

TOWN PLANNING BOARD

Minutes of 437th Meeting of the Metro Planning Committee held at 9:00 a.m. on 4.3.2011

Present

Director of Planning

Mr. Jimmy C.F. Leung

Chairman

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Mr. Maurice W.M. Lee

Professor P.P. Ho

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Ms. L.P. Yau

Assistant Commissioner for Transport (Urban),

Transport Department

Mr. David To

Assistant Director (Environmental Assessment),

Environmental Protection Department

Mr. Sam Wong

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

Ms. Maggie M.K. Chan

Dr. Winnie S.M. Tang

Mr. Laurence L.J. Li

Professor S.C. WONG

Professor Joseph H.W. Lee

Professor C.M. Hui

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
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Miss Hannah H.N. Yick

Agenda Item 1

Confirmation of the Draft Minutes of the 436th MPC Meeting held on 18.2.2011

[Open Meeting]

1. The draft minutes of the 436th MPC meeting held on 18.2.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/TW/3

Application for Amendment to the
Approved Tsuen Wan Outline Zoning Plan No. S/TW/26
from “Industrial” to “Other Specified Uses” annotated “Hotel”,
368-370 Sha Tsui Road, Tsuen Wan (TWTL 126)
(MPC Paper No. Y/TW/3)

3. The Committee noted that the applicant’s representative requested on 31.1.2011 for deferment of the consideration of the application for two months in order to allow time to address the comments from government departments.

4. 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. Philip Y.L. Chum, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/699 Proposed Shop and Services
in “Other Specified Uses” annotated “Business(4)” zone,
G/F (Portion), Wing Ming Industrial Centre,
15 Cheung Yue Street, Cheung Sha Wan
(MPC Paper No. A/K5/699)

Presentation and Question Sessions

5. Mr. Philip Y.L. Chum, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that part of the whole premises was the subject of a previous planning application No. A/K5/625 submitted by the same applicant (the owner) for temporary shop and services (real estate agency) and office for a period of 3 years approved by the Committee on 19.1.2007 subject to approval conditions including the submission and implementation of fire service installations to the satisfaction of the Director of Fire Services or of the Board by 19.7.2007. As the applicant failed to fulfill the approval condition, the application was revoked on 19.7.2007;
- (b) the proposed shop and services;
- (c) departmental comments –the Director of Fire Services (D of FS) advised that the subject industrial building was subject to a maximum permissible limit of 460m² for aggregated commercial floor area on G/F since it was fully protected by a sprinkler system. The proposed shop and services use should be counted up to the aggregate commercial floor area. He had no objection in principle to the application subject to the conditions that a means of escape completely separated from the industrial portion would be

available; the cockloft was not accessible from the G/F portion under the application; and fire service installations would be provided to his satisfaction. The Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) had no objection to the application and advised that on the alteration and addition (A & A) building plans approved on 14.4.1994, the use of the Premises was “package room” on G/F and “storage” for the cockloft. The wall separating the lorry parking spaces (mentioned in the commenter’s submission) from the premises was relocated to the present position upon completion of the A & A works approved on 14.4.1994. No objection/adverse comment from other concerned government departments was received;

- (d) during the statutory publication period, one public comment was received from the Chairman of the Incorporated Owners of Wing Ming Industrial Centre, claiming that the premises had included some areas (near the wall separating the premises from the lorry parking spaces) which did not belong to the applicant. The issue was at present a subject matter of a High Court Action with the applicant. No local objection was received by the District Officer (Sham Shui Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The “Other Specified Uses (OU) (Business)” zone allowed greater flexibility in the use of the existing industrial or industrial-office buildings provided that the use would not induce adverse fire safety and environmental impacts. The proposed shop and services was considered generally in line with this planning intention. It complied with the Town Planning Board Guidelines for Development within “OU(Business)” Zone (TPB PG-No. 22D) in that it would not generate significant adverse impacts on the developments within the subject building and the adjacent areas. According to D of FS, Wing Ming Industrial Centre was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on G/F. The premises covered a total area of 304m² and would not exceed the maximum permissible limit of 460m² of the subject industrial

building. D of FS also advised that his no objection was subject to the provision of a means of escape and fire service installations, and the cockloft was not accessible from the premises. In this regard, the applicant claimed that a brick wall/steel fence would be erected to block the entrance of the cockloft to make it inaccessible. The proposed shop and services was not incompatible with the uses of the subject industrial building which mainly comprised offices ancillary to industrial uses and trading firms on the upper floors. As regards the public comment, the applicant had clarified that, as shown from the Deed of Mutual Covenant plan, the subject area belonged to the applicant who was the original developer of the building and he had not sold the premises to any party.

6. Members had no question on the application.

Deliberation Session

7. 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 4.3.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separating the subject premises from the industrial portion of the building and fire service installations in the subject premises, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use;
- (b) the cockloft linking to the subject premises should be made inaccessible from the ground floor portion of the application premises to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (c) if the above planning conditions (a) or (b) was not complied with before

operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

8. The Committee also agreed to advise the applicant of the following :
- (a) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
 - (b) to consult the Chief Building Surveyor/Kowloon, Buildings Department to ensure that the change in use would comply with the Buildings Ordinance, in particular, the provision of fire resisting separation walls between the Premises and the remaining portion of the building in accordance with Building (Construction) Regulation 90 and paragraph 8.1 of Code of Practice for Fire Resisting Construction 1996; provision of access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and sanitary fitments under Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations; and
 - (c) to note the comments of the Director of Food and Environmental Hygiene that relevant licence/permit should be obtained from the Food and Environmental Hygiene Department (FEHD) should the subject premises be intended for conducting food business/other trade that required a licence/permit to operate under the relevant legislation enforceable by FEHD.

[The Chairman thanked Mr. Philip Y.L. Chum, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Ms. Kitty K.Y. Chiu, Town Planner/Tsuen Wan and West Kowloon (TP/TWK), was invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K1/226 Proposed Minor Relaxation of Maximum Building Height
for Permitted Composite Development in “Residential (Group A)” zone,
No. 38 Kwun Chung Street, Jordan
(MPC Paper No. A/K1/226)

Presentation and Question Sessions

9. Ms. Kitty K.Y. Chiu, TP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applicant proposed to redevelop the existing 18-storey composite building at the application site for a 24-storey composite development with a building height of 85.6mPD at main roof level. When compared with the building plan with a BH of 80mPD approved in April 2010, the current scheme proposed an increase of floor-to-floor height at G/F from 4.4m to 5.3m and 1/F from 3.5m to 4.1m, an additional clubhouse floor with landscaped garden at a floor height of 3.6m and an increase in height of the transfer structure from 1.5m to 2m. The total increase would be 5.6m. A setback area (G/F and above) at a length of 8.3m fronting Kwun Chung Street and a width of 2m fronting Bowring Street was also proposed to be dedicated for public use;

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

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

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

- (d) during the statutory publication period, two public comments were received. Designing Hong Kong Limited objected to the application for a relaxation of the height restriction as there were no public planning gains. Another private individual considered that the provision of clubhouse leading to additional building height should not be encouraged and was not considered necessary. No local objection was received by the District Officer (Yau Tsim Mong); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed development generally followed the scheme under the building plans approved in April 2010 with minor increase of 5.6m in building height to meet various technical requirements and the increase in headroom at the lower floors were not considered significant. The proposed building setback (8.3m x 2m) at both the street and podium levels with paving and landscaping/ planting at the setback area were generally in compliance with the planning criteria stated in para. 7.2(c) and (e) of the Paper in that better streetscape/good quality street level public urban space and improvements to townscape and amenity of the locality would be provided. As advised by the Chief Town Planner/Urban Design and Landscape, the overall visual impact induced by the proposed minor building height relaxation was not unacceptable. Other concerned Government departments consulted had no adverse comments on the application. As for the public comment on no public planning gains, the applicant had submitted revised proposals to provide setback area with paving and landscaping/planting for the public benefit. Regarding the necessity to increase building height to accommodate the proposed clubhouse, it was a matter of detailed design to better serve the residents of the proposed development. It should be considered together with the development constraints as well as planning merits (e.g. building setback and landscaping) of the proposal.

