

TOWN PLANNING BOARD

**Minutes of 467th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 1.6.2012**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Professor S.C. Wong

Vice-chairman

Mr. Maurice W.M. Lee

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms. Julia M.K. Lau

Mr. Roger K.H. Luk

Ms. Bonnie J.Y. Chan

Mr. H.W. Cheung

Mr. Dominic K.K. Lam

Mr. Patrick H.T. Lau

Mr. Stephen H.B. Yau

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. David To

Chief Engineer (Works), Home Affairs Department
Mr. Frankie Chou

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mr. Ken Wong

Assistant Director (Hong Kong), Lands Department
Ms. Doris Chow

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

Secretary

Absent with Apologies

Mr. Sunny L.K. Ho

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

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

Town Planner/Town Planning Board
Mr. Wallace W.K. Tang

Agenda Item 1

Confirmation of the Draft Minutes of the 466th MPC Meeting held on 18.5.2012

[Open Meeting]

1. The draft minutes of the 466th MPC meeting held on 18.5.2012 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

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/K3/5 Proposed Amendment to the Notes of the Draft Mong Kok Outline Zoning Plan No. S/K3/29 for “Residential (Group A)1” zone, No. 8 Fuk Lee Street and No. 201 Tai Kok Tsui Road, Mong Kok, Kowloon (MPC Paper No. Y/K3/5)

Presentation and Question Sessions

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

Mr. Wilson W.S. Chan - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK)

Mr. Simon P.H. Chan - Town Planner/TWK

4. The following applicant's representatives were also invited to the meeting at this point :

Ms. Sarah Wong

Ms. Tong Woon Ha

Mr. Khoo Siu Fai

Mr. Jeff Ng

Ms. Agnes Kam

Dr. Andrew Chan

Mr. Christopher Pang

[Mr. Patrick H.T. Lau and Mr. Dominic K.K. Lam arrived to join the meeting at this point.]

5. The Chairman extended a welcome and explained the procedures of the hearing. Mr. Simon P.H. Chan, TP/TWK, was then invited to brief Members on the background to the application. With the aid of a powerpoint presentation, Mr. Chan presented the application as detailed in the Paper and made the following main points :

- (a) the applicant proposed to amend the Notes of the Mong Kok Outline Zoning Plan (OZP) for the "Residential (Group A)1" ("R(A)1") zone to effect that "A public open space of not less than 9,854m² shall be provided" be replaced by "A private open space of not less than 9,854m² shall be provided" in respect of the application site. The site was currently developed into a comprehensive residential development (Metro Harbour View) with retail facilities, a public car/light goods vehicle park and a kindergarten. A public open space (POS) of about 9,854m² was provided at Levels 1, 2 and Podium Level of the development;
- (b) the applicant's justifications were detailed in paragraph 2 of the Paper;
- (c) the departmental comments were detailed in paragraph 9 of the Paper and

highlighted below :

- (i) the Secretary for Development (SDEV) commented that the Administration had introduced refined arrangements for the provision of POS in private developments and briefed the Legislative Council (LegCo) Panel on Development on it in January 2010. The current application sought to fulfil one of the criteria for waiving the public accessibility requirement of POS on private land under the lease, i.e. agreement of the Board for deleting the POS requirement from the relevant OZP. Should the Board approve the application, the other criteria would also have to be met for the Administration to consider waiving the lease requirement for opening the subject POS to the public;
- (ii) the District Officer (Yau Tsim Mong) (DO(YTM)) advised that the issue of the POS at Metro Harbour View was discussed at the Yau Tsim Mong District Council (YTMDC) and Yau Tsim Mong West Area Committee (YTMWAC) between 2008 and 2010. At its meeting on 25.2.2010, YTMDC noted that YTMWAC was concerned on the enhancement of part of the POS in return for the release of the podium level open space at Metro Harbour View for public use proposed by the Incorporated Owners of Metro Harbour View (MHVIC). YTMWAC considered that the enhancement proposal should be improved for further discussion. YTMDC considered that MHVIC should promptly submit a revised enhancement proposal to YTMWAC for its deliberation. Yet, no further proposal was received by both YTMDC and YTMWAC from MHVIC to date. So far, no consensus or support from the two committees had been reached or secured. In this regard, the applicant was strongly advised to consult YTMWAC and YTMDC again with a view to securing local support for the proposal before proceeding with consideration of the current application by the Board; and

- (iii) other concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, eight public comments (with three supporting and five raising objection) were received. The public comments were summarised in paragraph 10 of the Paper and highlighted below :

Reasons of supporting the application

- agreed in-principle to the application because of the management and security difficulties of maintaining the POS and inaccessibility of the POS to outsiders;
- submitted (from the owners/residents of the estate) a total of 1,150 signatures supporting the conversion of the POS to private open space;

Reasons of raising objection to the application

- the proposal would benefit the owners of Metro Harbour View at the expenses of the general public;
 - the POS was a public facility and approval of the application would set an undesirable precedent for other public facilities at private development;
 - although the POS in Metro Harbour View was at the podium level, it was a quality POS free from traffic noise and emissions; and
 - the entire district had yet to reach any form of consensus on the proposed amendment to the Notes of the OZP;
- (e) PlanD's views – PlanD considered it prudent for the Committee to defer making a decision on the application pending the applicant to consult YTMDC and YTMWAC based on the assessment made in paragraph 11 of the Paper, which was summarised as follows :

- (i) Metro Harbour View had a total of about 11,143m² open space on Levels 1, 2 and Podium Level, of which about 9,854m² was open to the public. The requirement of the provision of POS formed part of the comprehensive development approved by the Committee in 1999, which was intended to redress the open space shortfall in Mong Kok;
- (ii) although there was a deficit of 16.73ha in open space provision in Mong Kok, there was a surplus of 42.21ha in open space provision in YTM District. Besides, there were a number of POS in the vicinity of the site, including Tung Chau Street Park, Chui Yu Road Rest Garden, Lok Kwan Street Playground and Nam Cheong Park. Compared with other POS in the surrounding area, the POS at the site, via stairs from Fuk Lee Street and a disabled lift located inside the shopping mall of Metro Harbour View, was considered less accessible;
- (iii) as the POS at the site had been used by the general public since 2003, it would be prudent to obtain the views of the local community as represented by YTMDC and YTMWAC before consideration of the application by the Committee. DO(YTM) had advised that there had yet any consensus or support reached on the issue in the local community, and strongly advised the applicant to consult YTMWAC and YTMDC before the Board's consideration;
- (iv) there were public comments received against the application. One of the commenters also considered that YTMDC and YTMWAC should be consulted before consideration of the application by the Board; and
- (v) with respect to the wording of the proposed amendment to the Notes of the OZP, it was not the Board's practice to stipulate the requirement on the provision of "private open space" in the OZP. If the Committee agreed to the deletion of the provision of POS

requirement from the Notes of the OZP, no reference to open space provision should be included in the Notes.

6. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a powerpoint presentation, Dr. Andrew Chan made the following main points :

- (a) individual flat owners of the Metro Harbour View had grave concern on the provision of POS in the residential development. They requested to delete the provision of POS requirements in the Notes of the OZP;
- (b) the Government's administrative arrangements to resolve problems in some existing POS in the private developments had been set out in a LegCo Panel Paper on 'Provision of POS in Private Developments'. It was stated in the LegCo Panel Paper that there were only 12 POS located on private land at the podium levels. Of these 12 POS, only Metro Harbour View warranted special consideration as a major part of the POS was located at the podium level and fully integrated with the tower blocks and private clubhouse facilities. According to the minutes of special meeting of LegCo Panel on Development held on 8.12.2008, the Government was of the view that Metro Harbour View was a unique case deserving exceptional consideration. In this regard, it was unlikely that approval of the subject application would result in a precedent for other similar applications with POS in private developments;
- (c) Development Bureau (DEVB) had set out clearly in the LegCo Panel Paper those criteria under which the Government might consider sympathetically waiving the requirement in the lease for opening certain POS on private land for public use, which were detailed in paragraph 4.8 of the Paper;

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

- (d) concerned government departments in general had no objection to the application. SDEV, while indicating no objection to the application,

pointed out that should the Board approve the application, the other criteria would also have to be met for the Government to consider waiving the lease requirement for opening the POS at the application site to the public. The Director of Leisure and Cultural Services commented that consideration should be given on whether the proposed conversion of the POS to private open space would reduce the open space available to the public. To this end, the crux of the question should be whether the deletion of the POS requirement from the OZP would result in a shortfall of public open space to the local residents in the vicinity;

- (e) by referring to the assessment made by PlanD on the provision of open space in the area (paragraphs 11.2 and 11.3 of the Paper), there was a deficit of 16.73ha of public open space in Mong Kok. However, there was a surplus of 42.21ha of public open space in YTM District. In this regard, there was sufficient provision of POS in YTM District even though the POS at the application site was not open for public use;
- (f) with respect to the distribution of POS in the area, it should be noted that there were a number of POS, both for active and passive recreational use, in the vicinity of Metro Harbour View. It should be noted that the POS were zoned “Open Space” while the POS in Metro Harbour View was zoned “R(A)1” on the OZP. Approval of the subject application would therefore not result in any difficulties for the local residents to gain access to other POS in the same district; and
- (g) the applicant noted that both DO(YTM) and PlanD held the view that the applicant should consult YTMDC and YTMWAC again before proceeding with the subject application.

7. Ms. Sarah Wong then made the following points on the consultation with YTMDC and YTMWAC :

- (a) the provision of POS in Metro Harbour View was proposed by the developer at the planning application stage. Free public access to the POS

in the private development had caused privacy and security problems. It was unfair that the problems had to be tackled by the flat owners;

- (b) Government officials, SDEV and District Council members had visited the POS in Metro Harbour View. In the LegCo Panel Paper regarding the provision of POS in private developments, it was acknowledged that the case of Metro Harbour View was an exceptional one warranting special consideration by the Government;
- (c) with respect to the comments of DO(YTM) on the need to undertake public consultation with the District Council, it should be noted that consultation with both YTMDC and YTMWAC had been made between 2008 and 2010. A number of site visits had been convened for members of these two committees as well as other stakeholders. During the site visits, members of these two committees did not have strong objection to the proposal of waiving the lease requirement for opening the POS for public use. Many of the committee members indicated that they were sympathetic to the problems faced by the flat owners of Metro Harbour View. The issue was discussed at YTMDC. However, YTMDC was of the view that the issue should only be submitted to the District Council for discussion after a consensus had been made by YTMWAC;
- (d) in 2010, Ms. Sarah Wong was appointed as a member of YTMWAC. She recalled that the proposed deletion of POS in Metro Harbour View was discussed at the meeting of YTMWAC. The views of the members were diverse. Some members considered that it was outside the ambit of YTMWAC to discuss the matter and some were of the view that the issue should be dealt with by the Government or by YTMDC;
- (e) in view of the stance of YTMWAC and the criteria set out by DEVB in the LegCo Panel Paper for waiving the lease requirement for opening POS in private developments for public use, the applicant decided to make a planning application to the Board for deleting the POS requirement from the OZP first. It should be noted that during the course of consultation

with YTMDC and YTMWAC in the past few years, there was no strong objection from the local community on the proposal and the YTMDC and YTMWAC members were in general sympathetic to the problems faced by the flat owners of Metro Harbour View; and

- (f) with respect to the comment of PlanD that the application should consult YTMDC and YTMWAC before the Board's consideration of the application, the applicant held an open attitude but would like to point out that based on their experience in the past few years, it was difficult to build up consensus among members of YTMDC and YTMWAC.

Requirement on the Provision of POS

8. A Member asked whether the requirement stipulated in the Notes of OZP on the provision of a POS had been complied with. Mr. Wilson W.S. Chan said that the application site was rezoned from "Industrial" ("I") to "Comprehensive Development Area" ("CDA") in 1996 for comprehensive residential development. In the planning brief for the "CDA" site endorsed by the Committee on 28.2.1997, a minimum of 1m² open space per person was required to be provided at the cost of the development and open for public use in order to make good the shortfall of open space in Mong Kok District. The requirement on POS was subsequently incorporated into the lease for the subject residential development.

9. The same Member asked whether there was any change to the design of the POS at the site subsequent to the s.16 approval rendering difficulties for the public to gain access to the POS, hence the need for converting it to a private open space.

10. Mr. Wilson W.S. Chan said that the approved building plans for Metro Harbour View complied with the Master Layout Plan approved by the Board and development requirements set out in the Notes of the OZP, including the provision of a POS. The POS was provided at Levels 1, 2 and Podium Level of the development. Whether the POS provided was convenient to the public was subjective. Access to the POS at Podium Level was via long stairs from Fuk Lee Street or a disabled lift inside the shopping mall.

11. In response to the enquiry of the same Member, Mr. Wilson W.S. Chan stated

that the subject residential development and the POS had been developed in accordance with the set of approved building plans.

12. A Member asked why the provision of private open space needed to be regulated from the town planning perspective. The Chairman said that it was not the Board's practice to regulate the provision of "private open space" in the OZP. If the Committee agreed to the deletion of the provision of POS requirement in the Notes of the OZP, no reference to open space provision would be included in the Notes.

13. Dr. Andrew Chan stated that the 1m² open space per person requirement was usually referring to local open space. Local open space, if provided within private residential developments/redevelopments, was in general intended for the use of its residents but not open to the public. It was however noted that the local open space provided in Metro Harbour View had to be open for public use. Besides, when the Board approved the comprehensive development of Metro Harbour View, no bonus plot ratio was granted as a result of the provision of POS.

