

TOWN PLANNING BOARD

Minutes of 422nd Meeting of the Metro Planning Committee held at 9:00 a.m. on 16.7.2010

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Professor P.P. Ho

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Professor S.C. WONG

Ms. L.P. Yau

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

Assistant Director (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. Raymond Y.M. Chan

Mr. Maurice Lee

Dr. Winnie S.M. Tang

Mr. Laurence L.J. Li

Professor Joseph H.W. Lee

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 421st MPC Meeting held on 25.6.2010

[Open Meeting]

1. The draft minutes of the 421st MPC meeting held on 25.6.2010 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Approval of Draft Outline Zoning Plans

2. The Secretary reported that on 6.7.2010, the Chief Executive in Council (CE in C) approved the following four draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) and approval of the OZPs would be notified in the Gazette on 17.9.2010 :

- (a) Mid-levels East OZP (to be renumbered as S/H21/12);
- (b) Clear Water Bay Peninsula North OZP (to be renumbered as S/SK-CWBN/4);
- (c) Quarry Bay OZP (to be renumbered as S/H21/28); and
- (d) Kwun Tong (North) OZP (to be renumbered as S/K14N/13).

(ii) Reference Back of Approved Outline Zoning Plans

3. The Secretary reported that on 6.7.2010, the CE in C referred the following five approved OZPs to the Town Planning Board (TPB) for amendment under section 12(1)(b)(ii) of the Ordinance and reference back of the OZPs would be notified in the Gazette on 17.9.2010 :

- (a) approved Cheung Sha Wan OZP No. S/K5/31;
- (b) approved Tai Tong OZP No. S/YL-TT/14;
- (c) approved Sha Tin OZP No. S/ST/23;
- (d) approved Ngau Tau Kok and Kowloon Bay OZP No. S/K13/25; and
- (e) approved Causeway Bay OZP No. S/H6/14.

(iii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 4 of 2009

Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Agriculture” zone, Government Land in D.D. 9, Tai Wo Village, Tai Po
(Application No. A/NE-KLH/374)

4. The Secretary reported that an appeal against the decision of the TPB on 16.1.2009 to reject on review an application for a proposed house (NTEH – Small House) in the “Agriculture” zone on the approved Kau Lung Hang OZP No. S/NE-KLH/11 was received by the Town Planning Appeal Board (TPAB) on 31.3.2009.

5. On 11.7.2010, the appeal was abandoned by the Appellant of his own accord. On 12.7.2010, the TPAB confirmed the abandonment in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

(iv) Appeal Statistics

6. The Secretary said that as at 16.7.2010, a total of 25 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	25
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	138
Yet to be Heard	:	25
<u>Decision Outstanding</u>	:	<u>4</u>
Total	:	303

(v) Town Planning Appeal Decision Received

Town Planning Appeal No. 3 of 2008 (3/08)

Proposed Alfresco Dining Facilities (Amendments to an Approved Master Layout Plan) Podium Roof Level, Union Square, Airport Railway Kowloon Station,

1 Austin Road

(Application No. A/K20/102)

7. The Secretary reported that the subject appeal was against the TPB's decision to reject an application for a review of the Committee's decision on imposing the approval conditions (a) and (c), i.e. the operation hours of the proposed alfresco dining facilities should be restricted to 7 a.m. to 11 p.m. daily [condition (a)] and non-compliance of such condition would result in revocation of the planning permission [condition (c)], and granting the planning approval on a temporary basis for a period of three years. The appeal was heard by the TPAB on 11.5.2010, 12.5.2010, 8.6.2010 and 9.6.2010. According to the decision of the TPAB dated 28.6.2010, the appeal was allowed by the TPAB for the following main considerations :

- (a) the key planning condition was the operational hours condition. The three-year cap on the duration of planning permission and the immediate revocation condition were intended to monitor and control adverse noise impacts. It followed that if the operational hours condition was proved to be unsupportable, the other two conditions would fall with it;
- (b) it was the view of the TPAB that the TPB had the statutory power to impose an operational hours condition in granting a planning permission. However, in the subject case, the TPAB believed that such condition was unsustainable because of the existence of an alternative regulatory system, i.e. the outside seating accommodation (OSA) licensing system administered by the Food and Environmental Hygiene Department (FEHD), which was more efficient, more effective and fairer as compared to the imposition of planning condition;
- (c) the TPAB considered the OSA scheme to be fairer in that having obtained the planning permission, the developer of the Union Square let restaurant

operators use the appeal site for alfresco dining. If any of the operators were to breach the operational hours condition, the planning permission would cease to have effect and be revoked. Under such circumstances, not only the defaulting restaurant operator, but all restaurant operators would lose the right to use the premises for alfresco dining any more. On the other hand, if the planning permission was not subject to an operational hours condition, each individual restaurant operator would have operational hours condition imposed on him by the licensing authority. If any operator were to act in breach of such condition, the licensing authority would take enforcement action against such operator, leaving other compliant operators unaffected;

- (d) after careful consideration of the effectiveness and appropriateness of the licensing regime, the TPAB was of the view that if planning permission was granted unconditionally, there was no risk of unregulated noise impacts. Removal of the operational hours condition did not lead to an uncontrolled use of the appeal premises for alfresco dining. The licensing regime would step in and impose relevant conditions, including those relating to operational hours, and provide an efficient, effective and fair system of control, taking account of local objections; and
- (e) the TPAB, however, had made clear in the appeal decision that it was not the TPAB's view that the TPB should as a matter of course defer to other regulatory regimes. Each case had to be considered upon its own facts.

8. A Member expressed his disappointment on TPAB's decision and asked whether the Licensing Authority would impose restriction on OSA. In response, the Secretary said that restriction on the operation hours of OSA was stipulated by FEHD in the OSA licence. According to the Guide to Application for OSA issued by FEHD, the operation of OSA would generally be restricted from 11 a.m. to 11 p.m.

