

TOWN PLANNING BOARD

Minutes of 463rd Meeting of the Metro Planning Committee held at 9:00 a.m. on 30.3.2012

Present

Director of Planning Mr. Jimmy C.F. Leung	Chairman
Mr. K.Y. Leung	Vice-chairman
Mr. Raymond Y.M. Chan	
Mr. Felix W. Fong	
Mr. Maurice W.M. Lee	
Ms. Maggie M.K. Chan	
Professor P.P. Ho	
Professor C.M. Hui	
Ms. Julia M.K. Lau	
Mr. Clarence W.C. Leung	
Mr. Laurence L.J. Li	
Mr. Roger K.H. Luk	
Ms. L.P. Yau	

Assistant Commissioner for Transport (Urban) (Atg.),
Transport Department
Mr. Albert W.B. Lee

Principal Environmental Protection Officer (Metro Assessment) (Atg.),
Environmental Protection Department
Mr. Colin P.Y. Keung

Assistant Director/Kowloon, Lands Department,
Ms. Olga W.H. Lam

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

Secretary

Absent with Apologies

Dr. Winnie S.M. Tang

Professor S.C. Wong

Assistant Director(2), Home Affairs Department
Mr. Eric K.S. Hui

In Attendance

Assistant Director of Planning/Board (Atg.)
Ms. Christine K.C. Tse

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

Town Planner/Town Planning Board
Ms. Polly O.F. Yip

Agenda Item 1

Confirmation of the Draft Minutes of the 462nd MPC Meeting held on 16.3.2012

[Open Meeting]

1. The draft minutes of the 462nd MPC meeting held on 16.3.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

Tsuen Wan and West Kowloon District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/541 Proposed Shop and Services (Retail Shop)
in "Other Specified Uses" annotated "Business" zone,
Workshop A, G/F, Mow Shing Centre, 118 Bedford Street,
Tai Kok Tsui, Kowloon
(MPC Paper No. A/K3/541)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services (retail shop);

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

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period which ended on 13.3.2012 and no local objection/view was received by the District Officer (Yau Tsim Mong), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below :
 - (i) the proposed retail shop under application was not incompatible with the uses of the subject industrial building which mainly comprised offices ancillary to industrial and trading firms on the upper floors;
 - (ii) the subject premises was small and the applied use complied with the Town Planning Guidelines No. 22D for 'Development within "Other Specified Uses (Business)" Zone' in that it would not cause adverse impacts on the existing uses within the subject building and developments in the adjacent area. Relevant government departments consulted had no objection to the application;
 - (iii) the subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on G/F. As there were no other existing commercial uses on G/F of the subject building, the subject premises with a floor area of about

113m² would not exceed the maximum permissible limit. In this regard, the Director of Fire Services had no objection to the application; and

- (iv) there were similar applications for ‘shop and services’ use in the G/F units of other industrial buildings within the “OU (Business)” zone in Mong Kok and they were all approved by the Committee. There were no change in planning circumstances since the approval of these similar applications.

4. Members had no question on the application.

Deliberation Session

5. 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 30.3.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of 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; and
- (b) if the above planning condition was not complied with before the operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

6. 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 applicant should apply to his office for a temporary

waiver or lease modification, as appropriate, for the proposed 'shop and services' use;

- (b) to note the comments of the Director of Fire Services that the applicant should comply with the requirements as stipulated in the 'Code of Practice for Fire Resisting Construction';
- (c) to note the comments of the Commissioner for Transport that he had the rights to impose, alter or cancel any car parking, loading/unloading facilities and/or any non-stopping restrictions on all local roads to cope with the changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the subject development; and
- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that an Authorized Person should be appointed to submit building (alterations and additions) plans to demonstrate the compliance with the Buildings Ordinance, in particular, the provision of the following at the subject premises:
 - (i) fire resisting construction under the Building (Construction) Regulations 90; and
 - (ii) access and facilities for persons with a disability in accordance with the Building (Planning) Regulations 72 and the Design Manual: Barrier Free Access 2008.

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

Agenda Item 4

Section 16 Application

[Open Meeting]

A/KC/370 Proposed Hotel in “Other Specified Uses” annotated “Business” zone,
Kwai Chung Town Lot 136, No. 30-34 Kwai Wing Road,
Kwai Chung, New Territories
(MPC Paper No. A/KC/370)

7. The Secretary reported that Mr. Clarence W.C. Leung had declared an interest in this item as he owned an office in the vicinity of the application site. The Committee considered the interest of Mr. Leung was direct but noted that he had not arrived to join the meeting yet.

8. The Secretary continued to report that the consideration of the application had been deferred twice upon the requests of the applicant. In January and February 2012, the applicant submitted further information including a revised Transport Impact Assessment (TIA) to address the departmental comments. Relevant comments on the further information were forwarded to the applicant for reference. On 16.3.2012 and 20.3.2012, the applicant submitted further information including responses to the Transport Department’s (TD) comments on the revised TIA and undertook to carry out off-site junction improvement works. TD’s comments on the further information were forwarded to the applicant on 22.3.2012. On 27.3.2012, the applicant submitted further information including responses to TD’s comments and a revised proposal for the junction improvement works. TD’s comments were still awaited. As TD’s comments were relevant to the consideration of the application, the Planning Department (PlanD) requested for a deferment of the consideration of the application pending TD’s comments.

9. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration at the next meeting.

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

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/KC/373 Proposed Hotel in “Other Specified Uses” annotated “Business” zone,
No. 26-38 Ta Chuen Ping Street, Kwai Chung, New Territories
(MPC Paper No. A/KC/373)

10. The Secretary reported that Mr. Raymond Y.M. Chan had declared an interest in this item as he was the director of Raymond Chan Surveyors Ltd., one of the consultants of this application. The Committee noted that Mr. Chan had left the meeting temporarily.

11. The Secretary continued to report that on 28.3.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow additional time for the applicant to prepare further information to address one of the public comments on the Transport Impact Assessment.

12. 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 agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since this was the third deferment and a total of six months had been allowed, no further deferment would be granted.

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

[Mr. Philip Y.L. Chum, STP/TWK, was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SC/6 Temporary Industrial Use (Revalidation and Repair Workshop for Liquefied Petroleum Gas Vehicle Fuel Tank) for a Period of 5 Years in “Other Specified Uses” annotated “Boatyards and Marine-oriented Industrial Uses” zone, New Kowloon Inland Lot 6370 (Part), No. 85 Hing Wah Street West, Kowloon
(MPC Paper No. A/SC/6)

Presentation and Question Sessions

13. 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;
- (b) the temporary industrial use (revalidation and repair workshop for liquefied petroleum gas (LPG) vehicle fuel tanks) for a period of 5 years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period which ended on 28.2.2012, one public comment was received from Cheoy Lee Shipyards Ltd., with their shipyard located to the immediate southwest of the site. The company indicated that the site was in close proximity to the Licenced Dangerous Goods (DG) Storage Area (Category 2, 5 and 10) within their shipyard; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below :

- (i) the applied use was a kind of industrial use which was not incompatible with the industrial use, i.e. shipyard, at the subject lot and the shipyards/marine-oriented industrial uses in the surrounding area;
- (ii) the applied use would unlikely cause any adverse traffic and environmental impacts and the Commissioner for Transport and the Director of Environmental Protection had no adverse comments on the application. The Director of Electrical and Mechanical Services (DEMS) had no objection to the application and advised that the operation of the revalidation workshop and storage together with liquid transfer of the LPG fuel tanks were in compliance with the safety standards and meet statutory requirements of the Gas Safety Ordinance and its Regulation; and
- (iii) regarding the public comment from Cheoy Lee Shipyards Ltd. on the existence of a Licenced DG Storage Area within their shipyard to the immediate southwest of the site, the Director of Fire Services advised that the DG store had adequate separation distance from the site. Besides, DEMS had no adverse comment on the application with the existence of the DG store in the vicinity and advised that there was a solid wall separating the shipyard at the subject lot and the Cheoy Lee Shipyards.