14. Another Member noted that the site was rezoned from "I" to "CDA" on the OZP and the requirement for the provision of a POS was made as per the planning brief for the "CDA" site. This Member asked about the current situation of open space provision in the area. In response, Mr. Wilson W.S. Chan said that up till now, there was a deficit of open space in Mong Kok while the deficit of open space provision could to a certain extent be made up by the surplus of open space of 42.21ha in other parts of YTM District. Among these open space in YTM District, about 10ha was from the Kowloon Park and another 23ha was from the proposed West Kowloon Cultural District. Mr. Chan added that the stipulation of the provision of not less than 1m² open space per person in the planning brief was mainly in response to the shortfall of local open space in the area.

15. In response to the further enquiry of the same Member, Mr. Wilson W.S. Chan said that irrespective of whether the POS in Metro Harbour View was regarded as public or private open space, it would still be taken into account in the overall provision of open space in the area. The only difference was whether the subject open space was to be open to the public or for the sole use of the residents of Metro Harbour View. He drew Members' attention that at the time the planning brief for the site was prepared, the Tung Chau Street

Park and Nam Cheong Park had not yet been implemented. Nonetheless, as these two open space fell within the boundary of Sham Shui Po District, they were not included as part of the open space provision in Mong Kok.

Justifications of the Deletion of POS

16. Ms. Sarah Wong said that the largest part of the POS was provided at Podium Level. The public needed to make more than 100 steps from the ground level to reach the podium level. It was questionable whether it was convenient and easily accessible to the public. If the owners of Metro Harbour View decided not to allow the public to use its covered walkway, the public would not be able to reach the POS at Podium Level. As the POS at Podium Level had created much management and security problems to the owners, the applicant urged the Board to give sympathetic consideration to the application by deleting the POS requirement from the Notes of the OZP.

17. Dr. Andrew Chan stated that a number of at-grade POS was provided in the vicinity of the application site. The subject POS at Podium Level was not attractive to the general public. In this regard, it was appropriate to delete this POS requirement from the Notes of OZP.

18. Ms. Sarah Wong said that in the property sales document prepared by the developer, it was mentioned that there was a private garden of about 200,000 ft² for the use of its residents. The flat owners therefore did not realise that the landscaped area at Podium Level had to be open to the public as well. When they signed the legal documents, they were not informed of such requirement. Ms. Wong further said that “public area” or “public space” in a residential development was usually meant the ‘area/space’ jointly owned by the flat owners. It was not fair that this common area/space had to be open to the public while its maintenance cost had to be borne by individual flat owners of Metro Harbour View. Ms. Wong emphasised that it was stated in the property sales document that the Podium was a private area but now it had to be open for public use in accordance with the lease conditions.

19. In response to the enquiry of a Member that the possession of the POS had not been reflected in the property sales document, the Chairman said that the matter was outside the purview of the Board.

20. Referring to Appendix 1b of the Paper, a Member noted that the public's patronage to the POS at Podium Level of Metro Harbour View was rather low in 2011. In view of the low patronage, this Member asked why the applicant still needed to delete the requirement on POS.

21. Ms. Sarah Wong said that the patronage record was prepared by the management office of Metro Harbour View. Although the patronage was low, the flat owners still had concern on security and privacy problems when the public used the POS. They also concerned about the liability for any accident which might happen. Given the POS was not frequently visited by the public and was inaccessible to the public, but it had created so much problems to the flat owners, the applicant hoped that the application for deleting the POS requirement from the OZP could be approved by the Board.

22. A Member asked since the POS at Podium Level was open to the public, whether there was any conflict between the public and the residents of Metro Harbour View.

23. Mr. Jeff Ng said that the patronage was relatively high when the POS was first open to the public, but it dropped very soon. The usage of the POS at Podium Level was not high in the past two years. Mr. Ng said that there was no major conflict between the public and the residents over the use of the POS. Nevertheless, given the design of the POS at the podium level was integrated with the tower blocks, it had caused management and security problems for the estate management.

24. The same Member asked whether there were any merits in the application so that the Committee could render its support to the subject application.

25. Dr. Andrew Chan said that the design of the POS in Metro Harbour View was different from the POS in other private developments. The POS provided at the Podium Level was fully integrated with the tower blocks and private recreational facilities. Some of the access points to the POS were in fact private area but now they had to be open for public use. Apart from the security, management and maintenance problems of the POS, MHVIC also needed to bear the liability for any accidents happened within the POS. Besides, as there were other POS in the vicinity of the application site and the POS at Podium Level was

very inconvenient to the public, this had resulted in the extremely low usage rate of the POS. Hence, the case of Metro Harbour View warranted special consideration by the Board.

Consultation with YTMDC and YTMWAC

26. A Member asked whether the Area Committee as mentioned in paragraph 4.8 of the Paper should be YTMWAC and in what way should the support of YTMWAC be given before the proposal could be submitted to YTMDC for discussion. As the support from relevant District Council and Area Committee was crucial for the Government to consider whether the requirement for opening the POS to public use could be waived, this Member enquired whether the applicant could provide the relevant minutes of meeting to the Committee.

27. Ms. Sarah Wong said that the Area Committee as mentioned in paragraph 4.8 of the Paper should be YTMWAC. Endeavour had been made by the applicant in the past to solicit the support of YTMWAC on the proposal by enhancing the recreational facilities at Levels 1 and 2 of the development. However, some YTMWAC members considered that the applicant's enhancement proposal was not sufficient. Ms. Wong stated that apart from the small size of the open space on Levels 1 and 2, there were also practical difficulties for providing more recreational facilities therein. MHVIC had requested YTMWAC to give suggestions on the enhancement proposal but they received no response. As the proposal had been dragged on for a long period of time, the applicant hoped that a clear indication on how to obtain the support of YTMWAC and YTMDC could be available.

28. In response to the enquiry of a Member, Mr. Frankie Chou, said that according to the comments of DO(YTM), the proposal of Metro Harbour View was discussed at both YTMDC and YTMWAC between 2008 and 2010. There was no record to indicate that these two committees had given support to the proposal. Mr. Chou said that the views of District Council or Area Committee members could be diverse as they were from different background and represented the views of different parties from different perspectives.

29. Ms. Sarah Wong clarified that MHVIC did not attend the meeting of YTMDC but had attended the meetings of YTMWAC. The relevant minutes of meeting of YTMWAC could be provided to the Committee, if required.

30. Mr. Wilson W.S. Chan made reference to the minutes of YTMDC held on 25.2.2010, which were available at its website, and said that YTMDC noted that YTMWAC was concerned on the enhancement of part of the POS at Levels 1 and 2 in return for the deletion of the podium level open space at Metro Harbour View from public use. YTMWAC considered that the enhancement proposal should be further improved for its discussion. YTMDC considered that MHVIC should submit a revised enhancement proposal to YTMWAC for its consideration. Mr. Chan continued to say that the then Chairman of YTMDC expressed the view that the case of Metro Harbour View might warrant special consideration but the proposal of MHVIC had to obtain the support of YTMWAC and then YTMDC before proceeding with the application to the Board for consideration. Otherwise, it would give the public an impression that consultation at the local level was not respected. Since then, no further proposal was received by both YTMDC and YTMWAC and no consensus or support from these two committees had been reached or secured.