10. Members had no question on the application.

Deliberation Session

11. Referring to the site photo as shown in Plan A-3 of the Paper, a Member asked whether the proposed development had been completed. Ms. Kitty K.Y. Chiu, TP/TWK, replied that the proposed development had not been built. The existing building at the application site was built in 1995 and was currently vacant. It would be demolished for the proposed development.

12. Noting that the applicant proposed to redevelop the existing 18-storey building to a 24-storey building, another Member asked why there was only 5.6m increase in BH. Ms. Chiu clarified that the 5.6m increase in BH was a comparison between the scheme under the building plans approved in April 2010 and the scheme under the current application. In the current scheme, there would be a slight increase of floor-to-floor height at G/F, 1/F and the transfer structure, and an additional floor for a clubhouse and landscaped garden, as compared with the building plans approved last year.

13. The Chairman said that the proposed floor-to-floor height of 3.04m for the residential floors was not excessive. Moreover, the proposed setback of the proposed development was a planning merit that could warrant an approval of the increase in BH.

14. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.3.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

15. The Committee also agreed to advise the applicant of the following :
- (a) the approval of the application did not imply that the proposed gross floor area concession, bonus site coverage, etc. would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If approval was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
 - (b) to note the comments of the Director of Fire Services regarding the need to comply with the requirements on Emergency Vehicular Access as stipulated in Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue;
 - (c) to note the comments of the Director of Water Supplies that fresh water from Government mains should not be used for watering plant nurseries or landscape features purposes except with the written consent of the Water Authority. Consent to use fresh water from the mains for such purposes might be given on concessionary supply basis if an alternative supply was impracticable and evident to that effect was offered to and accepted by the Water Authority. Such permission would be withdrawn if in the opinion of the Water Authority the supply situation required it;
 - (d) to note the comments of the Chief Highway Engineer/Kowloon, Highways Department that clear demarcation to separate the public road (maintained by the Highways Department) and the proposed 2m setback from the building (to be maintained by the developer) should be provided; and
 - (e) to note the comments of the Chief Town Planner/Urban Design and Landscape that the soil depth of the proposed planters should be sufficient for tree planting and large hanging shrubs to achieve the effect as shown on the submitted perspective sketches and the proposed planting should be visible to pedestrian at street level.

Agenda Item 6

Section 16 Application

[Open Meeting]

A/K3/525 Proposed Hotel in “Residential (Group A)” zone,
Nos. 58-66 Boundary Street, Mong Kok
(MPC Paper No. A/K3/525)

16. The Committee noted that the applicant requested on 23.2.2011 for deferment of the consideration of the application for two months in order to allow time to fine-tune the development proposal.

17. 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.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/537 Proposed Hotel in “Residential (Group A)” zone,
Nos. 82-100 Tak Cheong Street and
Nos. 2-4 Soy Street, Mong Kok
(Kowloon Marine Lot Nos. 47 s.G ss4 RP, s.D ss1 SCRP, s.D ss1 SDRP,
s.D ss1 SARP, s.D ss1 SBRP, s.D ss1 SB ss1 RP, s.D ss1RP, s.G ss1 RP,
sG ss1 SCRP, sG ss1 SBRP, sG ss1 SARP)
(MPC Paper No. A/K3/537)

Presentation and Question Sessions

18. Ms. Kitty K.Y. Chiu, TP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel;
- (c) departmental comments – no objection/adverse comment from concerned government departments was received;
- (d) during the statutory publication period, three comments from members of the public, one comment from the Owners Incorporation of Kam Fong Mansion, and one from Designing Hong Kong Ltd. were received. One commenter, the Owners Incorporation of Kam Fong Mansion and Designing Hong Kong Ltd. objected to the application for the possible adverse visual and air ventilation impact arising from the proposed development. Another commenter worried on issues of possible land use incompatibility, adverse traffic impact and visual impact arising from the proposed development. The remaining commenter indicated no comment on the application. During the statutory publication period of the further information, three comments from members of the public, one from Designing Hong Kong and one from Green Sense were received. The members of the public supported the application as it would help to revitalise the area, whereas both Designing Hong Kong and Green Sense objected to the application for possible adverse air ventilation and traffic impacts arising from the development, and the compatibility of the proposed development with the surrounding areas. No local objection was received by the District Officer (Yau Tsim Mong); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed hotel was considered not incompatible with the surrounding

land uses which were predominantly mixed commercial/residential in nature. There were existing hotel developments and approved planning applications for hotel/guesthouse developments in the vicinity. The proposed hotel was not expected to have any significant adverse effect on the character of the neighbourhood. The proposed development with an overall building height of 77.81mPD was considered not incompatible with the buildings in its immediate surroundings with building heights ranging from 18.4mPD to 85mPD. It is also within the building height restriction (i.e. 100mPD) stipulated in the OZP for “R(A)” zone (for site with an area of 400m² or more). As advised by the Commissioner for Transport (C for T), the applicant should undertake to carry out road improvement measures to minimise the possible traffic impact arising from the proposed development. Relevant approval conditions were suggested to meet the requirements of C for T and to address the public concern on the possible traffic impacts. Regarding the public comments received on the possible adverse visual and air ventilation impacts of the proposed hotel on the surrounding areas, the Chief Town Planner/Urban Design and Landscape considered the proposed development not unacceptable from urban design perspective. Moreover, significant adverse impact to the air ventilation in the surroundings was not expected. As regards the public concern on traffic impact, relevant approval condition was recommended.

19. By referring to para. 1.5 of the paper, a Member asked whether the applicant’s proposal to convert Tak Cheong Street from the existing two-way into one-way street was feasible. Mr. David To replied that the possibility of converting Tak Cheong Street into a one-way street was high as it would only involve some road works at the two ends of the street. If the proposal of converting Tak Cheong Street into a one-way street was subsequently found not feasible, the two-way traffic arrangement of Tak Cheong Street was still considered acceptable for the proposed hotel development under application.

Deliberation Session

20. In response to the Secretary’s enquiry, Mr. To said the revised Traffic Impact Assessment (TIA) should be submitted before the submission of building plans for approval.

The Committee agreed that relevant approval condition should be included to that effect.

21. 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 4.3.2015, 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 of a revised Traffic Impact Assessment (TIA) to the satisfaction of the Commissioner for Transport or of the TPB before the submission of building plans for the proposed development;
- (b) the implementation of the measures identified in the revised TIA in planning condition (a) above to the satisfaction of the Commissioner for Transport or of the TPB before the operation of the proposed development;
- (c) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in planning condition (c) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (f) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of the Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Kowloon West, Lands Department that the lot owner should check if the proposed development

would contravene any lease conditions, for example the proposed cafeteria might contravene the non-offensive trade clause in the lease. Any application to Lands Department to seek compliance with the lease conditions, if any and submitted by the proponent, would be processed by Lands Department acting in the capacity as landlord at his discretion. If it was approved, it would be subject to the terms and conditions including, among others, charging of premium and fee, as imposed by Lands Department;

- (b) to note the comments of the Director of Environmental Protection that to prepare and submit the Sewerage Impact Assessment as early as possible in view of the time required for the implementation of any required sewerage works;
- (c) to note the comments of the Commissioner for Transport, Transport Department that he had the rights to impose, alter or cancel any parking, loading/unloading facilities, stopping restrictions, traffic directions, etc. on all public roads to cope with changing traffic conditions and needs;
- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the application for hotel concession including any exemption of back-of-house from gross floor area calculation under Building (Planning) Regulation 23A would be considered upon formal submission of building plans subject to compliance with the criteria under Practice Note for Authorized Persons and Registered Structural Engineers APP 40 (PNAP 111) and favourable comments from concerned departments;
- (e) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with the Code of Practice for Means of Access for Fire Fighting and Rescue which was administered by Buildings Department;
- (f) to note the comments of the Chief Town Planner/Urban Design and

Landscape, Planning Department that in order to improve the streetscape and greening of the area, consideration should be given to set back the building from the site boundary fronting Soy Street and Tak Cheong Street for in ground planting of street trees. Opportunities for other forms of green measures, such as roof and vertical greening should also be explored. Adequate structural loading and soil depth of 1.2m (minimum) should be provided for tree planting on podium; and

- (g) to note the comments of the Chief Officer/Licensing Authority, Home Affairs Department that:
 - (i) the proposed hotel should be approved by the Building Authority under the Buildings Ordinance. A copy of the acknowledgement letter on completion of the proposed additions and alterations works issued by the Building Authority should be submitted to his office before the Licensing Authority to issue a license under the Hotel and Guesthouse Accommodation Ordinance (HAGAO);
 - (ii) the licensed area in one application must be physically connected and should not be separated by other occupancies or uses not connected with the applicant's business as a hotel operator; and
 - (iii) the licensing requirements would be formulated after inspections by his Building Safety Unit and Fire Safety Unit upon receipt of a licence application under HAGAO.