14. Members had no question on the application.

Deliberation Session

15. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 30.3.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire safety measures including the provision of fire service installations and water supplies for firefighting within six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.9.2012; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the development at the application site;
- (b) to note the comments of the District Lands Officer/Kowloon West, Lands Department on the application for a temporary waiver;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that all temporary buildings should comply with Part VII of the Building (Planning) Regulations. If the existing structures were erected on the application site without the approval of the Building Authority, they were unauthorized under the Buildings Ordinance (BO). The granting of any planning approval should not be construed as an acceptance of any existing building works or unauthorized building works on the site under the BO; and
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The provision of emergency vehicular access should comply with Part VI of the 'Code Practice for Means of Access for Firefighting and Rescue' which was administrated by BD.

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

Agenda Items 7, 8 & 9

Section 16 Applications

[Open Meeting]

A/TY/117 Proposed Temporary Concrete Batching Plant
for a Period of 3 Years in "Industrial" zone,
Tsing Yi Town Lot 108 RP (Part), Tsing Yi, New Territories
(MPC Paper No.A/TY/117)

A/TY/118 Temporary Asphalt Plant
for a Period of 3 Years in "Industrial" zone,
Tsing Yi Town Lot 108 RP (Part), Tsing Yi, New Territories
(MPC Paper No. A/TY/118)

A/TY/119 Temporary Concrete Batching Plant
for a Period of 3 Years in "Industrial" zone,
Tsing Yi Town Lot 108 RP (Part), Tsing Yi, New Territories
(MPC Paper No. A/TY/119)

17. The Secretary reported that the applicant of the three applications, Hongkong United Dockyards Ltd., was a subsidiary of Hutchison Whampoa Ltd. and Swire Properties Ltd. Mr. Felix W. Fong, having current business dealings with Hutchison Whampoa Ltd., and Mr. Raymond Y.M. Chan, having current business dealings with Swire Properties Ltd., had declared an interest in this item. The Committee considered that as the applicant had requested for a deferment of consideration of the applications, Mr. Fong and Mr. Chan could be allowed to stay in the meeting.

18. The Secretary continued to report that the three applications were submitted by the same applicant for similar temporary uses and the application sites were located next to each other within the same "Industrial" zone. On 13.3.2012, the applicant requested for a deferment of the consideration of all the three applications for two months in order to allow

time for the applicant to prepare supplementary information to address departmental comments. Application No. A/TY/117 was the second request for deferment and Applications No. A/TY/118 and A/TY/119 was the first request for deferment. The Committee agreed that the requests could be considered together.

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

Hong Kong District

Agenda Item 10

Section 16 Application

[Open Meeting]

A/H15/252 Proposed Minor Relaxation of Building Height Restriction
from 6 storeys to 7 storeys for Permitted Social Welfare Facility
in “Government, Institution or Community” zone,
The Jockey Club Rehabilitation Complex,
4 Welfare Road, Wong Chuk Hang, Hong Kong

(MPC Paper No. A/H15/252)

20. The Secretary reported that on 19.3.2012, the applicant requested for a deferment of the consideration of the application to the Committee’s meeting scheduled for 4.5.2012 in order to allow more time to resolve the noise issues raised by the Environmental Protection Department.

21. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the

applicant. The Committee agreed that the application should be submitted for its consideration at the meeting scheduled for 4.5.2012. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 11

Section 16 Application

[Open Meeting]

A/H6/70 Proposed Minor Relaxation of Building Height Restriction
for Permitted Hotel Development
in “Other Specified Uses” annotated “Mixed Use” zone,
7 Moreton Terrace, Causeway Bay
(MPC Paper No. A/H6/70)

22. The Secretary reported that on 23.3.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow additional time for the applicant to address the comments raised by the relevant government departments.

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

[Ms. Irene W.S. Lai, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H8/413 Proposed Hotel (including Shop and Services/Eating Place)
 in “Residential (Group A)” zone,
 98-100 Tung Lo Wan Road and 8-12 Lin Fa Kung Street West,
 Causeway Bay, Hong Kong
 (MPC Paper No. A/H8/413)

Presentation and Question Sessions

24. With the aid of a powerpoint presentation, Ms. Irene W.S. Lai, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (including shop and services/eating place);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods of the application and the further information which ended on 20.1.2012 and 2.3.2012 respectively, a total of 44 public comments were received. The comments were submitted by the Central & Western Concern Group and members of the public/local residents. Out of 44 comments, 21 were in standard letters of two types. All the commenters objected to the application, except one who provided comments on the application. Their views were summarized as follows :
 - (i) the proposed development was incompatible with the planning intention of the area and would affect the tranquil environment. The proposed hotel would have a precedent effect on similar

applications in the residential area;

- (ii) the proposed development was incompatible with the architecture and religious use of the adjacent historic Lin Fa Temple;
 - (iii) the proposed hotel was incompatible with the surrounding buildings in terms of development intensity and building bulk. The proposed building height (BH) should be limited to 10 storeys;
 - (iv) the proposed development would worsen the congested traffic and insufficient parking conditions in the area. The footpath in the area was not wide enough to cater for visitors carrying baggage, causing inconvenience to the local residents. There were also concerns on traffic control during festivals. Hotel development as a kind of commercial use should be located near the Mass Transit Railway stations or should provide with sufficient car parking spaces and loading/unloading (L/UL) bays; and
 - (v) there were several hotels in the area and additional hotel(s) in the area would have air and noise impacts to the surrounding residential area. There were concerns on the works commenced at the site. The proposed hotel/eating place would have emission and cause hygiene problem and nuisance to the local residents. Glass curtain wall would have light pollution and heating effect;
- (e) the District Officer (Wan Chai), Home Affairs Department, advised that local views were divided on the hotel development in the area. Some welcomed hotel development while others opposed to the application with concerns on the foreseeable traffic impact; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below :

- (i) the site was located within the Lin Fa Kung area, which was mainly residential in character and intermixed with some commercial and government, institution or community uses and open space. The proposed hotel was considered not incompatible with the surrounding land uses;
- (ii) there was a previous application (No. A/H8/388) for a 29-storey hotel with 105 guest rooms at a plot ratio (PR) of 12.35 and BH of 113.45mPD at the site approved by the Committee on 7.3.2008. The current application was for a 83-room hotel of not more than 25 storeys (including 3 storeys of ancillary shop and services/eating place). The same PR was maintained and the BH was reduced to 103.6mPD. The average hotel room size was increased with the net room size ranging from 33.835m² to 75.139m². The proposed BH was within the maximum BH of 120mPD stipulated under the Outline Zoning Plan;
- (iii) while no car parking space would be provided, a L/UL turntable was proposed on G/F of the hotel. The applicant also proposed junction improvement to Tung Lo Wan Road/Lai Yin Lane/Lin Fa Kung Street West to improve traffic and pedestrian movements by providing a corner splay. The Commissioner for Transport (C for T) had no objection to the application; and
- (iv) regarding the public concerns on the land use incompatibility and development intensity, the proposed hotel was considered not incompatible with the surrounding residential developments. The proposed hotel was also considered compatible with Lin Fa Temple and the Antiquities and Monuments Office had no comment on the application. As for the concerns on traffic impact, C for T had no adverse comments on the application. On the environmental aspect, an appropriate clause was recommended to advise the applicant to address the environmental impacts of light pollution and heating-effect of glass curtain wall at the detailed design stage.

25. Members had no question on the application.

Deliberation Session

26. A Member noted that the proposed hotel abutted a curve section of Tung Lo Wan Road. This Member opined that the applicant should consider improving the design of the hotel so that it could blend in with the curvature of the road. The Secretary suggested adding an advisory clause to ask the applicant to considering revising the building design to take into account the curvature of the road. Members agreed.

