the property value of buildings. The existing pavement was narrow and could not cater for the increase in pedestrians. There was no emergency vehicular access for buildings at 4 and 5 Leung Fai Terrace. The proposed development would further block the emergency exit of the buildings behind and obstruct the operation of fire appliances and ambulances in case of fire. The piling works might affect the structure and integrity of the nearby buildings and the local residents would be affected by air pollution and noise nuisance during construction. No building plan, layout, 3-dimensional model and impact assessments on air quality, traffic, air ventilation, geotechnical impact and wall effect had been provided to demonstrate that the proposed development would not generate adverse impacts on the surrounding areas;

- (iv) for those who supported the application, the major grounds were that the innovative and environmentally-friendly building design of the proposed development would help improve the streetscape and widen the pedestrian way. The proposed scheme would blend in with the surrounding areas. As there were many tall buildings in the area, the small increase in BH would not create adverse visual impact on the local stepped height profile nor on the protection of the ridgeline of the Peak. The proposed setback and podium garden with high headroom would help improve the air quality and air ventilation at street level. The proposed scheme would bring in young affluent residents who would help liven up the area and enhance business opportunities for shops in the area. The reduction of the proposed BH from the original proposal and the further setback at the eastern site boundary had addressed the concerns of the public and the Government; and
- (v) a commenter expressed the view that Caine Road was narrow with high-rise buildings on both sides, making it difficult for the operation

of fire engines and ambulances when there was a fire;

- (e) the District Officer (Central and Western) advised that the C&WDC Members were concerned about the development of wall-like buildings and development density of new projects in the district. At the C&WDC meeting held on 15.5.2008, similar concerns were expressed by Members. Some Members considered it crucial to set limits on development intensity to preserve the ridgelines on Hong Kong Island while others observed the likely adverse impacts of high-density developments on traffic flow, air ventilation and quality, sunlight and landslide. A balance should be struck between the interests of the property developers and the local residents; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The minor relaxation clause was to provide incentive for developments/redevelopments with design merits/planning gains and to allow for relaxation necessitated by site circumstances and constraints. As set out in the Explanatory Statement of the OZP, each application would be considered on its own merits based on the criteria set out in paragraph 7.6 of the Explanatory Statement, including whether the development would accommodate the bonus plot ratio (PR) in relation to surrender/dedication of land for public passage/street widening, provide better streetscape/good quality street level public urban space, and provide separation between buildings to enhance air and visual permeability. For the subject application, the applicant proposed to surrender a strip of land fronting Caine Road for road widening and pedestrian passage in return for bonus gross floor area (GFA) of 962.35m<sup>2</sup>, which had been approved by the BA. The surrender of land for road widening and pedestrian passage would provide opportunity to improve the streetscape and the quality of street level public urban space. The Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) advised that the proposed surrendering of land for road widening was essential. The applicant had also proposed to setback the podium and residential tower from the eastern site boundary by 2m (as compared to 1.5m in the approved

building plans), which would further increase the separation from the adjacent school to enhance air and visual permeability. Given the BH restriction of 170mPD and the need to accommodate the permissible GFA, the domestic floor height of the proposed development was only 2.85m in the approved building plans. The proposed increase in domestic floor height to 3.15m in the current application would help improve the living quality of the future residents and was not considered unreasonable. The 3-level podium with an overall height of 12.35m (4.65m for shops and entrance lobby on G/F; 3.7m for shops and electrical and mechanical (E&M) facilities on 1/F, and 4m for clubhouse and E&M facilities on 2/F) together with the podium garden (4.5m clear headroom) were also considered not unacceptable. According to the photomontages submitted by the applicant, the proposed development would not adversely affect the views to the ridgelines of the Peak from public vantage points at Tsim Sha Tsui and the West Kowloon Reclamation Area, and the view of Victoria Harbour from the Lion Pavilion at the Peak. Besides, it would not jeopardize the BH concept recommended in the Urban Design Guidelines and would not have significant adverse visual impact in the local context. In this regard, the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD and the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department had no adverse comments on the proposal from the urban design and visual points of view. As regards the public comments relating to BH, air quality and ventilation, natural lighting, visual impact, development intensity and traffic congestion, concerned Government departments had no adverse comments on the various aspects. The proposed PR of 9.68 under the current application was slightly lower than the proposed PR of 9.72 under the approved building plans. The issues of public safety, air pollution and nuisance during construction would be dealt with by the concerned Government departments at the building plans submission and construction stages.

43. In response to a Member's questions, Mr. C.M. Li referred Members to Plan A-5 of the Paper which showed the height of the existing buildings in the surrounding area with a sloping topography rising generally to the south. The Secretary added that in general, the

older buildings in the area were relatively lower in height, many of which were below 100mPD. The newer developments were relatively taller e.g. the Scenic Rise had a BH of 187mPD whereas the Grand Panorama had BHs ranging from 193mPD to 216mPD. Regarding the location of the proposed setback, Mr. C.M. Li referred to Drawing A-1 of the Paper and said that the proposed setback was located along the eastern boundary of the site. The width of the proposed setback had been increased from 1.5m under the approved building plans to 2m under the subject application. There was no claim of bonus GFA arising from the proposed setback. With the aid of Figure B attached to Appendix If of the Paper, Mr. Li pointed out that the applicant had proposed to surrender an area of 192.47m<sup>2</sup> fronting Caine Road for road widening and pedestrian passage in return for bonus GFA of 962.35m<sup>2</sup>, which had been approved by the BA under the approved building plans.

44. The Vice-chairman asked if the formulation of BH restrictions on the OZP had taken into account the setback requirement of specific sites. Mr. C.M. Li replied in the negative. The Secretary said that the formulation of BH restrictions on the OZP was broadbrush in nature. However, to cater for site specific circumstances, the Notes for the subject “R(A)” zone had included a minor relaxation clause in order to provide incentive for developments/redevelopments with design merits/planning gains (such as site amalgamation to achieve better urban design and local area improvements, provision of separation between buildings to enhance air/visual permeability, and accommodation of bonus plot ratio granted under the Buildings Ordinance in relation to surrender/dedication of land/area for use as a public passage/street widening) and to cater for cases with site constraints. The criteria for consideration of applications for minor relaxation of the BH restrictions were set out in paragraph 7.6 of the Explanatory Statement of the OZP.

45. In response to two Members’ questions, Mr. C.M. Li said that the proposed surrender of land fronting Caine Road was initiated by the applicant. While having no comment on the application from the traffic engineering point of view, AC for T/U, TD advised that the proposed surrendering of land for road widening was essential. Both the proposed surrender of land fronting Caine Road and the proposed setback of 1.5m from the eastern site boundary had been incorporated in the building plans approved by the BA on 29.4.2008. The major development parameters of the development scheme under the approved building plans were highlighted in paragraph 1.6 of the Paper. Regardless of whether the subject application was to be approved or rejected by the Committee, the

applicant could still choose to implement the development scheme under the approved buildings plans.

46. The Chairperson remarked that the concerned building plans were approved by the BA under the Buildings Ordinance. The subject application was the first submission made by the applicant to seek planning permission from the TPB for minor relaxation of the BH restriction from 170mPD to 180mPD. The subject application was required because the proposed BH of 180mPD under the amended scheme exceeded the BH restriction of 170mPD on the extant OZP. As background information, the Secretary said that an applicant could obtain planning permission for different development schemes in respect of the same site i.e. “multiple planning approvals”. An applicant could choose to implement either one scheme as long as the concerned planning permission had not yet expired.