[The Chairman thanked Ms. Kitty K.Y. Chiu, TP/TWK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/416 Proposed Flats in “Residential (Group E)” zone,
13-17 Fu Uk Road, Tsuen Wan (KCTL 169)
(MPC Paper No. A/TW/416)

23. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Raymond Y.M. Chan and Mr. Felix W. Fong who had current business dealings with SHK had declared interests in this item. Ms. Julia M.K. Lau who was formerly employed by SHK from Nov 1994 to Nov 2008 had also declared an interest in this item. While the Committee noted that Ms. Lau had yet to be arrived, it agreed that Mr. Chan and Mr. Fong should leave the meeting temporarily.

[Mr. Raymond Chan and Mr. Felix Fong left the meeting at this point temporarily.]

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

[Professor P.P. Ho arrived to join the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application highlighting that the Site was the subject of a previous planning application No. A/TW/365 for proposed residential development which was approved with conditions by the Metro Planning Committee (Committee) of the Board on 13.1.2006. However, the planning approval lapsed on 13.1.2010. Compared with the previously approved scheme under Application No. A/TW/365, the major changes in this application were related to the setting back of the residential tower, reduction in building height, increase in number of flats, decrease in flat

size and change in flat layout. As the Site was within the 400m Consultation Zone (CZ) of the Tsuen Wan Water Treatment Works, a Hazard Assessment (HA) had been conducted and submitted to the Coordinating Committee on Land-use Planning and Control relating to Potentially Hazardous Installations (CCPHI) for approval. On 2.8.2005, the CCPHI endorsed the HA for the scheme under Application No. A/TW/365;

- (b) the proposed flats;
- (c) departmental comments –the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. She considered that the proposed building of about 175 mPD was excessively tall as compared to its adjoining low-rise village settlement and open space/GIC uses. There was insufficient illustration to address the potential visual impact induced by the proposed development to its surrounding environment. As such, the visual concern relating to the overall building height of the development proposal remained valid. The applicant had claimed that the residential flats on a podium of 36.5 m would provide good protection against hazard from the water treatment works, and there was no scope to reduce the height of the podium. However, it was noted in the comments of the Director of Environmental Protection (DEP) that the applicant's proposed podium height (36.5m above ground level) was not an absolute minimum to achieve an acceptable risk level and there was scope for a lower podium height so as to achieve a lower building height for the proposed development. No objection/adverse comment from other concerned government departments was received;
- (d) District Officer (Tsuen Wan) advised that the District Councillor of the concerned constituency and the village representatives of Chung Kwai Chung Tsuen and Ham Tin Tsuen were consulted. Village representatives of Chung Kwai Chung Tsuen and Ham Tin Tsuen objected to the application on traffic impact. The village representative of Ham Tin Tsuen was concerned that the proposed building might block the wind direction

while the village representative of Chung Kwai Chung Tsuen worried that the pillar-like buildings nearby (Primrose Hill and the proposed building) might affect fungshui and the health of villagers. Regarding the Further Information received on 12.11.2010, the village representatives of Chung Kwai Chung Tsuen and Yau Ma Hom Resite Village, and the District Councillor of the concerned constituency were consulted. The village representatives of Chung Kwai Chung Tsuen raised similar concerns as before;

- (e) during the statutory publication period, two public comments indicating no objection were received. For the further information received on 12.11.2010, one public comment was received during the statutory publication period. The Commenter, who was a Tsuen Wan District Councillor, commented that traffic impact assessment should be submitted for the application as the traffic flow in nearby roads was already very heavy. He would object to the application if traffic impact assessment was not submitted. During the statutory publication period of the further information received on 13.1.2011, one public comment from Green Sense was received. The commenter objected to the application as its huge building mass would affect the landscape and living environment of Chung Kwai Chung Tsuen. The application should not make reference to Primrose Hill as it was located at the fringe of village type developments. Besides, the clubhouse and car park in the huge podium of proposed development were against the will of both the Government and society to control “inflated buildings”. Besides, they were of the view that the living condition would not be good as the subject site was sandwiched between factories at the north and the south. The applicant should liaise with the owners of the adjacent sites for joint development; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed flat development was considered in line with the planning intention of “Residential (Group E)” “(R(E))” zone which was intended primarily for phasing out existing industrial uses through redevelopment

(or conversion) for residential use on application to the Board. The scheme under current application was similar to the previously approved scheme under Application No. A/TW/365. In pursuant of the requirement of “R(E)” zone, the applicant submitted environmental assessments to demonstrate that the proposed development would be environmentally acceptable. Having considered the information submitted, DEP did not anticipate any adverse environmental impact associated with the proposal and had no objection to the proposed development. Regarding CTP/UD&L, PlanD’s reservation and a public comment’s objection on the visual impact created by the proposed development, especially on the high podium design of 36.5 m, DEP confirmed that the high podium design was agreeable to a CCPHI-approved scheme so as to minimize the number of persons exposed to possible chlorine gas leakage from the PHI of the Tsuen Wan Water Treatment Works. The applicant had demonstrated that with the current podium design, the risk level due to the Tsuen Wan Water Treatment Works was within the acceptable region promulgated by CCPHI. Having taken into account CTP/UD&L, PlanD’s comments, the applicant had lowered the proposed building height from the original 185.6 mPD to 174.9 mPD (i.e. 143.4m above ground level). Taking into account the site level (31.5 mPD) and the constraint of high podium design, the proposed building height of 174.9 mPD was considered not unreasonable. However, since DEP had pointed out that the applicant's proposed podium height (36.5m above ground level) was not an absolute minimum to achieve an acceptable risk level, an approval condition for the submission of a revised building design of the proposed development was suggested. As regards the public concerns on the traffic impact of the proposed development, the Commissioner for Transport had no in-principle objection to the application.

25. Members had no question on the application.

Deliberation Session

26. In response to the enquiry of the Chairman, Mr. Sam Wong confirmed that the

proposed development was acceptable from environmental perspective.

27. The Secretary said that in view of the excessively high podium, an approval condition requiring submission of a revised building design was recommended so that the applicant would be required to reconsider the podium design. The Chairman asked whether Environmental Protection Department could confirm a minimum height of the podium. Mr. Wong responded that he did not have the information and if the height of the podium was lowered, a revised hazard assessment had to be conducted.

28. 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 4.3.2015, 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 of a revised building design of the proposed development with a lower podium height to the satisfaction of the Director of Planning or of the TPB;
- (b) the implementation of the mitigation measures identified in the Hazard Assessment Report endorsed by the Coordinating Committee on Landuse Planning and Control relating to the Potentially Hazardous Installations to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the implementation of the mitigation measures identified in the environmental assessments therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the provision of emergency vehicular access, water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

29. The Committee also agreed to advise the applicant of the following :
- (a) to note the comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department on the lease matters and application for lease modification;
 - (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that to submit general building plans for the proposed development for approval by the Building Authority; and
 - (c) to liaise with the representatives of Chung Kwai Chung Tsuen and Ham Tin Tsuen to address their concerns.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/TW/421 Proposed Shop and Services (Temporary Motor-vehicle Showroom) and Temporary Minor Relaxation of Non-domestic Gross Floor Area Restriction For a Period of 3 Years in “Residential (Group A) 6” zone, Portion of Car Park at Level 6, Discovery Park, 398 Castle Peak Road, Tsuen Wan (TWTL 361)
(MPC Paper No. A/TW/421)

30. The Committee noted that the applicant’s representative requested on 15.2.2011 for deferment of the consideration of the application for one month in order to allow time to address departmental comments and concerns.

31. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted to the

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

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

[Mr. Raymond Chan, Mr. Felix Fong and Ms. Olga Lam returned to join the meeting at this point.]