9. Upon a Member's enquiry, Mr. C.W. Tse, the Assistant Director (Environmental Assessment), Environmental Protection Department (EPD), advised that there was no restriction on the operation hours for restaurants and OSA under the Noise Control Ordinance.

However, if there was noise nuisance caused by the operation of the alfresco dining facilities after 11 p.m., the local residents could make complaints to the police or EPD. Nevertheless, Mr. Tse considered that it would be more effective to prevent such nuisances by restricting the operation hours of OSA.

[Mr. Clarence W.C. Leung and Ms. Julia M.K. Lau arrived to join the meeting at this point.]

Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K18/5 Application for Amendment to the
Approved Kowloon Tong Outline Zoning Plan No. S/K18/16
from “Residential (Group C) 1” to “Other Specified Uses”
annotated “Hotel” and an area shown as ‘Road’,
3, 5 and 7 Kent Road, Kowloon Tong (NKILs 865, 866 and 867)
(MPC Paper No. Y/K18/5)

10. The Secretary reported that Mr. Raymond Y.M. Chan had declared interest in this item as Raymond Chan Surveyors Limited was the consultant for the application. Members noted that Mr. Chan had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

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

Mr. Eric C.K. Yue - District Planning Officer/Kowloon (DPO/K); and
Mr. Vincent T.K. Lai - Senior Town Planner/Kowloon (STP/K).

12. The following representatives of the applicants were invited to the meeting at this point:

Mr. Kenny Tse; and
Ms. Sandra Yip.

[Professor S.C. Wong arrived to join the meeting at this point.]

13. The Chairman extended a welcome and explained the procedures of the hearing. Mr. Eric C.K. Yue, DPO/K, was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Mr. Yue presented the application as detailed in the Paper and made the following main points :

- (a) the applicants proposed to rezone the application site from “Residential (Group C)1” to “Other Specified Uses” annotated “Hotel” (“OU(Hotel)”) and an area shown as ‘Road’ on the Kowloon Tong Outline Zoning Plan (OZP) to facilitate redevelopment of the site into a hotel with 81 guestrooms. The application site was currently occupied by a residential development, an elderly home and a hotel (i.e. Romantic Hotel) which were two storeys in height;
- (b) as shown in the applicants’ indicative scheme in the Paper, the proposed 6-storey hotel development would have a non-domestic gross floor area (GFA) of about 8,307.5m² and a plot ratio (PR) of 2.5 with a building height of 40mPD. The proposed hotel would consist of two inter-connected wings, with an open space with landscaped garden to be provided along Kent Road. All the existing trees were proposed to be retained or transplanted within the application site;
- (c) the applicants proposed to provide a 3.5m-wide pavement within the northern and western boundaries of the proposed “OU(Hotel)” zone. A one-way driveway was also proposed within the application site, with the entry point from the western side and an exit on the northern side to ensure

smooth vehicular circulation within the application site and to avoid all hotel traffic entering/exiting directly onto Kent Road. A strip of private land surrounding the “OU(Hotel)” zone would be dedicated for ‘Road’ use which helped to provide a 6m-wide carriageway along the northern and western boundaries of the application site and to widen the existing pavement at the southern and eastern boundaries of the application site up to 3.5m. The existing 3.5m-wide footpath to the north and west of the site would be retained, while True Light Lane would be widened and extended to form a new one-way road with a 6m-wide carriageway and a 3.5m-wide pavement along all sides of the application site. A roadside lay-by was proposed along the western kerb of the True Light Lane and to the south of Kowloon True Light Middle School to provide a proper pick up and drop off area for the school;

- (d) the applicants proposed to include ‘Hotel’, ‘Shop’ and ‘Restaurant’ uses under Column 1 of the Notes for the “OU(Hotel)” zone, and to specify in the Remarks of the Notes a maximum PR of 2.5 and a maximum building height of 40mPD. Exemption clauses were also proposed to allow GFA exemption for car park, loading/unloading bay, plant room and caretaker’s office; and to allow additional GFA (not more than 5% of the total GFA) for hotel back-of-house facilities. Provision for minor relaxation of building height restriction was also incorporated. The new set of Notes proposed for the “OU(Hotel)” zone was at Drawing Z-14 of the Paper;
- (e) the application was the subject of three previous applications (Nos. Y/K18/1, Z/K18/6 and Y/K18/4) submitted by the same applicants. The major differences between the scheme under Application No. Y/K18/4 and the current scheme were detailed in paragraph 1.5 of the Paper;
- (f) departmental comments – the Commissioner for Tourism (C for Tourism) gave in-principle support to the application taking into account that the proposed hotel development would increase the number of hotel rooms, broaden the range of accommodations for visitors, and supported the rapid development of convention and exhibition, tourism and hotel industries.

The Commissioner of Police (C of P) did not agree to the application due to heavy traffic flows at nearby junctions, anticipated illegal parking problems and pedestrian safety concern. The Secretary for Education (SED) had concerns on the road safety of students and staff of Kowloon True Light Middle School in the vicinity. The Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) advised that the appearance of the proposed development appeared to be monotonous and bland. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L, PlanD) raised objection to the application due to its incompatibility with the surrounding environment in terms of development intensity and the building height as well as degradation of the existing landscape environment;

- (g) during the statutory publication period, seven public comments were received objecting to the application mainly on the grounds of incompatibility with existing low-rise residential and school developments in Kowloon Tong; safety of the students and teachers in view of the increase in traffic, adverse impact on the learning atmosphere of Kowloon True Light Middle School; traffic congestion and adverse environmental and infrastructural impacts on the surrounding area; and air and noise pollution during the construction stage. A commenter considered that there should be a comprehensive approach to the planning of residential land in this area and piecemeal development should not be allowed; and
- (h) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper and summarized below:
 - the application site fell within the Kowloon Tong Garden Estate (KTGE), the special character and amenity of the KTGE had long been established. Its preservation not only made an important contribution to the townscape of Kowloon Tong, but also to a wider area by providing variety in urban forms, environment and housing types. Although the applicants claimed that the application site

would be separated from the low-rise residential zones in the north and east and became part of the high-density commercial/institutional area, it was noted that such a statement was made with reference only to the adjacent Kowloon True Light Middle School and the commercial and institutional uses located further west of the Kowloon Tong MTR Station across the railway tracks, while neglecting the low-rise, low-density developments to the immediate north and east of the application site. In this regard, CTP/UD&L, PlanD raised objection to the application on the grounds of incompatibility with the surrounding environment in terms of development character, intensity, form and height profile, and leading to change of the existing landscape environment;