47. A Member said that it would appear that the subject application for minor relaxation of BH restriction from 170mPD to 180mPD was required to accommodate the bonus GFA from surrendering a strip of land along Caine Road. However, it was noted from paragraph 1.6 of the Paper that the PR and total GFA of the proposed development under the subject application were less than those of the approved building plans. In response, Mr. C.M. Li said that the proposed surrender of land fronting Caine Road and the proposed setback of 1.5m from the eastern site boundary had already been included in the approved building plans. Under the subject application, the former remained unchanged whereas the proposed setback along the eastern site boundary was increased from 1.5m to 2m. The total GFA of the proposed development at 7,551m<sup>2</sup> under the subject application was slightly lesser (-28.6m<sup>2</sup> or 0.38%) than that under the approved building plans. The number of flats was increased from 90 to 130 units whereas the flat size was decreased from 75m<sup>2</sup> to 52m<sup>2</sup>. The major difference was that there was an increase in the BH of the proposed development under the subject application, with the floor height of the domestic storeys increased from 2.85m to 3.15m (+0.3m); the podium height increased from 11.4m to 12.35m (+0.95m); and the clear headroom of the podium garden increased from 4.1m to 4.5m (+0.4m). According to the applicant, the increase in the floor height of the domestic storeys was to improve the living quality of the future residents. The increase in the height of the podium garden could also provide additional headroom for tree planting and enhance the visual amenity of the area.



48. A Member said that the proposed surrender of land and setback had been included in the approved building plans with the granting of bonus GFA for the proposed surrender of land fronting Caine Road. In other words, the permissible GFA (including bonus GFA) could be accommodated at the subject site while still complying with the BH restriction of 170mPD, as reflected by the approved building plans. The proposed minor relaxation of BH restriction sought under the subject application was essentially to cater for greater floor heights for the domestic floors, podium and podium garden. That Member opined that the proposed increase in the domestic floor height would likely be welcomed by the prospective buyers of the flats. The applicant could then charge higher selling price for the flats. Hence, the applicant could benefit from the proposed minor relaxation of BH restriction. Another Member opined that whether the domestic floor height of the proposed development should be increased from 2.85m to 3.15m was a commercial decision. If the applicant considered it desirable/profitable to provide a domestic floor height of 3.15m, the number of storeys could be reduced while still complying with the BH restriction of 170mPD.

49. In response, Mr. C.M. Li said that the Notes for the subject "R(A)" zone had provided for application for minor relaxation of the BH restriction through the planning application system to cater for site specific circumstances. Each application would be considered on its own merits based on the criteria set out in paragraph 7.6 of the Explanatory Statement of the OZP. For the subject application, the applicant had proposed to surrender a strip of land fronting Caine Road for road widening and pedestrian passage which would provide opportunity to improve the streetscape and the quality of street level public urban space. The applicant had also proposed to setback from the eastern site boundary by 2m, which would further increase the separation distance from the adjacent school to enhance air and visual permeability. The proposed increase in the floor height of the domestic storeys, podium and podium garden was considered not unreasonable. Based on the assessments in paragraph 11 of the Paper, PlanD considered that the application could be supported.

50. The Secretary added that the permissible GFA of the site (including the bonus GFA) could be accommodated under the BH restriction of 170mPD, as reflected in the approved building plans. As such, the crux of the subject matter was whether the proposed increase in the floor height of the domestic storeys, podium and podium garden was considered justified. As background information, she pointed out that the typical domestic

floor height was used to be 2.85m. The domestic floor height of Taikoo Shing was about 2.7m. In formulating the BH restrictions on various OZPs in recent years, a greater domestic floor height of 3.15m had generally been assumed for residential development in view of the growing public expectation for a better living quality. In the building plan submission, a height of 4.5m for podium garden would normally be allowed.

51. A Member asked about the considerations that had been taken into account when formulating the BH restrictions for the area, including the subject site, and whether the proposed minor relaxation of BH at the subject site would be against these considerations. Another Member asked if the maximum BH restriction of 170mPD had to be strictly followed. In response, Mr. C.M. Li said that the formulation of the BH restrictions had taken heed of various considerations e.g. protection of ridgeline, air ventilation, etc. The relevant Government departments consulted had no objection to or adverse comments on the application. The Chairperson said that the BH restriction was a statutory provision stipulated on the relevant OZP, which had gone through a due process and approved by the Chief Executive in Council. Although the BH restriction of 170mPD was a statutory provision which must be complied with, it was broadbrush in nature. The relevant Notes of the OZP had provided for application for minor relaxation of the BH restriction through the planning application system and each case had to be considered on its own merits.

[Ms. Olga Lam and Mr. C.W. Tse left the meeting temporarily at this point.]

52. In response to two Members' questions, Mr. C.M. Li advised that the BH profile of the area as submitted by the applicant in Drawing A-8 of the Paper was considered acceptable and CTP/UD&L, PlanD had no adverse comments on the application from the urban design point of view. The applicant had reduced the BH of the proposed development three times under the subject application to address the departmental comments. The BH of the proposed development at 186.8mPD as shown in Figure 7 of Appendix Ia of the Paper was only the height originally proposed by the applicant. According to the latest further information submitted by the applicant, the BH of the proposed development had been revised to 180mPD. The Chairman noted that the height of the podium and podium garden had also been decreased from the original proposal of 14.5m and 6m respectively to the current proposal of 12.35m and 4.5m respectively. Regarding the 'wall effect' concern as raised by some commenters, Mr. C.M. Li said that the applicant had proposed to setback

from the eastern site boundary by 2m (as compared with the 1.5m under the approved building plans) for better visual amenity and air ventilation.

### Deliberation Session

53. The Vice-chairman said that the formulation of BH restrictions on the OZP was broadbrush in nature. To cater for site specific circumstances, the Notes for the subject “R(A)” zone had provided for application for minor relaxation of BH restrictions through the planning permission system. Each application would be considered on its own merits. Given the BH restriction of 170mPD and the need to accommodate the permissible GFA (including bonus GFA), the domestic floor height that could be attained under the approved building plans was only 2.85m. Although a domestic floor height of 2.85m was not considered unacceptable, a greater domestic floor height of 3.15m had generally been assumed in formulating the BH restrictions on various OZPs in recent years. The proposed domestic floor height of 3.15m could also enhance the living quality of the residents as suggested by the applicant. In light of the above, it was considered not unreasonable to allow the proposed domestic floor height of 3.15m under application. However, there was reservation on the proposed podium height of 12.35m (+0.95m as compared with the approved building plans) in view of the adverse visual impact on the pedestrians at street level. Besides, no justifications had been provided in the submission to justify the proposed podium height of 12.35m.

[Ms. Olga Lam and Mr. C.W. Tse returned to join the meeting at this point.]

54. A Member agreed that the proposed podium height of 12.35m was not justified. However, as Caine Road was narrow with heavy pedestrian flow, surrender of land for widening of the road and better pedestrian passage should be encouraged. This Member’s prime concern was that if the application was rejected or partially approved by the Committee, the applicant might no longer surrender all or part of the concerned land for road widening and pedestrian passage, which were much needed along Caine Road. The Chairperson remarked that whether the applicant would surrender private land in return for bonus GFA was a matter of commercial decision to be made by the applicant as the surrender would attract bonus GFA. It was outside the control of the TPB. In any case, each application had to be considered based on all relevant planning considerations. Given the above advice,

this Member considered that the BH restriction of 170mPD should be adhered to, unless adequate justifications could be provided to justify the proposed minor relaxation of BH restriction.

55. The Chairperson further asked if the surrender of land along Caine Road was required by the Transport Department (TD). Mr. C.M. Li said that the proposed surrender of land fronting Caine Road was initiated by the applicant. Mr. Anthony Loo, Assistant Commissioner for Transport (Urban), TD, said that it was considered essential to widen this section of Caine Road in the long term. The adjacent lots of the subject site had already been setback from Caine Road. If the subject site could also be setback from the road as proposed by the applicant, it would be a step further towards the implementation of the long-term improvement plan for Caine Road.

