

## **TOWN PLANNING BOARD**

### **Minutes of 483rd Meeting of the Metro Planning Committee held at 9:00 a.m. on 8.2.2013**

#### **Present**

Director of Planning  
Mr. K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Mr. H.W. Cheung

Professor Eddie C.M. Hui

Mr. Dominic K.K. Lam

Ms. Julia M.K. Lau

Mr. Patrick H.T. Lau

Mr. Maurice W.M. Lee

Mr. Roger K.H. Luk

Mr. Stephen H.B. Yau

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

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

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

**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 482nd MPC Meeting held on 25.1.2013

[Open Meeting]

1. The draft minutes of the 482nd MPC meeting held on 25.1.2013 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Confidential Item. Closed Meeting]

2. This item was recorded under separate confidential cover.

[Mr. Albert Lee arrived to join the meeting at this point.]

**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**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K1/234                      Proposed Hotel (Guesthouse) in “Residential (Group A)” zone, G/F  
(Portion), 1/F and 2/F, No. 52, 54 and 56 Kwun Chung Street, Jordan,  
Kowloon  
(MPC Paper No. A/K1/234)

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Presentation and Question Sessions

3. Mr. Tom C.K. Yip, STP/TWK, presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel (guesthouse);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection was received by the District Officer (Yau Tsim Mong); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The application was for conversion of several floors in the podium of an existing commercial/residential building into hotel (guesthouse) use. There was no separate access to exclusively serve the application premises, and the hotel guests and residents of other floors needed to share the use of common lifts and staircases as well as the entrance and lift lobby on G/F. Without proper separate means of access, the proposed hotel use would create nuisance to residents of other floors in the building, and was considered incompatible with the domestic use within the same building. The applicant had not submitted any concrete management proposal to ensure that the proposed hotel would not cause nuisance and inconvenience to other occupiers of the same building. There were two similar applications for hotel use in the “Residential (Group A)” zone of the OZP since 2000. Application No. A/K1/230 for conversion of portion of an existing commercial/residential building was rejected by the Committee on 4.11.2011 on the grounds of the lack of separate access to the proposed hotel and incompatibility with the domestic use within the same building. The approved similar application (Application No. A/K1/214) for hotel use involved partial conversion within a commercial/office building and the proposed hotel use was considered not incompatible with other commercial uses within the same building. The approval of the current application

would set an undesirable precedent for other similar applications for hotel use into composite buildings without separate means of access.

4. Members had no question on the application.

#### Deliberation Session

5. 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 application involved partial conversion of an existing commercial/residential building for hotel (guesthouse) use. As there was no separate access to exclusively serve the proposed hotel, the operation of the proposed hotel would create nuisances to residents of other floors in the same building; and
- (b) the approval of the application would set an undesirable precedent for similar applications for partial conversion of an existing commercial/residential building for hotel (guesthouse) use without separate access.

#### **Agenda Item 4**

##### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K1/235            Proposed Commercial Bathhouse/Massage Establishment in  
"Commercial (6)" zone, Basement and Shop A on G/F, Hody  
Commercial Building, 6 Hart Avenue, Tsim Sha Tsui, Kowloon  
(MPC Paper No. A/K1/235)

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#### Presentation and Question Sessions

6. Mr. Tom C.K. Yip, STP/TWK, presented the application with the aid of a

powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed commercial bathhouse/massage establishment;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection was received by the District Officer (Yau Tsim Mong); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

7. Members had no question on the application.

#### Deliberation Session

8. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.2.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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

- (a) to note the comments of the Director of Environmental Protection that the operator of the proposed use should ensure compliance with the requirements under relevant environmental pollution control ordinances;

and

- (b) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department that :
  - (i) in the event that the mode of operation of the proposed establishment fell within the definition of “club” under the Clubs (Safety of Premises) Ordinance, the licensing requirements would be formulated by the Office of the Licensing Authority upon receipt of an application under the Clubs (Safety of Premises) Ordinance; and
  - (ii) the applicant was required to observe the licensing requirements imposed by the relevant licensing authority.

