

TOWN PLANNING BOARD

Minutes of 418th Meeting of the Metro Planning Committee held at 9:00 a.m. on 7.5.2010

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Raymond Y.M. Chan

Mr. Maurice W.M. Lee

Professor P.P. Ho

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Ms. L.P. Yau

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. H.L. Cheng

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. K.Y. Leung

Vice-Chairman

Mr. Felix W. Fong

Ms. Maggie M.K. Chan

Dr. Winnie S.M. Tang

Prof. C.M. Hui

Prof. Joseph H.W. Lee

Prof. S.C. Wong

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Ms. Karen K.W. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 417th MPC Meeting held on 23.4.2010

[Open Meeting]

1. The Secretary reported that amendment to the draft minutes of the 417th MPC meeting held on 23.4.2010 proposed by Mr. Roger K.H. Luk was received. Mr. Luk suggested replacing “being a Council Member of St. Paul’s College from 2008” by “being a Council Member of St. Paul’s College from 1992” at paragraph 1 of Agenda Item 14 of the draft minutes.

2. The Committee agreed to the proposed amendment and confirmed the minutes of the 417th MPC meeting held on 23.4.2010 subject to the incorporation of the amendment.

Agenda Item 2

Matters Arising

[Closed Meeting]

(i) The minutes of this item were recorded under separate confidential cover.

[Open Meeting]

[Mr. C.W. Tse arrived to join the meeting at this point.]

(ii) New Town Planning Appeals Received

(a) Town Planning Appeal No. 5 of 2010 (5/10)

Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Green Belt” zone, Government Land in D.D. 20,

Ta Tit Yan Village, Tai Po

(Application No. A/TP/435)

3. The Secretary reported that the appeal was received on 7.4.2010 against the Town Planning Board (the Board)’s decision on 22.1.2010 to reject on review an application

for a 'NTEH – Small House' in the "Green Belt" ("GB") zone on the approved Tai Po OZP No. S/TP/21. Due to concerns regarding whether the appeal was submitted in time, the Appeal Board only confirmed acceptance of the appeal on 3.5.2010. The application was rejected by the Board for the following reasons:

- the proposed NTEH (Small House) was not in line with the planning intention of the "GB" zoning for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within this zone. There was no planning justification in the submission for a departure from the planning intention;
- the application site fell partly within the permitted burial grounds for the Ta Tit Yan village;
- the proposed development did not comply with the 'Interim Criteria for Assessing Planning Applications for NTEH/Small Houses Development in the New Territories' as the proposed site for the NTEH/Small House development fell within the upper indirect Water Gathering Grounds (WGGs) and the Small House, if built, would not be able to be connected to existing or planned sewerage system in the area. The applicant could not demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area; and
- the approval of the application would set an undesirable precedent for similar applications within the "GB" zone. The cumulative effect of approving such applications would encourage urban sprawl into the tranquil valley and resulted in adverse traffic impact and a general degradation of the natural environment in the area;

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

(b) Town Planning Appeal No. 6 of 2010 (6/10)

Proposed Minor Relaxation of Building Height Restriction for Permitted Residential Use in “Residential (Group B)” zone, 170C, 170D, 170E and 170F, Boundary Street, Ho Man Tin (KILs 3277 s.C, s.D, s.E and s.F)
Application No. A/K7/92

4. The Secretary reported that a Notice of Appeal dated 23.4.2010 against the Board’s decision on 5.2.2010 in relation to a section 17 review (Application No. A/K7/92) for minor relaxation of building height restriction for permitted residential use in “Residential (Group B)” zone on the approved Ho Man Tin OZP No. S/K7/20 was received. The Appellant sought planning permission for minor relaxation of building height restriction from 80mPD to 89.47mPD for a permitted residential development at the application site. On 5.2.2010, the Board decided on review to relax the building height restriction for 3m (i.e. from 80mPD to 83mPD). The Appellant appealed against the Board’s decision on the following grounds:

- the Board acted ultra vires when making the decision;
- the Board could not/should not arbitrarily/irrationally devise and unilaterally impose on the Appellant a revised development scheme, in particular when there was no evidence showing the practicability or feasibility of the revised development scheme;
- the decision was Wednesbury unreasonable; and
- the Board was procedurally improper when making the decision;

(c) Town Planning Appeal No. 7 of 2010 (7/10)

Shop and Services (Retail Shop) in “Industrial” Zone, Unit 6F(Part), G/F, Leader Industrial Centre, 57-59 Au Pui Wan Street, Fo Tan, Sha Tin
Application No. A/ST/687

5. The Secretary reported that the appeal was received on 29.4.2010 against the Board’s decision on 26.3.2010 to reject on review an application for ‘Shop and Services

(Retail Shop)' use in the "Industrial" zone on the approved Sha Tin OZP No. S/ST/23. The application was rejected by the Board for the following reason:

- the proposed development did not comply with the Town Planning Board Guidelines No. 25D in that no separate means of escape completely separated from the industrial portion was provided for the application premises. The proposed retail shop was unacceptable from fire safety point of view.

6. The Secretary said that the hearing dates of the above appeal cases were yet to be fixed. The Secretariat would represent the Board on all matters relating to the proceedings of the Town Planning Appeal Board in the usual manner.

(iii) Appeal Statistics

7. The Secretary reported that as at 7.5.2010, a total of 26 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as below:

Allowed	:	24
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	137
Yet to be Heard	:	26
<u>Decision Outstanding</u>	:	<u>2</u>
Total	:	300

(iv) Reference Back of Approved OZP

8. The Secretary also reported that on 4.5.2010, the Chief Executive in Council referred the approved Stonecutters Island OZP No. S/SC/8 back to the Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the approved OZP for amendment would be notified in the Gazette on 14.5.2010.

Hong Kong District

[Mr. David C.M. Lam, District Planning Officer/Hong Kong (DPO/HK), and Mr. Ernest C.M. Fung, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H25/1 Application for Amendment to the
Approved Wan Chai North Outline Zoning Plan No. S/H25/2
from “Government, Institution or Community” (“G/IC”)
to “G/IC” sub-zone and to include ‘Hotel’, ‘Eating Place’ and
‘School (other than in free-standing purpose-designed school building
only)’ in Column 1 of the “G/IC” sub-zone,
4 Harbour Road, Wan Chai
(MPC Paper No. Y/H25/1)

Presentation and Question Sessions

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

Mr. David C.M. Lam - District Planning Officer/Hong Kong (DPO/HK), PlanD
Mr. Ernest C.M. Fung - Senior Town Planner/Hong Kong (STP/HK), PlanD

10. The following applicant’s representatives were invited to the meeting at this point:

Mr. Tam Kam Yip, Antonio
Mr. Chan Yu Sum, Sam
Dr. Yick Kar Lim, Lawrence
Mr. Chung Tze Ming, Kan

Mr. M.K. Lee
Mr. Torres Lai
Mr. Lam Siu Wah, Wagner

11. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. Ernest C.M. Fung, to brief Members on the background to the application.

12. With the aid of a Powerpoint presentation, Mr. Ernest C.M. Fung presented the application as detailed in the Paper and made the following main points:

Background

- (a) the proposed rezoning of the application site from “G/IC” to a “G/IC” sub-zone, to include ‘Hotel’ and ‘Eating Place’ in Column 1 of the Notes for “G/IC” sub-zone and to transfer ‘School (other than in free-standing purpose-designed school building only)’ from Column 2 to Column 1 of the Notes for the “G/IC” sub-zone on the Wan Chai North OZP;
- (b) the zoning history of the site as detailed in paragraph 4 of the Paper;
- (c) the applicant submitted building plans proposing minor alteration and addition (A&A) works to 2/F to 4/F mainly for a function room (on 2/F) and guestrooms (on 3/F and 4/F). The building plans were rejected by the Building Authority (BA) on 15.10.2009 for contravention of the approved Wan Chai OZP No. S/H25/2 as there was no provision for ‘Hostel’ use under the Notes for the “G/IC” zone on the approved Wan Chai North OZP;
- (d) under the current Notes for the “G/IC” zone on the approved Wan Chai North OZP No. S/H25/2, ‘Hotel’ and ‘Residential Institution’ were neither Column 1 nor Column 2 use, whereas ‘Restaurant’, ‘Fast Food Shop’ and ‘School (other than free-standing purpose-designed School Building)’ were Column 2 uses that might be permitted with or without conditions on application to the Town Planning Board (the Board);

Departmental Comments

- (e) the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) advised that the proposed 'Hotel', 'Eating Place' and 'School (other than free-standing purpose-designed school building)' uses would have a significant increase in traffic attraction/generation upon redevelopment when compared to the existing situation. Planning application should be made to the Board if the subject site was redeveloped to optimise its full potential for the three proposed uses. It was recommended to include the three proposed uses under Column 2 for the new "G/IC" sub-zone. The Secretary for Education (SED) had no objection to keeping 'School (in free-standing purpose-designed school building only)' use under Column 1 for the "G/IC" zone in general but considered that there should be control over the 'School (other than in free-standing purpose-designed school building only)' use upon redevelopment;

Public comments

- (f) during the statutory publication period, one public comment was received objecting to the application mainly on the ground that the site should be used for educational purpose instead of commercial use; and

The Planning Department (PlanD)'s views

- (g) PlanD did not support the application based on the assessment set out in paragraph 13 of the Paper. The existing development on the subject site was a 24-storey (including basement) hostel cum YMCA Centre building which was completed in 1985. The YMCA Centre occupied 2/F to 4/F with separate access and lobby on G/F. On 24.5.1996, a planning application (No. A/H5/248) for conversion of portion of 2/F, 3/F and 4/F of the subject building from office use to non-profit making commercial school use was approved by the Committee. In the current application, the applicant proposed to rezone the application site from "G/IC" to a "G/IC" sub-zone with 'Hotel', 'Eating Place' and 'School (in free-standing purpose-designed school building only)' uses under Column 1. In the revised Master Schedule of Notes (MSN) for Statutory Plans, 'School' and

‘Eating Place (Canteen, Cooked Food Centre only)’ were Column 1 uses in the “G/IC” zone whereas ‘Hotel’, ‘Residential Institution’ and ‘Eating Place (not elsewhere specified)’ were Column 2 uses. Whilst the hotel, eating place and school uses proposed by the applicant were considered compatible with the surrounding developments in land use planning terms, it was considered not appropriate to permit such uses on the subject site as of right and included them as Column 1 uses for the site, having regard the concerns raised by AC for T/U, TD and SED as set out in paragraph 12(e) above. In this regard, the Board had previously agreed to delete uses with residential nature including ‘Hotel’ and ‘Residential Institution’ from the Notes for the “G/IC” zone in view of the traffic capacity of the Wan Chai North area. As such, it was recommended to designate the site as a specific “G/IC” sub-zone and include ‘Hotel’ and ‘Residential Institution’ in Column 2 of the sub-zone so that development/redevelopment of the site would be put under planning control. For eating facilities and school use, there was already provision to permit such uses, either as of right or by way of planning permission, in the current Notes for the “G/IC” zone.

13. The Chairperson then invited the applicant’s representative to elaborate on their justifications for the application. With the aid of a Powerpoint presentation, Mr. Tam Kam Yip, Antonio made the following main points:

Aim of Application

- (a) the subject application was to request the Board to include the existing uses (‘Hotel’, ‘Eating Place’ and ‘School’) of the building which had been approved, licensed and used for 25 years, into Column 1 use of a proposed new “G/IC” sub-zone;

Justifications of Application

- (b) if the ‘Hotel’ use was not permitted under the OZP, such restriction was conflicting with the use of the existing building and the Conditions of Exchange of the site. The development potential of the site as permitted under the Buildings Ordinance and the Conditions of Exchange of the site could not be realized;

- (c) the present Notes of the OZP would seriously restrict the flexibility for improvement of the existing building which was reflected by the recent disapproval of the A&A plans for the conversion of 2/F to 4/F from office use to a function room and to guestrooms, and for minor upgrading works including the provision of a new canopy and feature portal for the subject building;
- (d) several hotels were located near the subject site and they were covered by the same OZP. 'Hotel' use was therefore compatible with the surrounding developments; and
- (e) the use and scale of the existing hotel building could not be drastically changed due to the reasons that there was little potential for extending the building envelope; the existing site coverage was close to the maximum permitted; and the applicant intended to carry out minor A&A works and re-arrangement of functions only. As such, the subject application would not have adverse impact on the infrastructure, existing traffic and the surrounding environment;

Response to TD's Comments

- (f) unless with redevelopment, it was not possible to significantly extend the existing building envelope. Only relatively minor A&A works and internal remodelling and improvement works could be carried out. Accordingly, there would not be any significant increase in the number of guestrooms and hence traffic generation;
- (g) the proposed increase in the number of guestrooms as shown in the building plans submission would not require the provision of additional parking provisions/loading and unloading facilities in the existing building; and
- (h) adequate parking facilities including coach parking facilities had been provided to meet the operation of the existing hotel, without causing

adverse traffic impact on the area;

Response to SED's Comments

- (i) part of the application site was the subject of a previous s.16 Application No. A/H5/248 for conversion of portion of 2/F-4/F of the existing building from office use to non-profit making commercial school use. The application was approved with condition by the Committee on 24.5.1996; and
- (j) all the courses conducted were for social service related purpose. They were supported by the Social Welfare Department and permitted under the lease conditions;

Response to Public Comment

- (k) the public comment was irrelevant and not valid because the subject lot was granted in exchange for the surrender of the old lot located in Bridges Street. According to the Conditions of Exchange, it should not be used for any purpose other than for the purpose of a hostel and other allied services as might be approved by the Director of Social Welfare. There had been no proposed change to the approved use. The revenue from the operation of the subject development was to subsidize the provision of other social welfare facilities run by YMCA;

Conclusion

- (l) in addition to the subject application, the Board was also invited to consider the option of designating the site as a specific "G/IC" sub-zone with 'Hotel' use under Column 1 and the two other proposed uses under Column 2 of the Notes of the OZP;

14. Members had the following questions:

- (a) the definition of 'Hostel' and 'Hotel' used in the statutory plans;
- (b) the current zoning for two similar international houses i.e. BP International

House at Austin Road, Tsim Sha Tsui which was operated by Scout Association of Hong Kong, and the Anne Black, YWCA Hotel at Waterloo Road, Ho Man Tin operated by YWCA; and

- (c) what would be the views of PlanD if the applicant proposed to include the 'Hotel' and 'Residential Institution' to Column 2 use of the Notes for "G/IC" zone.

15. In response to Members' questions in paragraphs 14(a) to (c) above, Mr. David C.M. Lam, DPO/HK, made the following main points:

- (a) according to the Definitions of Terms/Broad Use Terms used in statutory plans endorsed by the Town Planning Board, 'Hostel' was subsumed under 'Residential Institution', which meant any institution established within a building which was wholly owned and managed or operated by a body or organization and which provided residential accommodation for persons who met the eligibility criteria as prescribed by the body or organization. The term, 'Hotel', was adapted from the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) which meant any premises whose owner, occupier or proprietor held out that, to the extent of his available accommodation, he would provide sleeping accommodation for any person presenting himself who appeared able and willing to pay a reasonable sum for the services and facilities provided and was in a fit state to be received. According to the lease condition, the application site could only be used as a hostel with other allied services as might be approved by the Director of Social Welfare;
- (b) both international houses were zoned "G/IC" on their respective OZPs; and
- (c) as the application site had been used for hostel purpose, it was considered agreeable to designate the site as a specific "G/IC" sub-zone and add 'Hotel' and 'Residential Institution' under Column 2 of the Notes for proper planning control.

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

16. In response to a question from the Chairperson, Mr. Tam Kam Yip, Antonio responded that the building plans submission only involved converting 2/F into a function room and converting 3/F and 4/F into 34 guestrooms, including 8 rooms specially designed for disabled persons. There were a total of 320 rooms in the existing building. The proposed conversion of 2/F to 4/F would not result in additional GFA, nor would it exceed the existing building envelope.

