

TOWN PLANNING BOARD

Minutes of 479th Meeting of the Metro Planning Committee held at 9:00 a.m. on 7.12.2012

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Professor S.C. Wong

Vice-chairman

Mr. H.W. Cheung

Professor Eddie C.M. Hui

Mr. Dominic K.K. Lam

Mr. Patrick H.T. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Mr. Stephen H.B. Yau

Assistant Commissioner for Transport (Urban) (Atg.),
Transport Department
Mr. Wilson Pang

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. K.F. Tang

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

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

Secretary

Absent with Apologies

Ms. Bonnie J.Y. Chan

Professor P.P. Ho

Mr. Sunny L.K. Ho

Ms. Julia M.K. Lau

Mr. Maurice W.M. Lee

In Attendance

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

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 478th MPC Meeting held on 23.11.2012

[Open Meeting]

1. The draft minutes of the 478th MPC meeting held on 23.11.2012 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. Tom C.K. Yip, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 3

[Open Meeting]

Proposed Amendments to the Approved Tsim Sha Tsui Outline Zoning Plan No. S/K1/26
(MPC Paper No.11/12)

3. The Secretary reported that Mr. Wilson Pang had declared an interest in this item as the Transport Department (TD) prepared the traffic impact assessment (TIA) in support of the amendment item in relation to the public car park site at Middle Road. The Committee considered that the interest of Mr. Pang was direct and he should leave the meeting temporarily for this item.

[Mr. Wilson Pang left the meeting temporarily at this point.]

4. Mr. Tom C.K. Yip, STP/TWK, said that replacement page 4 of Attachment III to the Paper had been sent to Members before the meeting. With the aid of a powerpoint, he briefed Members on the proposed amendments to the approved Tsim Sha Tsui Outline Zoning Plan (OZP) as detailed in the Paper and covered the following main points :

Proposed Amendments to the OZP

Amendment Items A and B: Rezoning the “Government, Institution or Community” (“G/IC”) site at Middle Road to “Commercial (11)” (“C(11)”) [Area about 2,630m²] and ‘Road’ [Area about 734m²]

Proposed Rezoning of the “G/IC” Site at Middle Road

- (a) the site, with an area of about 3,364m², was currently occupied by a 12-storey public car park building (providing 735 car parking spaces and 95 motor cycle parking spaces) with government office and a public toilet on the ground and first floors. Part of the building was erected over a section of Middle Road from the second floor level. As the Government was committed to expanding land resources for Hong Kong through a multi-pronged approach to build up land reserve with a view to meeting housing, social and economic developments, the subject site had been identified as suitable for commercial uses;
- (b) it was proposed to rezone the major part of the site from “G/IC” to “C(11)” to facilitate redevelopment into a new commercial development with a public car park. The portion of the site covering Middle Road and its footpath was proposed to be rezoned from “G/IC” to ‘Road’;
- (c) the site was at present subject to a building height restriction (BHR) of 90mPD on the OZP. When comprehensive BHRs were imposed on the Tsim Sha Tsui OZP in 2008, a BHR of 90mPD was stipulated on the subject “G/IC” site and the adjoining “Commercial” (“C”) zone covering Sheraton Hong Kong Hotel. The intention was to provide a transition of building height profile from the high-rise developments in the north to the

low-rise developments at the waterfront in the south, and to cater for the possible redevelopment of the subject site for commercial use;

- (d) similar to other “C” zones on the OZP, the “C(11)” zone would be subject to a maximum plot ratio of 12, with an added requirement for the provision of not less than 345 public car parking spaces and 39 public motor cycle parking spaces for the zone. There would be no change to the existing BHR of 90mPD for the site;

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

- (e) TD had commissioned consultants in 2011 to conduct a TIA, which recommended that a total of 345 public car parking spaces and 39 public motor cycle parking spaces should be reprovisioned in the future commercial development to serve the surrounding area, in addition to the ancillary parking spaces required for the commercial development itself;
- (f) there was, in general, no deficit of GIC provision for the planned population in the area. Relevant government departments consulted confirmed that the site was not required for any other GIC uses, and there was no need to reprovision the existing government office and public toilet in the future redevelopment on the site;

Proposed Amendments to the Notes of the OZP

“Commercial” (“C”) Zone

- (g) it was proposed to add a remark in the Notes for the “C(11)” zone to set out the requirement on the provision of not less than 345 public car parking spaces and 39 public motor cycle parking spaces, and that such spaces should be included in the plot ratio calculation for the zone;
- (h) provision for application to the Board for minor relaxation of the plot ratio and/or GFA restrictions, the minimum GFA for GIC facilities and private club, and the minimum provision of public car parking spaces as stipulated

in the various sub-zones of the “C” zone was included in the Remark of the Notes for the zone;

“Residential (Group A)” (“R(A)”) and “Residential (Group B)” (“R(B)”) Zones

- (i) to tally with similar provisions adopted for the “R(A)” zones on other Kowloon OZPs and Master Schedule of Notes to Statutory Plans, provision was added to stipulate that the plot ratio of the existing building should apply only if the addition, alteration and/or modification to or redevelopment of an existing building was for the same type of building as the existing building, while the maximum domestic and/or non-domestic plot ratios as stated in Remark (1) of the Notes should apply if it was not for the same type of building as the existing building;
- (j) provision for application to the Board for minor relaxation of the plot ratio and/or GFA restrictions was included in the Notes for both the “R(A)” and “R(B)” zones;

“Other Specified Uses” (“OU”) Zones

- (k) provision for application to the Board for minor relaxation of the number of storey restrictions was included in the Remarks of the Notes for the “OU” zones annotated for “Ferry Terminal”, “Kowloon Point Piers”, “Ocean Terminal to include Shops and Car Parks”, “Pier”, “Sports and Recreation Club on Pier”, “Ventilation Building” and “Salt Water Pumping Station”;

Revision to the Explanatory Statement (ES) of the OZP

- (l) the ES of the Tsim Shan Tsui OZP had been revised to reflect the proposed amendments and to update the general information in the ES of various land use zones to reflect the latest status and planning circumstances of the OZP;

Consultation

- (m) concerned government bureaux/departments had no objection to or no

adverse comment on the proposed amendments, and relevant comments had been incorporated into the above proposed amendments as appropriate; and

- (n) the Yau Tsim Mong District Council would be consulted on the amendments during the exhibition period of the draft Tsim Sha Tsui OZP for public inspection under section 5 of the Town Planning Ordinance.