[Mr. Andrew Tsang left the meeting at this point.]

56. Another Member opined that the applicant could charge higher selling price for the domestic flats with greater floor-to-floor height. In view of the private commercial interest involved, the applicant should pay for it if it considered profitable to do so. One possible way was to reduce the number of storeys as raised by a Member earlier at the meeting. Regarding a Member's concern that the applicant might decide not to surrender or surrender lesser private land for road widening and pedestrian passage purposes, this should be up to the market to decide. In addition, although a domestic floor height of 3.15m had generally been assumed in formulating the BH restrictions, it was considered that such domestic floor height should not be taken as a norm to be applied for all cases, having regard that a domestic floor height of 2.85m was not considered unacceptable.

57. A Member was sympathetic to the applicant who had proposed to surrender his land along Caine Road and to setback from the eastern site boundary. It was only because the applicant had submitted building plans to the BA and the approved building plans had already included the proposed surrender of land and setback, some Members considered that the subject application was to maximize the private commercial interest while not bringing much public benefits.

58. The Chairperson said that the public benefits arising from the proposed

development were mainly the proposed surrender of 192.47m<sup>2</sup> along Caine Road for road widening and pedestrian passage and the proposed setback of 2m along the eastern site boundary. The Vice-chairman said that the increased domestic floor height of 3.15m could also enhance the living quality of the future residents, which was desirable in view of the growing public expectation for a better living quality. The Chairperson further said that should the Committee decide to approve the application, the public loss would be the 10m increase in BH at the subject site. A Member said that approval of the application could have undesirable precedent effect as other developers or land owners in the area might also apply for minor relaxation of the BH restriction. Another Member shared the same concern.

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

59. As background information, the Secretary said that the TPB had approved on review an application (No. A/K7/92) on 5.2.2010 to relax the BH for residential use at the application site for 3m from 80mPD to 83mPD. The proposed domestic floor height under that application was 3.15m. However, the planning circumstances of Application No. A/K7/92 were different from those of the subject case. Due to small site area, the proposed minor relaxation of BH restriction under Application No. A/K7/92 was required to enable the residential development to achieve its full permitted development potential as allowed under the relevant OZP (i.e. PR of 5). The application did not involve any claim of bonus GFA. For the subject case, some Members had expressed earlier at the meeting that that the proposed podium height of 12.35m was not justified and Members would need also to consider whether the proposed domestic floor height of 3.15m was justified and reasonable under the current application.

60. Two Members considered that there were insufficient merits to justify the proposed minor relaxation of BH restriction. Moreover, should the Committee decide to reject the application, the applicant could still take forward the proposed development either under the approved building plans or another scheme conforming to the BH restriction of 170mPD. A Member said that the applicant could claim lesser bonus GFA or reduce the number of storeys while still retaining a domestic floor height of 3.15m and complying with the BH restriction of 170mPD. Another Member opined that the applicant could explore if some of the GFA could be accommodated in the basement. In relation to the claim of bonus GFA, the same Member noted that the private land to be surrendered by the applicant

appeared to be more than that required for road widening and pedestrian passage purposes as it did not tally with the existing street pattern. Members were of the view that the proposed domestic floor height of 3.15m was not a norm and the applicant could adopt a domestic floor height which was lower than 3.15m but above 2.85m.

[Ms. Maggie M.K. Chan left the meeting at this point.]

61. In summary, the Chairperson said the majority views of Members was that the application was not supported as there were insufficient merits to justify the proposed minor relaxation of BH restriction. The applicant could either apply for review under section 17(1) of the Town Planning Ordinance or make a fresh application to address Members' concerns as expressed at this meeting. Members then went through the reason for rejection as stated in paragraph 12.3 of the Paper and considered that they were appropriate.

62. After further deliberation, the Committee decided to reject the application and the reason was that there were no strong planning justifications in the submission for the proposed minor relaxation of the building height restriction. Approval of the application would set an undesirable precedent for similar applications in the "Residential (Group A)" zone. The cumulative effect of which would jeopardize the planning intention for imposing the building height restrictions on the area.

[A short break of 3 minutes was taken at this point.]

## **Agenda Item 8**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/HK/6                      Renewal of Planning Approval under Application No. A/HK/4  
for Temporary Public Vehicle Park (Excluding Container Vehicle) Use  
(Letting of Surplus Monthly Vehicle Parking Spaces to Non-residents)  
for a Period of 3 Years in “Government, Institution or Community”,  
“Residential (Group A)” and “Residential (Group A) 3” zones,  
Car Parks at Sai Wan Estate, Kennedy Town;  
Wah Fu (I) Estate, Pokfulam; Wah Fu (II) Estate, Pokfulam;  
Yue Fai Court, Aberdeen; and Lung Tak Court, Stanley  
(MPC Paper No. A/HK/6)

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63.                      The Secretary said that the application was submitted by the Hong Kong Housing Authority (HKHA) and the following Members had declared their interests in this item :

- |  |  |
|--|--|
| Mrs. Ava S.Y. Ng<br>as the Director of Planning                              | - being a member of the Strategic Planning Committee (SPC) of the HKHA;                              |
| Ms. Olga Lam<br>as the Assistant Director of the Lands Department            | - being an alternate member of the Director of Lands who was a member of the HKHA; and               |
| Mr. Andrew Tsang<br>as the Assistant Director of the Home Affairs Department | - being an alternate member of the Director of Home Affairs who was a member of the SPC of the HKHA. |

64.                      The Committee noted that Mr. Andrew Tsang had left the meeting. As the interests of the other Members were considered direct, they should leave the meeting temporarily for the item. As the Chairperson had to withdraw from the meeting, the Committee agreed that the Vice-chairman should take over and chair the meeting in her place. The Vice-chairman chaired the meeting at this point.

[Mrs. Ava S.Y. Ng and Ms. Olga Lam left the meeting temporarily at this point.]

### **Presentation and Question Sessions**

65. Mr. C.M. Li said that the replacement of pages 11 and 12 of the Paper were sent to Members on 7.4.2010 for consideration. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval under Application No. A/HK/4 for temporary public vehicle park (excluding container vehicle) use for a period of three years from 17.4.2010 to 16.4.2013 for letting the surplus monthly vehicle parking spaces at the application sites within Sai Wan Estate, Wah Fu (I) Estate, Wah Fu (II) Estate, Yue Fai Court and Lung Tak Court in the Western and Southern Districts to non-residents;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, 10 public comments raising objection to the application were received. Eight public comments (including one from the owners' corporation (OC) of Lung Tak Court) were related to Lung Tak Court. The major grounds of objection/concerns were that there were not enough parking spaces during public holidays. The proposal would worsen the situation, prejudice the residents' interest in car parking and infringe on their property rights. The car park should be used by the residents of Lung Tak Court. Besides, the proposal would generate pollution, nuisance, theft, road safety, security, management and ownership problems. According to the Deed of Mutual Covenant, prior approval from the OC must be obtained before lease modification. One public comment submitted by the Tung Wah Group of Hospitals, the property owner of Centenary Mansion, was related to Sai Wan Estate. The major grounds of objection/concerns were that the proposed public car park would increase the traffic load of Victoria Road/Ka Wai Man Road and destroy the quiet environment of Centenary Mansion Blocks 1 and 2. One public comment submitted by the OC of Yue Fai Court (with 17