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/546                      Proposed Hotel in “Residential (Group A)” zone, Nos. 93 - 95 Lai Chi  
Kok Road, Kowloon  
(MPC Paper No. A/K3/546)

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#### **Presentation and Question Sessions**

10.            Mr. Tom C.K. Yip, STP/TWK, presented the application with the aid of a powerpoint presentation 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 71 guestrooms);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;

- (d) five public comments from three private individuals, Designing Hong Kong Ltd. and one of the owners of an adjoining building were received during the first three weeks of the statutory publication period. One public comment from a private individual raised query on the traffic impact of the proposed hotel development but would agree to the application if the traffic problems could be resolved. Another comment from a private individual supported the application. The other three commenters raised objection to the application mainly on the grounds that further hotel supply in the area was not necessary; and the proposed hotel development would cause adverse traffic, environmental, sewerage and drainage impacts, and create pollution, building safety and security problems; 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. Regarding the public comments on adverse traffic impacts on the surrounding area, the applicant's traffic impact assessment had demonstrated that the amount of traffic generated by the proposed hotel was insignificant, and the Commissioner for Transport had no adverse comment on the subject application. In respect of the concerns on noise, air quality, building safety as well as drainage and sewerage capacity, concerned departments had no objection to or adverse comments on the application. Regarding the security concern, the proposed hotel use was considered not incompatible with surrounding land uses and there were some hotel uses in the surrounding area.

11. A Member noted from Drawing A-8 of the Paper that Guest Room No. 6 on 8th to 13th floors of the proposed hotel were not provided with toilet facilities. This Member said that if these six guestrooms were not used as hotel guestrooms, the total number of guestrooms under the application would be reduced to 65. In response, Mr. Tom C.K. Yip said that the applicant had not provided in his submission the detailed internal layout for Guest Room No. 6 on 8th to 13th of the proposed hotel. However, the applicant would need to provide such detailed information at the building plan submission stage to demonstrate to the Building Authority (BA) that the proposed hotel development would comply with the



Buildings Ordinance. Hence, the Member's concern would be followed up at the building plan submission stage.

### Deliberation Session

12. The Chairman said that the application could be approved as the proposed hotel was not incompatible with the surrounding land uses. Regarding the Member's concern on the lack of detailed information on the provision of toilet facilities in some of the proposed guestrooms, the Chairman proposed to add an advisory clause to remind the applicant that at the building plan submission stage, he should submit such information to the BA for approval. Members agreed.

13. 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 8.2.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in planning condition (a) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (d) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to provide detailed information of the development proposal including the layout of the guestrooms to the Building Authority (BA) at the building plan submission stage;
- (b) the approval of the application did not imply that any proposal on gross floor area (GFA) concession for the proposed development would be approved/granted by BA. The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the GFA concession was not approved/granted by BA and major changes to the current scheme were required, a fresh planning application to the Town Planning Board might be required;
- (c) to note the comments of the Director of Environmental Protection to prepare and submit the Sewerage Impact Assessment as early as possible in view of the time required for the implementation of any required sewerage works;
- (d) to note the comments of the Commissioner for Transport that he had the rights to impose, alter or cancel any parking, loading/unloading facilities and/or any no-stopping restrictions, etc. on all local roads, to cope with changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the subject development;
- (e) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with the Code of Practice for Means of Access for Firefighting and Rescue which was administered by BD;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department on the provision of landscape planting on roof of 4/F in addition to those on G/F and the roof;
- (g) to note the comments of the Chief Building Surveyor/Kowloon, BD that :