5. A Member indicated support to the proposed rezoning of the public car park site at Middle Road (the Site) for commercial use. However, this Member raised a concern that as part of the Site, in particular the southern part, was close to Sheraton Hong Kong Hotel, the future commercial development on the Site would be blocked by the hotel. Besides, the adoption of a BHR of 90mPD and a maximum plot ratio of 12 for the Site would result in a bulky development which was undesirable from the building design perspective. This Member asked whether greater design flexibility could be adopted by allowing a building height higher than 90mPD while the maximum plot ratio was maintained as 12.

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

6. Upon an enquiry of the Chairman, Mr. Tom C.K. Yip said that while most of the guestrooms of Sheraton Hong Kong Hotel were facing Salisbury Road, some of the guestrooms were facing Middle Road. As the western and southern parts of the Site were in close proximity to Sheraton Hong Kong Hotel, this might pose some constraints to the design of the future commercial development. Nevertheless, Mr. Yip stated that the BHR of 90mPD would allow sufficient design flexibility for the future development at the Site. Mr. Yip drew Members' attention to the photomontages in Plans 6 and 7 of the Paper and explained that the Site was a Class B site under B(P)Rs, and the upper floors above a 3-storey podium (with a maximum site coverage of 100%) would be subject to a maximum site coverage of 62.5%. Hence, the future developer of the Site would have the flexibility to place the tower block towards the eastern side of the Site facing the playground, thus avoiding the blockage by Sheraton Hong Kong Hotel to its south. Furthermore, while the BHR of the Site was 90mPD, the existing building height of Sheraton Hong Kong Hotel was about 60mPD and hence the upper floors of the future development would not be blocked by the hotel. Mr. Yip said that the above issue could be dealt with at the detailed design stage

by the developer.

7. Mr. Tom C.K. Yip also stated that according to the findings of an assessment undertaken by Planning Department, the Site, with a BHR of 90mPD, could accommodate a commercial development with the provision of the required public parking spaces at a plot ratio of 12. The assessment was based on the assumptions that the 3-storey podium would have a floor to floor height of 5m and the upper floors would have a floor to floor height of 4m. Upon the Chairman's enquiry, Mr. Yip pointed out that the public parking spaces as required under the Notes for the "C(11)" zone were accountable for GFA calculation.

8. The Chairman asked whether the indicative scheme as shown in Plans 6 and 7 of the Paper were prepared with an assumption that the future public parking spaces to be provided in the future development would be accessed via ramps. He commented that if the developer chose to adopt an unconventional design such as double-decking of parking spaces and automated car parking system as adopted in some overseas countries, rather than using ramps for access to the parking spaces, less GFA would be taken up by the public car park, and more GFA would be allowed for commercial uses on the Site.

9. In response, Mr. Tom C.K. Yip said that the indicative scheme was prepared based on an assumption that the public car park would be provided above ground and ramps would be used for gaining access to the parking spaces. Depending on the building design adopted by the prospective developer, the built form of the future development might be different from that shown in the photomontages.

10. Regarding whether the future developer could adopt an unconventional design for the public car park on the Site as a measure to reduce the GFA of public parking spaces, Mr. Tom C.K. Yip said that the public car parking spaces were accountable for GFA calculation and whether the design of the future development could reduce the GFA for public car parking spaces would have to be further studied by concerned departments including TD, Buildings Department and Lands Department at a later stage.

11. The Secretary said that public car parking spaces should be GFA accountable. If an unconventional design was adopted so that the public car park could take up less GFA, this might allow more GFA for commercial use in the future development. She also pointed

out that the calculation of GFA for double-decking parking spaces would have to be further studied by BD.

12. A Member opined that the adoption of an unconventional design for the public car park on the Site as a means to reduce its GFA was worth considering as it could allow more GFA for commercial use at the Site. However, as the Site would be a sale site and any requirement on the design of the public car park might affect the estimated value of the Site, and hence such requirement should be clearly stipulated in the lease conditions. The Chairman agreed and stated that the issue would be dealt with by concerned departments in the drawing up of the lease conditions.

13. Another Member enquired about the utilisation rate of the existing public car park at Middle Road and the number of ancillary car parking spaces that would be required to meet the needs of the future commercial development on the Site. This Member also referred to the public car park in Cheung Kong Center and said that a high parking fees might lead to low utilisation rate of the public car park and hence the request for subsequent conversion of the public parking spaces for retail use by the developer.

14. In response, Mr. Tom C.K. Yip made the following points :

- (a) by referring to Tables 5.1 and 5.2 in the TIA report (Attachment 4 to the Paper), there was a total of 735 car parking spaces at the existing Middle Road Multi-storey Car Park. The weekday private car parking facilities utilisation rate during peak hours between 7:30p.m. to 10:30p.m. ranged from 60% to 72% and the weekend utilisation rate was similar, i.e. ranged from about 51% to 68%. According to TD, the parking fee of the car park was considered reasonable. The relatively low utilisation rate might be due to the drivers' reluctance to use the upper floors of the car park for parking purpose;
- (b) the Architectural Services Department had been requested to carry out an assessment on the GFA requirement of the future public car park to be provided on the Site. The findings of the assessment indicated that about 4.5 storeys with a GFA of about 11,000m² would be required for the provision of the public car park based on an assumption that ramps would

be adopted for providing access to the car park. After deducting the 11,000m² GFA for the public car park, about 20,560m² GFA on the Site would be used for commercial purposes;

- (c) ancillary car parking spaces for the future commercial use at the Site would be provided according to the requirements set out in the Hong Kong Planning Standards and Guidelines (HKPSG). If all the 20,560m² GFA was for office use, a total of 94 to 128 ancillary car parking spaces would be required under the HKPSG. If the Site was for retail use, a total of 69 to 103 ancillary car parking spaces would be required under the HKPSG. TD would take into account the planning circumstances of each district to decide whether the upper or lower limit of the parking requirement should be adopted. If the Site was for hotel use, one car parking space would be required for every 100 hotel rooms according to the HKPSG; and
- (d) the amount of parking fee to be charged at the future public car park was a market decision of its developer/operator. Regarding whether the public parking spaces could be converted for other uses, it was recommended to stipulate clearly in the Remarks for the “C(11)” zone that a total of not less than 345 public car parking spaces and not less than 39 public motor cycle parking spaces should be provided on the Site. For the purposes of GFA calculation, any floor space that was constructed or intended for use solely as public car/motor cycle parking spaces should be included for GFA calculation. Moreover, detailed requirements on the car parking spaces provision would be stipulated in the lease conditions governing the Site.