signatures from the owners) was related to Yue Fai Court. The commenter raised objection to the application without giving reason; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 11 of the Paper. The application was to continue the letting of surplus parking spaces in the subject car parks to non-residents under the previously approved application (No. A/HK/4). Since then, there was no major change in the planning circumstances. The application was generally in line with the planning criteria as specified in the Town Planning Board Guidelines No. 34A on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development'. According to the applicant, the vacancy rates of the parking spaces in the concerned estates/courts ranged from about 33% to 70%, which were similar to the vacancy rates ranging from 14% to 73% at the time of considering Application No. A/HK/4. The proposed letting of the surplus parking spaces to non-residents would help utilize the resources more efficiently. The temporary nature of the application for a period of three years 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 reviewed. The proposal did not involve new development at the application sites. As there was no increase in the total number of parking spaces within each development, the renewal application would unlikely cause adverse traffic and environmental impacts on the surrounding areas. The public comments were mainly related to the security, traffic and environmental implications of the public car park use. According to the applicant, various measures, including the installation of CCTVs, separation of entrances to the car park building and residential blocks, and deployment of security guards on 24-hour duty, had been put in place to address the residents' concerns. The system of letting vacant parking spaces to non-residents had been operating smoothly. While the proposal would unlikely create adverse traffic, environmental and safety impacts, should the renewal application be approved, it was recommended to advise the applicant to liaise with the mutual aid committees/OCs of the affected

developments on the management and security measures to be implemented to ensure the residents' safety as stated in paragraph 12.2(b) of the Paper. To ensure that sufficient parking spaces would be reserved for the residents of the concerned estates/courts, an approval condition requiring the applicant to give priority to residents of the concerned estates/courts in letting of the surplus parking spaces and the proposed number of parking spaces to be let to non-residents should be agreed with the Commissioner for Transport had been recommended in paragraph 12.2 of the Paper. The applicant had also undertaken to uphold this policy in the application.

66. In response to a Member's question, Mr. C.M. Li, STP/HK, said that the subject application involved only the surplus monthly parking spaces at the concerned estates/courts.

#### Deliberation Session

67. A Member asked whether the letting of surplus parking spaces to non-residents would increase the parking demand at the subject car parks, which in turn might cause an increase in the rent level of the parking spaces. Such increase in rent level might adversely affect the residents who rented parking spaces at the subject car parks. In response, Mr. C.M. Li said that there was no information on the rent level of the parking spaces at hand. However, the site visits conducted by PlanD revealed that the vacancy rates of the concerned car parks were high. The Secretary supplemented that the Hong Kong Housing Authority had established policy to determine the rental level of parking spaces, which could not be changed easily.

68. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 16.4.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

- priority should be accorded to the residents of Sai Wan Estate, Wah Fu (I) Estate, Wah Fu (II) Estate, Yue Fai Court and Lung Tak Court 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.

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

- (a) to apply to the District Lands Officer/Hong Kong West and South, Lands Department for a temporary waiver to permit the proposed use at Wah Fu (II) Estate, Lung Tak Court and Yue Fai Court;
- (b) to explain the proposal to the residents of the public housing estates and Home Ownership Scheme developments concerned and to liaise with the mutual aid committees/owners' corporations of the affected housing developments regarding the management and security aspects in letting the vacant parking spaces to non-residents; and
- (c) to resolve any land issue relating to the development with other concerned owners of Yue Fai Court and Lung Tak Court.

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

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

### **Special Duties Section**

[Mr. Roy C.H. Li, Senior Town Planner/Special Duties (STP/SD), was invited to the meeting at this point.]

**Agenda Item 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H24/18                      Proposed Utility Installation for Private Project  
(Electricity Supply Buildings) (Amendments to Approved Scheme)  
in “Other Specified Uses” annotated “Waterfront Related Commercial  
and Leisure Uses(2)” and “Open Space” zones, Land Reclaimed under  
Central Reclamation Phase III to the North of CITIC Tower  
(MPC Paper No. A/H24/18)

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70.                      The Secretary said that the subject application involved proposed amendments to an approved scheme mainly in relation to two proposed electricity supply buildings (ESBs) for the Mass Transit Railway Corporation Ltd. (MTRCL) and Swire Properties Management Ltd. (SPML) which was a subsidiary of Swire Pacific Ltd. (SPL). Mr. Anthony Loo, being an Assistant Commissioner to the Commissioner for Transport who was a Non-executive Director of MTRCL, and Mr. Raymond Y.M. Chan, having current business dealings with SPL, had declared their interests in this item. The Committee considered that their interests were direct and they should leave the meeting temporarily for the item.

71.                      Professor S.C. Wong said that he was a Member of the Harbour-front Enhancement Committee (HEC). The Vice-chairman said that he was also the former Chairman of the Sub-committee on Wan Chai Development Phase II Review of the HEC. The Secretary advised that as the HEC was not the applicant nor commenter of the application, the interests of the above Members were considered indirect and they should be allowed to stay at the meeting. A similar practice had been adopted by the Committee in considering similar applications for uses along the waterfront. The Committee agreed.

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

**Presentation and Question Sessions**

72.                      Mr. Roy C.H. Li, STP/SD, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application, including that the application site was the subject of a previously approved application (No. A/H24/8) which involved a total of five ESBs and an underground pump house at various sites in the reclaimed area under the Central Reclamation Phase III (CRIII) as shown in Plan A-1 of the Paper;
- (b) the subject application sought planning permission for proposed amendments to the approved scheme (No. A/H24/8) which mainly involved the re-orientation of two proposed ESBs for MTRCL and SPML by 90 degrees in order to cope with the revised reclamation limit at the interface of CRIII and the Wan Chai Development Phase II (WDII). In addition, it was proposed to include a landscaped area of 431.3m<sup>2</sup> around the proposed ESBs to mitigate their visual impact and to better integrate them with the adjacent waterfront promenade proposed under the Urban Design Study for the New Central Harbourfront (UDS). As a result, the site area of the proposed ESBs was increased from about 301.7m<sup>2</sup> to about 733m<sup>2</sup> by 431.3m<sup>2</sup>. The basic parameters of the proposed ESBs remained unchanged as compared to the approved scheme. The applicant also proposed to use modern and low-maintenance building materials in the design of the proposed ESBs. The use of artificial composite timber strip finish and the fairface concrete finish would avoid the monotonous effect of the ordinary utility building and help harmonize with the adjacent waterfront promenade;
- (c) departmental comments – the Director of Leisure and Cultural Services (DLCS) had no objection to the application, but suggested to exclude the proposed ESBs from the open space boundary for better management and maintenance in the future. The Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) also had no objection to the application from the traffic engineering point of view. Should the application be approved by the Committee, he suggested to impose an approval condition requiring the applicant to design and provide access, parking and loading/unloading facilities to his satisfaction;

- (d) during the statutory publication period, one public comment raising objection to the application was received on the grounds that the proposed above-ground structures of the proposed ESBs would block the harbourfront and restrict pedestrians' views towards the sea. The commenter suggested to put the proposed structures underground and provide amenities such as kiosks which could enhance the use of the waterfront; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 11 of the Paper. With the revised reclamation limit, the distance between the proposed ESBs and the seawall would be reduced from about 40m to about 16m, which might induce stability problem on the proposed ESBs during the construction of the seawall. The proposed re-orientation of the ESBs would increase the distance between the ESBs and the seawall from about 16m to 30m and substantially reduce the amount of protection works required during the seawall construction. The use, building height and bulk of the proposed ESBs were the same as the approved scheme. Moreover, due to the reduction in the reclamation limit, the previous design concept of the waterfront-related commercial and leisure use development had been refined. The proposed ESBs, if remained unchanged as in the approved scheme, would become a stand alone development along the waterfront promenade. With the proposed re-orientation of the ESBs under the current scheme, the space for pedestrian circulation and amenities along the water edge at the waterfront promenade could be increased from about 16m to about 30m. The inclusion of a landscaped area around the ESBs would also help integrate the proposed ESBs with the waterfront promenade and mitigate their potential visual impact. In this respect, the Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the application from the urban design and landscape perspectives, but considered that there was scope to maximize the greening on all sides and the roof top of the proposed ESBs. It was thus recommended to retain the approval conditions on the submission and implementation of a landscape