27. The Chairman noted that like a few previously approved schemes in the vicinity, the average size of the hotel room had been increased. A Member said that according to his understanding, quite a number of travellers to Hong Kong were for business/exhibition purpose and they usually had exhibits and product samples with them which required larger rooms. They would also have a longer stay. The hotels in the less central locations like the hotel at the subject site would provide larger rooms to meet such demand. Members generally considered that the application could be supported.

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 30.3.2016, 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 loading/unloading area and turntable should be maintained and opened to all vehicles at all times;
- (b) the implementation of the proposed improvement works to the Tung Lo Wan Road/Lin Fa Kung Street West/Lai Yin Lane junction to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;

- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in planning condition (c) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (f) the submission and implementation of a 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 revise the design of the proposed hotel to take into account the road curvature of Tung Lo Wan Road;
- (b) in the detailed design of the proposed hotel, the applicant should take into account the traditional character of Lin Fa Temple;
- (c) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines and any gross floor area (GFA) concession, hotel concession, the non-domestic plot ratio (PR) of the proposed hotel and any proposal on bonus PR would be granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the proposed building design elements, GFA concession, hotel concession, non-domestic PR and bonus PR were not approved/granted by the BA and major changes to the current scheme were required, a fresh planning application to the TPB may be required;
- (d) to note the comments of the District Lands Officer/Hong Kong East, Lands Department in paragraph 8.1.1(a) of the Paper regarding the application for a licence to permit the proposed hotel use under the lease;

- (e) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, BD in paragraphs 8.1.2(b) and (c) of the Paper regarding the inclusion of the scavenging lane into the site area and that the provision of Building (Planning) Regulations 23A was applicable to bona fide hotel only;
- (f) to note the comments of the Chief Highway Engineer/Hong Kong, Highways Department in paragraph 8.1.4(b) of the Paper regarding the proposed surrender of the corner splay;
- (g) to note the comments of the Director of Environmental Protection in paragraph 8.1.6(c) of the Paper that the applicant should prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works;
- (h) to note the comments of the Director of Fire Services in paragraph 8.1.7(b) of the Paper regarding the arrangement of the emergency vehicular access;
- (i) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department in paragraph 8.1.12 of the Paper regarding the licensing requirements for hotel use under the Hotel and Guesthouse Accommodation Ordinance;
- (j) to note the comments of the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department in paragraph 8.1.13 of the Paper regarding the precautionary measures and monitoring systems to safeguard the structural integrity of Lin Fa Temple and the need to consult AMO on works proposals that might affect Lin Fa Temple; and
- (k) to note the local concerns on the environmental impacts of the proposed hotel in paragraph 9.2(e) of the Paper and to address the concerns at the detailed design stage.

[The Chairman thanked Ms. Irene W.S. Lai, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Mr. Stephen C.Y. Chan, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

Kowloon District

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K22/13 Proposed Residential Development and Minor Relaxation of
Plot Ratio Restriction to Include Residents' Club House
Ancillary to the Residential Development in "Commercial (2)" zone,
7, Kai Hing Road, Kowloon Bay, Kowloon
[New Kowloon Inland Lot No. 5813]
(MPC Paper No. A/K22/13)

Presentation and Question Sessions

30. With the aid of a powerpoint presentation, Mr. Stephen C.Y. Chan, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed residential development and minor relaxation of plot ratio (PR) restriction from 5 to 5.12 to include the residents' club house ancillary to the residential development;
- (c) departmental comments – departmental comments were detailed in paragraph 9 of the Paper and highlighted below :

- (i) the District Lands Officer/Kowloon East, Lands Department had no objection to the application and advised that the 20m-wide waterfront promenade within the lot to be surrendered for public use needed to be carved out from the lot before disposal of any undivided shares of the lot;

- (ii) the Director of Leisure and Cultural Services (DLCS) had no adverse comment on the development proposal. She reserved the right to comment on the design of the waterfront promenade and it should be open 24 hours without any restriction for public enjoyment before it was surrendered to the Government;

- (iii) the Director of Environmental Protection (DEP) had no objection to the application provided that there were mechanisms to ensure that the applicant would implement the proposed mitigate measures and realise the commitments below :
 - the Environmental Assessment conducted by the applicant indicated that the traffic/industrial noise criteria could only be met by assuming that the residential development at the adjacent Kowloon Godown site could screen the traffic noise from Kwun Tong Bypass, and the scrap metal yard would be demolished together with the Kowloon Godown. It was noted that the applicant committed in this application not to pre-sell/sell the proposed development and that population intake would not be allowed before the submission and implementation of noise mitigation measures/proposals to the satisfaction of DEP;

 - the applicant had not proposed any mitigation measures to address the odour problem from the Kai Tak Approach Channel and the water body in the vicinity. It was noted that the applicant committed in this application to conduct an odour impact assessment before the occupancy of the proposed development; and

- regarding the off-site risk impact due to the operation of the chlorine trans-shipment dock in the vicinity of the site, the applicant committed not to pre-sell/sell the proposed development and that population intake would not be allowed before the relocation of the chlorine trans-shipment dock;
 - (iv) the Director of Marine (D of M) raised concern that the proposed development might cause unacceptable impact on the coverage of the existing Air Field Surface Detection Equipment (ASDE) Station radar at Kai Tak. The phasing of the decommissioning of the existing ASDE station radar at Kai Tak in mid 2013 and the demolition of the proposed development to be commenced in/after end of 2013 should be matched. As the applicant committed not to carry out construction work on the site exceeding 40mPD before the decommissioning of the existing radar operation, he had no further comment on the application;
 - (v) the Project Manager/Kowloon, Civil Engineering Development Department advised that a minimum greening ratio of 30% should be provided within the area covered by the Kai Tak Outline Zoning Plan (OZP). The implementation programme of Trunk Road T2 to the southwest of the site was under review. The applicant should duly consider the impact of Trunk Road T2 on the site. The feasibility and alignment of the Environmentally Friendly Transport System (EFTS) were still being studied and it might possibly run along the proposed waterfront promenade; and
 - (vi) other concerned government departments had no objection to or adverse comments on the application.
- (d) the application and further information had been published three times. A total of 13 comments from nine commenters were received during the first three weeks of the respective statutory publication periods. Of the nine

commenters, three (including Designing Hong Kong Limited) supported the application, three objected to the application and three (including the Chairman of the Kwun Tong District Council) provided comments on the application. Their views/comments were summarised as follows :

Supporting Views

- (i) the redevelopment would provide quality housing units to meet the shortage of large flat supply in the area;
- (ii) the existing dangerous godown at the site would pose hazard to the residential development at the adjacent site. The redevelopment would remove the hazard and was complementary to the waterfront promenade and the government's initiative of 'Energizing Kowloon East';

Opposing Views

- (iii) the ground floor facing the promenade should include retail, food and beverages and marina club services with outdoor seating facilities. The site should be retained for commercial uses and the exterior and interior design details should reflect the details of industrial buildings;
- (iv) the development of residential building with club house deviated from the planning intention of the "Commercial (2)" ("C(2)") zone;
- (v) the club house was for the sole enjoyment of the residents. It should be provided by reducing the floor areas for flats. The increase in gross floor area (GFA) would lead to a bulky building and cause adverse visual impact. The rationale and impact of adopting two different PRs by separating 'club house' and 'flat' in the calculation were unclear;
- (vi) it was unclear whether the building setback was of public interest, for the concessions in GFA calculation, or for the creation of a site

of another class so that more PR and site coverage would be allowed under the Building (Planning) Regulations;