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

Deliberation Session

18. Drawing a distinction between alteration and addition works and redevelopment, the Chairperson asked if the proposed conversion of 3/F and 4/F of the building for additional 34 guestrooms would have significant traffic implications. In response, Mr. H.L. Cheng said that the proposed redeveloping the building for 'Hotel', 'Eating Place' and 'School (other than free-standing purpose-designed school building)' uses might have a significant traffic impact. Hence, it was considered not appropriate to permit such uses on the subject site as of right i.e. including these uses in the Column 1 of the Notes. However, TD would not have objection to minor alteration works like the conversion of 3/F and 4/F to guestrooms within the existing building.

19. A Member said that in view of the existing tourist facilities in the vicinity of the site, including the Hong Kong Convention & Exhibition Centre, the Hong Kong Academy for Performing Arts and Hong Kong Arts Centre, the subject site might be suitable for 'Hotel' use to serve the tourists in the area.

20. In response to a question raised by a Member, the Secretary elaborated the

planning context of the application site. She pointed out that since 1968, the site had been zoned “G/IC” of the OZP. In 1985, the 24-storey hostel cum YMCA Centre building was built on the site. According to the Notes for “G/IC” zone of the then OZP, ‘Residential Institution’ use was a Column 1 use whereas ‘Hotel’ was a Column 2 use. In 1996, a planning application for conversion of portion of 2/F to 4/F from office use to non-profit making commercial school use was approved by the Committee. In 2002, the site was incorporated in the draft Wan Chai North OZP No. S/H25/1 and continued to be zoned “G/IC” under which the ‘Hotel’ and ‘Residential Institution’ were included in Column 2 which required planning permission from the Board. In 2008, when the draft Wan Chai North OZP was exhibited for public inspection, objections to the OZP regarding the traffic capacity of the area were received. As a result, the Notes for the “G/IC” zone were subsequently amended to meet/partially meet the objections, in which uses of residential nature including ‘Government Staff Quarters’ use under Column 1 and ‘Flat’, ‘Hotel’, ‘House’, ‘Residential Institution’ and ‘Staff Quarters’ uses under Column 2 were deleted from the Notes for the “G/IC” zone.

21. The Secretary further explained that according to the Town Planning Board Guidelines No. 24C (TPB-PG No. 24C) for ‘Interpretation of Existing Use in the Urban and New Town Areas’, the use of any land or building which was in existence at the time when a new statutory plan or a new land use zoning restriction affecting the land or building came into effect would be regarded as the “existing use”. However, if the use came into existence when a statutory plan was in force, it had to be a use permitted under the statutory plan. The Board would allow a land owner to continue the use of his building not only for the actual use (hostel use in this case) in existence at the time when the new land use zoning restriction was imposed but also for the use designated on the building plans or the OP of the building approved/issued under the BO, or any subsequent change of use approved under section 25 of the BO, provided that such use should be a use permitted under the prevailing statutory plan, if any, when the building use was approved under the BO. The right to an existing use of land or building would be forfeited upon a change of use of the land, or a change of use of the building outside the scope approved under the BO, or when the building was redeveloped. Any change of use and any other development or redevelopment of the land or building should conform to the extant statutory plan. Nonetheless, the Board would allow the carrying out of minor alteration works including maintenance works to the building, provided that such works did not constitute a change of use or gave rise to any planning

implication.

22. A Member opined that “G/IC” sites should be used to provide G/IC facilities to meet the needs of the community. The proposal of including ‘Hotel’ and ‘Residential Institution’ into Column 2 of the Notes for the “G/IC” zone would defeat such purpose and should not be supported.

23. A Member said that ‘Hotel’ and ‘Eating Place’ should not be allowed as always permitted use in a “G/IC” zone as this would totally defeat the planning intention of the zone, which should be for the provision of G/IC facilities. Allowing the subject application would set an undesirable precedent for similar applications. Hence, the subject application could not be supported.

24. In response to a Member’s query, the Secretary explained that according to the Covering Notes of the OZP, no action was required to make the existing use of any building conform to the provision of the OZP until there was a change of use or the building was redeveloped. Minor alteration works of existing buildings were always permitted under the Covering Notes of the OZP. For the subject application, the key question was whether proposed conversion of 2/F to 4/F of the subject building from office to guestrooms would constitute a ‘change of use’ or a minor alteration or addition work to the main use.

25. Another Member noted that redevelopment of the subject building for hotel use might have adverse traffic impact on the area. However, this Member opined that there should be provision under the Notes of the relevant “G/IC” zone on the OZP to allow major A&A works of the existing building.

26. Another Member also pointed out that the subject lot was granted to the operator for ‘Hostel’ use. If ‘Hotel’ or ‘Residential Institution’ was included in Column 1 use of the Notes for “G/IC” zone, the operator might change the G/IC use to other commercial use as of right. This would totally defeat the planning intention of the “G/IC” zone, which should be for the provision of G/IC facilities. It might also set an undesirable precedent for similar applications.

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

27. The Chairperson concluded that Members did not support the subject application as putting 'Hotel' use under Column 1 of the Notes for the "G/IC" zone and allowing hotel development as of right would have adverse traffic impact on the area. However, in order to allow for building improvement works to be undertaken within the existing building on the site and to be consistent with the Notes of other "G/IC" zones, Members considered agreeable to designate the site as a specific "G/IC" sub-zone and add 'Hotel' and 'Residential Institution' under Column 2 of the Notes for proper planning control over development/redevelopment.

28. In summary, the Chairperson said that the majority views of the Members were that the application could not be supported. Members then went through the reason for rejecting the application as stated in paragraph 14.1 of the Paper and agreed that it was appropriate.

29. After further deliberation, the Committee decided not to agree to the application for amendment and the reason was that for proper planning control over development/redevelopment of the subject site, particularly in terms of traffic impact, it would not be appropriate to permit 'Hotel', 'Eating Place' and 'School (other than in free-standing purpose-designed school building only)' uses as of right as proposed in the application.

[Ms. Julia M.K. Lau arrived to join the meeting at this point.]

Hong Kong District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H4/4 Application for Amendment to the Approved Central
Outline Zoning Plan No. S/H4/12 from “Other Specified Uses” annotated
“Bus Terminus, Open Space and Commercial Development” to
“Other Specified Uses” annotated “Historical Building Preserved for
Cultural, Community and Commercial Uses”,
Central Market, Des Voeux Road Central, Central
(MPC Paper No. Y/H4/4)

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

Mr. David C.M. Lam - District Planning Officer/Hong Kong (DPO/HK), PlanD
Mr. Ernest C.M. Fung - Senior Town Planner/Hong Kong (STP/HK), PlanD

31. The following applicants’ representatives were also invited to the meeting at this point :

Mr. Ian Brownlee
Mr. John Batten
Mr. Dick Groves
Ms. Katty Law
Mr. Paul Zimmerman
Ms. Cynthia Lee
Ms. Margaret Brooke
Ms. Helen Lung

32. The Chairperson extended a welcome to all attending the meeting.

33. The Secretary said that the application site was occupied by the Central Market. The Urban Renewal Authority (URA) was tasked to conserve and revitalise the Central Market. The URA had also submitted a public comment raising objection to the application. In this respect, the following Members had declared their interests in this item :

Mrs. Ava S.Y. Ng as the Director of Planning	-	being the non-executive director of the URA;
Mr. Maurice W.M. Lee	-	being a former non-executive director of the URA with the term of office ended on 30.11.2008;
Mr. Raymond Y.M. Chan	}	being Members of the Home Purchase Allowance (HPA) Appeals Committee;
Ms. Maggie M.K. Chan	}	
Ms. Olga Lam as the Assistant Director of the Lands Department	-	being an assistant to the Director of Lands who was a non-executive director of the URA; and
Mr. Andrew Tsang as the Assistant Director of the Home Affairs Department	-	being an assistant to the Director of Home Affairs who was a non-executive director of the URA.

34. The Committee noted that Mr. Andrew Tsang and Ms. Maggie M.K. Chan had tendered apologies for being unable to attend the meeting. As Mr. Maurice W.M. Lee was no longer a non-executive director of the URA and the HPA Appeals Committee was not appointed by or under the URA, the Committee considered that the interests of Mr. Maurice W.M. Lee and Mr. Raymond Y.M. Chan respectively were indirect and they could be allowed to stay at the meeting. The Committee noted that Mr. Lee and Mr. Chan had not yet arrived at the meeting. The interests of the other Members were considered direct and they should leave the meeting temporarily for the item. The Secretary said that although the Chairperson should withdraw from the meeting, the Vice-chairman had tendered an apology for being unable to attend the meeting. As such, the Chairperson should continue to chair the meeting out of necessity according to the Town Planning Board's Procedure and Practice.

35. Professor P.P. Ho asked if he needed to declare an interest in this item as he was the Director of the Centre for Architectural Heritage Research of the Chinese University of Hong Kong, which had been invited to undertake a conservation study of the Central Market. The appointment, however, had not yet been made. The Secretary said that Professor Ho's

interest was related to a potential business dealing in relation to the application site. His interest was considered direct and he should withdraw from the meeting for this item. Members agreed.

36. Noting that the Central Market was given a Grade III historic building status by the Antiquities Advisory Board (AAB), Mr. Laurence L.J. Li declared his interest in this item as he was a Member of the AAB. Moreover, he was acquainted with some of the applicants' representatives attending the meeting and had worked with them. However, he did not involve in any pecuniary interest nor had any special close association with them. The Committee considered that Mr. Li's interests were not direct and he could stay at the meeting.

[Professor P.P. Ho and Ms. Olga Lam left the meeting temporarily at this point.]

37. Mr. Paul Zimmerman raised concern that the Chairperson, being the non-executive director of the URA, would continue to chair the meeting for this item after declaring interest. The Chairperson explained that normally she would withdraw from the meeting and the Vice-chairman would chair the meeting in her place. However, the Vice-chairman was unable to attend the meeting. According to the Town Planning Board's Procedure and Practice, if the matter under consideration was subject to statutory time limit, then as a matter of necessity, the Chairperson should continue to assume the chairmanship. The Chairperson sought the views of the applicants' representatives on this arrangement if they considered perceived and real conflict of interests would arise. After discussion amongst the applicants' representatives, Mr. John Batten said that the applicants' representatives believed that the Chairperson would be impartial in chairing the meeting and hence agreed that the Committee should proceed to consider the application at this meeting under the chairmanship of the Chairperson.

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

Presentation and Question Sessions

38. The Chairperson explained the procedures of the hearing and invited PlanD's representative to brief Members on the background to the application. With the aid of a

Powerpoint presentation, Mr. Ernest C.M. Fung did so as detailed in the Paper and made the following main points:

The Application

- (a) the application was submitted by eight non-government organisations and community groups proposing to rezone the Central Market from “Other Specified Uses” annotated “Bus Terminus, Open Space and Commercial Development” (“OU(BTOSCD)”) to “Other Specified Uses” annotated “Historical Building Preserved for Cultural, Community and Commercial Uses” (“OU(HBPCCCU)”) on the approved Central District Outline Zoning Plan (OZP) No. S/H4/12 with the planning intention to facilitate the in-situ preservation of the Central Market for cultural, community and commercial uses for the enjoyment of the public and tourists;

- (b) as detailed in Table 1 of Appendix Ia of the Paper, the applicants had proposed a new set of Notes for the “OU(HBPCCCU)” zone. Under the proposed set of Notes, ‘Market’ use was put under Column 1 which was permitted as of right and various commercial/retail, art/cultural and Government uses were put under Column 2 which required planning permission from the Town Planning Board (the Board). It was also proposed to stipulate in the Remarks of the proposed set of Notes that any demolition of, or addition, alteration and/or modification to the existing building would require planning permission from the Board; no new building, or alteration and addition to the existing building should exceed the height of the existing building with the provision of a minor relaxation clause on this height restriction; and any application made in relation to the above should be accompanied by a Conservation Management Plan (CMP) which explained both the proposed uses and/or the proposed changes to be made to the building;

- (c) the applicants had not submitted any indicative development proposal in support of the application whereas the applicants’ justifications were summarised in paragraph 2 of the Paper;

Background

- (d) the 4-storey Central Market was built in 1939 and given a Grade III historic building status by the AAB in September 1990. It was now largely vacant;
- (e) according to the 2009-10 Policy Address, the Chief Executive announced his vision for a greener and more vibrant Hong Kong under the concept of “Progressive Development” in which a series of innovative projects that would help to reinvigorate the legend of Central were proposed. Being one of the revitalization projects, the Central Market would be removed from the Application List and handed over to the URA for conservation and revitalisation. The revitalized Central Market would become an “urban oasis” for white collar workers in the daytime and a new hang-out area for locals and tourists in the evenings and during the weekends;

Comments of the Relevant Government Bureaux and Departments

- (f) the comments of the relevant Government bureaux and departments were summarised in paragraph 9 of the Paper. The major comments were highlighted as follows :
- the Commissioner for Heritage, Development Bureau (C for H, DEVB) advised that with ‘Market’ being the only use always permitted by the Board, the purpose of revitalizing the Central Market for cultural, community and commercial uses might not be satisfactorily realized. Moreover, restricting the building height to that of the existing building might not be practical from technical point of view. In order to comply with the current statutory requirements, some addition/alteration works exceeding the existing height would be inevitable;
 - the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) advised that any proposed adaptive re-use of the Central Market which was compatible with and respectful of its heritage significance was always welcomed. In practice,

conservation guidelines which normally included the assessment of the significance of the site and the policies/guidelines that were needed to retain that significance should be prepared as the first step. The CMP would then follow to devise the management strategies, options appraisals, work plans, etc. based on the conservation guidelines. It normally involved detailed alteration proposal and treatment of individual character defining elements/features (e.g. the method statement and types of materials to be used) which could only emerge at a more advanced stage after the land use and general layout of the site were confirmed. Therefore, the CMP should be in place at the implementation stage to regulate the possible future changes and related works. At the planning stage, a set of conservation guidelines to provide a basic framework for the conservation of the building should suffice. The conservation guidelines for the Central Market were now under preparation by the AMO. From practical point of view, the proposed imposition of height restriction might not be pragmatic, considering that the improvement works for compliance with the current statutory requirements and installation of building services would be inevitable in a revitalization project and they would usually involve alteration/addition to the building exceeding its existing height; and

- the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD advised that the proposed requirement of planning approval on any addition, alteration and/or modification to the existing building might impose stringent control over the minor works. The level of control to be applied should commensurate with the heritage value of the building and the nature of the building works;

Public Comments and Local Views

- (g) during the statutory publication period of the application, a total of 25 public comments were received, with 14 supporting (11 of which were in the form of a standard letter, including six providing additional comments), three objecting to and eight providing comments on the application. The

major public comments were summarised in paragraph 10.3 of the Paper and highlighted below :

- for the supporting comments submitted by members of the public and Green Sense, the major grounds were that :
 - (i) the Central Market was a listed heritage building located at a site of great historic significance which must be treated with respect and sensitivity;
 - (ii) the current zoning was not appropriate;
 - (iii) a transparent and systematic heritage protection process must be adopted prior to altering any in-situ architectural features or allowing any new additions at the site;
 - (iv) there should be strict adherence to the relevant International Charters on heritage conservation;
 - (v) the existing height should be retained and no new tall structures should be permitted;
 - (vi) the Central Market was a market and should continue to be a market serving the local residents and visitors;
 - (vii) the Central Market should remain as something truly symbolic of Hong Kong transforming from a fishing village to a “World City”;
 - (viii) the URA had a poor record in managing sensitive urban developments and heritage conservation projects and owed little allegiance to the idea of fostering creative development; and
 - (ix) the current design proposals by the URA should be rejected and qualified heritage architects and historical building specialists should be appointed to carry out the restoration works to the Central Market;