proposal as stated in paragraphs 12.2(c) and (d) of the Paper. DLCS's suggestion to exclude the proposed ESBs from the open space boundary was a land allocation matter and could be dealt with at the implementation stage. To achieve a partial concealing effect to the proposed ESBs, the applicant proposed to modify the proposed alignment of a footbridge which connected the waterfront promenade with Site 5 to the south of Road P2. Should the Committee decide to approve the application, corresponding amendment would be made to the alignment of the concerned footbridge. The proposed re-orientation of the ESBs would not have adverse traffic, environmental or infrastructural impacts on the surrounding area. Detailed access arrangement and other transport facilities for the proposed ESBs could be dealt with at a later stage via the imposition of an approval condition on the design and provision of access, parking and loading/unloading facilities, as recommended by AC for T/U, TD and stated in paragraph 12.2(e) of the Paper. In considering the previous application (No. A/H24/8) by the Committee on 17.3.2006, Members agreed to modify the approval conditions of that application so that the Town Planning Board (TPB) could directly scrutinize the design of the façade treatment of the ventilation shafts of the proposed underground pump house and the proposed ESBs as well as the submission of the landscape proposal. Should the Committee decide to approve the subject application, it was also recommended in paragraphs 12.2(a) and (c) of the Paper that the design of the façade treatment and the submission of a landscape proposal should be to the satisfaction of the TPB. Regarding the public comment, the proposed ESBs were essential facilities to support the operation of the cooling water pumping stations serving some existing developments in Central. Planning permission for these ESBs had been granted by the Committee under Application No. A/H24/8. The re-orientated ESBs would allow more space for pedestrian circulation and amenities on the waterfront, which was an improvement when compared with the previously approved scheme. The Hong Kong Electric Co. Ltd. did not permit ESBs to be located underground due to the serious and real risks associated with flooding and difficulties for fire fighting. Besides, under the refined design concept of UDS presented to the TPB on

13.11.2009, there would be several small-scale low-rise separate building blocks around the proposed ESBs for commercial and leisure uses, with a view to enhancing the vibrancy of the harbourfront.

73. A Member said that given the applicant had proposed to modify the alignment of a proposed footbridge between the waterfront promenade and Site 5 across Road P2 to achieve a partial concealing effect for the proposed ESBs, it would appear that the design of the proposed ESBs was not good enough and hence additional measure to partially conceal them under a footbridge was required. There was also concern on whether the re-aligned footbridge on top of the proposed ESBs would pose constraint to the landscape treatment to be provided for the ESBs. For instance, it might not be feasible to plant trees underneath the footbridge. In this respect, the same Member asked if the applicant had provided information about the design of the proposed ESBs and when would the alignment and design of the concerned footbridge be finalised.

74. Mr. Roy C.H. Li showed the perspective images submitted by the applicant in Drawings A-4 to A-8 of the Paper to illustrate the design of the proposed ESBs under the current scheme with the proposed footbridge under the UDS. Apart from providing a partial concealing effect for the proposed ESBs, the proposed re-alignment of the footbridge could also help minimise the residual space between the footbridge and the ESBs for better utilization of the land resources. The proposed landscaping work around the ESBs could be considered as interim measures pending the final design of the waterfront promenade and the construction of the footbridge. He further pointed out that the concerned footbridge was not the subject of the current application. Under the UDS, planning/design briefs were being prepared for the key development sites, including Site 5, at the new Central Harbourfront. The developer of Site 5 would be required under the relevant planning/design brief to provide the concerned footbridge for connection with the waterfront promenade. There was no definite implementation programme for the concerned footbridge at this stage and the proposed re-alignment of the footbridge as shown on Drawing A-2 of the Paper was indicative only. While the provision of the concerned footbridge would be specified in the relevant planning/design brief, its actual alignment and design would be determined by the concerned developer at the implementation stage.

75. In response to another Member's question, Mr. Roy C.H. Li said that in



considering the previously approved scheme (No. A/H24/8), Members had raised visual concern on the proposed utilities structures which were located at a sensitive and prominent location of the waterfront. As such, the applicant had proposed under the subject application to provide a landscaped area of 431.3m<sup>2</sup> around the proposed ESBs to help minimize their potential visual impact. In addition, approval conditions requiring the applicant to submit and implement landscaping proposals had been recommended in paragraphs 12.2(c) and (d) of the Paper.

### Deliberation Session

76. The Chairperson said that the actual alignment and design of the concerned footbridge were yet to be finalised at this stage. If the alignment of the concerned footbridge had to be modified in future, there was space available nearby for the landing of the footbridge. She further pointed out that the current scheme involving mainly the re-orientation of the proposed ESBs and the inclusion of landscaped areas around them was an improvement to the previously approved scheme. Members agreed.

77. 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 9.4.2014, 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 design of the façade treatment to the satisfaction of the TPB;
- (b) the implementation of the façade treatment to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a landscape proposal to the satisfaction of the TPB;
- (d) the implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (e) the design and provision of access, parking, and loading/unloading

facilities to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) to note the comments of the Chief Architect/Advisory & Statutory Compliance, Architectural Services Department in paragraph 9.1.6(b) of the Paper regarding the requirement of submitting the design of the proposed electricity supply buildings to the Design Advisory Panel for consideration;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department in paragraphs 9.1.5(b) and 9.1.7(b) of the Paper; and
- (c) to note the comments of the Director of Fire Services regarding the fire service requirements in paragraphs 9.1.10(b) and (c) of the Paper.

[The Chairperson thanked Mr. Roy C.H. Li, STP/SD, for his attendance to answer Members' enquiries. Mr. Li left the meeting at this point.]

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

### **Kowloon District**

[Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), and Mr. Silas K.M. Liu, Senior Town Planner/Kowloon (STP/K), were invited to the meeting at this point.]

**Agenda Item 10**

[Open Meeting]

Further Consideration of Draft Planning Brief for Yau Tong Bay

“Comprehensive Development Area” zone on the Draft Cha Kwo Ling, Yau Tong,

Lei Yue Mun Outline Zoning Plan No. S/K15/18

(MPC Paper No. 8/10)

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79. The Secretary reported that the subject “Comprehensive Development Area” (“CDA”) zone at Yau Tong Bay involved some land owned by Henderson Land Development Co. Ltd. (Henderson) and Sun Hung Kai Properties Ltd. (SHK). Mr. Raymond Y.M. Chan, having current business dealings with Henderson and SHK, and Mr. Felix W. Fong, having current business dealings with SHK, had declared their interests in this item. While Mr. Fong had tendered an apology for being unable to attend the meeting, the Committee agreed that Mr. Chan’s interest was direct and he should leave the meeting temporarily for the item.

80. Mr. Clarence C.W. Leung said that a member of the Lee family of Henderson had pledged to make a private donation to the non-government organisation in which Mr. Leung was the director. The Committee agreed that Mr. Leung’s interest was remote and he should be allowed to stay at the meeting.