- the proposed PR of 2.5 for hotel development in the proposed “OU(Hotel)” zone represented a significant increase from the current permissible PR of 0.6 under the “R(C)1” zone. The proposed building bulk was incongruous and the scale was out of keeping with the adjacent buildings within the “R(C)1” zone. As such, the proposed hotel was considered excessive and the proposed zoning for higher development intensity for ‘Hotel’ use was considered inappropriate in this locality;
- the proposed building height of the hotel with five storeys above ground level was much taller than the height of the existing buildings within the “R(C)1” zone in the vicinity in terms of number and absolute building height. The CA/ASC, ArchSD opined that the appearance of the proposed development appeared to be monotonous and bland. The CTP/UD&L, PlanD also commented that the indicative scheme failed to illustrate the future appearance, visual amenity and visual impacts of the proposed development and its relationship with the surrounding visual context;
- the proposed widening/extension of True Light Lane was not supported by the C of P due to heavy traffic flows at the nearby

junctions, anticipated illegal parking problems and pedestrian safety concern. There were strong objections to the proposed hotel development on land use compatibility, road safety, traffic congestion and adverse environmental/infrastructural impacts grounds. The SED had raised concerns about the safety of the students and staff of the adjacent schools;

- the application site was the subject of three previous applications submitted by the same applicants. The latest application (No. Y/K18/4) was rejected by the Committee on 20.11.2009. The Committee was of the view that there were no strong planning justifications for the proposed rezoning of the site for hotel development at a PR of 3.0 and a building height of 6 storeys (50mPD) and thus considered that the proposed development intensity and building height were too excessive and would be out of keeping with the character of the “R(C)1”zone; and
- in the current application, the applicants still had not addressed the Committee’s concerns on the excessive development intensity and building height of the proposed hotel development. Approval of the application would set an undesirable precedent for similar requests, and the cumulative effect would affect the integrity of the KTGE.

14. The Chairman then invited the applicants’ representatives to elaborate on the application. With the aid of a Powerpoint presentation, Ms. Sandra Yip made the following main points :

Revised Development Proposal

- (a) since the previous scheme under Application No. Y/K18/4 was rejected by the Committee on 20.11.2009, the development proposals of the hotel development had been revised in order to address the concerns of the Committee. There was a reduction in site area from 4 261m² to 3 323m², a reduction of PR from 3.0 to 2.5, a decrease in building height from

50mPD to 40mPD with the incorporation of one level of basement, a decrease in the number of hotel guestrooms from 99 to 81 and the provision of open space at the eastern part of the application site. The configuration of the proposed hotel development would be slightly adjusted and this would result in a further separation between the proposed hotel and the low-rise residential developments to the east and north of the application site; and

- (b) turning of school buses on the exiting True Light Lane, which was a sub-standard cul-de-sac, had posed road safety problems. To improve the situation, the applicants had proposed to surrender and setback portions of the application site for road improvement works. Under this proposal, True Light Lane would be widened and extended to form a new one-way road with a 6m-wide carriageway and a 3.5m-wide pavement along the southern, western and northern boundaries of the application site. A roadside lay-by would also be provided outside the entrance of Kowloon True Light Middle School;

Justifications to the Application

- (c) the land owner of the application site was the owner of Panglin Hotel in Shenzhen. The proposed hotel was a charity-oriented development as the profits from the hotel operation would go directly into a charity foundation. An approval condition to ensure the applicants to undertake the responsibility of donation could be imposed by the Town Planning Board;
- (d) there were a number of school/institutional uses, commercial uses and the Kowloon Tong MTR Station in the vicinity of the site. Hence, the proposed hotel development was a compatible land use in the area;
- (e) despite the application site fell within “R(C)1” zone of the OZP, the application site was surrounded by buildings taller than six storeys, including Festival Walk and educational/institutional uses (The Innocentre). Therefore, it was not anticipated that the proposed hotel development

would have visual impacts on the surrounding area;

- (f) according to the statistics obtained from the Hong Kong Tourism Association, the total number of visitors to Hong Kong had been increasing steadily at an average rate of around 7% from 2006 to 2008. There was also demand for high-tariff hotel in Kowloon Tong from overseas scholars/researchers who were invited to give speeches/lectures by the City University of Hong Kong and senior officials of overseas governments/enterprises who attended events/conferences held by the Productivity Council and the international enterprises in the Festival Walk. The proposed hotel development, which was comparable with the Robert Black College, could meet the demand for high-tariff hotel accommodation. Moreover, the proposed hotel development could help promoting tourism as its location was close to tourist spots such as Festival Walk, Kowloon Walled City Park, Wong Tai Sin Temple, Kowloon East Barrack and Shang Sin Chun Tong. The C for T supported the application; and
- (g) the applicants would submit detailed tree preservation/transplanting proposal to the relevant Government departments prior to the submission of General Building Plan to Buildings Department;

Responses to Government Departments' Comments

- (h) an updated Traffic Impact Assessment (TIA) Report was not necessary as there was no change in planning circumstances in the area since June 2009. The Transport Department (TD) had no objection to the application;
- (i) to address C of P's concern that the proposed True Light Lane would become an illegal parking and waiting area, a 24 hours "no-stopping" restriction might be imposed at the widened True Light Lane. Besides, according to the Committee meeting on 20.11.2009, TD revealed that C of P had the authority to take enforcement actions at private road to avoid illegal parking and waiting at True Light Lane;