- (i) the application for hotel concession under the Building (Planning) Regulation (B(P)R) 23A would be considered upon formal submission of building plans subject to compliance with the criteria under PNAP APP-40 and favourable comments from concerned departments;
  - (ii) for quality and sustainable built environment requirements and building separation, the applicant should make reference to PNAP APP-151 and APP-152 respectively;
  - (iii) a 3m-wide service lane should be provided at the rear or side of proposed hotel development under B(P)R 28. Furthermore, such lane should not be included in the site area under B(P)R 23(2)(a); and
  - (iv) no part of any domestic building should be erected within 1.5m of the rear boundary of the site under B(P)R 25(2); and
- (h) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department that :
- (i) documentary evidence showing BA had granted prior approval for the proposed change in use should be submitted when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO);
  - (ii) the proposed licensed area in one application had to be physically connected;
  - (iii) the fire service installation provisions should comply with paragraph 4.28 of Codes of Practice for Minimum Fire Services Installations and Equipment; and
  - (iv) the licensing requirements would be formulated after inspections by

his Building Safety Unit and Fire Safety Unit upon receipt of a licence application under HAGAO.

[The Chairman thanked Mr. Tom C.K. Yip, STP/TWK, for his attendance to answer Members' enquiries. He left 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 6**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K5/726                      Temporary Shop and Services for a Period of 5 Years in “Other Specified Uses” annotated “Business 3” zone, Workshop No. 4, G/F, Premier Centre, No. 20 Cheung Shun Street, Cheung Sha Wan  
(MPC Paper No. A/K5/726)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary shop and services for a period of five years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection was received by the District Officer (Sham Shui Po); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

16. Members had no question on the application.

#### Deliberation Session

17. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 8.2.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2013;
- (b) the implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.8.2013; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note that shorter compliance periods of 3 months and 6 months were granted in order to monitor the fulfilment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Town Planning Board to any

further application;

- (b) to note the comments of the District Lands Officer/Kowloon West to apply for a temporary waiver;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) to ensure that the change in use would comply with the Buildings Ordinance, in particular, the provision of fire barrier having the requisite fire resistance rating to separate the application premises from the remaining portion of the building in accordance with the Building (Construction) Regulation 90 and Clause 7.1 of the Code of Practice for Fire Safety in Buildings 2011 as well as access and facilities for persons with a disability under the Building (Planning) Regulation 72 and the Design Manual: Barrier Free Access 2008;
- (d) to note the comments of the Director of Fire Services that the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by BD should be complied with;
- (e) to note the Town Planning Board's 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for further information on the fulfilment of the approval conditions herein; and
- (f) to note the comments of the Director of Food and Environmental Hygiene for obtaining appropriate licence/permit from the Food and Environmental Hygiene Department.

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

**Agenda Item 7**

**Section 16 Application**

[Open Meeting]

A/K5/731                      Proposed Hotel (Guesthouse) in “Residential (Group A) 6” zone,  
Nos. 307 - 309 Lai Chi Kok Road, Cheung Sha Wan, Kowloon  
(MPC Paper No. A/K5/731)

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19.            The Secretary reported that on 1.2.2013, the applicant’s representative requested for a deferment of the consideration of the application for two months to allow time for preparation of a traffic impact assessment to address the concern of the Transport Department on the application.

20.            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.