15. The Secretary stated that the requirement on the number of public parking spaces as stipulated in the Notes for the “C(11)” zone carried statutory effect and such practice was consistent with the zoning restrictions in other OZPs for sites requiring the provision of public car park, such as the Cheung Kong Center site.

16. After deliberation, the Committee decided to :

- (a) agree to the proposed amendment to the approved Tsim Sha Tsui Outline Zoning Plan (OZP) No. S/K1/26 as shown on the draft OZP No. S/K1/26A

at Attachment I and the revised Notes at Attachment II of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance; and

- (b) adopt the revised Explanatory Statement at Appendix III of the Paper as an expression of the planning intention and objectives of the Town Planning Board for the various land use zones on the draft OZP No. S/K1/26A, and was suitable for exhibition together with the OZP and its Notes.

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

[Mr. Wilson Pang returned to join the meeting at this point.]

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

Agenda Item 4

[Open Meeting]

Proposed Amendments to the Approved Lai Chi Kok Outline Zoning Plan No. S/K16/14
(MPC Paper No.12/12)

17. With the aid of a powerpoint, Mr. Philip Y.L. Chum, STP/TWK, briefed Members on the proposed amendments to the approved Lai Chi Kok OZP as detailed in the Paper and covered the following main points :

Proposed Amendments to the OZP

Amendment Item A: Rezoning the Private Community Centre (孚佑堂) at 38 Broadway, Stage 2 of Mei Foo Sun Chuen from “Residential (Group A)” (“R(A)”) to “Other Specified Uses” annotated “Private Community Centre” (“OU(PCC)”) [Area about 1,060m²]

Proposed Rezoning of the Private Community Centre at Mei Foo Sun Chuen

- (a) the private community centre (孚佑堂), with an area of about 1,060m², at Mei Foo Sun Chuen (MFSC) was proposed to be rezoned from “R(A)” to “OU(PCC)” to reflect its existing use as a private community centre serving the residents of MFSC. Building height restriction (BHR) of one storey and GFA restriction of 564m² were also proposed to reflect the as-built conditions of this building structure;
- (b) on 7.10.2011, the Metro Planning Committee (the Committee) of the Town Planning Board considered a section 12A application (No. Y/K16/1) submitted by Mei Foo Community Centre Concern Group for rezoning the private community centre (known as 孚佑堂) at Stage 2 MFSC from “R(A)” to “Government, Institution or Community” (“G/IC”). The Committee decided not to agree to the application as the nature and operation of the subject community centre was not in line with planning intention of “G/IC” zone and it was also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments. Instead, the Committee decided to rezone the site from “R(A)” to “OU(PCC)” to reflect its existing use as a private community centre serving the MFSC residents;

Other Amendments

- (c) opportunity had been taken to update the construction progress of the following authorised road and railway schemes as shown on the OZP for

information :

- (i) since the construction works of the West Kowloon Reclamation - Main Works (Remainder) and Route 9 (now known as Tsing Sha Highway) had been completed, it was proposed to delete the annotations indicating their authorisations by the Chief Executive in Council (CE in C) from the OZP; and
- (ii) it was proposed to incorporate the railway alignment of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Hong Kong Section) authorised by the CE in C on 20.10.2009 under the Railways Ordinance into the OZP for information;

Proposed Amendments to the Notes of the OZP

“OU (PCC)” Zone

- (d) it was proposed to incorporate a set of Notes for the “OU(PCC)” zone with the stipulation of BHR of one storey and GFA restriction of 564m² in the Remarks. Minor relaxation clause on the maximum GFA and building height was also incorporated;

“R (A)” Zone

- (e) to tally with similar provisions adopted for the “R(A)” zones on other Kowloon OZPs, provision was also added to stipulate that the plot ratio of the existing building should apply only if the addition, alteration and/or modification to or redevelopment of an existing building was for the same type of building as the existing building, while the maximum domestic and/or non-domestic plot ratios as stated in Remark (1) of the Notes should apply if it was not for the same type of building as the existing building. Besides, provision for application to the Board for minor relaxation of plot ratio was included in the Notes for this zone;

Technical Amendments

- (f) other technical amendments included the revision of the user term “Helicopter Filling Station” to “Helicopter Fuelling Station” for the Notes of the “G/IC” zone, and revision to the planning intention of the Notes for

the “Open Space” zone;

Revision to the Explanatory Statement (ES) of the OZP

- (g) the ES of the Lai Chi Kok OZP had been revised to reflect the proposed amendments and to update the general information of various land use zones to reflect the latest population and planning circumstances of the OZP;

Consultation

- (h) concerned government bureaux/departments had no objection to or no adverse comment on the proposed amendments, and relevant comments had been incorporated into the above proposed amendments as appropriate; and
- (i) the Sham Shui Po District Council would be consulted on the amendments during the exhibition period of the draft Lai Chi Kok OZP for public inspection under section 5 of the Ordinance.