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

81. With the aid of a Powerpoint presentation, Mr. Silas K.M. Liu, STP/K, presented the item and covered the following main aspects as detailed in the Paper :

**Background**

- (a) on 6.11.2009, the Committee endorsed the draft Planning Brief (PB) for the subject “CDA” zone on the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/18 to serve as a guide to facilitate the preparation of Master Layout Plan (MLP) as required under the Notes for the subject “CDA” zone for submission to the Town Planning Board (TPB) for consideration. The Kwun Tong District Council (KTDC) and

the Sub-committee on Harbour Plan Review of the Harbour-front Enhancement Committee (HEC Sub-committee) were consulted on the draft PB on 24.11.2009 and 20.1.2010 respectively;

Major Comments of KTDC Members

- (b) the PB was generally supported and the Government should expedite the redevelopment process of the subject “CDA” zone;
- (c) the PB should reflect the owner’s intention to convert the Wing Shan Industrial Building to hotel and commercial use by in-situ conversion;
- (d) the maximum building height (BH) of 120mPD at the site was unacceptable as the high-rise developments would block the views of Lam Tin and Yau Tong Estates and result in ‘wall effect’. The BH of the site should be lowered;
- (e) there were concerns that the redevelopment/development at the site would create ‘inflated’/’wall-like’ buildings and cause noise/dust nuisances to the nearby residents;
- (f) the requirement for locating commercial activities near the MTR Yau Tong Station would cause destructive competition with the shopping mall at Yau Tong Estate Phase 4 which was under construction. The commercial activities should be relocated away from the MTR Yau Tong Station;
- (g) the proposed public waterfront promenade should be opened to the public 24 hours a day and connected to the inner area with convenient access;
- (h) some parking spaces should be provided within the open space for the convenience of the residents and visitors;

Major Comments of HEC Sub-committee Members

- (i) the proposed restrictions as stipulated in the PB were in line with the objective of harbour-front enhancement. However, too many constraints

would leave little room for innovative and creative design. There was a need to ensure that a reasonable development scheme could be achieved under such restrictions/requirements;

- (j) the proposed building separation distance at the site would reduce the efficiency of land utilization;
- (k) a cap on the amount of non-accountable/exempted gross floor area (GFA) should be stipulated as developers tended to maximize the GFA under the current practice of GFA concession;
- (l) the construction and maintenance of basement car park would lead to higher energy consumption. As the site was located close to the MTR Yau Tong Station, consideration should be given to reduce the number of parking spaces within the future development;
- (m) dining facilities should be provided with an orientation facing the harbour whereas outdoor seating areas for alfresco dining on the proposed public waterfront promenade should be clearly designated in the PB;
- (n) abutting a semi-enclosed water body which was protected from strong waves, the subject “CDA” site had a unique location to promote marine activities. Apart from landing steps, consideration should also be given to providing public boat club use with supporting facilities (e.g. slipway) and designating half of the water body in Yau Tong Bay for public mooring and berthing purposes;
- (o) the existing jetties should be retained as reinstatement would hardly be possible once they were demolished. Moreover, the old sawmill was an interesting building worthy of preservation for adaptive reuse;
- (p) more thoughts should be given to public engagement as community consensus was essential for successful implementation of large-scale projects;

- (q) subsequent to the HEC Sub-committee meeting held on 20.1.2010, a letter dated 26.2.2010 from the Secretary of the HEC Sub-committee was received advising that the HEC Sub-Committee Members generally agreed that :
- (i) the Sub-committee should make it clear to the TPB that it would be a waste of resources if the PB had not capitalized on the unique configuration of Yau Tong Bay. Any irreversible measures pre-empting public use of Yau Tong Bay in the long term should be discarded;
  - (ii) provision of a waterfront promenade was not enough. The subject site should be treated specially to enable the public use of Yau Tong Bay for water-based recreational activities in future. Land/marine interface should be designed correspondingly;
  - (iii) to ensure accessibility for future public use of Yau Tong Bay, some land along the seawall could be carved out from the private development site; and
  - (iv) the appropriate marine use and the land-based supporting facilities needed further examination;

*Responses to Comments Raised by KTDC Members*

- (r) the responses of the Planning Department (PlanD) and the relevant Government departments on the comments raised by KTDC Members were detailed in paragraph 4.1 of the Paper and summarised below;

*Expediting the Redevelopment Process*

- (s) the support of KTDC Members to the PB was noted. The preparation and promulgation of the PB was to facilitate the preparation and submission of MLP as required under the Notes for the subject “CDA” zone for early implementation of the redevelopment scheme. As the land within the

subject “CDA” zone was largely privately owned, the pace of development would be determined by the land owners;

Existing Wing Shan Industrial Building

- (t) the TPB was fully aware of the owner’s intention through the consideration of Application No. A/K15/70 and an objection to the proposed amendments to the OZP submitted by the concerned owner. While the TPB had no objection to the proposed hotel and commercial uses, it was considered that the proposed development should be integrated with the “CDA” development with open space to be provided at the waterfront of the building to form an integral part of the waterfront promenade. If the owner wished to pursue the development on his own, he could submit a section 16 application with a MLP for the Committee’s consideration having regard to the requirements of the endorsed PB;

Unacceptable Building Height Restriction of 120mPD

- (u) the PB had required the developer to adopt a distinct gradation of height profile with descending BH towards the harbourfront with innovative design and appropriate disposition in order to avoid a monotonous harbourfront image and wall effect. Besides, the height of the building blocks in front of Yau Tong Estate should be kept as low as possible to minimize the adverse visual impacts caused by the development at the site. Furthermore, a visual impact assessment had to be undertaken at the MLP submission stage;
- (v) while the maximum BH at the subject “CDA” zone was 120mPD, paragraph 7.2.5 of the Explanatory Statement of the OZP specified that as a reference, a maximum BH of 60mPD was proposed at the two western ends to maintain a more intertwined relationship with the harbour edge. In addition, the maximum BH of 120mPD at the site was lower than the existing BHs of Lam Tin Estate (about 200mPD) and Yau Tong Estate (about 140mPD);

Concerns on ‘Inflated’/‘Wall-like’ Building and Environmental Nuisance

- (w) as stipulated in the PB, urban design proposals and an environmental assessment report had to be included in the MLP submission. The development scheme should also be designed to take into account the urban design considerations in the PB, including the adoption of more innovative design and provision of a minimum of 25m-wide non-building areas/permeable zones. The latter would ensure that the development scheme would not create 'inflated'/'wall-like' buildings and could enhance the air ventilation of the area;

*Relocation of Commercial Activities*

- (x) the commercial/retail floor space was proposed to be distributed in close proximity to the existing MTR Yau Tong Station in order to form a commercial node at a convenient location. The actual amount and location would be determined at the MLP submission stage;

*Accessibility of Waterfront Promenade*

- (y) the public waterfront promenade had to be designed up to the requirements of the Director of Leisure and Cultural Services (DLCS), who would take up the future management/maintenance responsibilities upon its completion. DLCS advised that the opening hours of the public open space would be 24 hours a day, subject to KTDC's agreement. The PB had stipulated that the waterfront promenade should be designed to integrate with the pedestrian link to provide a convenient at-grade public access on a 24-hour basis from the MTR Yau Tong Station to the waterfront. It was proposed to amend the PB to specify that the waterfront promenade should be designed for public use on a 24-hour basis;

*Provision of Visitor Car Parking Spaces within Public Open Space*

- (z) DLCS considered that fee-paying meter car parks could be provided within the public open space. As such, it was proposed to incorporate the requirement for the provision of visitor car parking spaces within the public open space. The exact number and location of such parking spaces would be taken into account in the traffic impact assessment (TIA) at the MLP submission stage;



Responses to Comments Raised by HEC Sub-committee Members

- (aa) the responses of PlanD and the relevant Government departments on the comments raised by HEC Sub-committee Members were detailed in paragraph 4.2 of the Paper and summarised below;

Too Stringent Development Restrictions

- (bb) the purpose of the PB was to set out a conceptual framework and the key requirements of the future development to facilitate the preparation of the MLP. The PB had set out development restrictions with discretionary as well as statutory requirements. The discretionary requirements included the number, size, layout and dispositions of the proposed building blocks, building separation as well as the distribution of domestic and non-domestic GFAs. Should any design deviate from the PB, the developer could provide justifications to the TPB for consideration at the MLP submission stage. The statutory requirements included the maximum BH and PR restrictions with the provision of minor relaxation clause, which provided for application for minor relaxation of such restrictions through the section 16 application system. Sufficient flexibility had been provided for the relaxation of development restrictions without compromising innovative and creative design;