- (j) in response to CTP/UD&L, PlanD (Landscape Unit)'s comments that a general landscape design and layout should be provided to demonstrate that the negative landscape impact could be mitigated, the applicants proposed that a landscape clause could be incorporated into the lease in the land exchange/modification process. General landscape design and layout and detailed tree preservation/transplanting proposal would be submitted to the relevant Government departments prior to the submission of General Building Plan to Buildings Department;
- (k) to address CTP/UD&L, PlanD (Urban Design Unit)'s concerns that the proposed hotel development would affect the integrity of development character of KTGE in terms of intensity and heights, and approval of the application would set an undesirable precedent for similar requests, it should be noted that KTGE was an area with existing building heights ranging about 30mPD and 40mPD. The proposed development with 40mPD was considered to be in harmony with the KTGE area. Moreover, the location of the application site was unique as it was located at the boundary of the KTGE and well connected to the commercial developments with higher density. Approval of the application would not set an undesirable precedent in the area;
- (l) CTP/UD&L, PlanD (Urban Design Unit) also commented on the illustration of future appearance of the proposed hotel development was not provided. It should be noted that the scheme would be further refined upon approval of the application. It was anticipated that a 6-storey high-tariff hotel would not induce adverse visual impacts on the surrounding area;
- (m) regarding the DPO/K, PlanD's view that 'hotel' was included in Column 2 of the Notes for "R(C)1" zone of the OZP, the applicants might therefore apply for the permission for the proposed hotel development, it should be noted that the PR of 0.6 and maximum building height of 3 storeys as specified in the current Notes for the "R(C)1" zone of the OZP were too restrictive. As such, rezoning of the application site from "R(C)1" to

“OU(Hotel)” was necessary;

- (n) DPO/K, PlanD also commented that the proposed hotel development would encroach onto a 6m-wide non-building area as shown on the draft Kowloon Tong Outline Development Plan. In this regard, the disposition of premises would be rearranged to avoid encroachment on the non-building area; and
- (o) the applicants had addressed Members’ concern raised in the Metro Planning Committee meeting held on 20.11.2009 as the development intensity had been reduced;

Responses to Key Public Comments

- (p) there were public comments on the pedestrian safety problem of True Light Lane. However, it should be noted that the existing True Light Lane was a cul-de-sac, and the pedestrian safety problem was caused by drivers reversing the school buses at the cul-de-sac. The proposed widening and extension of True Light Lane would mitigate these problems;
- (q) in response to the public comments on the noise and air pollution caused by construction and operation of the hotel, the applicants would exercise adequate control and strictly follow the statutory requirements of noise and air quality control at the time of construction and operation. Besides, the hotel itself would not create any noise problem, the Environmental Protection Department had no objection to the application;
- (r) there were public comments that the proposed hotel would attract large volume of tourists to the area, affecting the tranquility of the environment. In fact, the proposed hotel development was small in scale, it was not anticipated that a large volume of tourists would be attracted; and
- (s) as regards the public’s concern that crime rate might be increased as a result of proper property management, it should be noted that the C of P

had no comment on it, increase of genuine high-end tourists would not lead to increase of crime rate.

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

15. In response to a Member's enquiry, Mr. Eric C.K. Yue, DPO/K, said that the Chief Engineer/Development (2), Water Supplies Department (CE/Dev (2), WSD) had no objection to the application if it was an isolated case. However, the CE/Dev (2), WSD also commented that the approval of the application might establish a precedent case to relax the PR and land use for the whole Kowloon Tong area, and might have impacts on the existing infrastructure including waterworks. Moreover, the fresh water demand of a hotel development was, in general, about two to six times higher than that for a residential development and a Government, institution and community development with the same PR respectively. Hence, the impact of the hotel development on the existing water supply system should be globally assessed.

16. In reply to another enquiry from the same Member, Mr. Yue referred to Plan Z-2 of the Paper and said that MTR rail track separated the high-density commercial/institutional developments to the west of the application site from the low-density residential development in KTGE.

17. The same Member also enquired whether the charitable trust had been set up for the proposed hotel development. Mr. Kenny Tse responded that as the hotel proposal was at its initial stage, a charitable trust had not yet been set up.

18. A Member said that as the residential developments to the north and east of the application site were mainly one to three storeys high, the proposed hotel development with five storeys above ground would not be compatible with these low-rise and low-density residential developments and would be visually intrusive. This Member asked whether the applicants would propose any mitigation measures to minimize the visual impacts. In response to this Member's enquiry, Mr. Kenny Tse stated that the application site was adjacent to the 6-storey Kowloon True Light Middle School, which was taller than the proposed hotel development. Hence, it was anticipated that the proposed hotel development would not cause visual impact on the area.

19. As the applicants' representatives had no further points to make and Members had no further questions to raise, the Chairman 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 Chairman thanked the representatives of the applicants and PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

20. A Member opined that the rezoning of the application site from "R(C)1" to "OU(Hotel)" zone was not supported in that the application site formed an integral part of the KTGE, comprising low-rise, low-density residential developments. The proposed hotel development on the application site would be out of keeping with the adjacent buildings within the "R(C)1" zone. There were no strong planning justifications and planning merits for the rezoning of the application site from "R(C)1" to "OU(Hotel)" zone. This Member also considered that the proposed hotel development would increase the traffic flow on Kent Road. Moreover, the applicants' claim that the application site was located near the tourist spots was not convincing.

21. Another Member was of the view that although the application site was located at the fringe of the KTGE and close to some taller developments to the west, the low-rise, low-density character of KTGE should be protected. Moreover, the applicants did not provide any mitigation measures to minimize the possible visual impacts of the proposed hotel development on the surrounding area. As such, the application should not be supported.

22. In response to a Member's enquiry, the Secretary informed Members that 'Hotel' was included in Column 2 of the Notes for "R(C)1" zone, with the maximum PR restriction of 0.6 and a clause on minor relaxation of PR. Theoretically, the applicants could submit a section 16 application for the proposed hotel development. However, the proposed hotel development would have a PR as high as 2.5, which could not be considered as a minor relaxation of the PR as stipulated on the OZP.