Hong Kong District

[Ms. April K.Y. Kun, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H4/84 Proposed Public Utility Installation
(Telecommunications Radio Base Station and Associated Facilities)
in "Other Specified Uses" annotated "Pier" zone,
Rooftop of Central Government Pier (Central Pier No. 1),
32 Man Fai Street, Central
(MPC Paper No. A/H4/84)

Presentation and Question Sessions

32. Ms. April K.Y. Kun, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed public utility installation (telecommunications radio base station and associated facilities);
- (c) departmental comments – the Director-General of Telecommunications (DG of T) supported the application as the proposed telecommunications radio base station would enhance the mobile phone coverage in Central. Other concerned government departments had no objection/adverse comment;
- (d) during the statutory publication period, one public comment from Designing Hong Kong Limited was received. The commenter supported the application subject to conditions for landscaping or alternative beautification measures to mitigate the visual impact. No local objection was received by the District Officer (Central and Western); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. According to the Explanatory Statement of the OZP, while roof-top gardens were already provided on Central Piers 2 and 3, there was not a planning intention to develop the roof of the Central Government Pier as public open space. The proposed installations were small in scale and not incompatible with the existing pier use at the subject site. Although the Central Government Pier occupied a prominent location on the Central harbourfront, the applicant had demonstrated that the proposed installations on the rooftop of the pier would unlikely have significant visual impact on the surrounding areas nor affect the visual quality of the harbourfront area. The proposed installations would not defeat the vision to create a vibrant, green and accessible new Central harbourfront. Regarding the public comment on measures to mitigate the visual impact, the proposed installations would be set back from the façade of the pier and juxtaposed against the wall of an existing rooftop structure to minimize its visual intrusiveness.

33. Members had no question on the application.

Deliberation Session

34. 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 4.3.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

[The Chairman thanked Ms April K.Y. Kun, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Mr. David C.M. Lam, STP/HK, was invited to the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/65 Proposed Minor Relaxation of Plot Ratio and Site Coverage
to not more than 0.9 and 34.1% respectively
for Permitted House Development in "Residential (Group C) 4" zone,
45 Tai Tam Road, Tai Tam
(MPC Paper No. A/H18/65)

Presentation and Question Sessions

35. 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 plot ratio (PR) and site coverage (SC) to not more than 0.9 and 34.1% respectively for permitted house development
- (c) departmental comments – no objection/adverse comment from concerned Government departments was received;
- (d) during the statutory publication period, five comments objecting to the application were received. They worried about the possible environmental impacts and nuisances during construction such as noise, dust, diesel from the machine and the construction waste. They also pointed out that tree felling had been involved and requested that the replanting scheme for the site should include local tree species. Besides, a commenter was also concerned about the possible impacts on the views and environment of Pacific View and the stability of the slope at the application site. The District Officer (Southern) advised that residents from Pacific View had objections against the application and an objection letter had been submitted to the Board via its management agent. Due consideration should be given to the local sentiments in processing the subject application; and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Compared with the previously approved scheme (Application No. A/H18/61), there was no increase in PR or gross floor area (GFA). The current scheme would reduce the above-ground building height (BH) by 1 storey or 3.5m when compared with the approved application, which could better integrate with the environment. In the current application, the applicant applied for relaxing the SC restriction to 34.1% mainly for incorporating design features including entrance courtyards, verandahs, terraces and roof gardens. The SC under application did not exceed the maximum permissible level adopted by the Board (i.e. 50% as the application site falls within Residential Zone 3 Area) and was also considered generally in line with the planning criteria of allowing design

flexibility, not exceeding PR, GFA and BH restrictions of the OZP and the permissible SC under the Building (Planning) Regulations. The increased SC would allow design flexibility for more variations in the built form with different coverage on different floors, allowing landscaping at these locations. There would also be no adverse impacts on the traffic, environment, infrastructure, landscape and visual amenity arising from the proposed PR and SC relaxation. As one of the design merits in the current application was a lower above ground building height when compared with the previously approved scheme, it was recommended that an approval condition be imposed to cap the proposed BH (i.e. 60.35mPD) to ensure that there would be no increase in the BH. As to the commenters' concerns on the environmental impacts and nuisances, the Director of Environmental Protection advised that the developer had to comply with the relevant environmental pollution control legislation. As regards the comments on tree felling and replanting aspects, an approval condition regarding the submission and implementation of tree preservation and landscaping proposals was recommended. On visual aspect, the Chief Town Planner/Urban Design and Landscape, PlanD, and the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department had no objection to the application. As regards the comment on slope safety, the Head of Geotechnical Engineering Office, Civil Engineering and Development Department advised that the slope safety of the development would be scrutinized at building plan submission stage to ensure that the current safety standards could be met.

36. Members had no question on the application.

Deliberation Session

37. 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 4.3.2015, 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 building height of the proposed development within the application site should not exceed 60.35mPD;
- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (c) 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.

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

- (a) the approval of the application did not imply that gross floor area exemption proposed in the development would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the gross floor area exemption was not granted by the Building Authority and the proposed plot ratio exceeded the Outline Zoning Plan restriction, a fresh planning application to the Board would be required;
- (b) to note the comments of the District Lands Officer/Hong Kong West and South, Lands Department in respect of the requirement of lease modification;
- (c) 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;
- (d) 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
- (e) to note the comments of the Director of Environmental Protection

regarding the need to comply with relevant pollution control ordinances.

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

[Mr. Tom C.K. Yip, STP/HK, and Dr. Conn Yuen, AVA Consultant, were invited to the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H21/132 Proposed Office Development and Minor Relaxation
of the Non-building Area Restriction (Amendments to An Approved
Master Layout Plan) in "Comprehensive Development Area" zone,
Taikoo Place, 979 King's Road, Quarry Bay
(MPC Paper No. A/H21/132)

39. The Secretary reported that the application was submitted by a subsidiary of Swire Properties Ltd. (Swire). Mr. Raymond Y.M. Chan who had current business dealings with Swire had declared an interest in this item. The Committee agreed that Mr. Chan should leave the meeting temporarily.

[Mr. Raymond Y.M. Chan left the meeting temporarily]

40. The Committee noted that Ove Arup & Partners Hong Kong Ltd (Ove Arup) was the consultant of the applicant. Professor S.C. Wong who had current business dealings with Ove Arup had declared an interest in this item. The Committee noted that Professor Wong had tendered apologies for not attending this meeting.

41. Mr. Roger Luk indicated that his property at Kornhill would not be affected by the subject application. The Committee agreed that Mr. Luk should stay in the meeting.

42. The Secretary reported that a petition letter submitted by District Councillor Mr.

Eddie Ting of the Eastern District Council received before this meeting was tabled. She said that Mr. Ting had indicated objection to the subject application on the grounds that the building height (BH) of the proposed development was excessive and would affect the ridgeline; it would cause wall effect and hence adverse air ventilation and heat island effect; and it would adversely affect the traffic and pedestrian flow particularly at the Mass Transit Railway (MTR) Station's exit to Taikoo Place.

Presentation and Question Sessions

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

Background

- (a) the application site was zoned "Comprehensive Development Area" ("CDA") and was the subject of several previously approved applications for a two-phased comprehensive commercial/office development. Phase 1 of the development consisting of Lincoln House and Dorset House had been implemented in accordance with the approved scheme. Phase 2 involved the redevelopment of three existing industrial buildings at the application site, namely Warwick House, Cornwall House and Somerset House into two office buildings (i.e. Buildings 2A and 2B). The current application was for implementation of Phase 2;
- (b) on 25.7.2008, the draft Quarry Bay Outline Zoning Plan (OZP) No. S/H21/25, incorporating amendments mainly to impose BH and non-building area (NBA) restrictions for various development zones, was exhibited for public inspection under section 7 of the Ordinance. BH restrictions of 130mPD and 170mPD were imposed for the Phase 1 area of the "Comprehensive Development Area" ("CDA") zone. For the Phase 2 area, a BH restriction of 170mPD was imposed for the Warwick House site, while BH restrictions of 130mPD and 200mPD were imposed for the Somerset House and Cornwall House site. In addition, a 10m-wide NBA covering part of Tong Chong Street and Somerset House was imposed. An objection was submitted by the applicant of the subject application against

the BH and the NBA restrictions for the subject “CDA” site. During the further consideration of the objections on 15.5.2009, the Board decided to propose, among others, amendments to partially meet the applicant’s objection by relaxing the BH restrictions for part of the “CDA” site with a maximum BH of 195mPD and 225mPD for the Phase 2 area and inclusion of a provision in the Notes for the “CDA” site for application for minor relaxation of the NBA restriction;