31. In response to a Member's question, Ms. Sarah Wong explained that their enhancement proposal for the POS on Levels 1 and 2 had been submitted to YTMWAC for consideration and some members considered that the enhancement proposal should be further improved. However, in view of the site constraints and resource implications, there was limited scope for further enhancement. Besides, MHVIC also considered it unfair for individual flat owners to bear the cost for implementation of the enhancement proposal. MHVIC had enquired if there was any suggestion from YTMWAC on the enhancement proposal but no response was received. In view of the above, there was slow progress on the consultation with YTMWAC.

Implication of the Deletion of POS

32. A Member enquired about the implications of deleting the POS requirement from the Notes of the OZP and whether there would be mechanism to control the provision of open space on the application site. Mr. Wilson W.S. Chan said that the lease for Metro Harbour View had stipulated the requirement on the provision of not less than 9,800m² public open space for the use by the public free of charge. In the Notes of the OZP for the subject application site, there was also a development restriction that a public open space of not less than 9,854m² should be provided. If the Committee agreed to the applicant's proposal, the

Notes of the OZP would be amended to delete the POS requirement. The applicant would then need to apply to the Lands Department (LandsD) for waiving the requirement in the lease for opening the POS at the site for public use.

33. Another Member asked if the requirement on the provision of POS was deleted from the Notes of OZP and the requirement for opening of the POS for public use was waived by the LandsD, whether the developer would still be required to provide a POS when the site was redeveloped in future.

34. Mr. Wilson W.S. Chan said that if the application was approved by the Committee and the Notes of OZP was amended accordingly, it would not be necessary for the developer to provide the POS according to the Notes of OZP in future.

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

Deliberation Session

36. A Member commented that individual flat owners' concerns on the provision of the POS at the application site was mainly due to the poor design of the POS at the podium level. In response, the Chairman said that given the building plans had been approved and the subject residential development was already completed, Members should focus on the consideration of the application itself.

37. Another Member asked whether the Committee had the authority, under section 12A of the Town Planning Ordinance (the Ordinance), to rectify the situation given that the set of building plans for Metro Harbour View had been approved by relevant government departments.

38. The Chairman said that the Committee was empowered under the Ordinance to

consider the application and decide whether to approve the application by taking into account the planning considerations and individual merits of the case. He added that the Government had assessed those 12 private developments with POS at the podium levels and considered that only Metro Harbour View warranted special consideration. DEVB had also laid down the criteria under which the Government might consider sympathetically waiving the requirement in the lease for opening certain POS on private land for public use.

39. A Member commented that approval of the current application without strong justifications would mean a deprivation of the public's right on the use of that POS. Besides, given there was no consensus or support made by the District Council and Area Committee, it was premature for the Committee to make a decision on the application at this stage.

40. Another Member shared similar view and said that DEVB's policy regarding the Government's administrative arrangements to resolve problems in existing POS in private developments were clearly set out in the LegCo Panel Paper and the criteria for the Government to consider whether the requirement in opening certain POS on private land for public use could be waived had also been spelt out. One of these criteria was to secure the support from the relevant District Council and Area Committee on the applicant's proposal. This Member agreed that the Committee should defer making a decision on the subject application pending the comments of YTMDC and YTMWAC.

41. Noting that there might be practical difficulties for MHVIC to further improve their enhancement proposal on Levels 1 and 2 in order to obtain the support of YTMWAC, a Member worried that the matter might not be easily resolved solely by the flat owners. The same Member asked whether relevant government departments could render assistance in this matter and whether action could be taken by the flat owners against the developer.

42. The Chairman stated that limited work could be done by government departments as Metro Harbour View was developed in accordance with the set of approved building plans. Whether the property owners could take legal action against the developer was not within the purview of the Board. Nevertheless, the Government had made it clear that there would be no more private residential developments in the future with POS within the site in order to avoid similar problems.

43. The Secretary drew Members' attention that the concerned area involved in the current application was designated as a POS in its planning brief, the Master Layout Plan endorsed by the Board, the Notes of the OZP and the land lease for the site. DEVB had set out in the LegCo Panel Paper the criteria for the Government to consider whether sympathetically waiving the requirement in the lease for opening certain POS on private land for public use could be given, which included among others whether there were sufficient POS within the district, the agreement of the Board for deleting the POS requirement from the relevant OZP, and the need to secure the support of relevant District Council and Area Committee. She stressed that the criterion was to secure support, not simply to seek their views as the POS, once approved, would no longer be open to the public. Given support of both YTMDC and YTMWAC had not yet to be obtained for the applicant's proposal, it was premature for the Board to make a decision on the application at this stage.

44. Mr. Frankie Chou said that DO(YTM) had all along been involved in this matter to provide assistance to MHVIC on the public consultation aspect. He said that the applicant should further improve their enhancement proposal on Levels 1 and 2 with a view to soliciting the early support of YTMWAC.

45. Another Member said that as set out in the LegCo Panel Paper, the Government, in considering waiving the requirement in the lease for opening of POS for public use, would base on the individual merits of each case and subject to a number of criteria that needed to be met. The agreement of the Board for deleting the POS requirement from the OZP was only one of the five criteria that had to be met. As the applicant had not yet been able to solicit support from YTMDC and YTMWAC, it would be inappropriate for the Committee to make a decision on the applicant's proposal at this stage.

46. A Member stated that the planning brief for the "CDA" site required that the provision of open space to the public should be easily accessible. In this regard, it seemed that the provision of POS in Metro Harbour View had failed to meet such requirement. This Member further raised that in considering whether the current application should be approved or not, apart from the support of relevant District Council and Area Committee, one of the most important criteria should be whether there was sufficient POS in suitable locations within the district to serve the public.

47. A Member further said that in deciding whether there was surplus/deficit in the provision of open space, consideration should only be given to whether there was sufficient open space in the same district. Otherwise, it would result in confusion that the shortfall could be compensated by open space provided in other districts. This was also not in line with the Hong Kong Planning Standards and Guidelines.

48. The Chairman said that there was no dispute among Members that the support from both YTMDC and YTMWAC on the applicant's proposal had not been obtained by the applicant. With respect to the adequacy of open space provision in the area, PlanD had made it clear that there was insufficient open space provision in Mong Kok but there was a surplus of about 42ha of open space in YTM District. Besides, there were also a number of POS in the surrounding area of Metro Harbour View which was easily accessible by the public. Members could, on the basis of the information, make a judgement on whether there was sufficient POS in the area.

49. A Member said that the subject POS was considered as a part of the "green infrastructure" in the district. The application involved the transfer of its users from the general public to the residents of Metro Harbour View. This Member was concerned that if the application was approved, the Board's planning control over this piece of "green infrastructure" would be lost.