Building Separation Requirement Affected Land Utilization

- (cc) according to the findings of the air ventilation assessment for the Cha Kwo Ling, Yau Tong, Lei Yuen Mun area conducted in 2009, the non-building area between the residential blocks at the site should have a minimum width of 25m to ensure that air would pass through the site to the inner area;

Stipulation of Non-accountable/Exempted GFA

- (dd) while there were already a number of practice notes and guidelines in guiding the granting of non-accountable/exempted GFA, the Council for Sustainable Development was reviewing the Sustainable Building Design Guidelines with a view to attaining a quality and sustainable built

environment. As the review was on-going, it was inappropriate to stipulate non-accountable/exempted GFA in the PB at this juncture;

*Provision of Car Parking Spaces at Basement Level*

- (ee) the provision of car parking spaces at basement level was a key design element so as to avoid a car park podium and to reduce the building bulk/height at the site. The provision of parking facilities would be in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) and the Transport Department would assess the requirement and provision of parking facilities in the TIA as required at the MLP submission stage;

*Provision of Alfresco Dining Facilities*

- (ff) the inclusion of outdoor seating areas for alfresco dining on the public waterfront promenade was a detailed design matter which would be considered at the MLP submission stage. The types and amount of such facilities would be examined by DLCS at the MLP submission stage;

*Promotion of Marine Activities*

- (gg) the PB had stipulated that the waterfront promenade should be designed to allow for the provision of a diversity of activities to enhance the vibrancy. The developer was also required to provide recreational facilities along the waterfront, reconstruct and beautify the seawall with interesting design, and provide landing steps, where appropriate, to facilitate the promotion of water-based recreational activities;
- (hh) regarding the proposed public boat yard, the Director of Marine (D of M) advised that a comprehensive Marine Traffic Impact Assessment should be conducted by the developer to fully assess the potential marine traffic impacts which might be caused by the proposed public boat yard. Owing to seabed contamination, the subject "CDA" site might not be suitable for the promotion of marine activities. The Director of Environmental Protection (DEP) advised that marine activities in Yau Tong Bay should not be considered before the potential seabed contamination issue was

addressed. The developer should follow the guidelines for marinas and boat yards as stipulated in Chapter 9 of the HKPSG and engage consultancy services to holistically assess the suitability of the location to serve as a public boat yard. Besides, a marina designed to provide moorings or dry storage for not less than 30 vessels used primarily for pleasure or recreation was a Designated Project under the Environmental Impact Assessment Ordinance (EIAO). The statutory EIAO procedures should be followed if the proposed boat yard was a Designated Project. Both D of M and LCSD advised that they would not take up the future management and maintenance of the public boat yard. As the proposal of public boat yard would have to be studied before pursued any further, it was not appropriate to include it in the PB. However, the PB would not preclude the development of public boat yard;

*Preservation of Existing Jetties and Sawmill*

- (ii) recent site visit revealed that the sawmill at Yau Tong Marine Lot No. 27 had been vacated and the two jetties at Yau Tong Bay had been demolished. There was only a temporary pontoon serving the existing industrial operations. It was proposed to amend the PB requiring the developer to review the need for the preservation of the pontoon;

*Public Consultation on the Subject Redevelopment Project*

- (jj) the OZP incorporating, among others, the refined site boundary and major development parameters for the subject “CDA” zone had been exhibited on 23.5.2008 for public inspection under section 7 of the pre-amended Town Planning Ordinance. The Kwun Tong Development and Renewal Task Force of the KTDC was consulted on the proposed amendments on 3.6.2008. While the KTDC and HEC Sub-committee had been consulted on the PB, the public would have further opportunity to comment on the proposed development at the MLP submission stage;

*General Views of HEC Sub-committee Members*

- (kk) DEP had advised that marine activities in Yau Tong Bay should not be considered before the potential seabed contamination issue was addressed.

Nevertheless, as required under the PB, the waterfront promenade should be designed to allow for the provision of a diversity of activities, including water-based recreational activities to ensure the vibrancy of the waterfront. The public waterfront promenade and land/marine interface would be designed and constructed by the developer to the satisfaction of and for the future management/maintenance by the Government. The feasibility of marine use, and the associated land-based supporting facilities would be assessed by the developer together with the water quality assessment after seabed decontamination at the MLP submission stage;

Proposed Amendments to the Draft PB

- (ll) taking into account the comments of the KTDC and HEC Sub-committee, the following amendments to the draft PB were proposed:
  - (i) to incorporate the requirement for car parking spaces for visitors within the public open space and the requirement for the design of the waterfront promenade for public use on a 24-hour basis under Item 4 of the draft PB on the open space provision;
  - (ii) to incorporate the requirement of car parking spaces for visitors to the public open space in the TIA under Item 12 of the draft PB on the transport requirements; and
  - (iii) to incorporate the requirement for reviewing the need for the preservation of the existing temporary pontoon under Item 17 of the draft PB on other technical requirements; and
- (mm) in addition, opportunity was taken to refine the paragraph in relation to the relocation of the existing gas pigging station under Item 5 of the draft PB on the existing Government, institution or community facilities as recommended by the Director of Electrical and Mechanical Services.

82. A Member asked about the connectivity between the subject site and the Lei Yue Mun area. With the aid of plans, Mr. Eric C.K. Yue, DPO/K, said that the PB required the

developer to provide a public waterfront promenade along the water edge of the subject site. The Lei Yue Mun area was located to the south-east of the subject site and it would take about 10 minutes to walk there. At the entrance of the Lei Yue Mun area, a public waterfront promenade along the Sam Ka Tsuen Typhoon Shelter had been built and designated as “Open Space” on the relevant OZP. From there, visitors could reach the various attraction points at Lei Yue Mun. In between the subject site and the existing waterfront promenade at Sam Ka Tsuen, there were the Yau Tong Sewage Pumping Station, a site zoned “Residential (Group E)” (“R(E)”) and the Yau Tong Industrial Area (YTIA) “CDA” zone along Tung Yuen Street. A PB was being prepared for the YTIA “CDA” zone to serve as a guide to facilitate the preparation of MLP. To allow public access to the harbourfront and to link up with the existing waterfront promenade at Sam Ka Tsuen, it was envisaged that the PB for the YTIA “CDA” zone would also require the developer to provide a public waterfront promenade within the site.

83. The same Member appreciated that the overall planning of the subject “CDA” zone as stated in the PB was thoughtful and had taken into account different considerations such as greening, wall effect, pedestrian connections, etc. This Member considered that the Lei Yue Mun area had its unique local character/heritage, having regard that it was the remaining place with a character of old fishing harbour in the Victoria Harbour and had a long history. In addition, unlike Lamma Island and Sai Kung, Lei Yue Mun was conveniently located in the urban area, making it easily accessible by visitors to visit the seafood restaurants and other attraction points there. In this respect, in planning of the subject site, it was also important to ensure that the subject site would be a place instilled with the unique local character/heritage of Lei Yuen Mun. In considering the proposed amendments to the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/17 by the Committee on 18.9.2009, the design consultant of the Architectural Services Department had indicated that a viewing platform in carp-like shape would be provided as part of the enhancement project for the waterfront of Lei Yue Mun Village initiated by the Tourism Commission. It was considered worthy to explore if similar public art works based on a specific theme connected with the unique local character/heritage of Lei Yue Mun could be provided along the public waterfront promenade at the subject site. This could enhance the connectivity between Lei Yue Mun and the subject site, and create a quality waterfront promenade with public art works along Victoria Harbour which was lacking at present. With the growing expectation of the public on the quality of public space, the provision of art

works in public space had become increasingly popular. It was suggested to designate specific areas along the waterfront promenade for the provision of public art works.

84. While sharing with the above Member's views, another Member asked who would be the authority within the Government to champion the provision of public art works within the waterfront promenade at the subject site. This Member also asked if the "R(E)" site to the south of the subject site was a private land.