18. Members had no question on the proposed amendments.

19. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Lai Chi Kok Outline Zoning Plan (OZP) No. S/K16/14 as shown on the draft OZP No. S/K16/14A at Attachment I and the revised Notes at Attachment II of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance; and
- (b) adopt the revised Explanatory Statement at Appendix III of the Paper as an expression of the planning intention and objectives of the Town Planning Board for the various land use zones on the draft OZP No. S/K16/14A, and was suitable for exhibition together with the OZP and its Notes.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/721 Proposed Hotel in “Residential (Group A) 7” zone, G/F (Shop 1), 1/F and
2/F, Court Regence, 183 Pei Ho Street, Kowloon
(MPC Paper No.A/K5/721)

Presentation and Question Sessions

20. 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 proposed hotel (conversion of the application premises to a hotel providing 17 guestrooms);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper;
- (d) public comments received during the statutory publication periods were summarised as follows :
 - (i) during the first three weeks of the statutory publication period, which ended on 10.7.2012, 17 public comments from the Owners’ Committee (OC) of the subject building, one Sham Shui Po District Council (SSPDC) member, the Owners Association of the nearby Lung On Building, and 14 individuals (of which ten of them identified themselves as flat owners of the subject building) were received. All of them raised objection to the application mainly on the grounds of fire safety, building security, building management, building hygiene, intrusion of strangers and residents’ senses of

security, depreciation in the property value due to the worries about the possibilities of the operation of an hourly-rated guesthouse at the premises, and that the proposed development was no different from “sub-divided flats”; and

- (ii) during the first three weeks of the second statutory public inspection period, which ended on 19.10.2012, 18 public comments from 16 individuals of which 13 identified themselves as flat owners of the subject building, the OC of the subject building and one SSPDC member were received. The OC, the SSPDC member and nine of the individuals had previously provided similar comments during the first statutory public inspection period. The main concerns of the commenters were largely similar to those comments received during the first public inspection period. Furthermore, some commenters stated that the applicant had been in default of payment of the building management fees for a period of time and this lack of responsibility of the applicant worried them; 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. With respect to the public comments raising objection to the application, the major concerns were relating to the impacts of the proposed hotel on building security, building management, structural safety, fire safety and potential nuisance. In this regard, the applicant had proposed to install emergency exit doors on 1/F and 2/F of the premises and CCTVs monitoring system to deter hotel guests from accessing the common area of the subject building. With this arrangement to confine the hotel access via the independent staircase of the premises fronting Un Chau Street, the Commissioner of Police had no objection to the application. Other government departments consulted, including the Director of Fire Services and the Chief Building Surveyor/Kowloon of Buildings Department (CBS/K of BD), raised no objection to the application.

21. A Member enquired whether the Committee should only consider the land use

aspect or could take into account the internal design and layout of the proposed hotel in deciding whether to approve or reject an application. This Member opined that the internal layout of the proposed hotel was far from satisfactory as some of the guestrooms did not have windows, the size of the guestrooms was small, the proposed hotel could only be accessed via a staircase with no provision of access for disabled, and the proposed provision of an emergency exit with alarm would create management problems to the subject building.

22. A Member enquired about the size of the guestrooms of the proposed hotel. In response, Mr. Philip Y.L. Chum said that according to the applicant's submission, a total of 17 guestrooms with a total usable floor area of about 233m² would be provided within the application premises. Based on the above information, it was estimated that the guestrooms would have an average usable floor area of about 10m² to 12m². Mr. Chum also pointed out that the applicant intended to convert the premises for a budget type hotel and the guestrooms would be self-contained with provision of toilet/bathroom facilities.

23. A Member enquired about the loading/unloading arrangement of the proposed hotel. In response, Mr. Philip Y.L. Chum referred to Plan A-3 of the Paper and said that loading/unloading activities of the proposed hotel would be carried out along Un Chau Street.

24. A Member asked whether amendments to an approved scheme such as a change in the number of guestrooms or deletion of toilet/bathroom facilities in the guestrooms required planning permission from the Board. This Member also asked whether PlanD had the information about the number of similar type of guesthouses within the same district.

25. Mr. Philip Y.L. Chum explained that amendments to an approved development proposal could be made under section 16A of the Ordinance. The types of amendments, the application procedures and assessment criteria were set out in the Town Planning Board Guidelines No. 36A. For the subject application, if the increase in guestroom number did not exceed 5% of the approved provision, it would be regarded as a Class A amendment and no planning permission from the Board was required. With respect to the deletion of toilet/bathroom facilities in the guestrooms, it also did not require planning approval of the Board. Nevertheless, such changes would, however, need to comply with the requirements of the licensing authority and the provisions of relevant ordinances. Mr. Chum continued to say that there were a limited number of guesthouses in Sham Shui Po District but he did not

have the updated figures in hand.

26. The Chairman asked whether central air-conditioning was proposed for the proposed hotel. Mr. Philip Y.L. Chum replied in the negative.

Deliberation Session

27. Upon the Chairman's enquiry on a Member's earlier concern about the design and layout of the proposed hotel, Mr. Philip Y.L. Chum said that relevant departments had been consulted on the application. CBS/K of BD had no objection to the application and advised that detailed comments under the Buildings Ordinance would be provided at the building plan submission stage. With respect to the proposed emergency exits with alarms at the exit doors of the application premises to the common areas on 1/F and 2/F of the subject building, the applicant should comply with the requirements of the Code of Practice for Fire Safety in Buildings. The Chief Officer (Licensing Authority) of the Home Affairs Department (HAD) also had no objection to the application and advised that the licensing requirements would be formulated upon receipt of an application under the Hotel and Guesthouse Accommodation Ordinance.

28. The Secretary supplemented that in considering a planning application for a proposed development, other than the land use aspect, if the Committee found that the design and layout of a development proposal was unacceptable or there was fundamental objection from relevant departments such as BD, the Committee could consider rejecting the application. She recalled that the Board had previously considered a similar planning application for hotel use. In view of the absence of windows in the guestrooms, that application was rejected/deferred by the Board pending the applicant's submission of further information to address the concern of Members.

29. With respect to the subject application, the Secretary stated that since relevant departments, including CBS/K of BD and HAD, had no objection to the application, PlanD considered that the application could be approved so as to meet the shortfall of hotel rooms in Hong Kong. As Members had reservation on its internal design and layout, the Committee might either reject the application or defer consideration of the application pending the submission of further information to address the concern of Members.

30. A Member noted that the Paper recommended to stipulate an approval condition regarding the provision of emergency exit doors with alarms on 1/F and 2/F of the subject premises. The effectiveness of such measure was however doubtful. In this regard, this Member had reservation on the approval condition as the provision of emergency exits with alarms would deny the provision of access for the disabled, impose building management problems on the subject building and create nuisance to the residents of the building.

31. The Chairman said that apart from the absence of access for the disabled, the proposal of providing access to the proposed hotel via staircase would also create problems for those guests with heavy luggage.