50. The Chairman agreed that should the application be approved by the Board resulting in the deletion of the POS requirement from the Notes of the OZP, the Board would no longer have the authority to exercise its control over the provision of POS within the site. Nevertheless, there would still be other means of control over the site, such as the lease conditions to require such provision in the event of redevelopment in the future.

51. The Secretary stated that the subject property was originally zoned "CDA" on the OZP and a Landscape Master Plan had been endorsed by the Board, which included such information as the greening ratio, the provision of hard and soft landscape within the site, etc. Upon the completion of the residential development, the site was rezoned from "CDA" to "R(A)1" to reflect the as-built existing development and the long-term planning intention with the addition of a POS requirement in the Notes of the OZP. Should the current application be approved, the Board would have no further control on open space provision

within the site even if the site was redeveloped in future. Nevertheless, as the site was a completed residential development and there was a lease condition requiring the provision of a POS at the site, the Government could still exercise its control over the site through the land lease.

52. Another Member said that the POS should be regarded as a kind of public asset. Any application for the deletion of this POS requirement from the Notes of OZP should be considered carefully and had to be fully justified. This Member also considered that those planning merits as mentioned by the applicant's representatives were not planning merits of the proposal but the inconvenience that had caused to the residents of Metro Harbour View. In this regard, this Member considered that the applicant should further improve its enhancement proposal on Levels 1 and 2 in order to secure the support of YTMDC and YTMWAC before proceeding with the application to the Board for consideration.

53. The Chairman concluded that Members generally agreed that the decision on the application should be deferred as the applicant had not yet obtained the support of YTMDC and YTMWAC on the deletion of the requirement for opening the POS to the public.

54. After further deliberation, Members agreed to defer making a decision on the application and requested the applicant to consult the Yau Tsim Mong West Area Committee and the Yau Tsim Mong District Council on the proposed deletion of the public open space requirement at the site before the Committee's consideration of the application.

[The meeting was adjourned for a 5-minute break.]

[Mr. Frankie Chou left the meeting at this point.]

Hong Kong District

Agenda Item 4

Section 16 Application

[Open Meeting]

A/H9/69 Proposed Comprehensive Redevelopment of Ming Wah Dai Ha
(including Flats, Shop and Services and Social Welfare Facilities) in
“Comprehensive Development Area” zone, Ming Wah Dai Ha, 1-25 A
Kung Ngam Road, Shau Kei Wan, Hong Kong
(MPC Paper No. A/H9/69)

55. The application was submitted by the Hong Kong Housing Society (HKHS) with AECOM Asia Co. Ltd. (AECOM) as the applicant’s consultant. The Secretary reported that the following Members had declared interests in this item :

- | | | |
|--|---|---|
| Mr. Jimmy C.F. Leung
as the Director of Planning | - | being an Ex-officio member of
HKHS Supervisory Board |
| Ms. Doris Chow
as the Assistant Director of
Lands Department | - | being an alternate member for the
Director of Lands who was an
Ex-officio member of HKHS
Supervisory Board |
| Professor S.C. Wong | - | had current business dealings with
AECOM |
| Mr. H.W. Cheung | - | being a member of the Task Force on
Construction of HKHS |
| Mr. Dominic K.K. Lam | - | had current business dealings with
HKHS and AECOM |
| Mr. Patrick H.T. Lau | - | had current business dealings with
AECOM |
| Ms. Julia M.K. Lau | - | had current business dealings with
AECOM |

56. As the applicant had requested to defer consideration of the application, the Committee agreed that the above Members were allowed to stay in the meeting.

57. The Secretary reported that the applicant's representative requested on 18.5.2012 for a deferment of the consideration of the application for two months so as to allow more time for the applicant to prepare supplementary information to address the comments from relevant government departments.

58. 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 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. Kitty S.T. Lam, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H9/70 Proposed Hotel Development in "Residential (Group A)2" zone, 225-227
Shau Kei Wan Road, Hong Kong
(MPC Paper No. A/H9/70)

Presentation and Question Sessions

59. With the aid of a powerpoint presentation, Ms. Kitty S.T. Lam, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel development;

[Professor P.P. Ho left the meeting temporarily at this point.]

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) two public comments were received during the statutory publication period. The commenters objected to the application mainly on the grounds that the proposed hotel development would cause light pollution and have wall effect to the adjoining buildings. One commenter was also concerned that the proposed development would adversely affect the property value in the area, have adverse traffic and environmental impacts, and cause security problem in the area; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper which was summarised below :
 - (i) although the proposed hotel was considered not incompatible with the surrounding developments and within the building height restriction, the proposed development intensity of plot ratio 15 was much higher than that of the adjacent developments with plot ratio ranging from about 2 to 12;
 - (ii) it had been the Board’s established practice since mid-2007 to approve hotel applications at sites within “Residential (Group A)” (“R(A)”) zone on Hong Kong Island up to a plot ratio of 12 only as such development intensity was considered generally compatible with residential developments with permitted plot ratio of 8 to 10. Applications for hotel development within “R(A)” zone with plot ratio higher than 12 were generally rejected;

- (iii) the applicant submitted that a hotel application (No. A/H9/63) with a plot ratio of 14.46 to the northwest of the application site was approved by the Committee in 2008. However, it should be noted that the subject application was for converting an existing 23-storey commercial/office building for hotel use. Similar considerations were not applicable to the current application; and
- (iv) as regards the public concern on light pollution, the applicant had not indicated in the submission that there would be neon light installation in the proposed development. In case there was any, the Secretary for Environment advised that the applicant should make reference to the recommendations in the “Guidelines on Industry Best Practices for External Lighting Installations” promulgated in 2012.

60. Members had no question on the application.

Deliberation Session

61. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed hotel development, with a plot ratio of 15, was considered excessive and incompatible in terms of development intensity with the surrounding residential developments with permitted plot ratio of 8 to 10; and
- (b) the approval of the application would set an undesirable precedent for similar hotel developments, the cumulative effect of which would adversely affect the general amenity in the area.

[The Chairman thanked Ms. Kitty S.T. Lam, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

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

[Miss Isabel Y. Yiu, STP/HK, was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H17/127 Proposed Flats (Staff Quarters) in "Government, Institution or
Community" zone, 23 South Bay Close, Repulse Bay, Hong Kong
(MPC Paper No. A/H17/127C)

62. The application was submitted by the Hong Kong International School Association Ltd. (HKIS) (as Power of Attorney for the Lutheran Church-Missouri Synod) with AECOM Asia Co. Ltd. (AECOM), Ove Arup & Partners Hong Kong Ltd. (Ove Arup), LLA Consultancy Ltd. (LLA), BMT Asia Pacific Ltd. (BMT) and J. Roger Preston Ltd. (JRP) as its consultants. The Secretary reported that the following Members had declared interests in this item :

- | | | |
|----------------------|---|--|
| Professor S.C. Wong | - | had current business dealings with Ove Arup |
| Mr. Dominic K.K. Lam | - | had current business dealings with AECOM, LLA, BMT, Ove Arup and JRP |
| Mr. Patrick H.T. Lau | - | had current business dealings with AECOM, Ove Arup, LLA, BMT and JRP |
| Ms. Julia M.K. Lau | - | had current business dealings with AECOM |

63. The Committee noted that the above Members had no direct involvement in the subject application and agreed that they could be allowed to stay in the meeting.