- (vii) decorative paving might not be acceptable to the Buildings Department (BD) or the Fire Services Department (FSD) as paving materials of the emergency vehicular access;
- (viii) the provision of a refuge floor was not required for domestic buildings of 31 storeys under the 'Code of Practice for Provision of Mean of Escape in case of Fire' issued by BD but it created a tall and bulky building;

Comments

- (ix) it had to be established whether the club house was essential for the development proposal before granting approval for relaxation of the PR from 5 to 5.12;
 - (x) uses such as alfresco dining should be added near the waterfront of residential area to enhance vibrancy;
 - (xi) the applicant should consider allowing a 6m-wide gap in between Towers 2 and 3 as suggested at the Task Force meeting of the Harbourfront Commission;
 - (xii) the site was situated at the waterfront and fell within the Kai Tak Development Area and the area under the government's initiative of 'Energizing Kowloon East'. The height and disposition of the buildings should be carefully considered; and
 - (xiii) the development of public waterfront promenade should be expedited;
- (e) the District Officer (Kwun Tong), Home Affairs Department advised that the public waterfront promenade should be open for access by public

without any restriction; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below :
- (i) the “C(2)” zoning for the area was intended to form an extension of the existing and planned business developments in Kowloon Bay and Kwun Tong Business Areas. While commercial development in the “C(2)” zone was always permitted to be developed up to a maximum PR of 9.5, the Notes also provided flexibility, on application to the Board, for residential development with a lower density of a PR of 5;
 - (ii) there was no provision in the Notes for the “C(2)” zone to exempt recreational facilities ancillary to residential development from GFA calculation. However, it was a usual practice and allowed under BD's Practice Notes for Authorised Persons (APP-04) that ancillary recreational facilities for residential development with a maximum of 5% of the total domestic GFA could be exempted from GFA calculation. The proposed club house which accounted for about 2.33% of the total domestic GFA was not considered unacceptable;
 - (iii) despite the overall PR of the proposed residential development including the ancillary recreational facilities was 5.12, the PR of 5 for the domestic part of the development was in line with the planning intention and intended development intensity for the “C(2)” zone. The proposed building height of 100mPD also conformed with the building height restriction for the “C(2)” zone;
 - (iv) the current proposal had incorporated design features to enhance visual/air permeability which included two visual/air ventilation corridors of 6m and 4.5m wide, sky/terrace garden and refuge floor. Two levels of basement were proposed to accommodate all car

parking spaces to minimise the overall building height and bulk of the proposed development. The overall greening ratio of 30.13% of the site also met the greening ratio intended for the Kai Tak Development Area;

- (v) the applicant proposed to provide a 20m-wide waterfront promenade with an area of about 1,050m² (24.5% of the site area) within the site and would surrender it to the Government upon request. This was in accordance with the planning intention of the OZP and would help the development of a continuous promenade along the Kwun Tong waterfront for public enjoyment. DLCS had no objection to the proposed arrangement of the waterfront promenade;
- (vi) DEP's concern could be addressed by imposing approval conditions to ensure that no pre-sell/sell of the proposed development or that population intake should be allowed prior to the submission and implementation of noise mitigation measures/proposals and the submission of odour impact assessment to his satisfaction as well as before the relocation of the chlorine trans-shipment dock. D of M's concern could also be addressed by imposing an approval condition that no construction work at the site exceeding 40mPD should be allowed before the decommissioning of the existing radar operation at Kai Tak; and
- (vii) regarding the public comments on the planning intention of the "C(2)" zone, the exemption of ancillary recreational facilities from PR calculation, the building design aspects and the provision of a public waterfront promenade, the responses were included in paragraphs (i) to (v) above. Regarding the fire safety concern, FSD and BD had no particular comments.

31. In response to a Member's enquiry on the proposed gas pigging station located to the west of the site, Mr. Stephen C.Y. Chan said that it would not be implemented in the short term and its implementation was subject to review by concerned government departments.

In response to another Member's question on the land status of this site, Mr. Chan said that it was a piece of government land.

32. A Member asked about the land ownership of the scrap metal yard to the immediate east of the site and whether it would cause any adverse air ventilation impact on the proposed residential development. In response, Mr. Stephen C.Y. Chan said that the scrap metal yard formed part of the adjacent Kowloon Godown site. Under Application No. A/K22/9 approved by the Committee on 10.9.2010, the Kowloon Godown site would be redeveloped for residential use. The scrap metal yard would be demolished upon redevelopment of the site. In response to a Member's enquiry on the progress of the proposed residential development at this site, Mr. Chan said that the building plan submission had already been approved by BD.

Deliberation Session

33. The Chairman noted that the applicant proposed a 20m-wide public waterfront promenade within the site and would surrender it to the Government upon request. In response to an enquiry from the Chairman, Mr. Stephen C.Y. Chan said that under the Notes for the "C(2)" zone on the OZP, a 20m-wide strip of land abutting the waterfront designated as "Waterfront Promenade" should be provided for public enjoyment purpose. The proposed PR under the application was calculated based on the total site area of the lot including the concerned waterfront promenade. As there was no provision in the Notes for the "C(2)" zone to exempt recreational facilities ancillary to residential development from GFA calculation, the applicant applied for a minor relaxation of the PR to include the residents' club house. Under the BD's PNAP (App-04), ancillary recreational facilities for a residential development accounting for a maximum of 5% of the domestic GFA could be exempted from GFA calculation.

34. A Member opined that the site was located near to the runway of the Old Kai Tak Airport and it was foreseeable that a lot of construction works would be undertaken in the area for the coming ten years. By that time, the residents of the proposed residential development would suffer from serious noise and odour impacts from the construction sites. If the site was used for commercial development such as office and hotel, the commercial use would be less affected by the adverse impacts of the construction sites when compared to

residential use. This Member further said that there was no significant difference between a PR of 5 or a PR of 5.12 in terms of residential floor space as the applicant would need to pay more land premium. The applicant's rationale to seek planning approval for a minor relaxation of PR was unclear.

35. The Chairman pointed out that in the public engagement exercise on the government's initiative of 'Energizing Kowloon East', quite a number of the public had expressed the view that other than developing the area as a new core business district, a more diverse land uses including residential developments would enhance the diversity and vibrancy of the area. The Chairman further said that land resources in the urban areas were scarce and most developers would try to optimize the development potential of their sites. For the subject application, it was the applicant's own choice to pay more premium for a higher PR.

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

36. A Member said that the subject site was about 400m away from the runway of the Old Kai Tak Airport, separated by the Kai Tak Approach Channel. The noise impact from the construction sites at the runway was not expected to be significant. Besides, as the site was located at a distance from Kwun Tong Bypass behind the development at the Kowloon Godown site, the road traffic noise impact was not expected to be significant. This Member also opined that the EFTS along the waterfront promenade, which was under study, might have noise impact not only on the application site but the entire waterfront area.

37. The Secretary pointed out that although the planning intention of the subject "C(2)" zone was primarily for commercial development, the Kai Tak Planning Review also recommended that the "C(2)" zone was suitable for either commercial or residential use and a PR of 9.5 for commercial development and a PR of 5 for residential development were proposed for this zone. However, unlike residential zones, there was no provision in the Notes of the "C(2)" zone to exempt ancillary recreational facilities for residential development from GFA calculation. Hence, an application for minor relaxation of PR was required. The development intensity of the proposed residential development at the "C(2)" zone was in general on par with other residential developments in Kai Tak. Members generally agreed that the proposed minor relaxation of PR restriction from 5 to 5.12 to

include residents' clubhouse to the residential development was acceptable.