- for the objecting comment submitted by the URA, its Central Oasis Community Advisory Committee stated that the proposed zoning for the Central Market was acceptable as it reflected the intention to revitalize the Central Market for public use. However, there was great concern on the proposed Notes and Remarks of the proposed

zone. The proposal to require all uses, except 'Market' use, to obtain the Board's approval defeated the objective of the broad land use zoning of "OU". It would significantly restrict the flexibility in the revitalization initiative which was expected to be delivered efficiently and effectively. This was particularly relevant in the context of fast changing aspirations of the community;

- for the objecting comments submitted by a property owner and a member of the public, the major grounds were that :
 - (i) the proposed land use and restrictions could not help transforming the Central District into a greener area;
 - (ii) the original Central Market had been rebuilt to the present warehouse like building. There was not much collective memory left as the Central Market had been closed for seven years; and
 - (iii) the building had nothing worthy to be preserved having taken into account the huge opportunity cost from the land sale and redevelopment benefits;

- the major comments submitted by the Central and Western District Council (C&WDC) members were that :
 - (i) the planned uses of the site should include cultural, historical, open space, greenery and recreational facilities which were in line with the current needs of the locals;
 - (ii) all historical features (both inside and outside) of the building should be preserved to keep its original character;
 - (iii) the deletion of 'Bus Terminus' use from the site was supported as the Central Market was now proposed to be fully preserved;
 - (iv) it was entirely appropriate to designate the historic building for cultural, community and commercial uses upon revitalization;
 - (v) the name "Central Oasis" as proposed by the URA sounded incompatible with the Central Market and it was suggested to retain the name "Central Market";
 - (vi) the revitalization project should be implemented as soon as

possible;

(vii) consideration could be given to introduce more commercial establishments at the Central Market to enable people to trade goods at low prices. The proposed cultural uses must respect the historical background of the Central Market with an exhibition gallery or facilities introducing the development of street market in Hong Kong. Community halls or premises suitable for the general public could also be provided at the site; and

(viii) the Central Market was a heritage of the people and must be entirely used by the citizens; and

- the other public comments mainly included concerns on improving the existing elevated pedestrian network around the Central Market; suggestions on how to preserve the market; comments on the preliminary images of the “after-renovation” look of the Central Market; the Central Market should not be used for commercially-centred activities nor turned into a shopping mall; and it was necessary to preserve this unique space to promote visual or performing arts culture in Hong Kong;

(h) the District Officer (Central and Western) advised that the diverse views expressed by members of the public during the statutory publication period should be taken into account in considering the application. In addition, the C&WDC members were briefed on the progress of the Central Market Revitalization Project on 7.1.2010. The following views expressed by individual members were relevant to the subject application :

- to revitalize the former Police Married Quarters on Hollywood Road, the former Central Police Station Compound and the Central Market as a whole;
- to gauge community views through public engagement exercises;
- to implement revitalization works in phases to minimize the possible nuisance caused to the public; and

- to identify suitable businesses for the future market; and

PlanD's views

(i) PlanD did not support the application based on the assessments in paragraph 11 of the Paper which were summarised as follows :

- it was agreed that an appropriate zoning with a separate set of Notes for the Central Market was needed to better reflect the latest planning intention of the site and to facilitate the revitalization of the building. However, under the "OU(HBPCCCU)" zoning proposed by the applicants, except 'Market' use which was permitted as of right, all cultural, community and commercial uses were put under Column 2 and required planning permission from the Board. This would give a wrong impression that 'Market' was the only acceptable use under the proposed zoning whereas the latest planning intention was to preserve the Central Market for cultural, community and commercial uses for the enjoyment of the public and tourists. C for H also considered that with 'Market' being the only use always permitted, the purpose of revitalizing the Central Market for the said uses might not be satisfactorily realized;
- it would not be appropriate to require the submission of a CMP to the Board for approval at section 16 planning application stage given the level of details for a CMP. As advised by AMO, a CMP would involve detailed alteration proposal and treatment of individual character defining elements/features which could only be worked out at a more advanced stage after the land use and general layout of the site were confirmed. These were matters under the prerogative of the AMO and were usually developed by the project proponent at the implementation stage after obtaining planning approval. AMO had also categorically advised that the CMP should be in place at the implementation stage to regulate the possible future changes and related works. At the planning stage, a set of conservation guidelines to provide a basic framework for the conservation of the building and to guide the preparation of the CMP at implementation stage would be sufficient. The conservation

guidelines for the Central Market were now under preparation by AMO;

- the applicants quoted two applications (No. A/H10/81 and A/H11/75) in paragraph 4.2 of Appendix Ia of the Paper. Application No. A/H10/81 was related to minor relaxation of site coverage restriction for a residential development whilst preserving a Grade III building known as 'Jessville' on a "Residential (Group C)" site. Application No. A/H11/75 and its subsequent amendment application No. A/H11/92 were related to a proposed place of recreation, sports or culture development at the former Explosive Magazine site at Justice Drive which fell within the "Government, Institution or Community", "Open Space" and "Green Belt" zones and an area shown as 'Road', and involved three Grade I buildings and a building awarded with Grade II status in 2010. Applications No. A/H10/81 and A/H11/75 were approved by the Committee on 5.6.2009 and 11.10.2002 respectively and one of the conditions imposed under both applications was relating to the submission and implementation of a conservation plan for the conservation of the historic building(s). It should be noted that CMP had not been submitted for the proposed development at the planning application stage in the quoted cases and this was consistent with the practice mentioned above;
- the applicants' proposed requirement for planning permission for any addition, alteration and/or modification to the existing building would effectively mean that all the alteration works, be it major or minor, would require the Board's approval. This would impose undue stringent control over minor works for the adaptive re-use of the Central Market. It was considered that the level of planning control should be carefully worked out in order to strike a balance between control and flexibility. The latter was also important in helping to realize the revitalization of the Central Market for the enjoyment of the public;
- restricting the height limit to the same level as the existing building might not be practical due to the need to comply with the current

statutory requirements such as for means for escape, fire service installations and barrier-free access installations, which would exceed the height of the existing building. The level of control to be applied should commensurate with the heritage value of the building and the nature of the building works;

- although the proposed zoning restrictions and planning control mechanism put forward by the applicants might not be appropriate, PlanD agreed that the present zoning for the site was no longer appropriate and would propose suitable amendments to the zoning and related restrictions for the consideration of the Committee in due course; and

- with regard to the public comments received on the application, the supporting comments were mainly on the grounds that the existing zoning was not appropriate to reflect the current planning intention for the site and the need for a transparent and systematic heritage protection process to monitor the URA to manage the project. These issues had been addressed in the above assessments. The objection from the URA expressed concern about the proposed amendments which might be too stringent and would have significant constraints on the revitalization initiative. For the other public comments raising matters of concern such as the implementation programme, pedestrian connectivity of the site, possible uses and the design of the renovated building, subject to the Committee's views, they could be relayed to the URA for consideration.

39. The Chairperson said that the applicants' representatives had tabled supplementary information in support of the application at the meeting for Members' consideration. She then invited the applicants' representatives to elaborate on the application.

40. Mr. Ian Brownlee then made the following main points :

- (a) this was an application for the public interest;
- (b) the historic building appraisal of the Central Market undertaken by the AMO was at Appendix 1 of the Planning Statement at Appendix Ia of the Paper. The appraisal set out the historical and architectural merits of the Central Market. The market was considered as an excellent example of the International Modern Style founded by Walter Gropius of the Bauhaus School of Architecture in Dessau, Germany and was quoted as one of the two remaining markets of this style in Hong Kong. The appraisal also indicated that any adaptive re-use of the Central Market must take account of the trabeated structure, an important feature of this type of architecture which allowed a “free plan” and a “free façade”. Only retaining the façade but not the structure of the building was not acceptable from a conservation view point;
- (c) one dominant feature of the Bauhaus architectural style was that ‘form followed function’, which meant that the design of the building and its components were guided by the function to be performed; and
- (d) Wan Chai Market, which was also mentioned in AMO’s appraisal, had been largely demolished. The Central Market was now the remaining market of its kind in Hong Kong.

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

41. Ms. Katty Law made the following main points :

- (a) the Central and Western Concern Group made a submission to the AAB last year requesting to upgrade the Central Market to a Grade I historic building. The Central Market was important because it was the only remaining Bauhaus style market in Hong Kong and was well preserved;
- (b) a site visit to the Central Market was undertaken in October 2009. Three of them who visited the Central Market were the professors of the School

of Architecture in the Chinese University of Hong Kong, namely Professors Vito Bertin, Gu Daqing and Woo Pui Leng, who studied Modernist architecture and wrote the article “Inside of the Box – Interior of the Central Market” which was tabled at the meeting;

- (c) as revealed in the site visit, the Central Market which had been built some 70 years ago was well preserved. The exterior façade design of the Central Market was simple but aesthetically pleasing. The Central Market was also well designed to perform its functions. This was reflected in the window design and provision of an atrium to enhance ventilation and natural lighting. As shown in Photo 4 on P.1 of the article “Inside of the Box – Interior of the Central Market”, the market stalls had four curved corners and such curvilinear form was a prominent feature of the building. Various photos on P.2 and P.3 of the article showing the atrium, the main staircases for two separate directions, the handrail of staircase, the different kinds of market stall, etc. were also shown to Members. The curvilinear form of the handrail of the staircases was beautiful. The projecting thin concrete shelves of the market stalls inside the building also showed the remarkable craftsmanship in concrete construction. The detailed architectural features were considered an important part of the historic building and should be preserved; and

- (d) the prime concern of the applicants was that there should be sufficient control to preserve the detailed architectural features of the building so that they would not be destroyed in the process of revitalising the Central Market. At present, the Central Market was covered up by large green plastic sheets, which were fixed onto the market’s exterior walls by many screws. Such act had destroyed the exterior walls of the market, and yet could not be stopped by the AMO. Although the AMO was now preparing the Conservation Guidelines for the Central Market, it was understood that the URA would not have to comply with such Guidelines as they had no statutory effect. Another example was the URA’s project at Graham Street. Although the URA had conducted a heritage assessment for the project, the public could not have access to this heritage

assessment as the URA was not required to make the assessment available for public inspection. There was concern that this would also happen to the Central Market. In light of the above, it was hoped that there could be statutory control over the process of conserving and revitalising the Central Market.

42. Mr. John Batten made the following main points :

- (a) as shown on the images prepared by the URA, the Central Market after revitalisation would look like a shopping mall. To provide a weather protection environment within the building, the URA proposed to roof over the existing atrium of the market which was originally designed to enhance natural lighting and ventilation within the market;
- (b) there was a vibrant community of art galleries and historic buildings (e.g. the Central Police Station Compound and the former Police Married Quarters) in the vicinity of the Central Market. However, Hong Kong had failed to provide appropriate art and cultural facilities in Central. The former Police Married Quarters on Hollywood Road was under the control of the DEVB whereas the Central Market was handed over to the URA. However, both the work of DEVB and URA was not related to art and culture; and
- (c) the subject application was to ask the Board to exercise proper control on the future use of the Central Market. The original use of the Central Market was a market. If the Central Market was proposed for other uses such as museum or shops, planning approval from the Board should be required. There was no other channel, except the Board, which had the power to oversee such change of the use at the Central Market.

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

43. Mr. Dick Groves made the following main points :

- (a) it was fully agreed that the Central Market should be preserved. However, it was also considered that after preservation, the Central Market could be used for other purposes such as retail, Government and museum uses, and become a landmark in Hong Kong. Some similar examples included Faneuil Hall at Boston, Victoria Market at Melbourne, Lau Pasat in Singapore, Bibendum and Boroughs Market at London, and Central Market at Florence. The Faneuil Hall at Boston was a building of over 400 years old and had been converted for retail, food and beverage uses. In Victoria Market at Melbourne, there were hundred street hawkers gathering together, providing a great shopping area for both local residents and visitors;

- (b) to create a landmark project, it was important that the form should follow the function and the software (i.e. stores) should dictate the hardware (i.e. building). These meant that the function needed to be delivered by the building through the design; and

- (c) to achieve the above, it was essential to undertake the following process which involved the setting of the vision i.e. what the Central Market should become; the setting of objectives by defining the problems that needed to be solved; the formulation of concept alternatives (and reduction of the list of alternatives through the process of elimination); the use of benchmarks; the selection of anchor uses; the formulation of the commercial concept and planning brief; the selection of the right architect; the undertaking of planning and feasibility analysis; and finally the design and development of the project.

44. Mr. Ian Brownlee made the following main points :

- (a) it was noted that there was no objection to the removal of the existing “OU(BTOSCD)” zone for the site. If the existing zoning was to be removed, the applicants had proposed to rezone the site to “OU(HBPCCCU)”, which seemed to be acceptable to everyone, including the URA, as evident from the letter dated 11.3.2010 from the Secretary of

the Central Oasis Community Advisory Committee of the URA. The C&WDC members also requested the preservation of all the historical features (both inside and outside) of the Central Market and suggested to retain the original name of “Central Market”;

- (b) the URA and C for H had raised the following three concerns which were all related to the proposed Notes for the “OU(HBPCCCU)” zone:

Permitted Uses

- (c) the first concern was related to the applicants’ proposal of permitting only ‘Market’ use as of right under Column 1 of the proposed Notes for the “OU(HBPCCCU)” zone and putting all other uses under Column 2 which required planning permission from the Board;
- (d) given the original design and use of the Central Market was for a market, putting ‘Market’ use under Column 1 would allow the continuation of the market use which had been in place for about 70 years;
- (e) the other uses, however, were not part of the original design and use of the Central Market. Hence, the introduction of such uses to the market had to be carefully considered. Except the Board, there was no other body which had the statutory power to oversee this process of change of use. It was therefore considered vital for the Board to consider and approve those Column 2 uses and for the public to be provided with a formal right of comment. This was a standard practice adopted by the Board in exercising planning control on sensitive sites like those zoned “Comprehensive Development Area” on the OZP;
- (f) the proposed Notes for the “OU(HBPCCCU)” zone did not unreasonably restrict the flexibility of the use of the Central Market. It only required careful consideration of the Column 2 uses by the Board through the section 16 planning application system;

Height Control

- (g) the second concern was related to the applicants' proposal of imposing a height restriction on the site equal to the height of the existing building with the provision of a minor relaxation clause on the height restriction. The Board had adopted a similar approach for other sites e.g. government, institution or community (GIC) sites which performed the function as a breathing space. It was also particularly relevant for the subject site as the roof and the roof features were an important part of the architectural design of the Central Market and needed to be respected. While the atrium of the Central Market was designed to enhance ventilation and natural lighting, the URA had proposed to roof over the atrium in order to provide air conditioning inside the building. This was contradictory to the original design of the Central Market as a sustainable building;

- (h) the height limit was not objected to by the URA, but only by the C for H and AMO due to the need to comply with the current statutory requirements such as means of escape, fire service installations, etc. The proposed Notes for the "OU(HBPCCCU)" zone had included a minor relaxation clause, which could allow the Board to consider such applications when it was necessary to make such provisions to meet the current statutory requirements. In light of the above, it was considered that the imposition of height restriction relating to the existing height was both reasonable and necessary;

Conservation Management Plan

- (i) the third concern was related to the applicants' original proposal of requiring the submission of a CMP at section 16 planning application stage. In light of the AMO's comments as stated in paragraph 9.1.3(b) of the Paper, a revised Notes for the proposed "OU(HBPCCCU)" zone was tabled at the meeting, which replaced the requirement for a CMP with the requirement for a less stringent heritage assessment; and

Conclusion

- (j) the subject application was made to facilitate the process of revitalising the Central Market building in a careful way. An early change to the existing

zoning was necessary and the subject application provided a good basis for the Board to take it forward.