23. Some Members shared the views that the application could not be supported owing to the fact that the application site fell within the KTGE which was for low-rise and low-density residential developments, it was important to maintain the character and integrity of the KTGE. Members also considered that the applicants failed to provide strong justifications for the proposed hotel development at a PR of 2.5 and a building height of 6-storey, which was considered excessive. Moreover, the approval of the application would set an undesirable precedent for similar requests.

24. The Chairman concluded that Members did not support the application site which fell within KTGE, the low-rise character of which should be protected; there were no strong planning justifications and planning merits for the rezoning of the application site from “R(C)1” to “OU(Hotel)”; and approval of the application would set an undesirable precedent for similar requests.

25. 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.

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

- (a) the application site fell within the Kowloon Tong Garden Estate and formed an integral part of the low-rise and low-density residential developments. The existing zoning of “Residential (Group C) 1” (“R(C)1”) was considered appropriate for the application site;
- (b) there were no strong planning justifications and merits for the rezoning of the application site from “R(C)1” to “Other Specified Uses” annotated “Hotel”;
- (c) the scale, intensity and height of the proposed hotel development were considered excessive and would be out of keeping with the character of the “R(C)1” zone; and
- (d) the approval of the application would set an undesirable precedent for

similar requests. The cumulative effects of approval of similar requests would affect the integrity of the “R(C)1” zone.

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/K9/6 Application for Amendment to the
Draft Hung Hom Outline Zoning Plan No. S/K9/23
from “Comprehensive Development Area (1)”,
“Comprehensive Development Area (2)”,
“Residential (Group A) 2” to “Open Space”,
at the Junction of Hung Luen Road and Wa Shun Street, (KIL 11205);
at the Junction of Hung Luen Road and Kin Wan Street, (KIL 11111);
at the Junction of Hung Luen Road and Oi King Street (KIL 11120),
Hung Hom
(MPC Paper No. Y/K9/6)

27. The Secretary reported that Mr. Raymond Y.M. Chan and Mr. Maurice W.M. Lee had declared interests in this item as Mr. Chan owned a flat at Laguna Verde and Mr Lee owned a shop at Bulkeley Street. Members noted that Mr. Chan and Mr. Lee had tendered an apology for being unable to attend the meeting.

28. The Secretary also said that the application sites were land sale sites. Ms. Olga Lam, being a representative of the Lands Department, had declared an interest in this item. Since the application was for an amendment to the Outline Zoning Plan (OZP) and related to plan-making process, Members agreed that in accordance with the Town Planning Board (TPB)’s established practice, Ms. Lam could be allowed to stay at the meeting.

29. The Chairman informed Members that the applicant’s representative submitted letters on 7.7.2010 and 9.7.2010, requesting to defer consideration of the application. The letters had been sent to Members for reference. Mr. Chan Ka Wai had been invited to attend the meeting to explain to the Committee about his request for deferment of the consideration

of the application.

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

Mr. Eric C.K. Yue - District Planning Officer/Kowloon (DPO/K); and
Mr. Vincent T.K.Lai - Senior Town Planner/Kowloon (STP/K).

31. The following applicant's representative was invited to the meeting at this point:

Mr. Chan Ka Wai

32. The Chairman extended a welcome to all attended the meeting and invited Mr. Chan Ka Wai to explain the reasons for the proposed deferment.

33. Mr. Chan Ka Wai made the following points:

- (a) on 19.3.2010, the subject application was considered by the Committee which decided to defer the consideration of the application. On 9.4.2010, the applicant received the minutes of the Committee meeting on 19.3.2010, indicating that the Committee had allowed the applicant one more month for preparing the submission of further information. Upon receipt of the further information from the applicant, the application would be submitted to the Committee for consideration within three months;
- (b) on 27.4.2010, the applicant made a request to the Lands Department (LandsD) for the detailed breakdown and locations of the existing and proposed local open space and district open space as indicated in the Metro Planning Committee (MPC) Paper No. Y/K9/6, and to seek explanation on the methodology for compilation of the population figures. However, this information was only made available by the LandsD one month after the request. Hence, the applicant should also be given one month to compile further information and responses for submission to the TPB;

- (c) on 30.6.2010, the applicant submitted further information to the Secretary of TPB and the submission was acknowledged on 2.7.2010. On 7.7.2010, the applicant was informed by the Secretary of the TPB to attend the Committee meeting on 16.7.2010. Upon receiving the notice to attend the meeting, the applicant informed the Secretary of the TPB on 7.7.2010 and 9.7.2010 in writing that the main speaker of the applicant would be out of town and could not attend the meeting on 16.7.2010. The applicant had also pointed out that the 9-day notice to attend the meeting was far too short;
- (d) the applicant now requested the Committee to defer the consideration of the application for two weeks i.e. to consider the application on 30.7.2010 so that the applicant would have sufficient time for preparing the responses to the MPC Paper on the subject application and for gauging views from the residents of Whampoa Garden; and
- (e) it was noted that the application sites had recently been incorporated in the LandsD's application list for disposal through the Land Sale Programme. The applicant was concerned that the Committee's consideration of the subject application would be affected by the land sale of the application sites.

[Ms. Julia M.K. Lau left the meeting temporarily at this point.]

34. With reference to paragraph 1.2 of the Paper, Mr. Eric C.K. Yue, DPO/K, informed Members that on 19.3.2010, the Committee considered the application and decided to defer making a decision on the application for one month as requested by the applicant pending the submission of further information by the applicant. However, the applicant did not submit any further information within one month after the date of the meeting. It was not until 27.4.2010, the applicant wrote to the TPB requesting for information on the detailed breakdown and locations of open spaces and population figures. On 28.5.2010, the requested information was provided to the applicant by the PlanD rather than LandsD as mentioned by Mr. Chan Ka Wai, the applicant's representative.