Presentation and Question Sessions

64. With the aid of a powerpoint presentation, Miss Isabel Y. Yiu, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed flats (staff quarters) on top of the new school campus;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) advised that the overall proposed development with the total plot ratio of 4.3 and building height of 15 storeys was excessive in scale and bulk in comparison to the neighbouring low-density developments, which were primarily of a plot ratio 1.4 and a building height of 8 to 11 storeys. Other concerned government departments had no objection to or adverse comments on the application;
- (d) 48 public comments were received during the statutory publication period, which ended on 28.10.2011. Among these commenters, three supported and 45 objected to or raised concerns on the application mainly on adverse traffic, visual, noise and air pollution impacts of the proposed development and the necessity of the staff quarters. During the second statutory publication period, which ended on 31.1.2012, 91 public comments, including one from the American Chamber of Commerce in Hong Kong, one from the District Development and Environment Committee (DDEC) of the Southern District Council (SDC), one from Designing Hong Kong Ltd. (DHKL), 14 from HKIS's staff, alumni and parents, were received. Among them, 68 were in support of or with positive comments, 15 objected and eight had reservation on the application. The public comments received were highlighted below :

Support/Positive Comments

- (i) the redevelopment proposal would address the shortage of international school places in Hong Kong and could enhance Hong Kong's global competitiveness;
- (ii) the proposed redevelopment would improve the local environment and enhance the education services by providing a world class facility for learning and more opportunities for student enrolment;
- (iii) the redevelopment would allow HKIS to provide better learning environment for its students and the staff quarters could allow HKIS to retain and recruit the best teaching talent in the world;
- (iv) the mandatory school bus school scheme and additional parking spaces would improve the local traffic congestion and address the traffic problems;
- (v) with the reduced overall building height and the floor-to-floor height of the development scheme, the new building would create very little, if any, obstruction to the scenic view of the residents in the area;

Reservation

- (vi) DDEC of SDC urged for the early implementation of the proposed mandatory school bus scheme and expressed their grave concerns on the proposed scale and intensity of the development particularly on the adverse visual impact;
- (vii) DHKL was in support of the development proposal but considered that any approval by the Board had to be deferred until the traffic impacts had been addressed;
- (viii) DHKL objected to the additional car parking spaces given the extreme limited road space available and the existing congestion problems;

- (ix) the mandatory school bus scheme might not be feasible and the traffic problem in South Bay Close would persist or even worsen with the HKIS redevelopment plan;

Objecting Comments

- (x) the proposed development would adversely affect the traffic condition in the area and there were no details on the implementation of the proposed mandatory school bus scheme;
 - (xi) the total floor area of the domestic portion was not proportionate with the institutional use. There was no need for building staff quarters as HKIS could rent other flats as residence for its staff; and
 - (xii) the proposed building bulk and height of the revised redevelopment scheme was still considered excessive and the development proposal was not in line with the TPB Guidelines No. 16;
- (e) the District Officer (Southern) advised that a SDC member of the Bays Area and some local residents had expressed grave concerns about the development proposal and requested the applicant to implement concrete measures, especially the mandatory school bus scheme, to alleviate traffic congestion problems in the vicinity. They also considered the new building might impose negative visual impact on the surrounding environment;
- (f) PlanD's views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper which was summarised below :
- (i) the proposed development was for redevelopment of the existing Lower Primary School (LPS) campus cum staff quarters into a new LPS campus with 63 units of staff quarters. The redevelopment proposal was generally in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone and compatible with the school and residential developments in the

adjacent area in land-use terms;

- (ii) the proposal generally complied with the TPB Guidelines No. 16 in that the site was retained as GIC use; the proposed staff quarters would serve the additional international school places for both Repulse Bay and Tai Tam campuses; the proposed development would have no major adverse impacts on the surroundings; and concerned government departments had no objection to or no adverse comment on the application;
- (iii) the redevelopment proposal was to meet the expansion need of HKIS. The Secretary for Education (SED) tendered its in-principle policy support to the provision of staff quarters in the redevelopment plan on the ground that it would help attract and retain quality overseas teaching professionals. The number of staff quarters was also proportionate to the number of additional classrooms to be built;
- (iv) the original proposal submitted in September 2011, with an overall plot ratio of 5.1 and building height of 121.45mPD, was considered out-of-context and excessive in height and bulk when compared with the surrounding “Residential (Group C)” context. Strong objections from the local residents were received. To address the issue of excessive building height and bulk and the concerns of SDC and the public, the applicant had made efforts to devise/revise the redevelopment scheme by relocating the tallest block away from the neighbouring developments; reducing the scale of the staff quarters from a plot ratio of 2.2 to 1.4 (resulting in a total plot ratio of 4.3); proposing a recessed space on the front façade of the building, i.e. 8/F to 14/F of the staff quarters portion; and adopting vertical greening to soften the visual impact;
- (v) the applicant had also confirmed to provide at least 20% of green coverage with at least half of it to be provided at grade. Vertical green landscape feature for fence/boundary wall along South Bay

Close had also been proposed and further vertical greening features would be incorporated in the detailed building design; and

- (vi) with respect to the public comments received during the statutory inspection periods, the applicant had made efforts to reduce the scale and building height of the staff quarters. As to the query that the proposed development was a residential development rather than school use, the applicant had confirmed and SED supported that the staff quarters were necessary in support of the additional school places. Besides, the proposed 63 staff quarters were less than the demand for on-campus housing and HKIS advised that all on-campus housing had to be occupied before it would provide subsidies for off-campus housing. Relevant approval conditions were also recommended to address the concerns of public comments and that of government departments on the traffic and transport, tree preservation and landscape aspects as well as the implementation of the mandatory school bus scheme during the school operation period.

65. In response to the enquiry of a Member on whether there were similar cases in Hong Kong where staff quarters were provided within the school campus, Miss Isabel Y. Yiu said that she did not have the information in hand. Miss Yiu added that SED had given its policy support to the redevelopment proposal and advised that any application made by international schools for provision of staff quarters would be considered by SED on the individual merits of each case. The Chairman stated that there were similar cases in Hong Kong, for example the Chinese International School in North Point, albeit in a much smaller scale.

66. A Member quoted the case of Singapore International School and said that the School did not any provide staff quarters in its campus. This Member considered that urban design and visual impact were important considerations and enquired whether these issues had been addressed in the redevelopment proposal.