32. A Member raised a concern that the applicant might convert the subject premises into small compartments and applied for a guesthouse licence from the licensing authority of HAD without submitting planning application to the Board. In response, the Chairman said that under the current practice, HAD would seek comments from PlanD when they received applications for guesthouse licence. PlanD would advise HAD whether planning permission from the Board would be required.

33. A Member opined that a guesthouse within a residential building should have a separate access so that the guesthouse visitors would not share the entrance, lifts and staircases with the residents of the residential building, and hence would not cause nuisance to the residents. For the subject application, the proposed hotel was not able to meet the access requirement as it did not provide lift service for guest with disabilities and had to rely on the provision of emergency exits with alarms, which would create fire safety and building management problems. Although the development proposal might be technically feasible, this Member had reservation on approving the application. The views were shared by another Member.

34. The Chairman concluded that Members in general considered that the application should be rejected as the internal design and layout and the access arrangement of the proposed hotel were not acceptable. Members agreed.

35. After further deliberation, the Committee decided to reject the application.

Members then went through the reasons for rejection as stated in paragraph 11.3 of the Paper and agreed that the reasons should be suitably amended to reflect Members' views as expressed at the meeting. The reasons were :

- (a) no effective measures had been provided in the application to demonstrate that the proposed hotel/guesthouse would not result in shared use with the domestic flats of the common lift and staircases of the subject building, its operation may cause nuisance and inconvenience to the residents of the same building;
- (b) the internal design and layout and access arrangement of the proposed development were not acceptable as some of the guestrooms were not provided with windows, and there was no provision of access for the disabled; and
- (c) the approval of the application would set an undesirable precedent for other similar hotel/guesthouse applications which would lead to intrusion of hotel/guesthouse use into composite buildings with shared use of the existing lifts and staircases with the residential use on other floors.

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

[Professor S.C. Wong, Mr. Clarence W.C. Leung and Ms. Doris Chow left the meeting temporarily at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting]

A/TW/437 Proposed Shop and Services in “Industrial” zone, Hale Weal Industrial Building, Nos. 22-28 Tai Chung Road, Tsuen Wan (Tsuen Wan Town Lot No. 332)

(MPC Paper No.A/TW/437A)

36. The Secretary reported that the applicant’s representative requested on 19.11.2012 for a further deferment of the consideration of the application for two months as they would need to prepare further information to address the comments of the Commissioner for Transport on the application.

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

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

[Professor S.C. Wong, Mr. Clarence W.C. Leung and Ms. Doris Chow returned to join the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/439 Proposed Hotel in “Residential (Group A)” zone, G/F (Portion) and 2/F (Portion), Phase 1, Allway Gardens, 191-195 Tsuen King Circuit, Tsuen Wan
(MPC Paper No.A/TW/439)

38. The Secretary reported that Mr. Dominic K.K. Lam had declared an interest in this item as he had current business dealings with Raymond Chan Surveyors Ltd., which was the consultant for the applicant. As Mr. Lam had no direct involvement in the subject application, the Committee agreed that he was allowed to stay in the meeting.

39. The Secretary reported that a petition letter was received from a Tsuen Wan District Council (TWDC) member, Ms. Lam Yuen Pun, before the meeting objecting to the application mainly on the grounds that the proposed hotel would deprive the rights of local residents in enjoying the facilities planned to serve the needs of the local residents; the proposed development would result in a depreciation of the residents’ property value; the hotel use would create security and management problems; and the proposed development would become an “hourly-rated hotel” affecting the tranquillity and public order of the area. The petition letter was tabled at the meeting for Members’ information.

Presentation and Question Sessions

40. Mr. K. T. Ng, STP/TWK, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (conversion of the application premises to a hotel providing 31 guestrooms);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the applicant;

(d) during the first three weeks of the statutory publication period, a total of 504 public comments from the TWDC member of the subject constituency, the DC member's office with the Allway Gardens Owners Incorporation, a Legislative Council (LegCo) member and residents/individuals were received. Three comments from residents/individuals indicated support to the application; of which one comment supported the application without giving any reason, one comment considered that the proposed hotel was an effective utilisation of the shopping centre, and the remaining one comment considered that the application was acceptable should it be a decent one with a nice restaurant provided inside. 494 comments received from the TWDC member, the DC member's office with the Allway Gardens Owners Incorporation attaching 3,187 signatures, the LegCo member enclosing 308 signatures, and residents/individuals objected to the application mainly on the following grounds :

- (i) Tsuen King Circuit was a pure residential neighbourhood and the proposed hotel was not compatible with the residential use;
- (ii) the podium of Allway Gardens was merely a small shopping centre intended to provide daily necessities and services to the local residents. The proposed hotel was not in line with the original planning intention of the subject residential development. It also contravened the developer's promise to provide a restaurant in the estate;
- (iii) with only 31 guestrooms and limited facilities, the proposed hotel would not be a proper one and likely to become an "hourly-rated hotel" or accommodation for "doubly non-permanent resident pregnant women", which would bring about security problems and nuisance and deteriorate the quality of living;
- (iv) the proposed hotel would cause environmental, traffic, fire risk and hygiene problems to the surrounding area;
- (v) the local residents would lose a venue, in particular the elderly, to

relax and meet their families and friends; and

- (vi) there were already several hotels in Tsuen Wan. Should there be demand for hotel rooms, they should be provided in the town centre;

- (e) the District Officer (Tsuen Wan) advised that the Chairman of Allway Gardens Owners Incorporation objected to the application and considered that the hotel should be developed elsewhere as the proposed hotel would lead to security and hygiene problems, and concerned that the proposed development might result in adverse environmental and traffic impacts. The Tsuen Wan West Area Committee (TWWAC) discussed the application on 12.11.2012 and raised objection to the application on similar grounds as the comments received during the statutory public inspection period. The TWDC discussed the application on 27.11.2012 and a total of 13 TWDC members expressed their views and objections to the application on similar grounds as expressed by the public comments received during the statutory public inspection period. In addition, two motions were unanimously passed by the TWDC, which raised objection to the change of land use to hotel for any portion of the shopping arcade of Allway Gardens, and requested the Board to respect the original planning of Allway Gardens as a pure residential area and the will of local residents; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper which were summarised below :
 - (i) the Tsuen King Circuit area was a predominantly residential neighbourhood and the original planning intention for the provision of commercial/retail floor space within the residential developments was to provide local commercial facilities to meet the daily necessities and services needs of the residents. No strong planning justification had been provided by the applicant to demonstrate the need for a hotel at the subject site. The proposed hotel would also lead to a permanent loss in commercial/retail floor space to serve the local residents;