45. In response to the Chairperson's questions, Mr. David C.M. Lam said that according to the AAB's guidelines, Grade III historic buildings were buildings of some merits; preservation in some form would be desirable and alternative means could be considered if preservation was not practicable. In general, the zoning designation of historic buildings on statutory plans would depend on various factors such as the land use and planning intention of the site as well as its heritage value accorded by the AAB. For example, some Grade III historic buildings such as temples and reservoir structures were zoned "Government, Institution or Community" on statutory plans. Except for some very special circumstances, Grade III or non-graded historic buildings would not be zoned as "OU" annotated for the preservation of the historic building(s). The special cases were :

- (a) a garage building at 60 Repulse Bay Road was not a graded historic building. However, it was the land owner's initiative to preserve the garage building, which was the historical remains of the original Repulse Bay Hotel completed in the 1920s, and to revitalize it for restaurant purpose with associated retail uses. This land owner submitted a rezoning request to rezone the site to "OU(Historical Building Preserved for Restaurant and Retail Uses)" on the Shouson Hill & Repulse Bay OZP, and the rezoning request was approved by the Committee on 25.1.2002;
- (b) the buildings at 2-8 Hing Wan Street, Wan Chai were zoned as "OU(Open Space and Historical Buildings Preserved for Cultural, Community and Commercial Uses)" on the URA Stone Nullah Lane/Hing Wan Street/King Sing Street Development Scheme Plan (DSP). The buildings at 2-8 Hing Wan Street were originally Grade II historic buildings. Subsequently, the grading of the buildings was reassessed and the buildings were given a Grade III status by the AAB in January 2010; and
- (c) the Murray House at Stanley was zoned "OU(Historical Building Preserved for Cultural, Community and Commercial Uses)" on the Stanley OZP. The Murray House was originally a Grade I historic building, but

its grading was subsequently reassessed and it now had no grading.

46. In response to a Member's question, Mr. David C.M. Lam said that the Blue House comprised four blocks of Grade I historic buildings at 72-74A Stone Nullah Lane, Wan Chai. The site fell within the same URA Development Scheme and the same "OU(Open Space and Historical Buildings Preserved for Cultural, Community and Commercial Uses)" zone as that of the Grade III historic buildings at 2-8 Hing Wan Street.

47. A Member noted that the applicants' representatives had proposed to require the submission of a heritage assessment, instead of a CMP, at section 16 planning application stage. In relation to this, this Member asked if there were some sort of guidelines or criteria for the Board to consider the acceptability of the heritage assessment. In response, Mr. David C.M. Lam said that the revised Notes for the proposed "OU(HBPCCCU)" zone incorporating with the above requirement was just tabled by the applicants' representatives at the meeting. AMO's comments had to be sought before detailed comments could be made on the proposed heritage assessment. Notwithstanding the above, he advised that heritage assessment was not a common requirement in the Notes for "OU" zones annotated for the preservation of the historic building(s). Mr. Ian Brownlee said that the heritage assessment could be considered by the Board in relation to the Conservation Guidelines which were being prepared by the AMO for the Central Market. The Conservation Guidelines could be stipulated in the Explanatory Statement of the OZP. If the Committee agreed to the subject application, it could request PlanD in consultation with AMO and other concerned departments to work out the proposed amendments for the site in details for the Committee's consideration. There were also international standards and conventions which set out the commonly adopted approaches and methodologies for conducting a heritage assessment. Mr. Paul Zimmerman added that it was a common practice for the concerned Government departments to provide comments on the technical assessments of an application. For instance, the transport authority would comment on a traffic impact assessment. Similarly, a heritage assessment could be commented on by the antiquities authority.

48. A Member said that there were several issues related to the Central Market that needed to be addressed. Firstly, the pavement surrounding the site was narrow and hence pedestrians always had to walk outside the pavement onto the road. Secondly, there was little greening in the area, especially at the street level. Thirdly, the Central Market had no

escalators. As such, pedestrians had to use the staircases to go up to the first floor of the market in order to use the elevated pedestrian network. Mr. Paul Zimmerman said that if the Committee agreed to this application, the Board would then be empowered to review these issues in considering the planning application for the site in future. Mr. Zimmerman also commented on some of the questions that the URA asked in a questionnaire for its “Central Oasis” project. On the question relating to the interior of the Central Market, a photo showing a dark shot of the interior of the building was shown to the respondent. About 80% of the respondents indicated that they would like to change the interior of the building. He opined that the response rate might not be the same if the respondents were shown of other photos that could show the actual situation inside the building such as those included in the article “Inside of the Box – Interior of the Central Market” tabled at the meeting.

49. In response to the same Member’s questions, Mr. David C.M. Lam said that the applicants’ proposal was considered not acceptable due to the reasons set out in paragraph 11 of the Paper. In brief, the proposed zoning amendment and planning control mechanism would impose inappropriate restriction on the use of the site as well as undue constraints over minor addition and alteration works, which could not cater for the intention to revitalize the Central Market for adaptive re-use. Notwithstanding, PlanD agreed that the current zoning for the site was no longer appropriate given the intention of the Government to preserve and revitalize the Central Market. It was agreed that an appropriate zoning with a separate set of Notes for the Central Market was needed to better reflect the latest planning intention of the site and to facilitate the revitalization of the building. As such, PlanD was working out the proposed amendments to the zoning of the site and the related restrictions and would submit them to the Committee for consideration in due course.

50. A Member said that the subject application was to request the Board to exercise control over the detailed architectural features and heritage components of a historic building. This Member asked if there was any example that the Board would exercise such control. Mr. David C.M. Lam quoted the example of the Central Police Station Compound which was a declared monument. This site was zoned “OU(Historical Site Preserved for Cultural, Recreational and Commercial Uses)” on the Sai Ying Pun & Sheung Wan OZP. Under the Notes for this zone, a number of uses were put under Column 1 in the Schedule of Uses whereas the Remarks of the Notes stipulated that alteration and/or modification to an existing building and new structure(s) for facilities that were ancillary and directly related to the

always permitted uses did not require planning permission from the Board. As such, the planning control on the Central Police Station Compound was not as stringent as that proposed by the applicants for the Central Market. Mr. Ian Brownlee said that there were other examples of historic buildings being given some forms of heritage zoning. He quoted King Yin Lei at Stubbs Road and the former Wan Chai Post Office at Queen's Road East as examples. In approving the application for the Grade III historic building known as 'Jessville' at Pok Fu Lam Road, the Committee had also imposed an approval condition requiring the submission and implementation of a conservation plan for the conservation of the historic building. Mr. Brownlee also said that PlanD had accepted that the current zoning of the Central Market was no longer appropriate. The applicants' proposal was an alternative zoning which the Committee might consider. It would be up to the Committee to decide whether to accept the applicants' proposal or amend it in whatever way it deemed appropriate. Unlike declared monuments which were protected by the Antiquities and Monuments Ordinance, there was no control mechanism which could oversee the process of revitalizing the Central Market which was a Grade III building and ensure that its detailed architectural features or heritage components would not be destroyed or adversely affected. Mr. John Batten said that some small features of the building like the handrail of staircases were beautiful and needed to be preserved. Moreover, the design of the two main staircases inside the Central Market, with a central divider in between the staircases, was a typical Bauhaus architectural style and should be preserved. However, it was noted that the URA intended to remove the central divider. The subject application was to enable the Board to exercise control over the process of revitalising the Central Market and the public be given the opportunity to comment on the planning application for the site and be involved in the process.

51. A Member asked if the applicants had direct dialogue with the URA. Mr. Ian Brownlee said that they had written to the URA offering to make presentation to them. The URA had acknowledged receipt of their letter, but there was no feedback from the URA so far.

52. Ms. Cynthia Lee commented that "zoning should cover the design", and not the other way round. However, for the Central Market, the URA had branded the project as "the Central Oasis" and proposed a list of possible uses for the site at the outset. PlanD was then preparing the appropriate zoning amendments for the site to enable that design to

happen.

53. Ms. Katty Law said that in the past, some historic buildings had been destroyed. An example was the Wan Chai Market. In other cases, the historic buildings like the Woo Cheong Pawn Shop at Wan Chai and 1881 Heritage at Tsim Sha Tsui were turned to restaurant and/or other uses. The Central Market was a precious heritage to the people of Hong Kong. It was hoped that the Committee could adopt a more stringent approach to oversee the revitalisation of the Central Market to ensure this precious heritage would not be adversely affected.

54. As the applicants' representatives had no further points to add and Members had no further questions to raise, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicants of the Committee's decision in due course. The Chairperson thanked PlanD's and the applicants' representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

55. The Chairperson said that according to the applicants' proposal, any demolition of, or addition, alteration and/or modification to the existing building would require planning permission from the Board. With such proposal, the renovation works, be it major or minor, would also require planning permission. Members would need to consider whether such level of control was necessary, having regard to the Grade III historic building status of the site as accorded by the AAB.

56. A Member said that the applicants' proposal was to require the Board to exercise control over the detailed architectural features and heritage components of the Central Market (e.g. the handrail of staircases) such that they could be preserved intact and would not be affected by the URA in the process of revitalizing the Central Market. The applicants argued that as the Central Market was only a Grade III historic building, it was not protected by the Antiquities and Monuments Ordinance. Although the AMO was now preparing the Conservation Guidelines for the Central Market, the URA was not bound to comply with such Guidelines which had no statutory effect. This Member questioned whether the Board

had the jurisdiction to control aspects that were under the prerogative of the AAB/AMO. Although the current zoning for the site was no longer appropriate, the applicants' proposal was not acceptable as it would impose undue constraints over the use of the site as well as the minor addition and alteration works to the building, which could not cater for the intention to revitalize the Central Market for adaptive re-use. While PlanD would propose suitable amendments to the zoning of the site and the related restrictions for the Committee's consideration in due course, it was considered more appropriate to require planning permission from the Board only for those major addition and alteration works to the building. This Member therefore did not support the application.

57. Two other Members also did not support the application. While showing appreciation to the applicants' efforts to preserve the Central Market, one Member said that the Board should be primarily concerned with the land use of the Central Market site, rather than taking over the AAB's role in determining what heritage components of the building should be preserved. The level of control proposed by the applicants was considered too stringent. Moreover, the applicants' proposal was too crude and without sufficient elaboration. The other Member said that the subject application was essentially to impose stringent controls through the statutory planning system such that the URA could not alter and/or modify the detailed architectural features of the building, notwithstanding that the Central Market was only a Grade III historic building. It was agreed that these aspects were under the prerogative of the AAB/AMO and outside the purview of the Board. Such level of control also did not match with the grading of the building.

58. On the other hand, a Member cast doubt on the grading of the Central Market. This Member said that the Blue House, which comprised private buildings providing housing accommodation and other uses, was given a Grade I historic building status. However, the Central Market, being an important public building, was only given a Grade III historic building status. The Chairperson said that the grading of historic buildings was under the jurisdiction of the AAB and it was outside the jurisdiction of the Board. In addition, the URA had entrusted the Blue House project to the Hong Kong Housing Society (HKHS) for implementation and the HKHS had acquired the private properties therein.

59. A Member said that the Wan Chai Market mentioned by the applicants' representatives earlier at the meeting was part of an urban renewal project initiated by the

then Land Development Corporation (LDC). It was not a preservation project at the outset. The original plan was to demolish the market and redevelop the site. The implementation of the project was later taken over by the successor to the LDC, i.e. the URA. In response to the increasing public demand for preservation of historic building, the URA had subsequently entered into an agreement with the developer to preserve the façade of the market and the supporting structural frame behind, and to build the residential tower over the preserved market structure. As for the case of the Blue House project, the Government had adopted a “Retention of Both Premises and Tenants” approach to preserve and revitalize the historic buildings. It was important that there should be an appropriate balance between control and flexibility, and the level of control should commensurate with the heritage value of the site accorded by the AAB.

60. A Member considered that the proposal from the applicants was not without merits and asked if the Committee could consider accepting the proposed “OU(HBPCCCU)” zoning for the site, but not the proposed Notes for the zone. Noting that PlanD would submit the proposed amendments to the OZP in relation to the subject site for the Committee’s consideration in due course, the same Member asked if the Committee could either accept the proposal in part or defer making a decision on the application pending PlanD’s submission. The Secretary said that if Members upon consideration agreed to the proposed “OU(HBPCCCU)” zoning but not the proposed Notes for the zone, the Committee could then partially approve the application. There were previous cases that an application was partially approved by the Board. She suggested that the section 12A application should be considered on its own merits.

61. The Secretary explained that previously only declared monuments would be designated as “OU” zone annotated for the preservation of historic building(s). In recent years, with the growing public aspiration on heritage conservation, some Grade I and II historic buildings were also given such zoning designation. However, they were mainly related to Government buildings/facilities with the intention for preservation. Care should be exercised to impose such zoning designation on privately-owned historic buildings as private development rights would be affected. The “OU” zoning designation annotated for the preservation of historic building(s) had generally not been applied to Grade III historic buildings. The zoning designation of the site and the related restrictions should be carefully considered to properly reflect the planning intention to preserve and revitalize the Central

Market while not imposing undue restrictions on the revitalisation project. The level of control should also commensurate with the heritage value of the building accorded by AAB. PlanD was now reviewing the appropriate zoning designation and the related restrictions for the Central Market, which would be submitted to the Committee for consideration in due course. Should the Committee agree to the proposed amendments to the OZP by PlanD, the Central District OZP would be amended and gazetted under section 5 of the Town Planning Ordinance (the Ordinance) for public inspection.

62. In response to a Member's question, the Chairperson said that the gazette of the amended Central District OZP under section 5 of the Ordinance would provide a statutory channel to solicit public views on the proposed amendments to the OZP. The relevant District Council would also be consulted on the proposed amendments to the OZP either before or after the exhibition of the OZP.

63. Two other Members also considered that control over the detailed architectural features and heritage components of the market were outside the jurisdiction of the Board and did not support the application. Notwithstanding, it was noted that PlanD would submit the proposed amendments to the zoning of the site and the related restrictions to the Committee for consideration in due course. The Committee would then consider whether PlanD's proposal was appropriate after taking into account all relevant considerations. In any event, the appropriate zoning and related restrictions for the site could only be firmed up after the Committee had considered the public representations, if any, to the proposed amendments to the OZP.

64. In summary, the Chairperson said that the majority views of the Members were that the application could not be supported. Members then went through the reasons for rejecting the application as stated in paragraph 12.1 of the Paper and agreed that they were appropriate.

65. After further deliberation, the Committee decided not to agree to the application for the following reason :

- the proposed zoning amendment and planning control mechanism would impose inappropriate restriction on the use of the site as well as undue

constraints over minor addition and alteration works, which could not cater for the intention to revitalize the Central Market for adaptive re-uses.

66. The Committee also agreed to request the Secretariat to relay the matters of concerns as expressed by the commenters to the URA.

[Professor P.P. Ho and Ms. Olga Lam returned 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 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K4/58 Eating Place (Restaurant) in “Residential (Group C) 6” zone,
Shop 3B, G/F, Yau Yat Lau,
11-11C Fa Po Street,
Shek Kip Mei
(MPC Paper No. A/K4/58)

[Mr. H.L. Cheng left the meeting temporarily at this point.]