67. In response, Miss Isabel Y. Yiu said that the applicant had reduced the plot ratio

and number of storeys of the proposed staff quarters by about one third of the original proposal to address the visual impact. Moreover, the applicant agreed to provide vertical greening on the side façade of the staff quarters block and fence/boundary wall along South Bay Close to minimize the visual impact. Details of the greening features would be provided at the detailed design stage. To this end, an approval condition requiring the submission and implementation of a landscape proposal would be imposed should the application be approved by the Committee.

68. Upon the enquiry of a Member, Miss Isabel Y. Yiu clarified that the plot ratio for the staff quarters was 1.4, while that for the new school campus was 2.9, resulting in a total plot ratio of about 4.3 for the whole redevelopment scheme.

69. Another Member asked the following questions :

- (i) whether HKIS received any subsidies from the Government ?
- (ii) whether the applicant was required to make a fresh planning application to the Board if the staff quarters needed to be changed to classrooms in future ? and
- (iii) given the current trend was for international schools to provide housing allowance for its staff to rent flats outside the campus, did HKIS submit any information about its policy on providing housing benefits for its staff ?

70. Miss Isabel Y. Yiu said that HKIS was a private school and did not receive any direct subsidies from the Government. As the site was zoned “G/IC” on the OZP, there was no need for HKIS to obtain planning permission from the Board in case the staff quarters were converted to classrooms as ‘school’ use was always permitted within the “G/IC” zone. The applicant had not provided any information on the number of staff receiving housing allowance for renting flats outside the school campus. Nevertheless, it was stated in the lease that the application site had to be used for providing non-profit making primary/secondary school together with such domestic quarters for its staff subject to the policy support of SED.

[Mr. Maurice W.M. Lee arrived to join the meeting and Mr. David To left the meeting temporarily at this point.]

Deliberation Session

71. A Member considered that the number of staff quarters to be provided was excessive and queried whether the staff quarters had to be provided within the campus. This Member was concerned that approval of the subject application would set a bad precedent for other similar applications.

72. With respect to the need for additional staff quarters, Miss Isabel Y. Yiu said that staff quarters had already been included in the existing HKIS's school campuses in both Repulse Bay and Tai Tam. The proposed staff quarters served to cater for the needs associated with the increase in additional 200 primary and 300 secondary school places in the Repulse Bay and Tai Tam campuses. As 50 additional teachers would be employed in its primary school portion, there would not be enough staff quarters to accommodate the teaching staff. In this regard, the applicant planned to redevelop the existing school campus and staff quarters at the application site so as to provide more classrooms and staff quarters.

73. The Secretary stated that while the proposed staff quarters in such scale was a precedent, each application would be assessed by SED based on its individual merits before policy support was given. For the current application, the site was zoned "G/IC" on the OZP and no plot ratio and building height restrictions had been imposed on the site. If the redevelopment proposal was not for staff quarters but for school use, there was no need to seek planning approval of the Board.

74. The Secretary continued to say that the application site was situated in a low- to medium-rise residential neighbourhood. The proposed development, even without the staff quarters portion, was considered not quite compatible with the surrounding developments. As there was a need to provide more international school places in Hong Kong, SED supported staff quarters proposal for HKIS to help attract and retain more quality overseas teaching professionals. A balance therefore needed to be struck between the need of the school and the visual impact of the development on the area.

75. A Member noted that one of the concerns of the public comments was whether the proposed redevelopment would have adverse traffic impacts on the adjacent road network. This Member asked whether the applicant had proposed any traffic improvement measures. This Member also queried the feasibility of the mandatory school bus scheme proposed by the applicant.

76. Miss Isabel Y. Yiu said that to address the traffic problem, the applicant undertook to provide a mandatory school bus scheme for both its Lower Primary School and Upper Primary School students upon redevelopment. Moreover, to ensure the smooth traffic along South Bay Close, the increased car parking spaces provided in the school campus would be used as school bus lay-bys during the school day pick-up and drop-off period. Both the Commissioner for Transport (C for T) and Commissioner of Police had no adverse comment on these traffic improvement measures.

77. A Member said that the application could be approved as it would unlikely result in adverse traffic impact on the local road network as the peak hours of the school traffic were different from that of the other road users and the traffic flow generated by the schools buses was not high.

78. By referring to the photomontage from viewpoint 5 in Annex 2C of the applicant's submission, a Member commented that the proposed development was rather visually intrusive and not in keeping with the surrounding residential developments in the vicinity. Another Member shared the same comment.

79. Miss Isabel Y. Yiu stated that photomontages from five viewpoints were prepared and submitted by the applicant to illustrate the visual impacts of the proposed development. Viewpoint 5 was taken from Wilson Trail. As shown in Drawings A-23 to 25 of the Paper, the visual impact of the proposed development from the other four viewpoints was not that visually intrusive. Miss Yiu continued to say that the applicant had revised the scheme three times in order to reduce its scale and building height. Taking into account that there was a genuine need for HKIS to provide more school places as agreed with SED and the staff quarters could help attract/retain more quality teaching staff, concerned government departments in general had no objection to the application.

[Mr. David To returned to join the meeting at this point.]

80. With respect to the scale and building bulk of the development proposal, the Secretary stated that the applicant had made effort to revise and reduce the development intensity of the staff quarters from a plot ratio of 2.2 to 1.4, representing a reduction of more than 35% of its original proposal. The plot ratio of 1.4 was commensurate with that of the residential developments adjacent to the application site, which were mainly of 8 to 11 storeys in height with a plot ratio of 1.4 to 1.6. To address the visual impact, the applicant had also provided vertical green landscape feature for fence/boundary wall along South Bay Close and further vertical greening features at the detailed design stage. The photomontages as submitted by the applicant were intended to assist Members to consider the subject application. The final building design would be submitted to relevant government departments for approval at the implementation stage. Nevertheless, in view of Members' grave concern over the visual impact and building bulk of the proposed development, it might be appropriate to impose an approval condition to address Members' concern on building design, should the application be approved. Members agreed.

81. Another Member had reservation on the application as the building bulk of the proposed development was excessive and the visual impact had not been properly addressed in the revised development scheme. While the applicant claimed that there was a shortage of space for school use, part of the site was however used for staff quarters development. The same Member said that it was undesirable from the building design point of view to have the staff quarters built on top of the school campus block such that the rooftop could not be used by its students for outdoor activities.

82. A Member suggested amending approval condition (b) in paragraph 13.2 of the Paper to read as "..... restricted to the use and occupation of HKIS staff and teachers;". Members agreed.

83. Upon the enquiry of the Chairman on the approval condition (e) set out in paragraph 13.2 of the Paper, Miss Isabel Y. Yiu said that an undertaking would be signed by HKIS with SED on the implementation of the mandatory school bus scheme. As such, SED agreed that the concerned approval condition should be monitored by SED, instead of C for T. Members noted.

84. Members considered that the application could be supported. Members then went through the approval conditions and the advisory clauses as stated in paragraph 13.2 of the Paper and agreed that they should be suitably amended to reflect Members' views as expressed at the meeting.