- (ii) at present, there was no hotel within commercial podia of the residential developments in the Tsuen King Circuit area. Approval of the application would set an undesirable precedent for the intrusion of hotel use in the residential neighbourhood;
- (iii) a total of 504 public comments were received during the statutory publication period. Amongst them, 494 public comments objected to the application on the grounds of unsuitable location, nature of the proposed hotel, environmental and traffic problems, security concerns, lack of demand for hotel rooms, etc. Some comments requested that the Board should not approve the application as it was against the public will. Besides, both the TWDC and TWWAC objected to the application; and
- (iv) for the public concerns on environmental, sewerage and hygiene problems, traffic impact and fire risk, concerned government departments in general had no comment on or no objection to the application. The Chief Officer (Licensing Authority) of Home Affairs Department advised that licensing requirements would be formulated upon receipt of an application under the Hotel and Guesthouse Accommodation Ordinance.

41. A Member noted that there was a public comment in Appendix IVn of the Paper which stated that according to the Notes of the OZP, there was no provision for hotel use in the lowest three floors of a “Residential (Group A)” (“R(A)”) development. Hence, the subject application contravened the provision of the “R(A)” zone. This Member asked whether the views as expressed by that commenter were correct. In response, Mr. K.T. Ng explained that according to the user schedule for the Notes of “R(A)” zone on the OZP, ‘hotel’ use was a Column two use under the “R(A)” zone which might be permitted with or without conditions on application to the Board. Hence, a planning application was submitted to the Board for the proposed hotel development.

Deliberation Session

42. A Member agreed that the subject application should be rejected. This Member also enquired why PlanD had made different recommendations to the subject application and the Application No. A/K5/721, which was previously considered by the Committee under Item 5 of the meeting. Although both applications were for converting part of the commercial portions of residential building/development for hotel use, PlanD recommended to approve Application No. A/K5/721 but to reject the subject application. This Member also opined that in considering applications for proposed hotel use in the commercial portion of residential development, the Committee should consider the possible impact of the hotel use on the residents of the development. For the subject case, the proposed hotel would cause a permanent loss in the existing retail floor space intended to serve the residents in the neighbourhood. That was the reason why the local residents had raised strong objection to the application.

43. In response, the Chairman said that PlanD's assessment on the subject application was detailed in paragraph 9 of the Paper which had taken into account departmental comments as well as the public comments received during the statutory publication period. The subject building under application No. A/K5/721 was located in a predominantly commercial/residential area and was in close proximity to the MTR Sham Shui Po Station. From the land use compatibility viewpoint, that proposed hotel was considered not incompatible with the surrounding land uses. On the other hand, the proposed hotel under the subject application was situated in a residential neighbourhood at the hillslope and was about one kilometre away from the Tsuen Wan Town Centre. Approval of the subject application would lead to a permanent loss in commercial/retail floor space which was planned to serve the local residents in the area, and would set an undesirable precedent for the intrusion of hotel use in the residential neighbourhood. The Chairman further remarked that each planning application should be assessed and considered on its individual merits. For the subject application, there was a need to retain the commercial floor space within this residential development for provision of such facilities as supermarkets, restaurants and convenience stores, etc. to meet the daily necessities and services needs of the residents in the neighbourhood.

44. A Member asked whether there had been an increase in the number of planning

applications for hotel use and whether the problem of shortage of hotel rooms in Hong Kong had become worse in recent years.

45. The Chairman said that since the introduction of the multiple entry visas to Hong Kong in April 2009, there had been a significant increase in the number of tourists visiting Hong Kong. The number had reached about 42 million in 2011, out of which about 28 million were from the Mainland. This had led to an increase in the shortfall of hotel rooms in Hong Kong in the recent years.

46. In response to an enquiry of a Member, Mr. K.T. Ng said that he had no information in hand about the number of proposed hotel developments in the Tsuen Wan District that had been built after obtaining planning permission from the Board.

47. The Chairman concluded that Members in general considered that the application should be rejected as approval of the application would lead to a permanent loss in commercial/retail floor space to serve the local residents.

48. After further 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) there was no strong planning justification for the provision of a hotel at the Premises and the proposed hotel use would lead to a permanent loss in commercial/retail floor space which was to serve the local residents in the area; and
- (b) approval of the application would set an undesirable precedent for the intrusion of hotel use which would displace the commercial/retail floor space intended to serve the local residents in the area.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/440 Proposed Comprehensive Residential Development (New Home Ownership Scheme Development with Social Welfare Facility (Day Care Centre for the Elderly)) in “Comprehensive Development Area (2)” zone, Ex-Tai Wo Hau Factory Estate, Sha Tsui Road, Tsuen Wan
(MPC Paper No.A/TW/440)

49. The application was submitted by the Hong Kong Housing Authority (HKHA), with Atkins China Ltd. (Atkins) as its consultant. The Secretary reported that the following Members had declared interests in this item :

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|---|--|
| Mr. Jimmy C.F. Leung
as the Director of Planning | - being a member of the Strategic
Planning Committee (SPC) of HKHA |
| Mr. Frankie Chou | - being an alternate member for the
Director of Home Affairs who was a
member of the SPC of HKHA |
| Ms. Doris Chow | - being an alternate member for the
Director of Lands who was a member
of the HKHA |
| Ms. Julia M.K. Lau | - being a member of the HKHA |
| Mr. Dominic K.K. Lam | - had current business dealings with
the HKHA and Atkins |

50. The Committee noted that Ms. Lau had tendered an apology for being unable to attend the meeting. The Committee considered that the interest of Mr. Leung, Mr. Chou, Ms. Chow and Mr. Lam was direct, and they should leave the meeting temporarily for this item. The Vice-chairman took up the chairmanship of the meeting at this point.

[Mr. Jimmy C.F. Leung and Mr. Dominic K.K. Lam left the meeting temporarily at this point.
Mr. Frankie Chou and Ms. Doris Chow left the meeting at this point.]