35. As the applicant's representative had no further points to make and Members had no question to raise, the Chairman informed the applicant's representative that the Committee would further deliberate on the request for deferment in his absence. Should the Committee decide not to accede to the applicant's request, the subject application would be considered at the same meeting. The Chairman thanked Mr. Chan and PlanD's representatives for attending the meeting. They all left the meeting temporarily at this point.

Deliberation Session

36. A Member asked about the normal practice of when to inform the applicants for deferral cases to attend the Committee meetings. In response, the Secretary pointed out that there was no 'hard and fast rule' as to when the applicant would be informed to attend the meeting for cases deferred. Once the further information was received from the applicant, the Secretariat of the TPB would arrange the meeting and inform the applicant about the meeting date. For the subject application, the applicant was informed that the Committee on 19.3.2010 decided to defer the consideration of the application upon the applicant's request and one month was allowed to the applicant to prepare further information. Upon receipt of the further information from the applicant, the application would be submitted to the Committee for consideration within three months. However, the applicant only submitted the further information on 2.7.2010, three and a half months after the last deferral, and the Secretariat of the TPB informed the applicant about the meeting date on 7.7.2010. According to the TPB's established practice, the applicant would receive the agenda for the meeting and a copy of the relevant Paper seven days before the meeting.

37. A Member said that the Committee had requested the applicant to submit further information within one month after the deferment of the consideration of the application. However, the applicant did not do so until the end of June. Furthermore, the justification that the main speaker of the applicant was out of town and therefore needed a further deferment was not convincing. However, taking into account that the further deferral was only for two weeks and the local residents of the Whampoa Garden would like to attend the Committee meeting to convey their views, this Member had no objection to the applicant's request to defer the consideration of the application to 30.7.2010.

38. Another Member had different views on the deferral request. This Member

considered that the unavailability of the main speaker of the applicant to attend the meeting was not a justifiable ground to defer the consideration of the application. As the applicant had already been given a reasonable time to prepare the further information on the application, the applicant could submit a written statement in support of the application to TPB instead of attending the Committee meeting personally. Alternatively, the applicant could send some other representatives to attend the meeting instead. This Member's views were shared by two other Members.

39. In response to a Member's enquiry, the Secretary said that before the Committee meeting, the applicant had been advised by the Secretariat of the TPB in writing that should the Committee decide not to accede to the applicant's request to defer the consideration of the application to 30.7.2010 after hearing the justifications of the applicant's representative, the Committee would continue to consider the application at this meeting.

40. A Member enquired whether the deferment of the consideration of the subject application would affect the land sale auction of the application sites. In response, the Secretary said that section 12A application under the Town Planning Ordinance (TPO) and the land sale procedures were two entirely separate processes and should not be bundled together for consideration. The Secretary further pointed out that when a section 12A application was approved by the TPB, this would be just the first step in the plan-making process. The agreed rezoning proposal would need to go through the plan amendment plan exhibition, and the representation/comment consideration under the TPO. It was only until the amendments were approved by the Chief Executive in Council before the whole process would be completed. This process would need 11 months to complete. The Secretary also pointed out that under the established practice, LandsD would proceed with the land auction arrangement notwithstanding that the section 12A application was being processed. However, LandsD would need to take steps to give notice to potential bidders of the lot that the site was the subject matter of a section 12A application. Members noted.

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

41. As regards whether the absence of the main speaker/representative was a reasonable ground to such deferral, the Secretary said that there were other similar requests for deferment considered by the Committee, for instance the applicant/applicant's

representative requested for deferment because the applicant was sick or in some cases, the applicant said that more time was required to invite overseas experts to attend the meeting etc. If the deferral request met the TPB Guidelines, under normal circumstances, the Committee would agree to the deferral request.

42. A Member opined that a 9-day notice to the applicant informing them to attend the meeting appeared to be rather short. This Member considered that a 14-day notice would be more practicable. The above view was shared by other Members. The Secretary said that the Secretariat of the TPB would henceforth adopt such practice in informing the applicant(s) to attend the TPB meeting 14 days in advance of the meeting. Members agreed.

43. The Chairman noted Members' views that the Committee agreed to a deferral on 19.3.2010 and it was almost four months that the applicant submitted further information. Besides, the applicant could have sent other representatives to attend the meeting even if the main speaker was out of town. Nevertheless, Members also considered that the notice period given to the applicant informing him of the meeting date might not be sufficient. As the request for deferment was only for two weeks and the residents of Whampoa Garden would like to attend the meeting, the applicant's request for deferment of consideration of the subject application could be acceded to. However, it should be made clear to the applicant that this would be the last deferral and no further deferment would be granted by the Committee. Members agreed.

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

44. After further deliberation, the Committee decided to defer a decision on the application to 30.7.2010 as requested by the applicant. The Committee also agreed to advise the applicant that this would be the last deferral, and no further deferment would be granted unless under very special circumstances.

45. The representatives of the applicant and PlanD were then invited back to the meeting. The applicant's representative was informed that the Committee decided to defer a decision on the application to 30.7.2010, and this would be the last deferral. No further deferment would be granted.

46. The Chairman thanked the representatives of the applicant and PlanD for attending the meeting. They all left the meeting at this point.

Agenda Item 5

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/K15/96A)

47. 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 Properties 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 | - | previous employee of SHK. |

48. The Committee noted that Mr. Raymond Y.M. Chan had tendered an apology for being unable to attend the meeting. The Committee considered that as the applicant had requested for a deferment of consideration of the application, other Members with interests

declared could be allowed to stay at the meeting.

49. The Committee noted that on 29.6.2010, the applicant's representative requested for deferment of the consideration of the application for a further of two months in order to allow time to prepare a Technical Note in response to the comments raised by the Environmental Protection Department.

50. 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 maximum 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.

Tsuen Wan and West Kowloon District

Agenda Item 6

Section 16 Application

[Open Meeting]

A/K2/188 Proposed Office in "Residential (Group A)" zone,
No. 197-197A Reclamation Street,
Yau Ma Tei [Kowloon Inland Lot Nos. 8440 and 10129]
(MPC Paper No. A/K2/188)

51. The Committee noted that on 30.6.2010, the applicant's representative requested for deferment of the consideration of the application for two months in order to allow time to address departmental comments and concerns.