85. Mr. Eric C.K. Yue agreed that Lei Yue Mun had unique local character and heritage. Proposed amendments to the relevant OZP to facilitate the implementation of an enhancement project for the waterfront of Lei Yue Mun Village had been gazetted on 9.10.2009 under section 5 of the Town Planning Ordinance. He further said that Item 7(vi) of the PB had required the developer to create innovative waterfront building design to form part of a visually interesting water edge that could help to enhance the city's "Front Elevation". It was hoped that a synergy effect could be created with the implementation of the public waterfront promenade at the subject site. As stated in the PB, the public waterfront promenade at the subject "CDA" site would be built by the developer to the satisfaction of DLCS with a view that DLCS would take up the future management and maintenance responsibilities upon its completion. The PB had stipulated the various requirements for the provision of the public waterfront promenade by the developer. In considering the proposed MLP to be submitted by the developer, the relevant Government departments, including DLCS, would be consulted. The proposed MLP would also be submitted to the Committee for consideration under section 16 of the Town Planning Ordinance. If Members were not satisfied with the proposed MLP, the applicant could be requested to submit further information to address Members' concerns. Regarding the adjacent "R(E)" site, Mr. Yue advised that the site concerned was privately owned.

86. The Chairperson said that PlanD would take into account Members' views in undertaking the detailed district planning of the area. Regarding the champion for the provision of public art works, she suggested PlanD to relay Members' views to DLCS for consideration. Members agreed.

87. A Member asked if there was any flexibility for the developer to adjust the width of the promenade to provide facilities such as a plaza for various activities. Mr. Eric C.K.

Yue replied in the affirmative. In view of the site constraints and to allow for design flexibility, the PB had allowed for a minimum width of 15m for the waterfront promenade. Nevertheless, the total area of the waterfront promenade should not be less than 24,700m<sup>2</sup>, which was equivalent to the total length of the promenade multiplied by a width of 20m. Detailed design and varying width of the waterfront promenade had to be indicated on the MLP for the Committee's consideration at the MLP submission stage. On top of the 24,700m<sup>2</sup> waterfront promenade, the private open space within the development would be provided at a standard of 1m<sup>2</sup> per person in accordance with the HKPSG. The PB had also specified the urban design considerations for the developer to take into account in formulating the development scheme of the site.

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

88. While agreeing that the developer should be requested to review the need for preservation of the existing temporary pontoon, the same Member asked if the adjoining shipyard (part or whole) could also be preserved as the slipway could be an interesting feature to visitors. Mr. Eric C.K. Yue said that all existing slipways at the site would be demolished so as to ensure public safety in using the waters and the waterfront promenade to be provided along the water edge of the site. Nevertheless, the PB had required the developer to reconstruct and beautify the seawall with interesting design. Public landing steps would also be provided along the waterfront promenade to facilitate the promotion of water recreation activities in Yau Tong Bay. Regarding the adjoining shipyard, Mr. Yue pointed out that such industrial activity did not comply with the long-term planning objectives for the subject "CDA" zone, which were to phase out the existing industrial operations, resolve the environmental problems and enhance the waterfront for public enjoyment. These objectives would only be achieved through the comprehensive redevelopment of the subject "CDA" zone for residential and/or commercial uses with the provision of open space and other community and supporting facilities.

[Ms. L.P. Yau left the meeting whereas Mr. Laurence L.J. Li left the meeting temporarily at this point.]

89. After further deliberation, the Committee decided to:

- (a) note the views of the KTDC and HEC Sub-committee Members as

summarised in paragraph 3 of the Paper and detailed in Appendices III and IV of the Paper; and

- (b) endorse the revised draft PB in Appendix V of the Paper, which had incorporated the relevant proposed amendments.

[The Chairperson thanked Mr. Eric C.K. Yue, DPO/K, and Mr. Silas K.M. Liu, STP/K, for their attendance to answer Members' enquiries. They left the meeting at this point.]

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

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/253            Proposed Public Vehicle Park (Excluding Container Vehicle) Use  
(Letting of Surplus Monthly Vehicle Parking Spaces to Non-residents)  
in "Residential (Group A)" zone,  
Car Park at Choi Ying Estate, Ngau Tau Kok  
(MPC Paper No. A/K13/253)

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90.            The Secretary said that the application was submitted by the Hong Kong Housing Authority (HKHA) and the following Members had declared their interests in this item :

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|--|--|
| Mrs. Ava S.Y. Ng<br>as the Director of Planning                              | - being a member of the Strategic Planning Committee (SPC) of the HKHA;                              |
| Ms. Olga Lam<br>as the Assistant Director of the Lands Department            | - being an alternate member of the Director of Lands who was a member of the HKHA; and               |
| Mr. Andrew Tsang<br>as the Assistant Director of the Home Affairs Department | - being an alternate member of the Director of Home Affairs who was a member of the SPC of the HKHA. |



91. The Committee noted that Mr. Andrew Tsang had left the meeting. As the interests of the other Members were considered direct, they should leave the meeting temporarily for the item. As the Chairperson had to withdraw from the meeting, the Committee agreed that the Vice-chairman should take over and chair the meeting in her stead. The Vice-chairman chaired the meeting at this point.

[Mrs. Ava S.Y. Ng and Ms. Olga Lam left the meeting temporarily whereas Mr. Laurence L.J. Li returned to join the meeting at this point.]

#### Presentation and Question Sessions

92. 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 proposed public vehicle park (excluding container vehicle) use at the application premises within Choi Ying Estate for letting the surplus monthly vehicle parking spaces to non-residents;
- (c) departmental comments – the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had no in-principle objection to the proposal from the traffic point of view subject that higher priority should be accorded to the residents of Choi Ying Estate in letting of the parking spaces; only vacant monthly parking spaces should be let to non-residents; the conditions of the use of parking spaces should be regularly reviewed and kept record of to ensure good management in utilizing the public resources and avoid exploiting the residents' right of letting the parking spaces; and an approval condition requiring the proposed number of parking spaces to be let to non-residents should be agreed with the Commissioner for Transport;
- (d) one public comment was received during the statutory publication period. The commenter supported the letting of part of the monthly parking spaces

(30% to 55%) to non-residents so as to fully utilize the resources and increase the financial income. However, it was considered necessary to reserve a certain number of hourly parking spaces. The District Officer/Kwun Tong advised that a Kwun Tong District Council (KTDC) Member suggested that some surplus parking spaces could be converted to motorcycle parking spaces; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 10 of the Paper. The application was to convert the subject carpark at Choi Ying Estate to public vehicle park (excluding container vehicle) by letting the surplus monthly vehicle parking spaces to non-residents. It did not involve new development or redevelopment of the application premises. The applicant indicated that the residents of Choi Ying Estate would be given the priority in the letting of the 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 Ying Estate would not be compromised. As there was no increase in the total number of parking spaces within the estate, the application would not generate additional traffic flow or worsen the environmental conditions in the area. Concerned Government departments, including AC for T/U, TD, had no in-principle objection to the application. Should the Committee decide to approve the application, it was proposed to grant a temporary approval of 3 years so that the vacant parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed. To address a KTDC Member's suggestion on converting some surplus parking spaces to motorcycle parking spaces, AC for T/U, TD had been consulted and advised that the number of such conversion should be agreed with TD.

93. Members had no question on the application.

#### Deliberation Session

94. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years up to 9.4.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

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

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

- (a) a temporary approval of three years was granted so that the vehicle parking spaces could be let to non-residents with flexibility, while the parking demand of the residents could be reviewed regularly; 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 the letting of monthly vehicle parking spaces by the residents.

[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.]

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

## **Agenda Item 12**

### **Any Other Business**

96. There being no other business, the meeting was closed at 1:00 p.m..