38. 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 30.3.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the design and provision of the public waterfront promenade to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (b) the surrender of the public waterfront promenade, as proposed by the applicant, to the Government upon request, and before being called for surrender, the waterfront promenade should be managed and maintained by the applicant and open all the time without any restriction for public enjoyment;
- (c) the submission and implementation of a landscape master plan including green coverage plan to the satisfaction of the Director of Planning or of the TPB;
- (d) the construction works at the application site should not exceed 40mPD before the decommissioning of the existing radar operation in the South Apron of Kai Tak;
- (e) no pre-sell/sell of the proposed development and population intake, as proposed by the applicant, should be allowed before the relocation of the chlorine trans-shipment dock;
- (f) no pre-sell/sell of the proposed development and population intake, as proposed by the applicant, should be allowed before the submission of odour impact assessment as well as the submission and implementation of noise mitigation measures/proposals to the satisfaction of the Director of Environmental Protection or of the TPB; and

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

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

- (a) in connection with the approval conditions (d) to (f), the applicant should be fully aware of the risks about possible delays of the chlorine trans-shipment dock relocation programme, the completion of the residential development at the adjacent Kowloon Godown site, the completion of the odour abatement programme for the Kai Tak Approach Channel and the water body in its vicinity, or the decommissioning of the radar operation which were not under the applicant's control but would directly affect the development of the application site;
- (b) to note the comments of the District Lands Officer/Kowloon East, Lands Department regarding the need to apply for a lease modification or land exchange for the proposed residential development, and that the lease modification would only be processed when the programme of the hinge factors including removal of the chlorine trans-shipment dock and the decommissioning of the existing radar in South Apron of Kai Tak were clear/certain;
- (c) to note that the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that approval of the application did not imply that the proposed building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus PR and gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach BD direct to obtain the necessary approval. If the building design elements (including the provision of service lane) and the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;

- (d) to liaise with the Project Manager/Kowloon, Civil Engineering and Development Department (CEDD) to ensure that the proposed development would not affect the future implementation of the possible Environmentally Friendly Transport System along the proposed waterfront promenade within the site as well as the Trunk Road T2 adjacent to the site, and the need to minimize visual impact during the construction stage;
- (e) to liaise with the Director of Leisure and Cultural Services regarding the construction and handing over programme of the public waterfront promenade; and
- (f) to liaise with the Chief Engineer/Port Works, CEDD regarding the management and maintenance responsibility of the vertical seawall within the site.

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

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

[Mr. Silas K.M. Liu, STP/K, was invited to the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/673 Proposed Religious Institution (Church)
in "Residential (Group A)" zone,
Shop Nos. 202, 203, 204 and 205, 1/F, Hing Tin Commercial Centre,
Hing Tin Estate, Lam Tin, Kowloon
(MPC Paper No. A/K14/673)

Presentation and Question Sessions

40. With the aid of a powerpoint presentation, Mr. Silas K.M. Liu, 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 (church);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;

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

- (d) during the first three weeks of the statutory publication period which ended on 2.3.2012, one public comment from the Incorporated Owners (IO) of Hing Tin Estate was received. The IO of Hing Tin Estate had conducted a survey to collect local residents' views on the proposed religious institution (church) at the application premises. A total of 300 responses were collected, of which 52.67% of the responses objected to the proposal and considered that the application premises should be retained for retail use to serve the local residents, 44% of the responses supported the application and 0.33% were void; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below :
 - (i) the proposed church was located in the purpose-built stand-alone commercial complex which was physically separated from the residential towers. It was small with an area of about 250m² and would unlikely cause nuisance to the residents of Hing Tin Estate. The proposed church was considered not incompatible with the surrounding residential and commercial uses;

- (ii) according to the applicant, the estimated congregation during weekdays and Sunday mornings would have about 15 to 35 persons and 200 persons respectively. The proposed church would unlikely cause adverse traffic, environmental and fire safety impacts to the surrounding areas. Concerned government departments had no objection to or adverse comments on the application; and
- (iii) regarding the comment from the IO of Hing Tin Estate on retaining the application premises for commercial use, the views of the local residents were divided on the concern related to the provision of retail facilities and there were two vacant units on the same floor.

41. Members had no question on the application.

Deliberation Session

42. 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 30.3.2016, 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 service installations for fire fighting in the application premises before operation of the proposed church to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition was not complied with before operation of the proposed church, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

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

- (a) the applicant should apply to the District Lands Officer/Kowloon East, Lands Department for lease modification or a temporary waiver for the proposed religious institution (church);
- (b) to note the comments of the Director of Housing that any proposed building works should comply with the Buildings Ordinance (BO) and its allied regulations. Should there be any non-exempted building works involved in the proposal, prior approval and consent under the BO should be obtained before the commencement of any such building works; and
- (c) to note the comments of the Director of Fire Services that the applicant should consult the Buildings Department on the fire resisting separation between the proposed religious institution (church) and the remaining commercial use in the building.

Agenda Item 15

Section 16 Application

[Open Meeting]

A/K14/674

Proposed Temporary Shop and Services (Estate Agency)
for a Period of 5 Years in “Other Specified Uses” annotated
“Business” zone, Car Parking Space No. C1,
G/F, Yip Win Factory Building, No. 10 Tsun Yip Lane, Kowloon
(MPC Paper No. A/K14/674)

44. The Secretary reported that on 19.3.2012, the applicant requested for a deferment of the consideration of the application for two months to allow time for the applicant to address the concerns of various government departments.

45. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of additional information from the

applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K15/107 Proposed Wholesale Conversion of an Existing Industrial Building
for Hotel and Shop and Services Uses for the Life-time of the Building
with Public Waterfront Promenade and Landing Steps
in “Comprehensive Development Area” zone,
428 Cha Kwo Ling Road, Yau Tong, Kowloon
(MPC Paper No. A/K15/107)

Presentation and Question Sessions

46. The Secretary reported that the application site fell within the “Comprehensive Development Area” (“CDA”) zone in Yau Tong Bay which involved land owned by Henderson Land Development Co. Ltd. (Henderson) and Sun Hung Kai Properties Ltd. (SHK). Mr. Raymond Y.M. Chan, having current business dealings with Henderson and SHK, and Mr. Felix W. Fong, having current business dealings with SHK, had declared an interest in this item. The Committee considered the interests of Mr. Chan and Mr. Fong were direct but noted that they had left the meeting temporarily.

47. With the aid of a powerpoint presentation, Mr. Silas K.M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the applicant sought planning permission for proposed wholesale conversion of an existing industrial building, Wing Shan Industrial building for hotel and shop and services uses for the life-time of the building with

public waterfront promenade and landing steps. The applicant proposed to retain the land title, together with the management and maintenance responsibility of the waterfront promenade and the landing steps in the course of the operation of the converted industrial building. The applicant had no objection to surrendering the completed waterfront promenade including the landing steps, together with the management and maintenance responsibility, to the Government upon request and upon the redevelopment of the converted building. The applicant was also willing to reinstate the landing steps into waterfront promenade if requested by the Government upon its redevelopment;

- (c) departmental comments were detailed in paragraph 9 of the Paper and highlighted below :
 - (i) the Development Bureau (DEVB) supported the applicant's proposal from the harbourfront enhancement point of view as long as the waterfront promenade would be open for public enjoyment for 24 hours daily and the future management proposal was agreed by the Leisure and Cultural Services Department (LCSD). Besides, according to the refined arrangements for provision of public open space in future private developments announced through the Administration's paper submitted in January 2010 to the Panel on Development of the Legislative Council, DEVB retained the flexibility to accept provision of public open space in commercial developments where there were obvious planning gains for an on-site public open space on private land or an adjacent government land. In this regard, the surrender of the waterfront promenade to the Government was not necessary given the development in question was for commercial use and the waterfront promenade was on private land;
 - (ii) the Director of Leisure and Cultural Services had no objection to the applicant's proposal to retain the land title, together with the management and maintenance responsibility of the waterfront

promenade, including the sea wall and landing steps, during operation of the converted Wing Shan Industrial Building. The design of the waterfront promenade should be accepted by the Government upon conversion of the building. In the long run, the whole waterfront promenade along Yau Tong Bay CDA should be handed over to LCSD upon request so that the promenade would not be fragmented;