85. After further deliberation and noting the dissenting view of a Member, 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 1.6.2016, 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 proposed staff quarters were subject to a maximum domestic gross floor area of 7,800m² (excluding ancillary car parking area) and the building height of the proposed development within the application site should not exceed 110.35mPD;
- (b) the proposed staff quarters were restricted to the use and occupation of the Hong Kong International School staff and teachers;
- (c) the provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the provision of a traffic study on the traffic arrangement at the construction stage to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the implementation of the mandatory school bus scheme during the school operation period, as proposed by the applicant, to the satisfaction of the Secretary for Education or of the TPB;
- (f) 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;

- (g) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (h) the submission and implementation of a proposal to improve the building design of the proposed development to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines and any proposal on gross floor area concession for the proposed development would be approved/granted by the Building Authority;
- (b) to apply to the District Lands Officer/Hong Kong West and South, Lands Department for lease modification; and
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department regarding the preparation of tree preservation and landscape proposals.

[The Chairman thanked Miss Isabel Y. Yiu, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

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

Kowloon District

Agenda Item 7

Section 12A Application

[Open Meeting]

Y/K13/1 Application for Amendment to the Approved Ngau Tau Kok and Kowloon Bay OZP No. S/K13/25 from “Residential (Group A)” to “Residential (Group A)1”, Nos. 53, 53A, 55, 55A Kwun Tong Road, Kowloon

(MPC Paper No. Y/K13/1B)

87. The application was submitted by Oriental Generation Ltd. with Ove Arup & Partners Hong Kong Ltd. (Ove Arup) and the University of Hong Kong (HKU) as its consultants. The Secretary reported that the following Members had declared interests in this item :

- | | | |
|----------------------|---|--|
| Professor S.C. Wong | - | had current business dealings with Ove Arup and being a professor of HKU |
| Mr. Dominic K.K. Lam | - | had current business dealings with Ove Arup and HKU |
| Mr. Patrick H.T. Lau | - | had current business dealings with Ove Arup |

88. As the applicant had requested to defer consideration of the application, the Committee agreed that the above Members could be allowed to stay in the meeting.

89. The Secretary reported that the applicant’s representative requested on 23.5.2012 for a deferment of the consideration of the application for two months in order to allow time for the preparation of further information to address comments from Architectural Services Department.

90. The Secretary said that the application site, Kai Tak Mansion, was involved in three judicial reviews (JRs) lodged by the applicant. The three JRs were heard together in the Court of First Instance (CFI) on 3.5.2012. On 11.5.2012, the CFI delivered its judgement allowing the three JRs and quashing the three restrictions (building height, non-building areas and building gap) on the OZPs No. S/K13/26 and No. S/K13/27 and the Board's refusal to consider raising the BHR beyond 130mPD. The Court also ordered that the question of whether any restrictions should be imposed on the site was to be remitted to the Board for re-consideration. In this regard, it would be inappropriate for the Committee to consider and make a decision on the subject planning application at this stage.

91. 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 three 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 the further information, and as a total period of seven months had been allowed, no further deferment would be granted unless under very special circumstances.

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

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K12/39 Proposed House in "Government, Institution or Community" zone and
an area shown as 'Road', Lot 1663 (part) in S.D. 2, Ngau Chi Wan
Village, Kowloon
(MPC Paper No. A/K12/39)

Presentation and Question Sessions

92. With the aid of a powerpoint presentation, Mr. Richard Siu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house;
- (c) departmental comments – the Commissioner for Transport (C for T) had reservation on the application as the proposed house would affect the planned Wing Ting Road extension reserved in the OZP for accessing the adjoining “Government, Institution or Community” (“G/IC”) site;
- (d) 19 public comments were received during the statutory publication period. While one commenter from the Chief Executive of Ngau Chi Wan Village Office had no objection to the application without giving reasons, the remaining 18 commenters, including New Ngau Chi Wan Village Office, Ngau Chi Wan Village Office and Ngau Chi Wan Retailers’ Union, objected to the application mainly on the grounds that the proposed house was not in line with the planning intention for the site; it would frustrate/jeopardize the future development of the adjoining “G/IC” site; and it would have adverse impact on the development and character of the neighbourhood; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. Although the proposed house was considered not incompatible with the adjacent area and would not have significant environmental impacts, it was not in line with TPB Guidelines No. 16 in that the site was intended primarily for the provision of GIC facilities, and approval of the application in a piecemeal manner would affect the provision of GIC facilities in the district on a long-term basis. The site fell partly within an area shown as

'Road' and occupied a considerable portion of the area reserved for future Wing Ting Road extension. In this regard, C for T did not support the application. There were public comments received against the application. The commenters generally considered that the Ngau Chi Wan Village should be redeveloped in a comprehensive manner to upgrade the existing environment. Besides, similar applications for house development within the "G/IC" zone had been rejected by the Committee, approval of the application would set an undesirable precedent for other similar applications in the area.

93. A Member asked about the background of the application site. The Secretary said that the existing Ngau Chi Wan Village was a resite constructed in the 70s to make way for the construction of the Choi Hung Mass Transit Railway Station. According to the Layout Plan prepared for the Ngau Chi Wan Village resite, the southern part of the application site fell within a "government" site which was planned for the development of a community hall while the northern and eastern parts fell within an area designated as 'Road' for Wing Ting Road extension and access road. There was no implementation programme for the community hall and Wing Ting Road extension. However, as the proposed house development was not in line with the planning intention of the "G/IC" zone on the OZP and the long-term planning for the area, the application was not supported by relevant government departments.

94. In response to the enquiry of the same Member, the Secretary stated that the building lots to the south of the site were granted in the 70s. There might not be any building height restriction stipulated in the leases. The sites were zoned "Village Type Development" on the OZP and were subject to the development restrictions as stipulated in the Notes of the OZP.

95. A Member noted that the application site was a piece of private land which would need to be resumed for implementation of the planned community hall and the road project. The Member considered that the current application should not be approved as it would frustrate the long-term planning of the area.

Deliberation Session

96. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the “Government, Institution or Community” (“G/IC”) zone was intended primarily for the provision of GIC facilities serving the needs of local residents and/or a wider district, region or the territory. The application was considered not in line with the planning intention of the “G/IC” zone;
- (b) the application did not comply with the Town Planning Board Guidelines No. 16 for ‘Application for Development/Redevelopment within “Government, Institution or Community” Zone for Uses other than Government, Institution or Community Uses under Section 16 of the Town Planning Ordinance’ in that approval of the application in a piecemeal manner would frustrate the planning and development of GIC facilities to meet community needs and other institutional establishments in the district;
- (c) approval of the application would affect the implementation of the planned road project; and
- (d) approval of the application would jeopardize the land use planning of the area and set an undesirable precedent for other similar applications in the area.

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

Agenda Item 9

Any Other Business

97. There being no other business, the meeting closed at 11:40 a.m..