The proposal

- (c) as compared with the previously scheme approved in 1999 (Application No. A/H21/96), the proposed Building 2A would be moved to the north accommodating the gross floor area (GFA) of Somerset House while Building 2B would accommodate the GFA of Warwick House and Cornwall House. The total GFA complied with the restriction on the OZP;
- (d) for the proposed BHs, Building 2A would be lowered from 295mPD to 225mPD while Building 2B would be increased from 160mPD to 195mPD;
- (e) a 10m-wide NBA in an east-west direction was designated in the “CDA” zone to enhance air ventilation and visual permeability along Tong Chong Street and Taikoo Wan Road. For the section of NBA across Somerset Building, the applicant proposed a 25m headroom from ground level under Building 2A and a setback of the building on ground level by about 13.5m (i.e. 10m-wide NBA area plus 3.5m) to widen the space of the void in a horizontal direction, and hence minor relaxation of the NBA restriction to allow building structure above 25m measured from ground level was required;
- (f) as regards the proposed open space, its total area would be increased from 6,000m² in the previously approved scheme to 6,400m² in the current scheme. The open space would be concentrated in the central part of the application site, resulting in an enlarged open space providing opportunity to develop into a focal point in the district. Elevated footbridge system would link up the “CDA” site with the adjacent buildings;

- (g) according to the applicant's proposal, Building 2A would be developed first and be self-contained in relation to car parking requirements. A portion of the open space, about 2,000m², would be implemented together with Building 2A. The implementation of Building 2B would depend on the completion of land ownership consolidation for Cornwall House, part of which was owned by the Government;

Departmental Comments

- (h) the Head, Development Opportunities Office (DOO), Development Bureau commented that the proposed development was presented to the Land and Development Advisory Committee (LDAC) in October 2010. LDAC members supported the redevelopment project on the grounds that it would provide additional Grade A office space to support Hong Kong's economic development and create additional street-level open space for enjoyment by the community. Members also agreed that the redevelopment proposal would rejuvenate the Quarry Bay area;
- (i) the Government Property Administrator (GPA) advised that subject to approval of the proposed MLP by the Board, the Secretary for Financial Services and the Treasury (SFST)/GPA were prepared to consider offers by the project proponent, including but not limited to acquisition of Financial Secretary Incorporation's (FSI) interests as provided for in the sale and purchase agreement. SFST/GPA would only consider an offer which was fair to the public purse;
- (j) the Commissioner for Transport (C for T) had no in-principle objection to the application. Since the total GFA of the proposed development remained the same, the Traffic Impact Assessment (TIA) submitted by the applicant had demonstrated that the proposed development would not have adverse traffic impact and was considered acceptable. Should the Board approve the application, approval condition requiring the implementation of the traffic management and road improvement measures as proposed in the TIA should be imposed;

- (k) the Chief Architect/Advisory & Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) advised that the disposition, together with its reduction in BH, of Building 2A was considered to be an improvement compared with the approved scheme. The relocated and enlarged open space between Buildings 2A & 2B, if implemented, appeared to enhance the visual linkage and amenity of the area;
- (l) PlanD's AVA consultant commented that the proposed scheme achieved similar overall wind performance as compared with the OZP compliant scheme. There was an increase in overall air ventilation along Tong Chong Street throughout the year (average velocity ratio (VR) increased from 0.16 in the OZP compliant scheme to 0.18 in the proposed scheme) considering all prevailing wind directions throughout the year. Although there was a reduction in the easterly wind (VR decreased from 0.18 in the OZP compliant scheme to 0.14 in the proposed scheme), the overall improvement in the VR for the neighbourhood throughout the whole year was similar, given that the frequency of the easterly wind condition only occurred 15% during the year;
- (m) other concerned government departments had no objection/adverse comment on the application;

Public Comments

- (n) the District Officer (Eastern), Home Affairs Department had no comment on the application. In general, residents in the district were very concerned about the BH and expected the development would strictly comply with the BH restrictions on the OZP;
- (o) during the statutory publication period, a total of 305 public comments were received. Out of them, 190 supported the application while 103 objected to the application, 4 gave general comments on the design of the building and the remaining 8 had no comment. The supporting comments were submitted by members of the public and tenants of the existing

developments in Taikoo Place. The opposing comments were submitted by 9 Eastern District Councillors (one of them submitted under the letter of Civic Party and one on behalf of Democratic Party Hong Kong Island Branch Eastern Group), Green Sense, 2 Incorporated Owners of nearby buildings, the Quarry Bay Building Joint Committee and members of the public;

- (p) those supporting commenters considered that the current scheme was an improvement to the previously approved scheme. The increased open space created visual corridor between buildings and improved airflow. The proposed MLP would enhance social and economic benefits for workers and residents in the area; the proposed redevelopment was sustainable in that more greening and landscape areas would be provided within the site; as regards the air ventilation problem, the wind could blow to King's Road via Pan Hoi Street. The air would be refreshed after passing through the landscaped open space; and the existence of techno-centres currently led to a lot of lorries accumulated in the neighbourhood of Taikoo Place. The number of large trucks might be considerably decreased after redeveloping the site into an office building;

- (q) those opposing commenters considered that the proposed BHs were excessive and would affect the ridgeline and failed to meet the 20% building-free zone; Building 2A was taller than Building 2B which was not in line with the stepped height concept from the waterfront; the disposition of Building 2A in the current MLP would downgrade the amenity provided in the earlier MLP and obstruct the intended visual corridor and air/wind path; the proposed development would create adverse visual and air ventilation impacts in the district and contradict with the Board's intention to provide air and visual corridor on ground level; the implementation of the proposed open space was minimal during the interim situation and the wind performance was questionable; the open space as well as the AVA study were proposed on the assumption that both Buildings 2A and 2B have been completed; the traffic condition in Taikoo Place as well as roads in Taikoo Shing had already become severely congested since the

completion of One Island East. There were concerns on the increase in pedestrian flows and the pedestrian traffic conditions between Quarry Bay MTR Station and Taikoo Place, particularly during peak hours, as a result of the proposed development and induce safety problem to the pedestrians. The applicant had failed to address this issue to cater for the increased pedestrian flow due to the additional GFA from the proposed development; the proposed development would generate noise and waste nuisances during construction stage. Upon completion, the development may create light nuisance; and the proposed office development with central air-conditioning would increase energy consumption. The applicant should consider to provide openable windows so as to switch off air-conditioning during the period between November and March;

Planning Department (PlanD)'s views

- (r) PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed office development was generally in line with the planning intention of the "CDA" zone, which was primarily to encourage comprehensive redevelopment of the area for commercial uses with the provision of open space and other supporting facilities. The proposed office development was compatible with the surrounding areas which were predominantly commercial in nature. The total GFA of the proposed development was within the OZP limit and remained the same upon redevelopment of the three existing buildings;

- (s) the proposed development could be considered as an improvement to the previously approved scheme (A/H21/96) in terms of the proposed BHs and open space provision. The BHs of the proposed Buildings 2A and 2B complied with the BH restrictions as stipulated on the OZP, which were agreed by the Board after due consideration of the objections received at the OZP amendment stage and upon balancing of urban design consideration and development need. The BH of Building 2A would be reduced by 70m from 295mPD to 225mPD, and that of Building 2B would be increased by 35m from 160mPD to 195mPD but the BHs would not breach the ridgeline. The stepped height profile could still be achieved and

there would be more spatial and visual openness in the local area with the provision of a larger open space (6,400m²). According to the applicant, there would be an early provision of a portion of the proposed open space (about 2,000m² out of 6,400m²) upon completion of Building 2A;

- (t) for the proposed relaxation of the NBA restriction, the provision of a 25m-high void over the NBA and the further setback of Building 2A to achieve a 13.5m setback on ground floor to connect with the adjoining 50m-long open space in the scheme could provide a visual connection between Taikoo Wan Road and Tong Chong Street. On the air ventilation aspect, as pointed out by the independent AVA consultant, the current scheme, as compared with the OZP compliant scheme, could achieve no-worse off or even some improvement in the overall ventilation in the neighbourhood including Tong Chong Street on a whole year basis, though there was a reduction in air ventilation along Tong Chong Street for the easterly wind, which occurred only 15% during the year;
- (u) according to the technical assessments submitted by the applicant, the proposed office development would not generate any significant adverse environmental, traffic and sewerage impacts on the surrounding areas. Relevant Government departments consulted had no objection to or no adverse comments on the application; and
- (v) in relation to the concerns of the Eastern District Councillors and the public on the pedestrian traffic conditions to and from the Quarry Bay MTR station, the applicant had indicated that they would continue to liaise with the Eastern District Council and the Government to explore the possible improvement measures.