Presentation and Question Sessions

67. 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 'Eating Place (Restaurant)' use with a total floor area of 57.6m² located on the ground floor of Yau Yat Lau, Shek Kip Mei;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) during the statutory publication period, eleven public comments were received from the Incorporated Owners of Golden Villa, Incorporated Owners of 22-24 Fa Po Street, some local residents and a Sham Shui Po District Council Member. They objected to the application mainly on the following grounds :
 - the cooking fume from the restaurant under application created air pollution and affected the health of the residents nearby;
 - chairs, tables, litter bin and writing board of the restaurant under application were placed outside the premises, which blocked pedestrian circulation, created noise nuisances and deteriorated the streetscape;
 - although parking was prohibited outside the premises, patrons of the restaurant still parked their cars outside the premises and sometimes in front of their residences nearby, causing inconvenience to the residents;
 - the restaurant under application deteriorated the hygiene of the area and attracted people from other district; and
 - the district was a tranquil residential area and not suitable for restaurant use, especially when there were already two restaurants in the area;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the

application based on the assessment set out in paragraph 10 of the Paper. The 'Eating Place (Restaurant)' use did not contravene the planning intention of the "Residential (Group C)" zone, which was primarily for low-density residential developments where commercial uses serving the residential neighbourhood might be permitted on application to the Town Planning Board. The applied use was considered not incompatible with the existing commercial uses on G/F of the subject building, which included real estate agencies, supermarket, convenient store, shops, restaurant and post office, as well as the institution and community facilities in the vicinity. The 'Eating Place (Restaurant)' use was small in scale and would unlikely cause significant adverse traffic and environmental impacts on the surrounding areas. Regarding the public comments, the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD), the Commissioner of Police (C of P) and the Director of Environmental Protection (DEP) had no in-principle objection to the application. AC for T/U, TD stated that traffic measures to tackle illegal parking outside and near the premises had already been imposed; C of P advised that appropriate action would be taken should the illegal parking problem deteriorate; and DEP advised that the air emission and noise pollution from the restaurant could be scrutinized under the Noise Control Ordinance and Air Pollution Control Ordinance. As regards the blockage of footpath by the tables and chairs placed outside the premises, it was noted that the concerned area outside the premises was within the lot boundary under the canopy of the subject building, and a footpath of about 3m in width was provided adjoining to the lot boundary for pedestrian circulation. Nevertheless, an advisory clause had been recommended in paragraph 11.2(d) of the Paper to remind the applicant to address the public concerns.

68. Members had no question on the application.

Deliberation Session

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

- (a) the submission and implementation of fire service installations in the subject premises within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2010; 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.

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

- (a) to note the Chief Building Surveyor/Kowloon, Buildings Department's comment that to ensure the change in use of the application premises 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 the Code of Practice for Fire Resisting Construction 1996;
- (b) to note the Chief Engineer/Mainland South, Drainage Services Department's comment that local sewerage upgrading works should be implemented if found necessary;
- (c) to note the Director of Food and Environmental Hygiene's comment that a valid food license or permit must be obtained for carrying on any food business; and
- (d) to note the public comments on the application and take necessary actions to address these public concerns on cooking fume, hygiene, noise,

pedestrian circulation and parking where appropriate.

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

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

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/411 Renewal of Planning Approval for
Temporary Public Vehicle Park (Excluding Container Vehicle)
(Surplus Car Parking Spaces Only) Use for a Period of 3 Years
in "Residential (Group A)" zone,
Car Parks under Podium, Covered Car Park above Bus Terminus
and Open Car Parks at Lei Muk Shue Estate, Tsuen Wan
(MPC Paper No. A/TW/411)

71. 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
as the Director of Planning | - | being a member of the Strategic Planning Committee (SPC) of the HKHA |
| Ms. Olga Lam
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
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 |

72. The Committee considered that the interests of the above Members were direct and they should leave the meeting temporarily for the item. Members noted that Ms. Olga Lam had left the meeting. The Committee also noted that Mr. Andrew Tsang and Mr. K.Y. Leung, the Vice-chairman of the Committee, had tendered apologies for being unable to attend the meeting. Nevertheless, according to the Town Planning Board's Procedure and Practice, the Chairperson should continue to chair the meeting out of necessity.

[Mr. H.L. Cheng returned to join the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval of the previous application No. A/TW/391 for temporary 'public vehicle park (excluding container vehicle)' use (surplus car parking spaces only) for a period of three years to facilitate the letting of vacant vehicle parking spaces in Lei Muk Shue Estate to non-residents. The previous application was approved by the Committee on a temporary basis for a period of three years up to 25.5.2010;
- (c) departmental comments – concerned Government departments had no objection to or no 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 (Tsuen Wan); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposal did not involve any new development or redevelopment of

the application sites. According to the applicant, the overall vacancy rate of the vehicle parking spaces in the subject estate was about 27%. As such, the proposed letting of vacant car parking spaces to non-residents in the current application was considered as a 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 estate and monthly charge for both residents and non-residents would be the same. As adequate parking facilities could be maintained, the parking need of the residents of the subject estate would not be compromised. It was anticipated that there would not be significant increase in traffic generated from the proposed letting of vacant vehicle parking spaces to non-residents. In this respect, the Assistant Commissioner for Transport/Urban, Transport Department and the Commissioner of Police had no comment or no objection to the application. The temporary nature of the application for a period of three years was considered reasonable so that the vacant vehicle parking spaces could be let to non-residents flexibly while the parking demand of the residents could be reviewed.

74. Members had no question on the application.

Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 25.5.2013, on the terms of the application as submitted to the Town Planning Board and subject to the following condition :

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/412 Renewal of Planning Approval for
Temporary Public Vehicle Park (Excluding Container Vehicle)
(Surplus Car Parking Spaces Only) Use for a Period of 3 Years
in “Residential (Group A)” zone,
(a) Car Park under Podium at Cheung Shan Estate
(b) Open Car Parks at Fuk Loi Estate, Tsuen Wan
(MPC Paper No. A/TW/412)

76. 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
as the Director of Planning | - | being a member of the Strategic Planning Committee (SPC) of the HKHA |
| Ms. Olga Lam
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
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 |

77. The Committee considered that the interests of the above Members were direct and they should leave the meeting temporarily for the item. Members noted that Ms. Olga Lam had left the meeting. The Committee also noted that Mr. Andrew Tsang and Mr. K.Y. Leung, the Vice-chairman of the Committee, had tendered apologies for being unable to attend the meeting. Nevertheless, according to the Town Planning Board’s Procedure and Practice, the Chairperson should continue to chair the meeting out of necessity.

Presentation and Question Sessions

78. Mr. K.T. Ng, STP/TWK, presented the application and covered the following

aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval of the previous application No. A/TW/392 for temporary ‘public vehicle park (excluding container vehicle)’ use (surplus car parking spaces only) for a period of three years to facilitate the letting of vacant vehicle parking spaces in Cheung Shan Estate and Fuk Loi Estate to non-residents. The previous application was approved by the Committee on a temporary basis for a period of three years up to 11.6.2010;
- (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 supporting the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposal did not involve any new development or redevelopment of the application sites. According to the applicant, the overall vacancy rates of the car parking spaces in Cheung Shan Estate and Fuk Loi Estate were about 61% and 45% respectively. As such, the proposed letting of vacant vehicle parking spaces to non-residents in the current application was considered as a more efficient utilization of resources. The applicant indicated that allocation priority to rent the vehicle parking spaces would continue to be given to the residents of the estates and monthly charge for both residents and non-residents would be the same. As adequate car parking facilities for the residents could be maintained, the parking need of the residents of the subject estates would not be compromised. Although there was a slight increase in the total number of car parking spaces (2 for private car parking spaces and 8 for motorcycle parking spaces) in Cheung Shan Estate, it was anticipated that there would not be significant increase

in traffic generated from the proposed letting of vacant car parking spaces to non-residents. The Assistant Commissioner for Transport/Urban, Transport Department and the Commissioner of Police 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 car parking spaces could be let to non-residents flexibly while the parking demand of the residents could be reviewed.

79. Members had no question on the application.

Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 11.6.2013, 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 Cheung Shan Estate and Fuk Loi Estate in the letting of the surplus vehicle parking spaces and the proposed number of parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

Agenda Item 8

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/407-2 Application for Extension of Time for Compliance with Approval Condition (a) for the Approved Temporary Shop and Services (Motor-vehicle Showroom) Use and Temporary Minor Relaxation of Non-domestic Gross Floor Area Restriction for a Period of 3 Years under Application No. A/TW/407 in “Residential (Group A) 6” zone, Portions of Car Park at Level 7, Discovery Park, 398 Castle Peak Road, Tsuen Wan (Tsuen Wan Town Lot No. 361)
(MPC Paper No. A/TW/407-2)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the extension of time (EOT) for compliance with approval condition (a) relating to the provision of fire service installations (FSI) under application (No. A/TW/407) for temporary ‘shop and services (motor-vehicle showroom)’ use and temporary minor relaxation of non-domestic gross floor area (GFA) restriction for a period of three years. This was the second application for EOT for compliance with approval condition (a). The first application for EOT for compliance with approval condition (a) from 6 months to 9 months until 21.5.2010 was approved by the Committee on 12.2.2010;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) the District Officer (Tsuen Wan) (DO(TW)) advised that two District

Council (DC) members and the Discovery Park Residential Owners' Committee were consulted on the subject application. A DC member raised objection to the planning approval on the ground that the developer should lower the monthly rental fee of residential car parking spaces instead of running a motor-vehicle showroom, which exploited the interest of the residents. He also pointed out that the motor vehicle showroom would increase the traffic flow and cause traffic congestion. Moreover, visitors were not familiar with the location which might cause higher chance of road accidents during the trial run of vehicles. The above views were supported by the other DC member who added that priority should be given to the residents of Discovery Park to use the car park. The Discovery Park Residential Owners' Committee reiterated their objection to the planning approval (No. A/TW/407) as well as the subject EOT application on the ground that converting car parking spaces which were supposed to be for the use of the residents, for other commercial purposes was inappropriate. Besides, visitors taking up the car parking spaces on the lower floor levels 3&4 and more visitors using the car park/L8 podium lift might cause inconvenience to residents. Visitors trespassing the podium might also put stress on security of the estate. There were also concerns regarding problem posed/adverse impact on repair and maintenance to residential facilities located at original car park setting rather than shops ; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 8 of the Paper. The applicant had been actively liaising with relevant Government departments including the Fire Services Department and the Buildings Department in complying with approval condition for provision of FSI. The proposed extension for a further period of three months for the provision of FSI was not unreasonable. Concerned Government departments had no objection to or no adverse comments on the application for EOT for compliance with planning conditions. As regards the comments conveyed by DO(TW), HAD, the objections received were related to the temporary motor-vehicle showroom use at the premises rather than the proposed EOT.

In fact, similar public comments objecting to the subject temporary use were received and considered by the Committee under Application No. A/TW/407. Relevant approval conditions on FSI and advisory clauses on the car park management and the security of Discovery Park had already been included in the application to address public concerns. On the comment that the temporary motor-vehicle showroom might cause a higher chance of road accidents during trial run of vehicles, the applicant responded that the visitors would be accompanied by staff of the motor vehicle showroom during trial run to ensure safety.

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to approve the application for extending the time for compliance of approval condition (a) for an addition of three months until 21.8.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of fire service installations within 12 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.8.2010; 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;

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

- (a) to liaise with the management of Discovery Park regarding the car park management and security concerns of the residents; and
- (b) to note that the approved gross floor area (GFA) (4,333m²) for the proposed temporary motor-vehicle showroom covered all the GFA accountable areas

under the Buildings Ordinance and its regulations for the proposed use.

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

[Mr. Y.S. Lee, STP/TWK, was invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/353 Renewal of Planning Approval for
Temporary Public Vehicle Park (Excluding Container Vehicle) Use
for a Period of 3 Years (Surplus Car Parking Spaces Only)
in "Residential (Group A)" zone,
Kwai Chung Estate, Kwai Chung
(MPC Paper No. A/KC/353)

85. 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
as the Director of Planning | - | being a member of the Strategic Planning Committee (SPC) of the HKHA |
| Ms. Olga Lam 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
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 |

86. The Committee considered that the interests of the above Members were direct and they should leave the meeting temporarily for the item. Members noted that Ms. Olga Lam had left the meeting. The Committee also noted that Mr. Andrew Tsang and Mr. K.Y.

Leung, the Vice-chairman of the Committee, had tendered apologies for being unable to attend the meeting. Nevertheless, according to the Town Planning Board's Procedure and Practice, the Chairperson should continue to chair the meeting out of necessity.

Presentation and Question Sessions

87. 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 renewal of planning approval of the previous application No. A/KC/326 for temporary 'public vehicle park (excluding container vehicle)' use (surplus car parking spaces only) for a period of three years to facilitate the letting of the surplus parking spaces in Kwai Chung Estate to non-residents. The previous application was approved by the Committee on a temporary basis for three years up to 25.5.2010;
- (c) departmental comments – the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had no in-principle objection to the application. However, in order to address the general shortage of motorcycle parking spaces at Kwai Chung, it was recommended that the applicant should be required to convert part of the existing excess private car parking spaces in the estate into motorcycle parking spaces. The additional motorcycle parking spaces to be provided should not be less than 30 in number;
- (d) during the statutory publication period, one public comment from a Kwai Tsing District Council Member was received. He commented that Kwai Chung Estate had no parking provision for vehicles of 7 metres (or over) in length. Some locals were of the opinion that such parking spaces were in shortage while the existing parking spaces for long vehicles were located far away from Kwai Chung Estate. As such, he requested the applicant to provide long vehicle parking spaces at the ground floor of Pak Kwai House and Hop Kwai House of Kwai Chung Estate to address this shortage; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposal did not involve any new development or redevelopment of the application site. According to the applicant, the total average vacancy rate of the vehicle parking spaces in the subject estate was about 26%. As such, the proposed letting of vacant vehicle parking spaces to non-residents in the current application was considered as a 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 estate and monthly charge for both residents and non-residents would be the same. As adequate vehicle parking facilities for the residents could be maintained, the parking need of the residents of the subject estates would not be compromised. It was anticipated that there would not be significant increase in traffic generated from the proposed letting of vacant car parking spaces to non-residents. In this respect, the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) and the Commissioner of Police had no objection to the application. AC for T/U, TD also advised that additional motorcycle parking spaces should be provided and should not be less than 30 in number. In this regard, the applicant stated that since November 2007, 48 motorcycle parking spaces were added within the car park to meet local demand. Moreover, the temporary nature of the application for a period of three years was considered reasonable so that the vacant car parking spaces could be let to non-residents flexibly while the parking demand of the residents could be reviewed. As regards the public comment received on the provision of parking spaces for vehicles of 7 meters (or over) in length at the ground floor of Pak Kwai House and Hop Kwai House which fell outside the application site, the applicant had been advised to liaise with the commenter for considering such provision.

88. Members had no question on the application.

Deliberation Session

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 25.5.2013, 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 Kwai Chung Estate in the letting of the surplus vehicle parking spaces and the proposed number of parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

- (a) a temporary approval period of three years was granted so that the parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed;
- (b) to note the comments of the Independent Checking Unit, Housing Department that the total plot ratio (PR) of the estate including the additional gross floor area of the proposed public car park should comply with the permitted PR under Building (Planning) Regulation 21; and
- (c) to note the public comment that parking spaces for vehicles of 7 metres (or over) in length should be provided at the ground floor of Pak Kwai House and Hop Kwai House.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TWK/6 Renewal of Planning Approval for
Temporary Public Vehicle Park (Excluding Container Vehicle) Use
under Application No. A/TWK/4 for a Period of 3 Years
(Surplus Car Parking Spaces to Non-residents Only)
in “Residential (Group A)” zone,
Car Parks in Kwai Shing West Estate,
Lai King Estate and Lai Yiu Estate, Kwai Chung;
Car Parks in Cheung Ching Estate and Easeful Court, Tsing Yi
(MPC Paper No. A/TWK/6)

91. 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
as the Director of Planning | - | being a member of the Strategic Planning Committee (SPC) of the HKHA |
| Ms. Olga Lam
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
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 |

92. The Committee considered that the interests of the above Members were direct and they should leave the meeting temporarily for the item. Members noted that Ms. Olga Lam had left the meeting. The Committee also noted that Mr. Andrew Tsang and Mr. K.Y. Leung, the Vice-chairman of the Committee, had tendered apologies for being unable to attend the meeting. Nevertheless, according to the Town Planning Board’s Procedure and Practice, the Chairperson should continue to chair the meeting out of necessity.