- (iii) the Chief Engineer/Development(2), Water Supplies Department (WSD) advised that as mentioned in the site trial report submitted by the applicant, the trial was carried out with the presence of an existing silt screen and water samples were taken within the screen. If the silt screen was removed after the completion of the Kai Tak development project, the applicant should conduct a separate site trial to demonstrate the water quality of the sea water at the sea water intake of the Cho Kwo Ling Salt Water Pumping Station to his satisfaction. The applicant should also submit a management plan on the future berthing activities for WSD's comment. An agreement to modify or suspend relevant berthing activities should be made by the applicant after the completion of the proposed landing steps if the berthing activities were found to cause unacceptable adverse impact on the water quality at the sea water intake;
- (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department had some concern on the feasibility of the landscape proposal. The applicant had not provided sufficient information to demonstrate that there were adequate soil depth and volume for the proposed tree planting and other greenery; and
- (v) other concerned government departments had no objection to or adverse comments on the application;

- (d) during the first three weeks of the statutory publication period which ended on 13.3.2012, three public comments were received. A Kwun Tong District Councillor agreed that the construction, management and maintenance of the relevant facilities should be taken up by the applicant. The land title of the waterfront promenade and landing steps should belong to the Government for its future development of the waterfront promenade for public enjoyment. The Chairman of the Kwun Tong District Council expressed the view that the proposed landing steps and waterfront promenade should be open for public use and the landing steps could be used by the hotel and non-hotel vessels. Designing Hong Kong Limited (DHKL) supported the application and urged the Board to support the use of half of the promenade in front of the building for outdoor seating to allow al fresco dining. The District Officer (Kwun Tong) (DO(KT)), Home Affairs Department advised that the proposed landing steps and the waterfront promenade should be opened for access by public without restrictions; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below :
 - (i) the current application was identical to the previously approved scheme (No. A/K15/98) regarding in-situ conversion of the existing industrial building for hotel and shop and services uses for the life-time of the building with public waterfront promenade, except that the applicant proposed to add one set of landing steps along the proposed 20m wide waterfront promenade;

 - (ii) the applicant undertook to manage and maintain the 20m wide public waterfront promenade and open 24 hours a day for public enjoyment and proposed to surrender the waterfront promenade to the Government upon request and upon redevelopment of the application site. In this regard, an approval condition was recommended to ensure the applicant to effect the above proposals;

- (iii) although there was no definite programme for redevelopment of the converted building, the long-term planning intention for LCS D to take over the strip of land for waterfront promenade for future management and maintenance would not be jeopardised. The details on how the waterfront promenade would be managed and maintained could be worked out in consultation with DLCS at the implementation stage; and
- (iv) regarding the proposed landing steps, relevant approval conditions were recommended to require the applicant to provide the landing steps for public usage, to submit and implement a management plan on future berthing activities, to conduct a separate site trial if the silt screen was removed and to reinstate the landing steps to the Government upon the request to the satisfaction of relevant government departments. The details on how the landing steps would be managed could be worked out in consultation with DO(KT) and the Marine Department at the implementation stage.

48. Noting the current situation of the surrounding development, a Member asked how the public could gain access to the 20m wide waterfront promenade to be provided on the subject site after the wholesale conversion of the existing building for hotel and shop and services uses. In response, Mr. Silas K.M. Liu, STP/K, said that the application site was located within the “CDA” zone in Yau Tong Bay. As stipulated in the Notes of the OZP, a public waterfront promenade of not less than 15m wide had to be provided within the “CDA” zone. Hence, upon redevelopment of the lots within the “CDA” zone, there would be a continuous waterfront promenade provided along Yau Tong Bay. However, for the time being, the lots adjacent to the subject site, including the water pumping station of WSD to its west and some vacant sites under private landownership to its east, had not yet been redeveloped and the public could not gain access to the waterfront promenade on the site via these adjacent lots. The same Member asked if the public could be allowed to gain access to the waterfront promenade through the proposed hotel given that the applicant had undertaken to open the promenade 24 hours a day for public enjoyment. In response, Mr. Liu said that the applicant would need to provide the design of the proposed waterfront promenade on the

subject site for consideration of LCSD and the details on management of the waterfront promenade would be worked out in consultation with LCSD and concerned government departments.

49. In response to a Member's enquiry, Mr. Silas K.M. Liu said that the application site was zoned "CDA" and the proposed conversion of the subject industrial building did not fall within the Government's initiative of revitalisation of industrial buildings. According to his understanding, the set of building plans submitted under the previously approved scheme (Application No. A/K15/70) for in-situ conversion of the existing industrial/godown building for retail/restaurant uses was approved in 2005 and the applicant had paid the land premium.

50. The same Member asked whether 'for the life-time of the building' had any special meaning and why the applicant was required to surrender the waterfront promenade upon redevelopment of the application site as it was more reasonable for the Government to decide when the waterfront promenade should be surrendered, taking into account of the progress of development in the surrounding area. In response, Mr. Liu said that the current application was an in-situ conversion of the existing industrial building. If the application site was to be redeveloped, the applicant would need to meet the planning requirement of providing a waterfront promenade within the "CDA" zone as specified on the OZP. The Chairman added that when to surrender the waterfront promenade involved land matter which should be decided by the Lands Department.

51. In response to a further enquiry from the same Member, Mr. Silas K.M. said that as proposed in the application, the applicant would surrender the waterfront promenade upon request by the Government and upon redevelopment of the application site. Mr. Liu added that the waterfront promenade would be surrendered to the Government at no cost.

52. The same Member continued to enquire about the function of the proposed landing steps. In response, Mr. Liu said that according to the applicant's proposal, the existing marine access right along the seawall of the application site would be maintained and the proposed landing steps were mainly intended to serve the pleasure vessels for the hotel guests.

53. The Chairman said that the applicant had previously obtained planning permission from the Committee for in-situ conversion of the existing industrial building for retail/restaurant uses under application No. A/K15/70. In the previous application, there was no provision of a waterfront promenade. From the planning point of view, the current application with the provision of a 20m wide public waterfront promenade was a better scheme as compared with the previously approved scheme. The Chairman informed Members that underneath the proposed waterfront promenade was the car park of the existing building and hence surrender of land to the Government would be upon redevelopment of the lot.

54. A Member was concerned about how the implementation of the proposed development could fit in with the overall "CDA" development. In response, Mr. Silas K.M. Liu said that under the subject "CDA" zone, development/redevelopment was restricted to a maximum plot ratio of 4.5 and a maximum building height of 120mPD and the provision of a public waterfront promenade of not less than 15m wide. The subject site, once redeveloped, had to comply with the requirements of the approved Master Layout Plan (MLP) for the "CDA" zone. Mr. Liu added that a consortium comprising a majority of the Yau Tong Bay lot owners had submitted a planning application (No. A/K15/96) for a proposed comprehensive redevelopment at the Yau Tong Bay "CDA" site. The consideration of the application was deferred upon the request of the consortium.

55. In response to the same Member's question, Mr. Silas K.M. Liu said that the consortium had owned more than 80% of the land in the "CDA" zone and the applicant was not part of the consortium. In this regard, this Member raised concern on how to ensure the public waterfront promenade to be built by the applicant would be integrated with the remaining parts of the waterfront promenade in the "CDA" zone to be built by the consortium. In response, Mr. Liu said that the redevelopment of the application site had to comply with the MLP for the "CDA" site and the design, provision, management and maintenance of the public waterfront promenade would be monitored through the imposition of approval conditions. Besides, for the consortium which had owned more than 80% of the land in the "CDA" zone, according to the Town Planning Board Guidelines No. 17 for 'Designation of "CDA" Zones and Monitoring the Progress of "CDA" Developments', phased development of the "CDA" site could be considered.