44. A Member asked whether the AVA had taken into account the redevelopment plan of the adjacent buildings to the east including DCH Commercial Centre and Oxford House. Mr. Tom Yip, STP/HK said that he was not aware of any redevelopment plan as the two buildings were relatively new. Moreover, the footprints of the two buildings did not encroach upon the 10m NBA and no adverse impact on air ventilation was anticipated.

45. The same Member asked whether the wind performance would be improved further if the 25m headroom of the void was increased. Dr. Conn Yuen, AVA Consultant, responded that the applicant had examined several options for the proposed height of the void and had increased the headroom from 20m to 25m to achieve a great improvement in terms of air ventilation performance. The applicant had not submitted any assessment with a headroom taller than 25m. Dr. Yuen believed that wind performance would improve with increase in the height of the void but the degree of improvement might diminish after a certain level. She was of the view that after balancing the overall air ventilation performance in the surrounding area, the 25m high void in the proposed scheme was considered acceptable. The same Member further asked if a wind tunnel test would be more accurate than using computational fluid dynamics (CFD). Dr. Yuen replied that CFD was considered an acceptable method in conducting AVA.

46. The same Member considered that it was an improvement to combine the three open spaces in the previously approved scheme into two open spaces in the current scheme. However, with Building 2A moved to the north, the original open space by the waterfront would be removed and the three buildings (i.e. Building 2A, Lincoln Hose and DCH Commercial Centre) would be very close to each other. This Member asked whether the current layout was a better option from the urban design perspective. Mr. Yip replied that the current scheme with the provision of two open spaces was better as that would provide an opportunity to develop the open space as a focal point in the area for the enjoyment of the office workers and the residents in the area. Moreover, the previously proposed open space at the northern part of the site was located at a distance away from the waterfront with the Eastern Harbour Crossing portal and Island East Corridor in between. In response to the same Member's further enquiry, Mr. Yip said that the applicant would be responsible for the management of the proposed open spaces.

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

47. A member said that the large open space south of Building 2A could act as a gathering place for festive events in the Eastern district. The Member was of the view that the design of the open space should take such function into account. Mr. Yip replied that an approval condition requiring the submission of Landscape Master Plan (LMP) to the

satisfaction of PlanD was proposed to be imposed should the application be approved. PlanD would take into account Members' views on the design of the open space in vetting the submission of LMP submitted by the applicant.

48. A Member asked if consideration had been given to pedestrianise the internal street between Dorset House and the Building 2A in view of the high pedestrian traffic especially during lunch hours. Mr. Yip responded that there was vehicular access leading to the basement carpark of the proposed development along the internal road. There was no proposal of pedestrianisation in the current scheme. Transport Department (TD) would likely consider whether there would be alternative road and whether there were loading/unloading spaces for the shops along the street. Mr. David To said that with the implementation of new vehicular access and the connected basement carpark of the proposed development, the Traffic Impact Assessment submitted by the applicant had showed that vehicular traffic along the internal roads would be reduced. That might provide an opportunity for pedestrianisation but further study would be required to confirm the feasibility.

49. Another Member asked whether any measures had been proposed in the current scheme to address the heavy pedestrian flow issue during peak hours between Quarry Bay Mass Transit Railway (MTR) Station and Taikoo Place. Mr. Yip explained that the issue of heavy pedestrian flow was noted and TD considered that this issue should be handled on a district-wide basis and further discussion with the applicant was needed to investigate the best ways to improve pedestrian flow in the area. Mr. David To said that TD would examine whether the at-grade crossing could be improved but he noted that the bottleneck was at the point of access up the footbridge between the MTR Station and Taikoo Place. TD had already advised the developer to address the concern of the public and Eastern District Council on pedestrian traffic as mentioned in para. 10.1.4 (c) of the Paper.

Deliberation Session

50. A Member opined that currently the footbridge between the Quarry Bay MTR Station and Taikoo Place was heavily congested during peak hours. This Member suggested that the provision of an underground pedestrian connection from the MTR Station to the "CDA" site should be explored. Mr. David To said that TD had considered widening the at-grade crossing across King's Road. For the underground connection, as it would involve

an already built MTR Station on one side and private commercial buildings on the other side, and, together with the presence of underground utility facilities there, the feasibility of an underground connection could be very complicated. As the feasibility was uncertain, it would not be appropriate to impose an approval condition to request the developer to provide an underground connection. The Chairman said that it would be more appropriate for TD to further liaise with the developer to investigate ways to improve pedestrian flow in the area.

51. A Member supported the application. This Member opined that, with the development of Taikoo Place, Tong Chong Street area had the potential to evolve into a Lan Kwai Fong in the east and in the longer run, Tong Chong Street should be pedestrainised. Moreover, the proposed open space had potential to be developed as a focal point and gathering place for the public at festive occasions in the Eastern District. The Member said that the landscape plan should be so designed to provide more space and less fixture for people to gather around. Another Member agreed that the landscape design of the proposed open space should take into account its use as a public gathering place and the paving design of the internal street should also blend in with the existing Taikoo Place environment which was more pedestrian-oriented. The chairman added that the provision of some green landscape would help enhance the design of the open space. The Secretary added that PlanD would take Members' views into account in vetting the LMP submission.

52. Another Member said that the pedestrian issue needed to be resolved, otherwise the idea of developing the proposed open space as a focal point, particularly during festive days, would not be possible. A Member also supported the current application. This Member suggested that the applicant should be advised to liaise with MTRCL to investigate ways to improve the pedestrian flow from Quarry Bay MTR Station to Taikoo Place.

53. The Chairman concluded that Members generally supported the current scheme. To address the pedestrian flow issue, Members agreed that an advisory clause should be included to request the applicant to liaise with MTRCL to investigate ways to improve the pedestrian connection between Quarry Bay MTR Station and the application site.

54. After 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 4.3.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised MLP to take into account the approval conditions as stated in paragraphs (b) to (e) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the implementation of the traffic management and road improvement measures as proposed by the applicant in the Traffic Impact Assessment submitted to the satisfaction of the Commission for Transport or of the TPB;
- (c) the submission and implementation of a revised footbridge system with a view to developing the open space as a forecourt of the adjoining buildings and a focal point for Taikoo Place to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of car parking spaces, loading/unloading and picking-up/setting-down facilities for the development to the satisfaction of the Commission for Transport or of the TPB;
- (e) the submission and implementation of a revised Landscape Master Plan including the tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (f) the submission and implementation of the development programme of the proposed development to the satisfaction of the Director of Planning or of the TPB; and
- (g) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) 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) the approval of the application did not imply that the proposed gross floor area (GFA) concession for the proposed development would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If GFA concession was not granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (c) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department in paragraph 10.1.2 of the Paper regarding the new policy on GFA concessions and justifications for covering up of the non-building area;
- (d) to note the comments of the Commissioner for Transport in paragraph 10.1.4 of the Paper regarding the improvement of the pedestrian condition in Taikoo Place area;
- (e) to liaise with Mass Transit Railway (MTR) Corporation Limited to investigate ways to improve the pedestrian connection between Quarry Bay MTR Station and the application site;
- (f) to note the comments of the Government Property Administrator in paragraph 10.1.11(e)(ii) of the Paper regarding the provision of information related to the proposed integrated basement parking system to them for consideration; and
- (g) to note the suggestion in paragraph 12.15 of the Paper regarding not using

air-conditioning between the period of November and March.

[The Chairman thanked Dr. Conn Yuen, AVA Consultant, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Mr. Raymond Chan returned to join the meeting while Ms. Julia Lau arrived to join the meeting at this point.]