Presentation and Question Sessions

93. 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 renewal of planning approval of the previous application No. A/TWK/4 for temporary 'public vehicle park (excluding container vehicle)' use (surplus parking spaces only) for a period of three years to facilitate the letting of surplus car parking spaces in Kwai Shing West Estate, Lai King Estate, Lai Yiu Estate, Cheung Ching Estate and Easeful Court to non-residents. The previous application was approved by the Committee on a temporary basis for a period of three years up to 25.5.2010;
- (c) departmental comments – concerned Government departments had no objection to or no 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 (Kwai Tsing); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposal did not involve any new development or redevelopment of the application sites. According to the applicant, the total average vacancy rate of the car parking spaces in the subject 5 estates ranged from 18% to 56%. As such, the proposed letting of vacant vehicle parking spaces to non-residents in the current application was considered as a 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 estates. The proposed maximum number of parking spaces to be let to non-residents would not exceed the vacancy rate of the existing car parks. As adequate car parking facilities for the residents

could be maintained, the parking need of the residents of the subject estates would not be compromised. It was anticipated that there would not be significant increase in traffic generated from the proposed letting of vacant car parking spaces to non-residents. In this respect, the Assistant Commissioner for Transport/Urban, Transport Department (TD) and the Commissioner of Police had no objection to the application.

94. Members had no question on the application.

Deliberation Session

95. As there was a general shortage of motorcycle parking spaces in Kwai Tsing District, Mr. H.L. Cheng recommended to require the applicant to convert part of the existing private car parking spaces in the estates into motorcycle parking spaces. The Chairperson remarked that should the Committee decide to approve the application, TD's requirements could be addressed by ways of stipulating advisory clauses and attached to the planning permission. The applicant would also be advised to liaise with TD regarding the location and the number of car parking spaces to be converted into motorcycle parking spaces. Members agreed.

96. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 25.5.2013, 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 Kwai Shing West Estate, Lai King Estate and Lai Yiu Estate in Kwai Chung, and Cheung Ching Estate and Easeful Court in Tsing Yi in the letting of the surplus vehicle parking spaces and the proposed number of parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

- (a) to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing for a temporary waiver to relax the user and restriction on alienation of parking

spaces for letting of surplus parking spaces at Easeful Court to non-residents; and

- (b) to liaise with the Transport Department in converting part of the existing surplus private car parking spaces in the estates into motorcycle parking spaces.

Agenda Item 11

Section 16 Application

[Open Meeting]

A/TY/110 Renewal of Planning Approval for
Temporary Concrete Batching Plant Use for a Period of 3 Years
in “Industrial” zone,
Tsing Yi Town Lot 108 RP (Part), Tsing Yi
(MPC Paper No. A/TY/110)

98. The Secretary reported that the application was submitted by the Hong Kong United Dockyards Limited which was a subsidiary of Hutchison & Swire Joint Venture. Mr. Felix W. Fong, having business dealings with Hutchison Whampoa Ltd., and Mr. Raymond Y.M. Chan, having current business dealings with Swire Pacific Ltd., had declared their interests in this item. While Mr. Felix W. Fong had tendered an apology for being unable to attend the meeting, the Committee agreed that Mr. Raymond Y.M. Chan’s interest was direct and he should leave the meeting temporarily for this item.

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

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

Background

- (a) on 18.3.2010, the applicant submitted the current application to seek renewal of planning approval to use the application site for temporary

‘concrete batching plant’ use for a period of three years; and

- (b) the application site was part of the subject of three previous applications (No. A/TY/96, A/TY/101 and A/TY/102). On 22.2.2008, Application No. A/TY/102 using the application site for a concrete batching plant for three years was approved with conditions by the Committee on a temporary basis for three years up to 22.2.2011. The applicant currently sought renewal of planning approval of Application No. A/TY/102 for the same use at the same location for another three years;

The Planning Department (PlanD)’s views

- (c) as the application No. A/TY/102 would expire on 22.2.2011. The renewal application was submitted eleven months prior to the expiry date. In view of the long lead time before the expiry of the planning permission, it would be too early to consider the renewal application given that the planning circumstances might be different at the time nearer to the expiry of the planning permission. This might have a material bearing on the decision of the application. The assessment on the application should be made nearer the time of expiry;
- (d) according to the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance, a decision on s.16 application would be deferred if there were other reasonable grounds as the Town Planning Board thought fit; and
- (e) should the Committee decide to defer the application, the application would be submitted to the Committee at the time nearer to the expiry of the planning permission. The applicant should also be advised to update the traffic impact assessment and any other relevant materials in support of the application nearer the time.

100. The Secretary said that the wordings of the first sentence of paragraph 2.3 of the Paper were not entirely correct. They should read “Should the Committee decide to defer

the application, the application will be submitted to the Committee for consideration at the time nearer to the expiry of the planning permission”. Members noted.

101. After deliberation, the Committee decided to defer a decision on the application pending the applicant’s submission of an updated traffic impact assessment and any other relevant materials in support of the application. The Committee also agreed that the application should be submitted to the Committee for consideration at the time nearer to the expiry of the planning permission.

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

Agenda Item 12

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/308-1 Application for Extension of Time for Commencement of the
Proposed Hotel Development Approved
under Application No. A/KC/308
for a Period of 4 Years until 12.5.2014
in “Other Specified Uses” annotated “Business” zone,
403-413 Castle Peak Road, Kwai Chung (KCTL 110)
(MPC Paper No. A/KC/308-1)

Presentation and Question Sessions

102. Mr. Y.S. Lee, STP/TWK, drew the Members’ attention to a typo error on the date of the Paper to be considered by the Committee i.e. should be read as ‘7.5.2010’. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the extension of time (EOT) for commencement of the proposed hotel development approved on review under Application No. A/KC/308 for a

period of four years up to 12.5.2014;

- (c) departmental comments – the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) had no objection to the application and suggested to stipulate an approval condition requesting the applicant to submit a revised Traffic Impact Assessment should the EOT application be approved. The Director of Fire Services and the Director of Environmental Protection had no specific comment or no objection to the EOT application. They advised that approval condition (b) regarding the fire service installations and advisory clauses (c) and (d) regarding the provision of emergency vehicular access and the provision of acoustic insulation as stated in the approval letter dated 26.5.2006 were still valid and needed to be incorporated should the EOT application be approved;

- (d) the District Officer (Kwai Tsing) (DO(K&T)) advised that 36 Kwai Tsing District Council members (KT DC) and owners incorporation/ management office of nine industrial buildings were consulted on this EOT application. Their views as detailed in the Paper were summarised below:
 - (i) views from 36 KT DC members: 12 of them did not reply to DO (K&T)'s request for comments on the EOT application; 17 of them had no comment on the EOT application; five of them agreed with the EOT application; and two of them objected to the application on the ground that there was insufficient information/justification provided by the applicant for EOT; and

 - (ii) views from the owners incorporation/management office of 9 industrial buildings: one of them did not reply to DO (K&T)'s request for comment on the EOT application; 6 of them had no comment on the EOT application; 1 of them agreed with the EOT application and 1 of them objected to the EOT application on the grounds that the proposed development might lead to traffic congestion in the adjacent area;

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 8 of the Paper. The EOT application was in line with the Town Planning Board Guidelines No. 35B (TPB PG-No 35B) for 'Extension of Time for Commencement of Development' that since Application No. A/KC/308 was granted in 2006, there had been no material change in the planning circumstances. The application involved only an EOT for commencement of the approved hotel development, and the proposed extension period of four years would not result in an aggregate extension period longer than the original duration for commencement of the approved development proposal. As regards the public comments on the insufficient information/justification for the EOT application, it should be noted that concerned Government departments had no adverse comment on the application. To address a commenter's concern that the proposed development might lead to traffic congestion in the area, an approval condition requesting the applicant to submit a revised TIA was recommended in paragraph 9.2 (b) of the Paper should the Committee decide to approve the EOT application.

103. In response to the Chairperson's question, Mr. Y.S. Lee, STP/TWK, said that as stated by the applicant in his submission, the global financial crisis and economic downturn during the past few years had severely affected investment in hotel. Under such circumstances, the applicant could not engage any hotel operator to implement the approved development. However, the economic situation was now improving which would provide a better opportunity for the applicant to invite hotel operators to realize the project.

104. A Member asked about the land status of the subject lot and whether further postponement of commencing the hotel development would affect the land use of the subject lot. Mr. Y.S. Lee, STP/TWK, responded that according to the record, the subject lot was owned by the applicant, and it was currently occupied by a 10- storey warehouse building.

105. In response to a Member's question, the Chairperson responded that planning permission for the subject application would expire on 12.5.2010. According to the TPB PG-No 35B, where an approved development had not commenced within the specified time limit, the applicant might apply for an EOT for commencement of the development. With

good justifications, the Board might grant an extension of the time, however, any extension of time for commencement of development should not result in an aggregate extension period longer than the original duration for commencement of the approved development proposal.

106. In response to another Member's question, the Secretary pointed out that not all the industrial buildings in Hong Kong were zoned as "Other Specified Uses" annotated "(Business)" ("OU(Business)"). Over the decades, most of the industrial land in the Metro area had been rezoned to other uses such as "OU(Business)" zones to cater for the changing economy while most of the industrial land in the New Territories were still maintained as "Industrial" ("I") zones. According to the Master Schedule of Notes adopted by the Board, 'Hotel' use was a Column 2 use of "OU(Business)" zone in the OZP which required planning permission from the Board, while 'Hotel' use was neither a Column 1 or Column 2 use in "I" zone.

Deliberation Session

107. After further deliberation, the Committee decided to approve the application for extending the time for commencement of the approved development for 4 years until 12.5.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the design and provision of vehicular access, car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission of a revised Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of water supply for fire fighting, fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicant wishes to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. The TPB Guidelines No. 35B and 36A should be referred to for details;
- (b) to apply to the District Lands Officer/Tsuen Wan and Kwai Tsing for the lease modification to permit the applied use;
- (c) the approval of the application did not imply that the proposed non-domestic plot ratio of the proposed hotel development and the proposed gross floor area exemption for back-of-house facilities would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (d) to note the Director of Fire Services' comments that the provision of Emergency Vehicular Access should be in full compliance with Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue; and
- (e) to consult the Director of Environmental Protection on the provision of acoustic insulation.

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

[Mr. Wilson W.S. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Mr. C.K. Soh, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), Mr. C.H. Mak, TP/TWK, Mr. Lam Sai Hung, Chief Engineer/Railway Development Office, Highways Department (CE/RDO, HyD) and Mr. Li Kin Tung, Senior Engineer/RDO, HyD, were invited to the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K20/113 Further Consideration of Proposed Comprehensive
Office/Commercial/Retail Development in
“Comprehensive Development Area (1)” zone,
Site of the Guangzhou - Shenzhen - Hong Kong Express Rail Link
West Kowloon Terminus
(MPC Paper No. A/K20/113A)

109. The Secretary said that the application was submitted by the MTR Corporation Limited. Mr. H.L. Cheng, being an assistant to the Commissioner for Transport, was a Non-executive Director of MTRCL, had declared interest in this item. Mr. Raymond Y.M. Chan, being the Convenor of the Railway Objections Hearing Panel; and Mr. K.Y. Leung being a representative of his professional institute to make a submission to the LegCo on the choice of the location of the Express Rail Link Terminus, had also declared interests in this item. Members noted that while Mr. K.Y. Leung had tendered an apology for being unable to attend the meeting, Mr. Raymond Y.M. Chan’s interest was considered indirect, he could be allowed to stay at the meeting. Members also noted that Mr. H.L.Cheng had left the meeting temporarily.

[Mr. H.L. Cheng left the meeting at this point]

Presentation and Question Sessions

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

Background

- (a) on 29.1.2010, the applicant, pursuant to section 4(A)2 of the Town Planning Ordinance (the Ordinance) and as specified in the Notes of the “Comprehensive Development Area (1)” (“CDA(1)”) zoning on the draft

South West Kowloon OZP No. S/K20/23 and the Planning Brief (PB) endorsed by the Committee, submitted a Master Layout Plan (MLP) and the required technical assessments for a proposed comprehensive office/commercial/retail development at the site of the West Kowloon Terminus (WKT) of the Guangzhou – Shenzhen – Hong Kong Express Rail Link (XRL) for consideration and approval of the Board;

- (b) the proposed comprehensive office/commercial/retail development at a total plot ratio of 5 comprising three high-grade office towers (17-19 storeys, 86.15mPD to 97.7mPD (a difference of 11m in height between Tower 1 and Tower 3)), commercial/retail facilities and not less than 8,900m² of public open space (mainly as a Civic Plaza) above the largely underground West Kowloon Terminus (WKT);
- (c) on 19.3.2010, the Committee considered that the application and decided to defer a decision on the application pending the submission of further information on improvement to the current scheme and alternative design option from the applicant, and the Landscape Master Plan (LMP) including demonstration of the visible greening area and usable green space;

Further Information submitted by the applicant on 26.3.2010

- (d) on 26.3.2010, the applicant submitted further information as required by the Committee, including revised building heights of the office towers, and the associated photomontages, illustrations of the calculations of the 30% greening ratio and the visibility of the greening areas to the pedestrians at ground and roof levels. According to the applicant, the floor-to-floor height of the office towers was increased to 4.15m so as to increase the variation of building heights among the office towers. As compared with the original scheme, a greater building height variation of 42.35m among the office buildings was envisaged;

Departmental comments on the proposal submitted by the applicant on 26.3.2010

- (e) the Chief Architect, Advisory & Statutory Compliance Division, Architectural Services Department (CA/ASC, ArchSD) commented that

while the stepping effect between the towers seemed more apparent as compared with the original scheme, the noticeable increase in building height from 94mPD and 98mPD to 104.95mPD and 125.65mPD had nonetheless exacerbated the bulkiness of the towers. Furthermore, the increase in building heights had exceeded the height restrictions under the approved OZP and the height band of the sub-zones (100mPD and 115mPD) stipulated in the approved planning brief as well as ridgelines observed from Pier 7. The applicant should justify the increase in floor-to-floor height, from 3.85m to 4.15m;

- (f) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that the “Modified 3-Tower Scheme” was an improved scheme in terms of the overall built form and height variation within the development, and in relation to the adjacent developments. It was noted that the floor-to-floor height of the proposed office tower had increased from 3.85m to 4.15m when compared with the original scheme. Such increase in the floor-to-floor height had contributed to the overall increase in heights of Towers 1 and 2. If the floor-to-floor height of 3.85m was retained, the proposed building heights of Towers 1 and 2 would exceed the maximum building height restrictions to a lesser extent of 5m to 10m only. As such, there should be room to further reduce the overall building height through design adjustments to reduce the adverse impact on the view to the ridgeline. The proposed building height of Tower 3 at 80mPD to 88.3mPD was considered acceptable;

Further Information submitted by the applicant on 3.5.2010

- (g) on 3.5.2010, in response to comments received from Government departments on further information submitted on 26.3.2010, the applicant submitted further information and the associated photomontages with a revised scheme on lowering the floor-to-floor height at 3.85m as in the original scheme and adjusting the building heights accordingly to 76.7mPD-119.05mPD ;

Departmental comments on the proposal submitted by the applicant on 3.5.2010

- (h) noting that the applicant submitted a revised scheme in which the floor-to-floor height was lowered to 3.85m. CA/ASC, ArchSD commented that the reduction in building heights, which slightly exceeded the height restrictions under the approved OZP and the height band of sub-zones of 90mPD, 100mPD and 115mPD stipulated in the approved planning brief, were considered improvements over the previous proposal;
- (i) CTP/UD&L, PlanD commented that the revised scheme had addressed their concern on the floor-to-floor height, it was noted that the proposed height would exceed the OZP height restrictions slightly. However, given the stringent site constraints, most notably, the requirement of 'no-topside development zone' which had taken up over 50% of the site area, the proposed minor relaxation on building height was considered acceptable;
- (j) CTP/UD&L, PlanD also had no objection and no adverse comments on the further information submitted by the applicant from the landscape planning point of view. The proposed green coverage for the ground floor and roof with a total of 30% of the site was considered acceptable;
- (k) during the statutory publication period, eight public comments were received. The comments as detailed in the Paper were summarized below:

Building Heights

- two Yau Tsim Mong District Council members considered that the building heights should be maintained at about 86mPD to 98mPD of the original scheme in compliance with the maximum building heights (i.e. 90mPD, 100mPD and 115mPD) as stipulated on the OZP. To ensure compatibility with the West Kowloon Cultural District and the ridgelines, modification could be made to improve the building design and lower the heights of Towers 1 and 2;
- the Owners' Committee of The Waterfront as well as some local residents/individuals also objected to the proposed increase in building heights and considered that the building heights should be lowered to

70m, 50m or below and building gaps/openings should be added to improve airflow, avoid windscreen effect and allow sufficient breathing space for the Kowloon Station development;

- there was a view that it was not appropriate to limit the heights of landmark buildings at this prominent location. Consideration should be given to relax the building height to over 484m (like the International Commerce Centre) to make the development the focal point of Kowloon. The reduced site coverage to 10% would provide more public open space, reduce obstruction to harbour view of neighbouring residents as well as to improve air circulation at ground level;

Greening

- one commenter considered that it was great that the development was covered with a lot of greeneries;

Traffic Impact

- one commenter had concern that users of office buildings might incur additional traffic loads to the area. Consideration should be given to review the need of having office buildings on top of the XRL station or reduce the scale of the development; and

Consultation

- one commenter opined that public consultation was insufficient;

- (l) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 5 of the Paper and summarized below:

Building Height Profile

- (i) the revised scheme with building heights ranging from 76.7mPD to 119.05mPD had created a more noticeable variation of 42.35m among the three office towers. The revised building height profile

provided a better distinction in height among buildings and was more pronounced. In this regard, the revised scheme was considered an improvement to the original scheme;

- (ii) the increase in the building heights of office towers would slightly exceed the building height limits as stipulated in the OZP, and thus required planning permission from the Board for minor relaxation of building height restrictions. Such slight exceedance of the building height limits so as to improve overall design of the scheme was considered acceptable from planning point of view;

Visible Greening Areas

- (iii) the further information submitted by the applicant had demonstrated the extent of the proposed 30% greening ratio that would be visible to pedestrians on the ground level, including the Civic Plaza, and the roof area and illustrated the different perspectives at pedestrian viewing level at various locations. As indicated in the drawings in the Paper, pedestrian paths would be provided to enable easy access to the public open space and landscaped areas. Although some parts of the landscaped areas at the roof level were elongated in shape, the applicant had shown that the configuration was capable of providing quality greenery and amenity areas for visitors. The submission had been examined and found to be acceptable. The greening arrangement and other components of landscaping in the development would be refined further in the revision of the LMP;

Air Ventilation

- (iv) it was noted that the revised scheme would slightly improve the wind capturing potential with its increase in building height variation and maintained wind performance at pedestrian level as in the original scheme. Additional ventilation improvement measures like architectural designs should be devised to mitigate the possible negative ventilation impacts of the proposed development at the detail design stage. In this connection, an approval condition

requiring submission of a revised Air Ventilation Assessment (AVA) had been recommended in paragraph 6.2(d) of the Paper;

Public Comments

- (v) the public comments were received on the proposed building heights of the development. In drawing up the building height restrictions of 90mPD, 100mPD and 115mPD for the application site had taken account of the Vision and Goals for Victoria Harbour of the Board, Urban Design Guidelines and the Guidelines promulgated by the Harbourfront Enhancement Committee. The main objectives were to preserve public views from major vantage points towards the ridgelines in Kowloon, maintained a coherent building height profile with the part of West Kowloon Cultural District (WKCD) to the south and provide visual relief to nearby high-rise developments. These objectives were having territorial importance and should form the basis of the proposed development at the application site. The proposed building heights of both the original and revised schemes were considered acceptable in meeting these objectives. Regarding a public comment that it was not appropriate to limit the height of landmark building at this prominent location and suggested to relax the building height to over 484m to make the development the focal point of Kowloon, it should be noted that innovative design rather than building height was more important for a landmark/ iconic development on the site;

- (vi) as for the concern on the possible adverse traffic impact, the Traffic Impact Assessment (TIA) submitted by the applicant had demonstrated that with the recommended improvement works, there should be sufficient traffic capacity to meet the requirement of WKT and its topside development as well as other developments including WKCD in the vicinity. The Commissioner for Transport had indicated no in-principle objection to the proposed development; and

- (vii) regarding the comment on public consultation, it should be noted

that the proposed development and the further information submitted were published for public inspection each for three weeks from 9.2.2010 to 2.3.2010 and 30.3.2010 to 20.4.2010 respectively according to the statutory requirement of the Town Planning Ordinance. The Yau Tsim Mong District Council was also consulted on the proposed development on 4.3.2010. In this connection, sufficient public consultation had been provided.

111. Mr. Wilson W.S. Chan, DPO/TWK, informed Members that two public comments which were received out of time were tabled at the meeting for Members' information. They were submitted by the Designing Hong Kong Limited and the Environmental Group of the Central Kowloon Route on 21.4.2010 and 22.4.2010 respectively. These comments mainly raised the concerns that 'Meetings, Incentive Travel, Conventions and Exhibitions' (MICE) activities should be accommodated in the application site and the proposed development would create serious heat island effect which blocked the ventilation of the district and serious traffic problems. Mr. Wilson W.S. Chan pointed out that the exhibition and MICE facilities were Column 2 uses of the "CDA(1)" zone, that might be permitted with or without conditions on application to the Board. Such uses would also be in line with the planning intention for the application site but had not been included in the current application. As regards the comment on the aspect on heat island effect, similar concerns were received during the statutory publication period, and the responses to these concerns were detailed in the Paper.

112. In response to a Member's question, the Chairperson responded that in order to provide flexibility for innovative design adapted to the characteristics of the site, minor relaxation of building height restrictions might be considered by the Board through the planning permission system.

Deliberation Session

113. After further deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.5.2014, 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 submission and implementation of a revised MLP, taking into account approval conditions (b) to (g) below, to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised landscape master plan to the satisfaction of the Director of Planning or of the TPB;
- (c) the design, provision, management and maintenance of a public open space and open 24 hours a day, with a total area of not less than 8,900m², to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission of a revised Air Ventilation Assessment to the satisfaction of the Director of Planning or of the TPB;
- (e) the design and provision of parking facilities, loading/unloading spaces and lay-bys, and the traffic management arrangement for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the provision of the emergency vehicular access and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (g) the submission of development programme of the proposed development to the satisfaction of Director of Planning or of the TPB.

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

- (a) that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance.

Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;

- (b) to note the comments of the Secretary for Home Affairs and consult him on the design of the at-grade pedestrian deck connecting the proposed development with West Kowloon Cultural District;
- (c) to note the comments of the Commissioner of Police and discuss with him on the proposed kerb side pick-up/drop-off area along Road D1 and Road D1A(S) for the West Kowloon Terminus railway passengers;
- (d) to note the comments of the Chief Estate Surveyor/Railway Development, Lands Department and liaise with him on land administration matters;
- (e) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail Section, Buildings Department (BD) in respect of General Building Plan submission to the BD on site coverage, gross floor area and plot ratio calculations of the proposed development;
- (f) to note the comments of the Director of Water Supplies and consult him on the arrangement and bear all cost associated with the necessary diversion, connection, protection, extension and capping off of the affected watermains; and
- (g) to note the public comments received and consult the local residents on the proposed development.

[The Chairperson thanked Mr. Wilson W.S. Chan, DPO/TWK, Mr. C.K. Soh, STP/TWK, Mr. C.H. Mak, TP/TWK, Mr. Lam Sai Hung, CE/RDO, HyD, and Mr. Li Kin Tung, SE/RDO, HyD for their attendance to answer Members' enquiries. They left the meeting at this point.]

Kowloon District

Agenda Item 14

Section 12A Application

[Open Meeting]

Y/K7/6

Application for Amendment to the
Approved Ho Man Tin Outline Zoning Plan No. S/K7/20
from “Government, Institution or Community”
to “Residential (Group E)1”,
25 Man Fuk Road, Ho Man Tin (KIL No. 9456 RP & Ext.)
(MPC Paper No. Y/K7/6)

115. Members noted that the applicant’s representative on 30.4.2010 had requested for deferment of the consideration of the application for two months in order to allow time to prepare supplementary information/clarifications to address the comments of the Environmental Protection Department regarding the practical problems and implementation of the proposed single aspect building design for the subject development.

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

[Ms. Caroline T.Y. Tang, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

[Mr. H.L. Cheng returned to join the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/271 Proposed School (Kindergarten cum Child Care Centre)
 in “Residential (Group C) 1” zone,
 6 Kent Road, Kowloon Tong (NKIL 887)
 (MPC Paper No. A/K18/271)

117. The Committee noted that Ms. Julia M.K. Lau had declared interests in this item as she lived in Kowloon Tong. However, as her residence place would not be affected by the proposed development, the Committee agreed that her interest was indirect and she could stay in the meeting.

[Mr. C.W. Tse left the meeting at this point.]

Presentation and Question Sessions

118. Ms. Caroline T.Y. Tang, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (kindergarten cum child care centre);
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) during the statutory publication period, nine public comments were received. Eight commenters raised objection to the application on the grounds that there had been already too many schools including kindergartens and nurseries in the vicinity; the proposed school use was deviated from the planning intention of the “Residential (Group C)” (“R(C)”) zone; and the proposed kindergarten cum child care centre would

lead to further traffic congestion, road safety problem, degradation of the living environment of the Kowloon Tong Garden Estate, noise and air pollution, and public safety problems. The other commenter agreed to the proposal but raised concerns on the fire service installations and traffic congestion; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposed school (kindergarten cum child care centre) generally complied with the Town Planning Board Guidelines (TPB PG-No. 23) for “Application for Kindergarten/Child Care Centre in Kowloon Tong Garden Estate under Section 16 of the Town Planning Ordinance” in that (i) as school uses were commonly found in the vicinity, the proposed kindergarten cum child care centre was considered not incompatible with the surrounding developments; and (ii) the provision of on-site parking and loading/unloading facilities and the proposed layout of the facilities were considered acceptable to the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD). No significant adverse impacts on traffic, environment and infrastructure provisions of the area were anticipated. The Director of Environmental Protection had no in-principle objection to the application but requested the conduction of a Sewerage Impact Assessment and implementation of sewerage improvement measures. In this regard, approval conditions (b) and (c) had been recommended in paragraph 12.2 of the Paper. As regards the technical requirements on the building structural safety, fire safety and internal layout, they would be further considered by the Buildings Department, the Fire Services Department and the Education Bureau respectively in details at the stage of building plan submission and/or school licence application. In this regard, appropriate approval condition (a) and advisory clauses (a) and (b) had been recommended in paragraph 12.2 of the Paper. Regarding the public comments raising objection to the proposed development, concerned Government departments had no objection to or no adverse comments on the application.

119. In response to the questions raised by a Member, Ms. Caroline T.Y. Tang, STP/K, said that the proposed school would accommodate 281 students and provide a total of five 25-seater mini-bus parking spaces and four private car parking spaces within the application site. However, the applicant had not provided any information on the number of students attending the child care centre and the number of students travelled by school bus.

120. The same Member raised concern that the proposed school use would generate additional vehicular trips to this area which might cause traffic congestion in Kent Road. This Member pointed out that same problem had occurred in other areas with concentration of kindergartens such as Moorsom Road. In response to this Member's concern, Mr. H.L. Cheng responded that the proposed provision of car parking spaces and loading/unloading facilities and the design of vehicular access at the application site had followed the requirement as set out in the Hong Kong Planning Standards and Guidelines, and were acceptable from the transport planning point of view. There was on-street picking up/setting down bays along Kent Road, which were not available along Moorsom Road. As such, adverse traffic impact caused by the proposed school use was not anticipated.

121. This Member said that although there were provision of picking-up/ setting down bays within kindergarten, many parents who drove their children to these kindergartens just parked their cars on street for picking up and setting down purposes. This had caused traffic congestion problems in the areas.

122. The Chairperson remarked that application for proposed kindergarten/child care centre within Kowloon Tong area would only be favourably considered by the Board provided that there was adequate provision of parking and loading/unloading facilities within the premises, so that on-street picking up/setting down of passengers and illegal parking could be minimized. The existing traffic congestion problems in the school areas caused by illegal on-street picking up and setting down of passengers as well as illegal parking could be overcome by traffic management. As such, it was considered that the proposed school use (kindergarten cum child care centre) complied with the TPB PG-No. 23.

Deliberation Session

123. 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 7.5.2014, 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 firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the implementation of the sewerage improvement measures identified in the SIA in condition (b) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the design and provision of parking facilities, loading/unloading spaces, lay-bys and carpark layout for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (e) the submission and implementation of a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply any compliance with the Buildings Ordinance and Regulations. The applicant should appoint Authorized Person/Registered Structural Engineer to submit building plans to the Buildings Department to demonstrate compliance with the Buildings Ordinance;
- (b) to consult the Registration Section and the Joint Office for Pre-Primary Services of the Education Bureau on the school registration process for the proposed kindergarten cum child care centre under the Education Ordinance and Regulations; and

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

[The Chairperson thanked Ms. Caroline T.Y. Tang, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Miss Helen H.Y. Chan, STP/K, was invited to the meeting at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K/9 Renewal of Planning Approval for
Temporary Public Vehicle Park (Excluding Container Vehicle)
(Surplus Car Parking Spaces only)
under Previous Application No. A/K/7 for 3 Years
in "Residential (Group A)" zone
Car Parks at Ma Tau Wai Estate and Sheung Lok Estate, Kowloon
(MPC Paper No. A/K/9)

125. 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
as the Director of Planning | - | being a member of the Strategic Planning Committee (SPC) of the HKHA |
| Ms. Olga Lam
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
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 |

126. The Committee considered that the interests of the above Members were direct and they should leave the meeting temporarily for the item. The Committee noted that Mr. Andrew Tsang and Mr. K.Y. Leung, the Vice-chairman of the Committee, had tendered apologies for being unable to attend the meeting. Nevertheless, according to the Town Planning Board's Procedure and Practice, the Chairperson should continue to chair the meeting out of necessity. Members also noted that Ms. Olga Lam had left the meeting temporarily for this item.

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

Presentation and Question Sessions

127. Miss Helen H.Y. Chan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval of the previous application No. A/K/7 for temporary 'public vehicle park (excluding container vehicle)' use (surplus car parking spaces only) for a period of three years to facilitate the letting of vacant car parking spaces in Ma Tau Wai Estate and Sheung Lok Estate to non-residents. The previous application was approved by the Committee on a temporary basis for a period of three years up to 11.6.2010;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) during the statutory publication period, two public comments were received. One comment was submitted by a Kowloon City District Council Member. He had no comment on the part of the application to let surplus parking spaces to non-residents in Ma Tau Wai Estate. However, he did not agree to the renewal of planning approval at Sheung Lok Estate and suggested that the two vacant parking spaces in the estate be let out on an hourly basis as

the provision of hourly parking spaces would make it more convenient for the residents' friends and relatives to visit them; it would be more convenient for the users of the nearby social service building; and it could provide more flexibility in terms of meeting any urgent parking needs in the estate. Another comment was submitted by the Designing Hong Kong Limited, which commented that there was a large over-supply of parking spaces for private cars, resulting in lowering the cost of car use and ownership. It was in direct conflict with Hong Kong's traffic demand management policies which aimed to control traffic demand in line with Hong Kong's limited road capacity ; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposal did not involve any new development or redevelopment of the application sites. The applicant indicated that the residents of the two subject estates would be given priority in letting the vehicle parking spaces. As only the surplus monthly parking spaces would be let out to non-residents, the parking rights of the estate residents would not be compromised. As there was no increase in the total number of vehicle parking spaces within the estates, the proposal would neither generate additional traffic flow nor worsen the environmental conditions in the area. The Assistant Commissioner for Transport/Urban, Transport Department had no adverse comment on the application. As regards the public comment suggesting the provision of hourly parking spaces in Sheung Lok Estate, the applicant responded that visitors of the estate could make use of public car parks in the vicinity of the estate. There had been no estate residents on the waiting list for renting parking spaces in the estate and the Mutual Aid Committee of Sheung Lok Estate had expressed no adverse comments on the application. As regards the public comment on the over-supply of parking spaces for private cars resulting in lowering the cost of car use and ownership, it should be noted that the current proposal only involved the conversion of existing ancillary car park in the estates to public vehicle park and no additional car parking spaces would be provided.