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

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TW/442                      Proposed Shop and Services in “Other Specified Uses” annotated  
“Business (1)” zone, Workshops No. 1, 2 and 3, Ground Floor, One  
Midtown, 11 Hoi Shing Road, Tsuen Wan, New Territories  
(MPC Paper No. A/TW/442)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – the Director of Fire Services (D of FS) had no in-principle objection to the application at Workshops No. 1 and 3. However, he considered that the proposed ‘shop and services’ use at Workshop No. 2 was unacceptable as no separate means of escape was available in accordance with the TPB Guidelines No. 22D;
- (d) ten public comments from the Customer Services Centre of One Midtown and nine private individual were received during the first three weeks of the statutory publication period. All the public comments indicated support to the application mainly on the grounds that the proposed shop and services could serve the needs of the industrial workers and add vibrancy to the area; and
- (e) the Planning Department (PlanD)’s views – based on the assessments set out in paragraph 11 of the Paper, PlanD had no objection to the application for the proposed ‘shop and services’ use at Workshops No. 1 and 3, but did not support the application for proposed ‘shop and services’ use at Workshop No. 2. The “Other Specified Uses” annotated “Business (1)” zone was intended for general business uses and to allow greater flexibility in the use of the existing industrial or Industrial-Office buildings. However, the shop frontage of Workshop No. 2 was not abutting public roads. It was only accessible via the main entrance of the ground floor lobby of the subject industrial building. In this regard, D of FS considered the proposed development at Workshop No. 2 was unacceptable as no separate means of escape was available. Approval of the application at



Workshop No. 2 would set an undesirable precedent for other similar applications for 'shop and services' use within industrial buildings which had no separate means of escape for the application premises.

22. Members had no question on the application.

#### Deliberation Session

23. After deliberation, the Committee decided to approve the application for proposed 'shop and services' use at Workshops No. 1 and 3, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.2.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of the fire safety measures including provision of a separate means of escape for and provision of fire service installations in Workshop No. 1 and Workshop No. 3 to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing that the proposed 'shop and services' use was not permitted under the lease. The owner(s) should apply to the Lands Department (LandsD) for temporary waiver(s). The temporary waiver application(s) would be considered by LandsD acting in the capacity as landlord at its sole discretion. Any approval, if given, would be subject to such terms and conditions including payment of waiver fee(s) and administrative fee(s) and such other terms as considered appropriate by the Government;

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that her no in-principle objection stance under the Buildings Ordinance was subject to adequate provision of sanitary fitments under the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works & Latrines) Regulation 5 were demonstrated, and two exit doors open in the direction of exit to be provided to the existing Workshop No. 3; and
- (c) to note the comments of the Director of Fire Services that, for Workshops No. 1 and 3, a means of escape completely separated from the industrial portion should be available and detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. Regarding matters in relation to fire resisting construction of the application premises, the applicant was advised to comply with the requirements as stipulated in Part C of Code of Practice for Fire Safety in Buildings 2011 which was administered by BD.

25. The Committee decided to reject the application for the proposed 'shop and services' use at Workshop No. 2. Members then went through the reasons for rejection as stated in paragraph 12.3 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed 'shop and services' use at Workshop No. 2 did not comply with the Town Planning Board Guidelines No. 22D for Development within "Other Specified Uses (Business)" Zone in that means of escape separated from the industrial portion was not available for the concerned workshop. The proposed 'shop and services' use at Workshop No. 2 was unacceptable from the fire safety point of view; and
- (b) the approval of the application for proposed 'shop and services' use at Workshop No. 2 would set an undesirable precedent for other similar applications for 'shop and services' use within industrial buildings which had no separate means of escape for the application premises.

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

### **Hong Kong District**

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

#### **Agenda Item 9**

[Open Meeting]

Draft Planning Brief for Conversion of Chai Wan Factory Estate for Public Rental Housing Development in "Comprehensive Development Area" zone on Draft Chai Wan Outline Zoning Plan  
(MPC Paper No.4/13 )

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26. The Secretary reported that as the subject site was proposed for public rental housing (PRH) development through conversion by the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item :

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|--|---|
| Mr. K.K. Ling<br>as the Director of Planning                             | - being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA   |
| Mr. Frankie Chou<br>as the Chief Engineer of the Home Affairs Department | - being an alternate member for the Director of Home Affairs who was a member of the SPC and Subsidized Housing Committee of HKHA |
| Ms. Doris Chow<br>as the Assistant Director of the Lands Department      | - being an alternate member for the Director of Lands who was a member of the HKHA  |
| Mr. Dominic K.K. Lam   | - had current business dealings with  |

Ms. Julia M.K. Lau - the HKHA  
- being a member of the HKHA and  
Commercial Properties Committee  
and Tender Committee of HKHA

27. The Committee considered that the interests of the above Members in this item were direct, and they should leave the meeting temporarily for this item. Members noted that Ms. Lau had not yet arrived to join the meeting. The Vice-chairman took up the chairmanship of the meeting at this point.