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

Hong Kong District

Agenda Item 7

Section 12A Application

[Open Meeting]

Y/H15/7 Application for Amendment to the
Draft Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/25
from “Industrial”
to “Other Specified Uses” annotated “Open Space and Boatyard”,
A Strip of Land to the East of Ap Lei Chau Praya Road, Ap Lei Chau
(MPC Paper No. Y/H15/7)

53. The Secretary said that the application was submitted by a subsidiary of Sun Hung Kai (SHK) Properties Ltd., and the following Members had declared their interests in this item:

- | | | |
|-----------------------|---|---|
| Mr. Raymond Y.M. Chan | - | having current business dealings with SHK; |
| Mr. Felix W. Fong | - | having current business dealings with SHK;
and |
| Ms. Julia M.K. Lau | - | previous employee of SHK. |

54. The Committee noted that Mr. Raymond Y.M. Chan had tendered an apology for being unable to attend the meeting. The Committee considered that as the applicant had

requested for a deferment of consideration of the application, other Members with interests declared could be allowed to stay at the meeting.

55. The Committee noted that on 8.6.2010, the applicant requested for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address comments from the Government departments and the public.

56. 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.

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

Agenda Item 8

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/H15/237D)

57. 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. The Committee noted that Mr. Chan had tendered an apology for being unable to attend the meeting.

58. The Committee noted that on 6.7.2010, the applicant requested for a fifth deferment for another two months. The applicant, in his letter to the Secretary of the Board,

indicated that a formal enquiry on the 12m-separation requirement was sent to the Association for Petroleum and Explosives Administration of the United Kingdom/Energy Institute (“EI”). Official response from the “EI” was received and submitted to Fire Services Department (FSD) for review. Response from the FSD was still pending. As the consultation with FSD was still active and on-going, the applicant submitted the subject deferment request.

59. 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 two months were allowed for preparation of the submission of further information, and no further deferment would be granted.

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/61 Proposed Minor Relaxation of Site Coverage to not more than 33%
for Permitted Residential Development
in “Residential (Group C) 4” zone,
45 Tai Tam Road, Tai Tam
(MPC Paper No. A/H18/61)

60. The Secretary reported that Mr. Maurice W.M. Lee had declared interests in this item as Mr. Lee owned a flat at Tai Tam. Members noted that Mr. Lee had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed minor relaxation of site coverage (SC) restriction from 22.5% to 33% to facilitate a proposed residential redevelopment of the site. The development proposal comprised two 4-storey houses with a total gross floor area (GFA) of about 2 708.219m² and a plot ratio (PR) of 0.9, which was the maximum PR allowed for a development with 4 domestic storeys in “Residential (Group C) 4” (“R(C)4”) zone;
- (c) departmental comments – concerned Government departments had no objection to or no adverse comments on the application and no local objection was received by the District Officer (Southern), Home Affairs Department;
- (d) during the statutory publication period, three public comments were received objecting to the application mainly on the grounds that the proposed increase in SC would make the existing traffic condition along Tai Tam Road worse. Besides, the proposed increase in SC was substantial. This would lead to more tree felling and the future development would become an eye-sore amid the existing greenery. A concern on the possible nuisances during construction was also raised; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment as set out in paragraph 11 of the Paper. The site fell within the Residential Zone 3 Area. The proposed relaxation of SC to 33% did not exceed the maximum permissible level adopted by the TPB (i.e. 50%) for the sites falling within the Residential Zone 3 Area in the Metro and New Town areas as set out in the Town Planning Board’s General Guidelines. The proposed PR of 0.9 and building height of 4 storeys were within the restrictions stipulated under the Outline Zoning

Plan. The proposed minor relaxation of SC was mainly to cater for design flexibility by allowing a stepped height design for the proposed houses. There would be no adverse impacts arising from the proposed SC relaxation. Relevant departments had no adverse comment on the application. As regards the public comments objecting the application, the Commissioner for Transport considered that the traffic impact generated from the proposed development would be minimal. The Chief Architect/Advisory and Statutory Compliance, Architectural Services Department and the Chief Town Planner/Urban Design and Landscape, PlanD considered that the proposed scheme would be an improvement over the conforming scheme and would add visual interests. For the concerns on tree felling, there was already a tree preservation clause under the lease of the lot. Moreover, should the planning application be approved, it was recommended to incorporate an approval condition requiring the submission and implementation of tree preservation and landscape proposals to ensure no adverse impact on this aspect. Regarding the possible nuisances during the construction stage, the Environmental Protection Department advised that the developer had to comply with the relevant environmental pollution control legislation such as Noise Control Ordinance and the Air Pollution Control Ordinance.

62. Members had no question on the application.

Deliberation Session

63. 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 16.7.2014, 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 tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and

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

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

- (a) to note the comments of the District Lands Officer/Hong Kong West and South of the Lands Department regarding the development restrictions under the lease of the lot;
- (b) to note the comments of the Director of Fire Services regarding the compliance of the Code of Practice for Means of Access for Firefighting and Rescue;
- (c) to note the comments of the Chief Engineer/Hong Kong & Islands of Drainage Services Department regarding the requirements on the maintenance of the existing sewers and storm drains and the submission of drainage plans to the Building Authority for approval; and
- (d) to note the comments of the Chief Building Surveyor/Hong Kong West of the Buildings Department on the estimation of Gross Floor Area concession.

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

[Miss Helen S.H. Lau, STP/HK, was invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting]

A/H7/152 Proposed Minor Relaxation of Building Height Restriction
from 100mPD to 115mPD for a Proposed Residential Development
in “Residential (Group B)” zone,
29-31 Yuk Sau Street and 21-23 Village Road, Wong Nai Chung
(MPC Paper No. A/H7/152A)

65. The Secretary said that the following Members had declared their interests in this item:

- Professor Joseph H.W. Lee - owned a flat at Hawthorn Road; and
- Mr. Maurice W.M. Lee - owned flats at Link Road and Wun Sha Street.