128. Members had no question on the application.

Deliberation Session

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 11.6.2013, 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 Ma Tau Wai Estate and Sheung Lok Estate in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

130. The Committee also agreed to advise the applicant to apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver or lease modification.

[The Chairperson thanked Miss Helen H.Y. Chan, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Mr. Edmond S.P. Chiu, STP/K, was invited to the meeting at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K15/95 Renewal of Planning Approval for
Temporary Public Vehicle Park (Excluding Container Vehicles)
(Surplus Car Parking Spaces only) under Application No. A/K15/78
for a Period of 3 Years in "Residential (Group A)" zone,
Car Park at Yau Tong Estate, Yau Tong
(MPC Paper No. A/K15/95)

131. 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
as the Director of Planning | - | being a member of the Strategic Planning Committee (SPC) of the HKHA |
| Ms. Olga Lam
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
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 |

132. The Committee considered that the interests of the above Members were direct and they should leave the meeting temporarily for the item. The Committee noted that Mr. Andrew Tsang and Mr. K.Y. Leung, the Vice-chairman, had tendered apologies for being unable to attend the meeting. Nevertheless, according to the Town Planning Board's Procedure and Practice, the Chairperson should continue to chair the meeting out of necessity.

Presentation and Question Sessions

133. Mr. Edmond S.P. Chiu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval of the previous application No. A/K15/78 for temporary 'public vehicle park (excluding container vehicles)' use (surplus parking spaces only) for a period of three years to facilitate the letting of surplus car parking spaces in Yau Tong Estate to non-residents. The previous application was approved by the Committee on a temporary basis for a period of three years up to 25.5.2010;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;

- (d) during the statutory publication period, two public comments were received. One comment was submitted by a Kwun Tong District Council Member who supported the application and commented that the approval of the application could help solving the insufficient car parking spaces problem in the adjoining Yau Lai Estate. He also commented that the residents of Yau Chui Court should accord high priority in renting the parking spaces. Another comment was submitted by the Designing Hong Kong Limited which opined that there was a large over-supply of parking spaces for private cars, resulting in lowering the cost of car use and ownership. It was in direct conflict with Hong Kong's traffic demand management policies which aimed to control traffic demand in line with Hong Kong's limited road capacity; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 12 of the Paper. The proposal did not involve any new development or redevelopment of the application premises. According to the applicant, the total average vacancy rate of vehicle parking spaces was about 54%. The applicant indicated that the residents of Yau Tong Estate would be given priority in the letting of parking spaces. As only the surplus monthly parking spaces would be let to non-residents, the parking need of the residents would not be compromised. The proposal would not generate additional traffic flow nor worsen the environmental conditions in the area. The Assistant Commissioner for Transport/Urban, Transport Department had no objection to the application. As regards the public comment on the over-supply of the parking spaces for private cars, it should be noted that the current proposal only involved the conversion of existing ancillary vehicle parking spaces in the estate to public vehicle parking spaces and no additional vehicle parking spaces would be provided.

134. Members had no question on the application.

Deliberation Session

135. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 25.5.2013, 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 Yau Tong Estate in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

Agenda Item 18

Section 16 Application

[Open Meeting]

A/K15/96 Proposed Comprehensive Development including Residential, Commercial, Hotel and Government, Institution or Community Uses and Minor Relaxation of Building Height and Plot Ratio Restrictions in “Comprehensive Development Area” zone,
Various Yau Tong Marine Lots and Adjoining Government Land
at Yau Tong Bay, Yau Tong
(MPC Paper No. A/K15/96)

136. The Secretary said that the application was submitted by Main Wealth Development Limited (Joint Venture of Owners of Yau Tong Marine Lots, including Sun Hung Kai Properties Ltd (SHK), Henderson Land Development Ltd. (Henderson), Hang Lung Development Ltd., Swire Properties Ltd., Wheelock Properties Ltd., Central Development Ltd., Moreland Ltd., and Fu Fai Enterprises Ltd.), the following Members had declared their interests in this item:

- Mr. Raymond Y.M. Chan - having current business dealings with SHK, Henderson and Swire Properties Ltd.;
- Mr. Felix W. Fong - having current business dealings with SHK;
- Mr. Roger K.H. Luk - being an independent Non-executive Director of Wheelock Properties Ltd.; and
- Ms. Julia M.K. Lau - had been an employee of SHK.

137. The Committee noted Mr. Felix W. Fong had tendered an apology for being unable to attend the meeting, the Committee also noted that the applicant had requested for a deferment of consideration of the application, the other Members with interests declared could be allowed to stay at the meeting.

138. The Committee noted that the applicant's representative on 21.4.2010 had requested for deferment of the consideration of the application for two months in order to allow time to prepare additional information to address departmental comments and concerns of relevant Government departments.

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

[The Chairperson thanked Mr. Edmond S.P. Chiu, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Hong Kong District

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

Agenda Item 19

[Open Meeting (Presentation and Question Sessions Only)]

Amendment to Approved Application Premises and Variation of Approval Condition of the Planning Permission for Proposed Commercial Bathhouse and Massage Establishment Approved under Application No. A/H5/381

(MPC Paper No. 12/10)

140. The Secretary also reported that replacement pages of the Cover and Page 1 of the Paper were tabled at the meeting for Members' reference.

Presentation and Question Sessions

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

Background to the application

- the proposed commercial bathhouse and massage establishment at Shop 1 of G/F, 1/F, 2/F and 3/F of Hyde centre, 221-226 Gloucester Road, Wan Chai was approved by the Committee under Application No. A/H5/381 on 17.4.2009 on a temporary basis for a period of three years until 17.4.2012 subject to the following conditions:
 - (a) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board (the Board);
 - (b) the provision of a security alarm system at the emergency exits

on 1/F to 3/F of the shared lifts and staircases, which would be triggered when the security doors were opened, to the satisfaction of the Director of Planning or of the Board; and

(c) no access to the proposed commercial bathhouse and massage establishment via the shared lifts with the residential portion would be allowed;

- the applicant had already completed the provision of fire service installations on G/F to 2/F of the application premises to the satisfaction of the Director of Fire Services on 29.3.2010. He had also made submission for compliance of approval conditions (b) and (c) in respect of the application premises on 1/F and 2/F of the subject building only as the applicant had decided to exclude 3/F from the application premises for the proposed commercial bathhouse and massage establishment;
- on 31.3.2010, the applicant wrote to the Board applying for (i) an amendment of the approved scheme to delete the whole of 3/F from the application premises and a corresponding reduction in proposed floor area of 541m²; and (ii) a variation of approval condition (b) to omit the provision of security alarm system on 3/F of the subject building; and
- Application No. A/H5/381 was approved by the Committee on 17.4.2009 under section 16 of the Town Planning Ordinance (the Ordinance). According to section 46 of Cap. 1 of the Ordinance, the Committee had the power to amend the permission granted;

Departmental comments

- concerned Government departments had no objection to or no adverse comments on the proposed amendment to the application premises and variation of approval condition (b);

The Planning Department (PlanD)'s views

- PlanD had no objection to the application based on the assessment set out in

paragraph 5 of the Paper. The proposed deletion of 3/F of the subject building from the application premises was a reduction in scale of the proposed commercial bathhouse and massage establishment in the subject composite commercial/residential building. No adverse planning implication was anticipated. Relevant Government departments consulted had no adverse comment on the revised proposal. As the applicant intended to exclude 3/F from the proposed development, the requirement for the provision of a security alarm on 3/F should no longer be applicable. Hence, there was no objection to the application for variation of approval condition (b) to omit the requirement for provision of security alarm system on 3/F.

142. Members had no question on the proposed amendments.

Deliberation Session

143. After deliberation, the Committee agreed to amend the application premises of the approved Application No. A/H5/381 i.e. to delete 3/F of the subject building from the application premises and that the approval condition (b) should be amended as follows :

“(b) the provision of a security alarm system at the emergency exits on 1/F and 2/F of the shared lifts and staircases, which will be triggered when the security doors are opened, to the satisfaction of the Director of Planning or of the Board; and”

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

Agenda Item 20

Section 16 Application

[Open Meeting]

A/H15/237 Proposed Hotel
 in “Other Specified Uses” annotated “Business (1)” zone,
 64 Wong Chuk Hang Road,
 Wong Chuk Hang
 (MPC Paper No. A/H15/237C)

144. The Secretary reported that the application was submitted by Power Concept Properties Limited. Mr. Raymond Y.M. Chan, having acquaintance with the owner of the application site, had declared interest in this item. Nevertheless, the applicant’s representative had requested for a deferment of consideration of the application, Mr. Raymond Y.M. Chan could be allowed to stay at the meeting.

145. The Committee noted that the applicant’s representative on 20.4.2010 requested for deferment of the consideration of the application for two months in order to allow time to resolve the concern raised by the Fire Services Department.

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

[Mr. David C.M. Lam, District Planning Officer/Hong Kong (DPO/HK), was invited to the meeting at this point.]

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/239 Renewal of Planning Approval for
Temporary Public Vehicle Park (Excluding Container Vehicle) Use
under Application No. A/H15/223 for a Period of 3 Years
in “Residential (Group A)” zone,
Car Park in Shek Pai Wan Estate, Aberdeen
(MPC Paper No. A/H15/239)

147. 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
as the Director of Planning | - | being a member of the Strategic Planning Committee (SPC) of the HKHA |
| Ms. Olga Lam
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
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 |

148. The Committee considered that the interests of the above Members were direct and they should leave the meeting temporarily for the item. The Committee noted that Mr. Andrew Tsang and Mr. K.Y. Leung, the Vice-chairman of the Committee, had tendered apologies for being unable to attend the meeting. Nevertheless, according to the Town Planning Board’s Procedure and Practice, the Chairperson should continue to chair the meeting out of necessity. Members also noted that Ms. Olga Lam had left the meeting temporarily for this item

[Mr. Laurence L.J.Li left the meeting temporarily at this point.]

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval of the previous Application No. A/H15/223 for temporary ‘public vehicle park (excluding container vehicle)’ use (surplus vehicle parking spaces only) for a period of three years to facilitate the letting of surplus vehicle parking spaces in Shek Pai Wan Estate to non-residents. The previous application was approved by the Committee on a temporary basis for a period of three years up to 25.5.2010;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) during the statutory publication period, one public comment submitted by the Designing Hong Kong Limited was received objecting to the application on mainly on the grounds that the proposal would result in over supply of private car parking spaces and lowering the cost of car use and ownership. This was in direct conflict with Hong Kong’s traffic demand management policies which aimed to control the traffic demand in Hong Kong ; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposal did not involve any new development or redevelopment at the application site. According to the applicant, the average vacancy rate of the vehicle parking spaces in the subject housing estate from February 2009 to January 2010 was about 55%. The letting of the surplus parking spaces to non-resident as proposed in the application would help utilizing resources more efficiently. According to the applicant, the residents of

Shek Pai Wan Estate would be given priority in the letting of vehicle parking spaces. Hence, the proposal would not deprive the rights of the residents. It was also anticipated that there would not be additional traffic flow generated by the proposals on the surrounding areas. In this regard, concerned Government departments including the Assistant Commissioner for Transport/Urban, Transport Department (AC for T/U, TD) and the Commissioner of Police had no adverse comments on the application. As regards the public comment objecting to the application, it should be noted that the proposal was for renewal of a temporary planning approval for making use of the existing parking spaces. No new parking spaces were proposed. AC for T/U, TD advised that the application would encourage off-street parking and help maintaining a smooth traffic flow and a safer environment of pedestrians on the street, and that TD regularly reviewed the parking demand in Hong Kong and the parking provision guidelines.

150. Members had no question on the application.

Deliberation Session

151. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 25.5.2013, 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 Shek Pai Wan Estate in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

[Mr. Laurence L.J. Li returned to join the meeting at this point.]

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H20/165 Proposed Eating Place, School (Tutorial School), and Shop and Services
in “Residential (Group A)” zone,
Portion of Third Floor of Siu Sai Wan Shopping Centre,
10 Siu Sai Wan Road, Siu Sai Wan
(MPC Paper No. A/H20/165)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed eating place, school (tutorial school), and shop and services with gross floor area (GFA) of about 188.379m² at the existing void area on the 3/F of Siu Sai Wan Shopping Centre;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application;
- (d) during the statutory publication period, one public comment was received. It objected to the application mainly on the grounds that the conversion of the existing void area on 3/F of Siu Sai Wan Shopping Centre would adversely affect the penetration of natural light and air ventilation along the corridor fronting the application premises, and the proposed shop units would not serve the community needs as the provision of commercial floor space within the shopping centre was adequate and the demand for retail facilities was very limited given that most of the local residents were elderly and retired people with low income; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 10 of the Paper. The application premises involved the decking over of the void area of 3/F, which was considered as an extension to the existing building. Given that Siu Sai Wan Shopping Centre was a purpose-designed shopping centre, the proposed 'Eating Place', 'School' and 'Shop and Services' uses were considered not incompatible with the retail and commercial uses within the same building. The void area to be converted for the proposed uses was within the confine of the podium structure of the existing shopping centre. There was no significant adverse impact on the physical bulk of the subject building. With an additional GFA of about 188.379m², the proposed development would not cause adverse traffic, environmental or infrastructural impacts on the surrounding areas. Relevant Government departments including the Assistant Commissioner for Transport/Urban, Transport Department, the Commissioner of Police and the Director of Environmental Protection (DEP) had no objection to or no adverse comments on the application. Since there was no restriction on plot ratio for developments in the "Residential (Group A)" zone on the OZP, the additional GFA of about 188.379m² arising from the proposed development would not have GFA implication under the OZP. As regards the public comment about the blockage of natural light and the adverse impact on air ventilation, it was noted that the applicant would adopt special skylight design to allow the penetration of natural light into the common corridor fronting the application premises. DEP had also advised that the proposed development would unlikely give rise to insurmountable environmental pollution problem and it would be controlled under the pollution control ordinances. As regards the need of the proposed additional commercial floor space, the applicant had pointed out that Siu Sai Wan Shopping Centre had a high occupancy rate of about 91% which revealed that there was a demand for retail/commercial shop units.

153. Members had no question on the application.

Deliberation Session

154. A Member questioned whether there was any GFA/ Plot Ratio restrictions on the application site. Mr. Derek W.O. Cheung, STP/HK, responded that as regards the “Residential (Group A)” zone of the OZP which covered the subject site, there was no stipulation of GFA/Plot Ratio control. However, as advised by the District Lands Officer/Hong Kong East, Lands Department, the Lease covering the site had stipulated a maximum GFA. Should the resultant GFA arising from the proposed extension exceed the maximum GFA stipulated in the Lease, lease modification would be required.

155. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.5.2014, 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 condition :

- the provision of water supplies for fire fighting and fire service installations/equipment to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Hong Kong East, Lands Department regarding the need for lease modification for the proposed extension;
- (b) to note the comments of the Director of Housing regarding the need for submission of plans for approval for the proposed development; and
- (c) to note the comments of the Secretary of Education regarding the need for registration of the proposed school under the Education Ordinance.

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

Agenda Item 23

[Closed Meeting]

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

Agenda Item 24

Any Other Business

158. There being no other business, the meeting was closed at 2:30 p.m..