Presentation and Question Sessions

51. Mr. K. T. Ng, STP/TWK, presented the application with the aid of a powerpoint, and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed comprehensive residential development (new Home Ownership Scheme (HOS) development with social welfare facility (day care centre for the elderly));
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) two public comments were received during the first three weeks of the statutory publication period. The Hong Kong and China Gas Company Ltd. (Towngas) stated that a risk assessment was required to evaluate the potential risk and necessary measures if required due to the existing intermediate pressure gas pipeline in the vicinity. Towngas should be consulted in the design stage and closely coordinated with during the construction stage and provision of protective measures. An individual raised objection to the application and suggested the site to be used for open space and greenery for the enjoyment of residents and workers of the industrial area; and

[Mr. K.F. Tang left the meeting temporarily at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Regarding the public comment from Towngas on the needs for a risk assessment, consultation in design stage, close coordination with Towngas during the construction stage and provision of protective measures, the applicant submitted further information to respond that Towngas had been

consulted and there was no existing gas pipe within the site. The applicant further stated that they would further coordinate with Towngas during the construction stage. In this regard, the Director of Electrical and Mechanical Services had no adverse comment on the application. With respect to the public comment objecting to the proposed HOS development and suggesting the site to be used for open space development, it should be noted that the site was rezoned from “Industrial” (“I”) to “Comprehensive Development Area (2)” (“CDA(2)”) for comprehensive residential development based on the findings and recommendations of the Area Assessments 2009 of Industrial Land in the Territory (Area Assessments 2009) in 2010. In that rezoning, part of the ex-Tai Wo Hau Factory Estate site of about 0.4ha to the south of the site had been rezoned from “I” to “Open Space” (“O”) for the provision of public open space.

[Mr. K.F. Tang returned to join the meeting at this point.]

52. A Member raised a concern that while the site was proposed for HOS development, it was situated in close proximity to Wong’s Factory Building to its west and Link Dyeing Works Ltd. to its east. In response, Mr. K.T. Ng said that on the OZP, a 15m wide non-building area (NBA) had been designated on the western part of the subject “CDA(2)” site. This would provide a separation between the site and Wong’s Factory Building in its west. According to the applicant’s proposal, a landscaped walkway would be provided on the 15m wide NBA. The applicant had also conducted an Environmental Assessment to assess the impacts of road traffic noise, industrial noise, chimney emissions and vehicular emissions on the proposed development and proposed measures to mitigate these impacts. In this regard, the Director of Environmental Protection had no objection to the development proposal. Mr. Ng also pointed out that although Wong’s Factory Building was under active industrial use, the owner had recently submitted a section 12A application (No. Y/TW/5) for rezoning the site from “CDA(3)” to “Commercial (7)” to facilitate wholesale conversion of the subject building into a hotel. The rezoning application would be submitted to the Committee for consideration.

53. Upon a further enquiry of the same Member, Mr. K.T. Ng stated that the site of the Link Dyeing Works Ltd. was zoned “CDA(4)” on the OZP. The factory premises was

leased to Hung Fook Tong Holdings Ltd. for manufacturing of herbal tea products.

54. In reply to a Member's enquiry, Mr. K.T. Ng said that the public comment from an individual as mentioned in paragraph 12.15 of the Paper was included in Appendix IVb of the Paper.

Deliberation Session

55. A Member had no objection to the application as the proposed HOS development at the site could help meet the housing shortage problem in Hong Kong. However, this Member noted that the site was in the midst of an industrial area, in particular the eastern boundary of the site was in close proximity to two industrial buildings. As indicated in the applicant's proposed layout, there was insufficient buffer between the proposed tower block (Block 3) in the eastern part of the application site and the existing industrial buildings. In order to enhance the proposed HOS scheme, this Member suggested to incorporate part of the area zoned "O" to the west of the site into the subject development so that the applicant could shift the proposed HOS development westward, to be further away from the concerned industrial buildings. This Member also suggested an alternative measure of providing a buffer between Block 3 and the existing industrial buildings by providing more greenery at the eastern boundary of the site.

56. Another Member said in 2010, the Committee had an extensive discussion when considering the proposed amendments to the Tsuen Wan OZP by rezoning the "I" sites in the northern part of Tsuen Wan East Industrial Area (TWEIA) for other uses. The Committee decided that the concerned "I" sites should be rezoned to mainly "CDA" zones primarily for residential use. This Member also remarked that multiple ownership of industrial buildings might pose constraints to their redevelopment. However, Wong's Factory Building, which was under single ownership, did not have such constraint. Noting the gradual change of the area for residential use, this Member considered that the area was suitable for residential development and hence the application could be approved. Nevertheless, taking into account that there were still active industrial activities at the Hung Fook Tong site to the east of the application site, this Member agreed that the layout of the proposed HOS development could be improved by providing more greenery along its eastern boundary.

57. The Secretary said that the site formed part of the TWEIA. In December 2010, the Committee considered the proposed amendments to the Tsuen Wan OZP and decided that the “I” sites in the northern part of TWEIA should be rezoned to several “CDA” zones and a central public open space for residential use. The planning intention of the “CDA” zones was intended for comprehensive development/redevelopment of the area primarily for residential use with the provision of commercial facilities, open space and other supporting facilities. When the zoning amendments were exhibited for public inspection, representations from the owners of the surrounding industrial buildings had been received. They opposed, inter alia, the extent of the zoning boundary of individual “CDA” sites and/or requested that their sites should be rezoned for other uses. After hearing the representations, the Board considered that the proposed “CDA” and “O” zones for the northern part of TWEIA was appropriate and decided not to uphold these representations. The Secretary further stated that many of the industrial sites within the “CDA” zones were under single ownership. The Board considered that attempt could be made by the owners for site amalgamation and joint redevelopment in order to achieve the planning intention for comprehensive development.

58. The Secretary continued to say that the proposed HOS development could act as a catalyst to encourage and expedite the transformation process of the whole area for residential development with commercial facilities and open space provision. Members’ views that more greenery should be provided along the eastern boundary of the site could be relayed to the applicant for consideration. Moreover, as an approval condition requiring the submission and implementation of a Landscape Master Plan would be stipulated, the applicant would be required to submit and implement landscape proposals to the satisfaction of PlanD or of the Board.