66. The Committee noted that Mr. Maurice W.M. Lee and Professor Joseph H.W. Lee had tendered an apology for being unable to attend the meeting.

67. The Secretary also reported that a letter from the applicant’s representative requesting for deferment of consideration of the application was received by the Secretariat of Town Planning Board (TPB) on 15.7.2010 and was tabled at the meeting for Members’ reference. The applicant’s representative had requested for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address outstanding technical issues.

68. The Secretary informed the Members on the planning history of the application site and pointed out that at the time when the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/14 was exhibited for public inspection under section 7 of the Town Planning Ordinance, a total of 50 representations were received. Among them, a representation against the building height restriction of 100mPD for the application site was submitted by the applicant of the subject application. On 7.11.2008, the Hong Kong Sanatorium and Hospital filed an application for leave to apply for judicial review (JR) in respect of the TPB’s decision on 8.8.2008 of not upholding its representation. The Court of First Instance

granted leave for the JR application on 11.11.2008 and an order of stay of the submission of the OZP to the Chief Executive in Council (CE in C) on 17.12.2008. On 12.12.2008, the applicant submitted the subject application. On 23.1.2009, the Committee deferred a decision on the application pending the submission of the draft OZP and the final decision of the CE in C on the representations related to the application site. On 11.9.2009, the applicant wrote to the Secretary of TPB to request for re-activation of the application. On 26.3.2010, after consideration of the grounds submitted by the applicant, the TPB agreed to the applicant's request. On 28.4.2010, the applicant submitted a letter to the TPB to withdraw its representation to the building height restriction of the application site on the conditions that the application would not be further deferred or be rejected by the TPB due to the representation procedures. The applicant had subsequently submitted further information to justify the proposed developments and the application was submitted for consideration at the subject meeting. As mentioned above, the applicant on 15.7.2010 submitted a request for deferring the consideration of the application for two months.

69. Members noted that the subject request for deferment had met the criteria as set out in the TPB Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that more time was required to resolve outstanding technical issues, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

70. After further 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.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/405 Proposed Shop and Services
 in “Other Specified Uses” annotated “Pier” zone,
 Part of G/F and Mezzanine Floor,
 North Point Ferry Pier (East), North Point
 (MPC Paper No. A/H8/405)

Presentation and Question Sessions

71. Miss Helen S.H. Lau, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed shop and services (i.e. exhibition and sale areas and health products shop) with a total floor area of 289.72m² at the G/F and M/F of the eastern pier of North Point Ferry Piers;

- (c) departmental comments – the Commissioner for Transport (C for T) supported the application as the approval of the application would enhance the opportunity of the ferry operator subleasing the pier premises for generating more non-fare box revenue to cross-subsidize the ferry operation. The scale of the proposed development was relatively small, the generated parking and loading/unloading demand could be well absorbed by loading/unloading facility of North Point Ferry Piers and the parking provision provided by the temporary public car park under short term tenancy at the adjoining ex-North Point Estate site. The Chief Town Planner/Studies and Research, Planning Department (PlanD) advised that the North Point Ferry Piers site had been identified as one of the potential sites for enhancement to create a quality waterfront. Two development options, namely leisure and recreation-theme waterfront, and vibrant

entertainment waterfront, were proposed for the site. Under both options, commercial use such as retail shop was proposed within the piers;

- (d) during the statutory publication period, one public comment was received supporting the application but considered that any approval should not affect the redevelopment of the piers as proposed under the Hong Kong Island East Harbour-front Study. Therefore, the commenter suggested that any approval should be granted for a limited term only; and
- (e) the PlanD's views – PlanD had no objection to the application based on the assessments as set out in paragraph 10 of the Paper. The planning intention of the “Other Specified Uses” annotated “Pier” (“OU(Pier)”) zone was primarily to reserve land for Government or public piers providing marine services in the harbour areas. The application premises, which was located inside an existing pier, should be for uses which were related to and compatible with the use of the pier and the harbour-setting. If the application premises was not required for pier-related uses, it should be put to other beneficial uses in order to better facilitate public enjoyment of the waterfront. The proposed exhibition and sale areas (184.1m²) and health products shop (105.62m²) were small in scale. The former was for display and sale of photos, art works, handicrafts, Buddhist products, household products, clothes and personal ornaments, as well as display of information related to eco-tourism and harbour cruise. The proposed uses were considered compatible with the existing pier use in that they would provide convenient services to the ferry passengers, local visitors and tourists using the pier and the waterfront area. As the application premises was separated from the common corridor of the pier, the proposed uses would not adversely affect the circulation of ferry passengers. Regarding the public comment which suggested to grant a temporary approval to the application, the proposed uses were generally in line with the planning intention of the “OU(Pier)” zone and were related to and compatible with the existing pier use. In addition, permanent approval was granted to similar uses at other parts of the pier under Application No. A/H8/402, which was partially approved by the Committee on 12.2.2010.

72. In response to a Member's question, Miss Helen S.H. Lau, STP/HK, said that the previous planning application No. A/H8/402 for various commercial uses at G/F and M/F of the subject pier was partially approved by the Committee on 12.2.2010. The Committee approved the proposed shop, eating place and exhibition and sale areas at parts of the G/F of the pier, and rejected the proposed office, conference room and Chinese medical clinic at the subject application premises on the grounds that these uses were not related to and compatible with the pier use and waterfront areas and they should be located in properly designed commercial or office buildings.

Deliberation Session

73. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 16.7.2014, 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 to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Director of Environmental Protection in paragraph 8.1.7 of the Paper regarding the implementation of mitigation measures to tackle the potential air quality nuisance; and
- (b) to note the need to apply to the Government Property Agency for commercial concession under the tenancy agreement for the pier.

[The Chairman thanked Miss Helen S.H. Lau, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 12

Any Other Business

75. There being no other business, the meeting was closed at 11:30 a.m..