Deliberation Session

56. A Member opined that it was common for a comprehensive redevelopment of the “CDA” zone to be affected by fragmented land ownership and it was appreciated that the applicant had committed to provide a 20m wide waterfront promenade within the application site. Another Member shared the same views and added that the current application was identical to the previously approved scheme (No. A/K15/98) except that the applicant proposed to add one set of landing steps along the proposed waterfront promenade to be provided within the application site. There was no strong reason for not approving the application.

57. A Member said that as the public would not be able to gain access to the proposed waterfront promenade without passing through the application site when the adjoining sites had not been redeveloped, there should be provision to ensure that the public could gain access to the waterfront promenade via the subject site. The Chairman said that PlanD had to pay attention in vetting building plans to ensure that public access to the waterfront promenade was provided. To address the Member’s concern, the Secretary suggested adding an advisory clause to require the applicant to provide public access to the waterfront promenade within the application site. Members agreed.

58. Members generally considered that the application could be approved and the management and maintenance issues of the proposed waterfront promenade and the proposed landing steps could be addressed by imposing appropriate approval conditions and advisory clauses.

59. 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 30.3.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the design and provision of vehicle parking, loading/unloading facilities and manoeuvring space for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;

- (b) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of design measures to reduce the visual bulkiness of the proposed development and enhance its visual amenity, in particular, for the façade along the waterfront promenade to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of the public waterfront promenade to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (e) the surrender of the public waterfront promenade, as proposed by the applicant, to the Government upon request and upon redevelopment of the application site, and before being called for surrender, the waterfront promenade would be managed and maintained by the applicant and open 24 hours a day for public enjoyment;
- (f) the provision for public usage of the landing steps to the satisfaction of the Director of Marine or of the TPB;
- (g) the reinstatement of the landing steps into waterfront promenade if so requested by the Government upon redevelopment of the application site to the satisfaction of the Director of Civil Engineering and Development and the Director of Leisure and Cultural Services or of the TPB;
- (h) if the silt screen was removed after the completion of the Kai Tak development project, the applicant should conduct a site trial to demonstrate the quality of the sea water at the sea water intake of the Cha Kwo Ling Salt Water Pumping Station would be up to the satisfaction of the Director of Water Supplies or of the TPB;
- (i) the submission and implementation of a management plan stating how future berthing activities at the proposed landing steps would be controlled

to the satisfaction of the Director of Water Supplies or of the TPB;

- (j) after the completion of the landing steps, if the berthing activities were found to cause unacceptable adverse impact on water quality at the sea water intake, the applicant should modify or suspend the relevant berthing activities to the satisfaction of the Director of Water Supplies or of the TPB; and
- (k) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) in the detailed design of the proposed development, it should be ensure that an unimpeded public access would be provided within the application site to the waterfront promenade;
- (b) to apply to the District Lands Officer/Kowloon East, Lands Department for lease modification for the proposed development at the application site;
- (c) the arrangement on emergency vehicular access should comply with Part VI of the 'Code of Practice for Means of Access for Firefighting and Rescue' which was administered by the Buildings Department (BD);
- (d) to appoint an Authorised Person to submit plans to BD for formal approval and demonstration of full compliance with the Buildings Ordinance;
- (e) to consult the Chief Officer/Licensing Authority of the Home Affairs Department on the licensing requirements for the proposed hotel at the applicant site;
- (f) to take note of the requirement of the 'Code of Practice on Avoiding Danger From Gas Pipes' issued by the Electrical and Mechanical Services Department and to maintain liaison or coordination with the Hong Kong

and China Gas Company Limited in respect of the existing and planned gas pipes routes/gas installations in the vicinity of the proposed works area and the minimum setback distance away from the gas pipelines during the design and construction stages of the development;

- (g) to take note of the following standard conditions of marine access as required by the Director of Marine :
 - (i) the building operator/owner should have no right of marine access to or from the site except the proposed landing steps;
 - (ii) no more than one tier of vessels should be allowed to moor alongside the seawall and landing steps at any time;
 - (iii) no vessel should anchor off the seawall while awaiting a berth;
 - (iv) no vessel should obstruct the marine access to neighbouring marine facilities;
 - (v) the landing steps could solely be used for embarkation and disembarkation of passengers;
 - (vi) the building operator/owner should at his own expense dredge and thereafter maintain the seabed fronting the site in order to suit the operational requirements of vessels servicing the site; and
 - (vii) the building operator/owner should at his own expense to carry out repair and maintenance works, to manage marine traffic at the landing steps and to maintain the landing steps at a safe standard;
- (h) to pay attention to the material selection and articulation of the curtain wall façade to avoid causing glare to the surroundings and neighbouring buildings;
- (i) to maximise the greening opportunities for the proposed development in order to enhance its visual amenity and to provide sufficient soil depth and

volume for the tree planting and other greenery; and

- (j) to submit design of the landing steps for comment of the Civil Engineering and Development Department at the building submission stage.

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

[Professor P.P. Ho left the meeting at this point. Mr. Raymond Y.M. Chan and Mr. Felix W. Fong returned to join the meeting at this point.]

[Ms. S.H. Lam, STP/K, was invited to the meeting at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/291 Proposed Minor Relaxation of Plot Ratio Restriction
from 7.5 to 7.96 for Hospital Development in "Government, Institution
or Community (11)" zone, Block E, Hong Kong Baptist Hospital,
322 Junction Road, Kowloon Tong, Kowloon
(MPC Paper No. A/K18/291)

Presentation and Question Sessions

61. The Secretary reported that Mr. Clarence W.C. Leung had declared an interest in this item as his family owned a restaurant in the vicinity of the application site. The Committee agreed that Mr. Leung's interest was direct and he should leave the meeting temporarily for this item.

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

62. With the aid of a powerpoint presentation, Ms. S.H. Lam, STP/K, 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) restriction from 7.5 to 7.96 for hospital development;
- (c) departmental comments were detailed in paragraph 9 of the Paper and highlighted below :
 - (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the proposed minor relaxation would involve an increase in development intensity, and hence building bulk, of the hospital development. Given the relative small scale of increase in the resulted building bulk, major adverse visual impacts on the surrounding area were not anticipated. However, according to the applicant's submission, there was no design merit to support the application from the urban design perspective;
 - (ii) the Secretary for Food and Health (SFH) had no objection to the application. He advised that the proposed increase of gross floor area (GFA) by 343m² might achieve an optimal design in terms of operational efficiency and standards. The application would improve the operations and services of the hospital and benefit the patients. When considering a private hospital redevelopment plan, enhancement of service to meet the needs of the community was SFH's primary concern. Nevertheless, SFH did not have any specific policy requirement on the number of additional beds to be provided under the subject application; and
 - (iii) other concerned government departments had no objection to or adverse comments on the application.