[Mr. K.K. Ling, Mr. Frankie Chou, Ms. Doris Chow and Mr. Dominic K.K. Lam left the meeting temporarily at this point.]

28. With the aid of a powerpoint presentation, Ms. Kitty S.T. Lam, STP/HK, presented the draft planning brief (PB) as detailed in the Paper and covered the following main points :

Background

- (a) the Chai Wan Factory Estate (CWFE) was developed by the Government in 1959 and was currently under the management of the Housing Department (HD). CWFE was the last “H” type factory building in Hong Kong. The local community, some District Council (DC) members and Legislative Council members had requested the Government to preserve and revitalize the existing factory building. The Antiquities and Monuments Office (AMO) considered that the CWFE was of heritage value and proposed it as a “Grade 2” historical building;
- (b) the site, with an area of about 0.4ha, fell within the “Comprehensive Development Area” zone on the draft Chai Wan OZP No. S/H20/20. It was restricted to a maximum building height of 120mPD or the height of the existing building, whichever was the greater;

Draft Planning Brief

- (c) taking into account the recent grading of the CWFE by the AMO and the

intention of HKHA to preserve the existing building, a draft PB providing guidance on the in-situ conversion for the site had been prepared. The draft PB set out the intended uses, development parameters, planning and design requirements to facilitate the preparation of a Master Layout Plan (MLP) for submission to the Board as required under the Notes of the OZP;

Major Development Parameters

- (d) development on the site was restricted to a maximum GFA of 13,400m<sup>2</sup> (which was equivalent to a plot ratio (PR) of 3.4), a maximum site coverage of 70% and a maximum building height of 25mPD at the main roof level;

Urban Design and Landscape Requirements

- (e) since the site was at a prominent location next to the MTR Chai Wan Station, a visual appraisal including visual illustration should be prepared to demonstrate that urban design considerations were duly taken into account;
- (f) a Landscape Master Plan should be prepared to set out, inter alia, the greening proposal with a minimum coverage of 20% of the entire site for greening;

Heritage Preservation Requirements

- (g) to facilitate the adaptive reuse of CWFE, the central core would need to be demolished and rebuilt. The physical form of the building should be preserved as far as possible during the process of converting the factory building suitable for residential use. A heritage impact assessment (HIA) should be prepared and submitted as part of the MLP submission;

GIC Facilities

- (h) as the site was small in area, there would be no additional GIC requirements arising from the population increase. The future residents would be served by the existing GIC facilities in the vicinity;

Transport Requirements

- (i) car parking provision would be provided to the satisfaction of the Commissioner for Transport (C for T);

Environmental and Sewerage Requirements

- (j) an Environmental Assessment Study should be prepared by the project proponent to assess the traffic, railway and industrial noise impacts as well as industrial and vehicular emissions. Besides, land contamination, waste management, and sewerage and construction impacts had to be ascertained and mitigated, if necessary;

Drainage Requirements

- (k) the project proponent should ensure that the development would not cause flooding in areas upstream of, adjacent to or downstream of the site both during construction and upon completion. It should also ensure that the existing sewerage system had sufficient capacity for the proposed PRH development; and

Way Forward

- (l) the Planning Department would consult the Eastern District Council on the draft PB. The views collected together with the revised PB incorporating the relevant comments, where appropriate, would be submitted to the Committee for further consideration and endorsement.