59. The Vice-chairman concluded that Members in general considered that the application could be approved as rezoning of this part of the TWEIA had been thoroughly discussed by the Board and approval of the application would give impetus for the land use restructuring and upgrading the environment of TWEIA.

60. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.12.2016, 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 a revised Master Layout Plan (MLP) to take into account the approval conditions (b), (c), (d), (e), (f) and (g) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of a Day Care Centre for the Elderly to the satisfaction of the Director of Social Welfare or of the TPB;
- (c) the provision of a 15m wide visual corridor at grade in between the proposed Block 2 and Block 3 to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of car parking spaces and loading and unloading facilities to the satisfaction of the Commissioner of Transport or of the TPB;
- (e) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the design and construction of the landscaped walkway at the Non-Building Area within the application site and the Public Open Space at the adjacent "Open Space" zone, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB; and
- (g) the submission and implementation of Landscape Master Plan and Tree Preservation Proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approved Master Layout Plan, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in

the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised Master Layout Plan for deposition in the Land Registry as soon as possible;

- (b) to note the comments of the Director of Environmental Protection that to liaise with Drainage Services Department for the proposed sewerage connection outlined in the sewerage impact assessment report;
- (c) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which was administered by the Buildings Department;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that to bear the cost of any diversion works affected by the proposed development;
- (e) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that to maintain liaison / coordination with the Hong Kong and China Gas Company Ltd in respect of the exact location of existing or planned gas pipes routes / gas installations in the vicinity of the proposed work area and the minimum set back distance away from the gas pipelines if any excavation works was required during the design and construction stages of the development; and
- (f) to note the comments of DEMS that to note the requirements of the Electrical and Mechanical Services Department's Code of Practice on "Avoiding Danger from Gas Pipes".

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

[Mr. Stephen H.B. Yau left the meeting temporarily and Mr. Patrick H.T. Lau left the

meeting at this point.]

[Mr. Jimmy C.F. Leung and Mr. Dominic K.K. Lam returned to join the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting]

A/TWW/105 Proposed Minor Relaxation of Maximum Plot Ratio Restriction (from 0.4 to 0.75) for Permitted House Development in “Residential (Group C)” zone, Lots No. 253 S.A RP, 261, 388 and adjoining Government Land in D.D.399, Ting Kau, Tsuen Wan, N.T.

(MPC Paper No.A/TWW/105)

62. The Secretary reported that Kenneth To & Associates Ltd. (KTA) and Environ Hong Kong Ltd. (Environ) were the consultants for this application. Mr. Dominic K.K. Lam and Mr. Patrick H.T. Lau had declared interests in this item as they had current business dealings with KTA. Ms. Julia M.K. Lau had also declared an interest in this item as she had current business dealings with Environ. The Committee noted that Ms. Lau had tendered an apology for being unable to attend the meeting and Mr. Lau had already left the meeting. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr. Lam could be allowed to stay in the meeting.

63. The Secretary reported that the applicant’s representative requested on 22.11.2012 for a further deferment of the consideration of the application for two months so as to allow time to liaise with the Transport Department (TD) on the methodology in devising the traffic forecast data and prepare further information including a revised traffic noise impact assessment report to address TD’s comments.

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

[Mr. Stephen H.B. Yau returned to join the meeting at this point.]

Kowloon District

Agenda Item 10

Section 12A Application

[Open Meeting]

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

65. 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 :

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|----------------------|---|--|
| Professor S.C. Wong | - | had current business dealings with Ove Arup and was an employee 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 |

66. The Committee noted that Mr. Lau had already left the meeting. As the applicant had requested to defer consideration of the application, the Committee agreed that Professor Wong and Mr. Lam could be allowed to stay in the meeting.

67. The Secretary reported that the applicant's representative requested on 22.11.2012 for a deferment of the consideration of the application for a further period of three months as a refined scheme had been submitted to the Planning Department and the applicant's representative was currently working on further refining the scheme in order to address the concerns of the Architectural Services Department regarding the visual concerns of the proposed towers. The applicant would prepare further information regarding the refined scheme to the Board in the coming three months.

68. The Secretary said that this was the fifth request from the applicant for a deferment of the consideration of the application. 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 judgment 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 building height restriction 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.

69. The Secretary continued to say that on 7.6.2012, both the Board and the applicant lodged appeals against the Judgment. The combined appeal hearings were scheduled to be heard by the Court of Appeal on 9.5.2013 and 10.5.2013. The Board also applied on 27.7.2012 to the High Court for a stay of execution of the Judgment. The said application was heard on 17.8.2012 and the Court granted a stay of execution of the orders pending the appeals.

70. A Member enquired whether the applicant intended to defer the consideration of the application pending the decisions of the JRs by the Court, or whether they would withdraw the JRs if the subject application was approved by the Board. In response, the Secretary said that the applicant had not indicated his intention. According to a previous legal advice, the subject application and the Court's decision on the JRs were two separate

matters.

71. Another Member opined that the Committee should focus on whether the deferral application was justified. If the grounds submitted by the applicant were sufficient, the request for deferral could be acceded to.

72. After further deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee 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 three months were allowed for preparation of the submission of the further information, and since this was the fifth deferment of the application and a total period of 13 months had been allowed, this should be the last deferment and no further deferment would be granted.

Agenda Item 11

Section 16 Application

[Open Meeting]

A/K14/679 Proposed Shop and Services in “Other Specified Uses” annotated
“Business” zone, Workshop No. 2 on Ground Floor, Apec Plaza, No. 49
Hoi Yuen Road, Kwun Tong, Kowloon
(MPC Paper No.A/K14/679)

73. The Secretary reported that the applicant’s representative requested on 20.11.2012 for a deferment of the consideration of the application for two months in order to allow time to address the comments of the Director of Fire Services on the application.

74. 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.

Agenda Item 12

Any Other Business

75. There was no other business.

Vote of Thanks

76. The Secretary said that this was the last Metro Planning Committee meeting for the Chairman, Mr. Jimmy C.F. Leung, who was going to retire from the Civil Service. The Vice-chairman proposed and Members supported that a vote of thanks be given to Mr. Leung for his leadership and wished him a happy retirement. The Chairman thanked all Members for their support and contribution to the work of the Committee in the past years.

77. The meeting closed at 11:20 a.m..