Agenda Item 13

Section 16 Application

Deletion and Variation of Approval Conditions Attached to the Planning Permission for Proposed Hotel, Eating Place, Shop and Services, Place of Recreation, Sports or Culture in "Comprehensive Development Area (1)" zone,
15-17 Oil Street, North Point under Application No. A/H8/373
(MPC Paper No. 4/11)

56. The Secretary reported that the application was submitted by a subsidiary of Cheung Kong (Holdings) Ltd. (Cheung Kong). Mr. Felix W. Fong and Professor P.P. Ho who had current business dealings with Cheung Kong had declared interests in this item. The Committee agreed that Mr. Fong and Professor Ho should leave the meeting temporarily.

[Mr. Fong and Professor Ho left the meeting temporarily at this point.]

57. The Committee noted that Ove Arup & Partners Hong Kong Ltd (Ove Arup) was the consultant of the applicant. Professor S.C. Wong who had current business dealings with Ove Arup had declared an interest in this item. The Committee noted that Professor Wong had tendered apologies for not attending this meeting.

58. Mr. Roger Luk indicated that his property at City Garden would not be affected by the subject application. The Committee agreed that Mr. Luk should stay in the meeting.

Presentation and Question Sessions

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

Background

- (a) the proposed comprehensive development (Application No. A/H8/373), which comprised a hotel, eating place, shop and services and place of recreation, sports or culture at the application site, was approved by the Committee on 10.6.2005 subject to the following conditions:
 - a. the submission and implementation of a revised Master Layout Plan (MLP) to incorporate the approval conditions as stipulated in conditions (b) to (f) below to the satisfaction of the Director of Planning or of the Town Planning Board;
 - b. the submission and implementation of a Landscape Master Plan, including in particular detailed landscaping proposals for the waterfront area and the area underneath the Island Eastern Corridor (IEC), to the satisfaction of the Director of Planning or of the Town Planning Board;
 - c. the design and provision of the waterfront promenade at the ground level and the waterfront building to the satisfaction of the Director of Planning or of the Town Planning Board;
 - d. the provision of vehicular access points, on-site carparking and loading/unloading facilities and lay-bys to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
 - e. the provision of emergency vehicular access, water supplies for firefighting and fire services installations to the satisfaction of Director of Fire Services or of the Town Planning Board;

- f. the provision of a reserve area of 20m wide on the northern side of the existing IEC for the future IEC widening;
 - g. the design and provision of sewers for the proposed development to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
 - h. the permission should cease to have effect on 10.6.2009 unless prior to the said date either the development hereby permitted was commenced or this permission was renewed.
- (b) according to the MLP of the development approved by the Committee, the proposed development comprised a hotel in the southern part of the site (Phase 1 works) which had been completed and was in operation, and a cultural/leisure/tourist related activities complex (the cultural complex) and a 10m wide waterfront promenade north of the IEC near the waterfront (Phase 2 works);
- (c) the Central-Wan Chai Bypass and Island Eastern Corridor Link Project (CWB project) was authorized by the Chief Executive in Council (CE in C) on 20.5.2009. On 27.7.2007, the northern part of the application site was rezoned from “Comprehensive Development Area (1)” (“CDA(1)”) to “Other Specified Uses” annotated ‘Landscaped Deck over CWB Tunnel Portal’, “Open Space” and ‘Road’ on the OZP to reflect the alignment of the CWB project and the associated facilities. According to the CWB project, a portion of site in the northern part of the application site would be resumed (edged red in Plan A-2 of the Paper) by early 2016. The resumed area together with the adjoining areas would be developed by the Government into an open space and landscaped deck over CWB tunnel portal. The southern part of the application site which was used for the hotel would remain in the “CDA(1)” zone. Approval conditions (a), (b), (c) and (f) were related to the cultural complex and waterfront promenade originally proposed in the northern part of the site. On 14.1.2011, the

applicant wrote to confirm that the proposal for the northern part of the site could not be implemented due to the resumption under the CWB project. In view of the applicant's confirmation, deletion and variation to the relevant approval conditions were required;

Departmental Comments

- (d) no objection/adverse comment was received from concerned government departments on the deletion and variation to the relevant approval conditions; and

Planning Department (PlanD)'s Views

- (e) the proposed cultural complex and waterfront promenade in the northern part of the site in the approved scheme could not be implemented due to the resumption of the concerned area under the CWB project. The land resumption for the project would deny the possibility of compliance with the approval condition (c) related to the design and provision of the waterfront promenade as well as approval condition (f) related to the provision of a 20m wide reserve on the northern side of the existing IEC for the future IEC widening. As such, approval conditions (c) and (f) were suggested to be deleted as they were rendered impractical due to the resumption of the area for CWB project. Deletion of these conditions were considered reasonable as the non-compliance with these approval conditions was due to the conflict with CWB project authorized by the CE in C subsequent to the granting of the planning permission. The proposed promenade in condition (c) would be replaced by a landscaped deck to be implemented as part of the CWB project, and an open space to the north and west of the site would be developed by the Government. In connection with the deletion of approval conditions (c) and (f), approval conditions (a) and (b) would also need to be revised.

60. In response to a Member's enquiry, Mr. Tom C.K. Yip, STP/HK, responded that the plot ratio of the hotel was calculated based on the area of the southern part of the "CDA(1)" site, and not the whole "CDA(1)" site. The proposed 10m wide promenade with a 3-storey building for cultural/leisure/tourist activities was proposed as a planning gain to

support the application as the subject “CDA(1)” zone was intended for cultural, leisure and tourism uses.

61. In response to the same Member’s enquiry, Mr. Yip clarified that the landscaped garden to the north of the existing hotel was a private garden of the hotel and not a public open space.

62. Referring to para. 5.2(a) of the Paper, a Member asked why only approval conditions (a) and (b) remained. Mr. Yip explained that approval condition (c) relating to the waterfront promenade and approval condition (f) relating to the 20m wide reserve for the future IEC widening were suggested to be deleted as they were rendered impractical due to the resumption of the concerned area for the CWB project. As for the approval conditions (d), (e) and (g) relating to the hotel portion of the approved development, they had already been complied with by the applicant. Therefore, only approval conditions (a) and (b) would remain.

Deliberation Session

63. After further deliberation, the Committee agreed to delete approval conditions (c) and (f) and amend approval conditions (a) and (b) of the approved application (No. A/H8/373) as follows:

- (a) the submission and implementation of a revised Master Layout Plan (MLP) to incorporate the approval condition as stipulated in condition (b) below to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (b) the submission and implementation of a Landscape Master Plan, including in particular detailed landscaping proposals for the area underneath the Island Eastern Corridor, to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the Town Planning Board 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 condition into a revised MLP for deposition in the Land Registry as soon as practicable; and
- (b) to note the comments of the District Lands Officer/Hong Kong East, Lands Department in paragraph 4.1.1 of the Paper regarding the need for application for a modification to the lease.

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

[Mr. Fong and Professor Ho returned to join the meeting at this point.]

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

Agenda Item 14

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H10/66-3 Proposed Class B Amendments to the
Approved Application for Apartments for the Elderly
with Ancillary Recreational, Care and Communal Facilities
(‘Residential Institution’ Use)
in “Government, Institution or Community” zone,
IL8842 and Adjoining Government Land, Victoria Road, Pokfulam
(MPC Paper No. A/H10/66-3)

65. The Secretary reported that the application was submitted by Swire Properties Ltd. (Swire). Mr. Raymond Y.M. Chan who had current business dealings with Swire had declared an interest in this item. The Committee agreed that Mr. Chan should leave the meeting temporarily.