- (d) during the first three weeks of the statutory publication period which ended on 28.2.2012, one public comment was received in support of the proposed increase in PR. The commenter was of the view that the height and PR of developments in Kowloon Tong were tightly controlled in the old days due to the airport height restriction. With the relocation of the airport, these restrictions should be relaxed. The District Officer (Kowloon City), Home Affairs Department advised that PlanD had consulted the interested Kowloon City District Council members, the Chairman of Lung Tong Area Committee as well as the Owners' Committees, Mutual Aid Committees, management committees and residents of buildings near the site regarding this application. PlanD and the Board should take into account all the comments gathered in the consultation exercise in the decision making process; and
- (e) PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below :
- (i) the subject “Government, Institution or Community (11)” (“G/IC(11)”) site was intended for hospital use. The application for minor relaxation of the PR restriction of the site from 7.5 to 7.96 (with an additional GFA of 343m²) was to improve the operation and efficiency of the proposed hospital extension on the site, i.e. Block E of the Hong Kong Baptist Hospital (HKBH). About 41% (141.9m²) of the additional GFA would be accommodated in basement while the remaining 59% (200.6m²) would be incorporated in 4/F to 9/F resulting in minor changes to the northern façade of these floors. There would not be any change to the building footprint and building height;
 - (ii) CTP/UD&L, PlanD pointed out that although major adverse visual impacts on the surrounding areas were not anticipated, there was no design merit to support the application. Nevertheless, the applicant

had provided justifications on operation and efficiency grounds and SFH advised that the proposal would improve the operations of the hospital and benefit the patients. Considering that the subject development was to provide 102 hospital beds and training for medical professionals which could meet the urgent need of the community and there was only minor increase in the bulk at upper floors, there was no objection to the application; and

- (iii) the proposed increase in GFA by 343m² with no increase in number of beds would not have adverse impacts on the local traffic, environmental quality, sewerage and infrastructure provisions and relevant government departments consulted had no objection to or adverse comment on the application.

63. A Member asked about the background of a PR restriction of 7.5 for the subject “G/IC(11)” site. In response, Ms. S.H. Lam said that on 21.5.2008, the applicant submitted a section 12A application (No. Y/K18/3) for rezoning the site from “Commercial (1)” (“C(1)”) to “G/IC(7)” to facilitate the redevelopment of a commercial building into a hospital extension, i.e. Block E of HKBH. Under the “G/IC(7)” zone of the then Kowloon Tong OZP, developments were subject to a maximum building height (BH) of 10 storeys and there was no PR restriction. However, in the conceptual plan submitted by the applicant in the section 12A application, a PR of 7.5 and a BH of 10 storeys were proposed for the hospital extension. On 9.1.2009, the Committee decided to partially agree to the application and rezone the site to “G/IC(11)” subject to a maximum PR of 7.5 and a maximum BH of 10 storeys (excluding basement floor(s)) and 70mPD.

64. In response to another Member’s enquiry on the allocation of the additional GFA, Ms. S.H. Lam said that about 41% (141.9m²) of the additional GFA would be accommodated in the basement floor on areas which were originally E&M rooms not accountable for GFA. The area for the podium landscaped garden on 4/F was slightly reduced by 3.2m². About 59% (200.6m²) of the additional GFA would be incorporated in 4/F to 9/F resulting in minor changes to the northern façade of these floors.

65. The same Member asked whether the PR of 7.96 was acceptable if it was proposed at the time of the section 12A application. This Member also said that other than the hospital use at the site, there was no design merit in the application to justify for the relaxation of PR. In response, Ms. S.H. Lam said that each application would be considered by the Committee on its individual merits, taking into consideration of the departmental comments and various planning considerations. For the subject application, the proposed increase in GFA only resulted in a small increase in building bulk and would not cause major adverse visual impact on the surrounding areas. As there was no increase in hospital beds, no adverse traffic and environmental impacts were anticipated and concerned government departments had no objection to the application. SFH advised that the proposal would improve the operations of the hospital and benefit the patients. Ms. Lam further pointed out that the existing PR of 7.5 of the subject site was quite high in the Kowloon Tong area and there might be cumulative impact of approving such similar applications in the area.

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

Deliberation Session

66. A Member opined that the existing PR of 7.5 for the subject site was on the high side. The applicant could consider reducing the number of hospital beds in order to obtain more floor spaces to improve the operational efficiency and the hospital services. Since there was no design merit to support the application, the approval of the application would set an undesirable precedent. Another Member shared the same view that the increase in floor space could be achieved by reducing the hospital beds.

67. In response to the Chairman's enquiry on the existing PR of the surrounding land uses, Ms. S.H. Lam referred to Drawing A-2 of the Paper and said that the existing PR of the Main Campus of the Hong Kong Baptist University (HKBU) was about 2.3, Block A to Block C of HKBH was about 3.8, the Renfrew Road Campus of HKBU was about 4.8 and the Kowloon International Baptist Church was about 2.9. There was no PR restriction for the adjacent site, i.e. Block D of HKBH, which was zoned "G/IC(7)" on the OZP and the existing PR was about 9.6.

68. A Member agreed that in considering the application for minor relaxation of PR, it was important to consider whether the proposal had any planning or design merit. Regarding the subject application, this Member noted that the additional GFA were deployed to improve the internal circulation, enlarge the training area for the nurse station and provide supporting areas to accommodate new equipment. This would help improve the working environment of the hospital staff. In this regard, a sympathetic consideration could be given to the application.

69. The Secretary pointed out that in most “G/IC” zones, there was no PR restriction but only BH restriction. In the original proposal of the section 12A application (No. Y/K18/3), the applicant had proposed a higher PR for the site. After several discussions between PlanD and the applicant, the applicant decided to reduce the PR to 7.5. Subsequently, the Committee decided to partially agree to the application and the site was rezoned to “G/IC(11)” subject to a maximum PR of 7.5 and a maximum BH of 10 storeys (excluding basement floor(s)) and 70mPD and the amendments were incorporated in the OZP. As compared to the building plans for Block E of HKBH, which were approved by the Building Authority, the proposed scheme under the current application only had a small increase in GFA and the resulting visual impact was insignificant. As there was no increase in hospital beds, there would not be any additional traffic generation. However, the application was for minor relaxation of PR and the availability of planning or design merits was an important consideration.

70. Another Member opined that the subject hospital was a private hospital which could be regarded as a commercial development. As the applicant was not able to demonstrate any design merit in the scheme to justify for the relaxation of PR, the application should not be supported. The approval of the application would set an undesirable precedent.

71. As Members had different views expressed in support of or against the application, the Chairman requested a show of hands. With six Members against and four Members for approving the application, the Committee decided to reject the application. Members then went through the reasons as stated in paragraph 12.3 of the Paper and considered that they were appropriate. The reasons were :

- (a) the plot ratio of the development on site was already very high in the context of Kowloon Tong area which was of low density character. Further increase in plot ratio was undesirable. There was no design merit to support the application; and
- (b) the approval of the application would set an undesirable precedent. The cumulative effect of approval of similar application for relaxation of development intensity would result in adverse impacts on the townscape and infrastructural provisions of Kowloon Tong.

[The Chairman thanked Ms. S.H. Lam, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 18

Section 16 Application

[Open Meeting]

A/K9/247 Proposed Comprehensive Office, Eating Place and Shop and Services
Development in "Comprehensive Development Area (2)" zone,
Kowloon Inland Lot No. 11111, Hung Luen Road,
Hung Hom, Kowloon
(MPC Paper No. A/K9/247)

72. The Secretary reported that Professor S.C. Wong had declared an interest in this item as he had current business dealings with Ove Arup and Partners Hong Kong Ltd., one of the consultants of the application. The Committee noted that Professor Wong had tendered apology for being not able to attend the meeting.

73. The Secretary continued to report that the application was originally scheduled for consideration by the Committee on 20.1.2012. Upon the request of the applicant, the Committee decided on 20.1.2012 to defer a decision on the application and allow one month for the preparation of submission of further information by the applicant. The applicant submitted the further information on 17.2.2012 and the application was re-scheduled for

consideration at this meeting. On 26.3.2012, the applicant submitted again further information providing responses to the comments from concerned government departments. The further information was circulated to relevant government departments for comment on 27.3.2012 and comments were being awaited. As the departmental comments were relevant to the consideration of application, the Planning Department (PlanD) requested for a deferment of the consideration of the application to the next meeting.

74. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration at the next meeting.

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

Agenda Item 19

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

Agenda Item 20

Any Other Business

76. As this was the last MPC meeting of the current term, the Chairman took the opportunity to thank Members for their dedication and support to the work for the Committee over the past two years.

77. There being no other business, the meeting closed at 12:25 p.m..