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

66. The Committee noted that replacement pages (page 1, 3, 13 and 14) of the Paper were tabled at the meeting.

Presentation and Question Sessions

67. Mr. K.S. Ng, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed Class B amendments to the approved application for apartments for the elderly with ancillary recreational, care and communal facilities ('Residential Institution' use) (Application No. A/H10/66);
- (c) departmental comments – no objection/adverse comment from concerned government departments was received;
- (d) District Officer (Southern) advised that there was no objection from the District Council Member of Pok Fu Lam Constituency and no comment from the Chairperson of the Southern District West Area Committee who was also the Chairperson of the Southern District Council. An objection was raised by the Owners' Committee of Bel-Air. The reasons for objection were that there was insufficient information regarding the proposed development, such as the details of the original building plans or any other documents that had been approved by Town Planning Board in 2004 and the details of the revised building plan and documents etc., in particular they were much concerned about how the EVA, building external outlook, landscaping etc. had been amended; the intended purpose of the development was unclear. It seemed that the "apartments for the elderly" was another kind of private residential building rather than "Government, Institution or Community" as required and approved in OZP. The

regulatory requirements on residential to recreation/care facilities ratio of this type of development was not known; there was concern about the foreseeable nuisance during the construction period, e.g. traffic congestion, road hazards of big trucks, noise and air pollution, etc.; and more information and a briefing session for the residents regarding the construction details, commencement date of construction and the timeline to completion were requested ; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 8 of the Paper. The current application involved Class B amendments to the approved scheme. The amendments were basically minor in nature. They included increase in unit size, minor changes in form of the building and disposition of building, changes in internal layouts which are subject of environmental mitigation measures, change in location of the sky gardens, changes in internal road layout, including main vehicular/entrance and circulation area, the emergency vehicular access, the car park entrance, the locations of the ambulance parking and loading and unloading bays, as well as the ramp up to the upper podium levels and minor changes to the Landscape Master Plan on ground level and podium level. Regarding the local concerns on air and noise nuisances during construction, Environment Protection Department advised that the potential environmental problems during construction were subject to the relevant pollution control ordinances. An advisory clause was suggested to advise the applicant to strictly observe all the requirements in the relevant pollution control ordinances during the construction stage. Regarding insufficient information on consultation, a copy of Planning Statement containing the approved and current scheme had been sent to the commenters for their information. The applicant also indicated that they would be prepared to discuss with the commenters once the development programme was confirmed. An advisory clause was suggested to advise the applicant to consult the affected residents.

68. In response to a Member's enquiry, Mr. K.S. Ng, STP/HK said that as the application site involved both private land and government land, the applicant had to apply to

Lands Department (LandsD) for land exchange. Currently, LandsD was processing the application for land exchange.

Deliberation Session

69. 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 14.5.2012, 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 landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised traffic arrangement strategy to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of car parking facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission and implementation of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the diversion of existing underground drainage facilities within the application site to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the diversion of existing fresh and salt water mains within the application site and the provision of water supply for the proposed development to the satisfaction of the Director of Water Supplies or of the TPB;
- (g) the setting back of the western boundary of the application site by 2.7m from the elevated bridge structure along Cyberport Road to the satisfaction

of the Director of Highways or of the TPB; and

- (h) the submission of a detailed sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB.

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

- (a) the approval of the application did not imply that the gross floor area exemption in particular the proposed green features would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (b) to liaise with the District Lands Officer/Hong Kong West and South, Lands Department for lease modification for the proposed development;
- (c) to liaise with the Director of Highways on the proposed yellow and green areas;
- (d) to submit a Self-Assessment Form under the Professional Persons Environmental Consultative Committee Practice Note 1/97 issued by the Environmental Protection Department to the Director of Environmental Protection for information;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that effort should be made to reduce the perceived length of the building facades;
- (f) to consult the Commissioner for Transport, Director of Highways and Director of Food and Environmental Hygiene on the construction works of the access road to the Pest and Control Store and Quarters;
- (g) to liaise with relevant utility companies to carry out the necessary diversion of gas mains/telephone lines/electricity cables before commencement of works;

- (h) to consult the Southern District Council and the affected residents on the proposed development; and
- (i) to note the comments of the Director of Environmental Protection on the revised Noise Impact Assessment in paragraph 7.1.2 (f) of the Paper and to disclose to the public the noise performance of all flats and the details of the noise mitigation measures adopted, as well as to strictly observe all the requirements in the relevant pollution control ordinances, including Air Pollution Control Ordinance and Noise Control Ordinance during construction.

[The Chairman thanked Mr. K.S. Ng, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Kowloon District

[Mr. Richard Y.L. Siu, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K11/200 Proposed Religious Institution (Extension of Temple)
 in "Green Belt" zone,
 Government Land adjacent to Fat Jong Temple,
 175 Shatin Pass Road, Tsz Wan Shan
 (MPC Paper No. A/K11/200)

Presentation and Question Sessions

71. Mr. Richard Y.L. Siu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution (extension of temple);
- (c) departmental comments – no objection/adverse comment from concerned government departments was received;
- (d) during the statutory publication period, one public comment was received. The commenter opposed to the application on the grounds that the proposed use was not in line with the planning intention of a “Green Belt” (“GB”) zone and would set an undesirable precedent. The District Officer (Wong Tai Sin) advised that the application site was located near the junction of Tsz Wan Shan Road and Shatin Pass Road. The intake of population at the nearby Shatin Pass Estate would commence in early 2011. The applicant should have mitigating measures to avoid noise and air pollution nuisances to nearby residents.; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. Though the application was not in line with the “GB” zoning, the proposed development was considered not unacceptable. The proposed development served as an extension of the adjacent Fat Jong Temple, which was an existing religious institution in the area. Although the proposed plot ratio (PR) was 0.49, which exceeded the PR of 0.4 as specified in Town Planning Board (TPB) Guidelines, the proposed development was small in scale. Besides, previous planning approval had been granted by the Committee for the provision of incense burners and a shrine at the application site. The current application was to provide ancillary office use and religious related facilities on Level 1 and to provide incense burners on the roof. As such, the proposed development was not considered incompatible with the surrounding land uses and the minor exceedance of

the PR was considered acceptable. The proposed development would not involve any felling of trees. The Chief Town Planner/Urban Design and Landscape, PlanD commented that the proposed extension of the temple could blend in with the existing topographical setting and height profile and was not unacceptable. Significant landscape impacts arising from the proposed development to the existing site condition were not anticipated. The proposed development would not cause adverse environmental nuisance to the surrounding areas and mitigation measures had been proposed to safeguard against the environmental nuisances caused by the proposed development. The proposed development would not cause adverse impacts on traffic, drainage and the existing/ planned infrastructures. Since the application site was located near a 400kV overhead lines and adjacent to an existing 400kv Electricity Sub-station, mitigation measures had been proposed to safeguard any potential fire hazards of the proposed incense burners. Regarding the public comment objecting to the application, the proposed development was small in scale and would not cause adverse impacts on the surrounding and previous planning approval had been granted for the application site. Each case would be considered on individual merits and would not set an undesirable precedent.

72. A Member referred to para. 2 of the Paper and asked if it was contradictory for the applicant to claim that the increase in number of visitors was expected while at the same time the extension was to cater for an increase in patrons. Mr. Richard Y.L. Siu, STP/K, explained that according to the applicant, there was already an increase in the number of patrons and more staff were employed to maintain the operation. The proposed annex building was intended for ancillary office use and religious facilities to meet the need of the staff and the patrons.

73. In response to another Member's enquiry, Mr. Siu said that a 400kV pylon was erected on the land to the west of the temple which was zoned "Green Belt". Noting that the floor-to-floor height of G/F was 2.2m, the same Member asked what the proposed use for the G/F was. Mr. Siu replied that the G/F was at the level of Shatin Pass Road and a staircase would be built to allow access to the office at Level 1. The rest of the G/F would be

backfilled.

Deliberation Session

74. 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 4.3.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire service installations and equipment to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of landscape proposal and tree preservation scheme to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision and implementation of mitigation measures to safeguard any possible fire hazards on the adjacent electricity substation to the satisfaction of the Director of Electrical and Mechanical Services or of the TPB.

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

- (a) to note the advice from the Director of Fire Services that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue;
- (b) to apply to the District Lands Officer/Kowloon East, Lands Department for a modification of the short term tenancy;
- (c) to appoint an Authorized Person to submit building plans for formal approval and demonstration of full compliance with the Buildings Ordinance;

- (d) to note the advice from the Commissioner for Transport that Transport Department would not provide any on-street parking spaces for the existing and proposed developments in the future since this section of Shatin Pass Road was of limited road width for two-way traffic flow; and
- (e) to note the advice from the Director of Environmental Protection in respect of mitigation measures to address the concern of potential air nuisance/impact from the anticipated operation/activity and the requirements of the CLP Power Hong Kong Limited in respect of the mitigation measures to safeguard possible fire hazards.

[The Chairman thanked Mr. Richard Y.L. Siu, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 16

Any Other Business

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