29. A Member remarked that the local community was concerned about the redevelopment of CWFE mainly because of its preservation value and the traffic impact arising from the future PRH development. Noting that the draft PB had required the provision of car parking, loading and unloading spaces at the site to the satisfaction of C for T, this Member suggested that clear requirements on the traffic aspect should be included in draft PB to address the concern of the members of the Eastern District Council. Besides, in view of the close proximity of the CWFE site to the MTR Chai Wan Station, it was considered that a smaller number of car parking spaces would be required for the proposed PRH development.

30. In response, Ms. Kitty S.T. Lam stated that the future PRH residents at the site would be encouraged to use public transport in view of its close proximity to the MTR Chai Wan Station. According to the preliminary discussion between HD and the Transport Department, three private car parking spaces, five motor cycle parking spaces and one loading/unloading bay for light goods vehicle would be required for the PRH project. As these car parking requirements had not yet been finalized, the information was not included in the draft PB.

31. A Member raised concern over the appropriateness of converting CWFE into PRH development as CWFE was proposed by AMO as a “Grade 2” historical building for preservation. In particular, the central core of the building would need to be demolished and rebuilt for the provision of lifts and bathrooms. There would also be no control over the use of the PRH units by the future residents who might not be conducive to the preservation of the subject factory building.

32. Ms. Kitty S.T. Lam said that a balance had been struck between public aspiration for preservation and revitalization of CWFE and the need to increase flat supply in Hong Kong. As the CWFE was the last “H” type factory building in Hong Kong, a HIA would need to be prepared by the project proponent as part of the MLP submission. The HIA would also need to be submitted to the AMO for consideration. With respect to the preservation of the building upon the completion of the PRH development, Ms. Lam advised that relevant rules and regulations would be formulated by HD for the future residents.

33. The same Member opined that the proposed conversion of CWFE for PRH development might not be the most appropriate option for the purpose of preserving the existing factory building. Given the large scale and complexity of the conversion works involved, there was doubt on whether the subject factory building was suitable for domestic use. HD had not come up with concrete proposal to demonstrate that the conversion works was feasible and the building would be properly preserved. In reply, Ms. Kitty S.T. Lam said that the purpose of the draft PB was to provide guidance on in-situ conversion for the site, taking into account of the recent proposed grading of the CWFE by AMO and the intention of HKHA to preserve the building. Ms. Lam emphasized that a MLP, together with the technical assessments including a HIA, would need to be submitted to the Board for its approval at the section 16 planning application stage.

34. Upon the enquiry of the Vice-chairman, Ms. Kitty S.T. Lam stated that the Eastern District Council would be consulted on the draft PB regarding the proposed conversion of CWFE into PRH development.

35. Ms. Kitty S.T. Lam, in reply to a Member's question, said that the proposed PRH development at the subject site would provide about 180 flats for about 500 persons. Nevertheless, the exact population figure would depend on the flat mix of the proposed development.

36. After further deliberation, the Committee decided to agree that the draft planning brief was suitable for consultation with the Eastern District Council. The views collected, together with the revised planning brief, would be submitted to the Committee for further consideration.

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

[Mr. K.K. Ling, Mr. Frankie Chou, Ms. Doris Chow and Mr. Dominic K.K. Lam returned to join the meeting at this point.]

[Mr. Albert Lee left the meeting temporarily at this point.]

[Mr. K.S. Ng, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]



**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H11/103            Proposed Minor Relaxation of Plot Ratio Restriction from 5 to 5.325 in  
                          “Residential (Group B)” zone, 23 Babington Path, Mid-Levels West,  
                          Hong Kong  
  
                          (MPC Paper No. A/H11/103B)

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37.            The Secretary reported that Mr. Patrick H.T. Lau had declared an interest in this item as he had current business dealings with LD Asia, which was the consultant for the applicant. Ms. Doris Chow had also declared an interest in this item as she owned a flat at Mid-levels West. As Mr. Lau had no direct involvement in the subject application, the Committee agreed that he could be allowed to stay in the meeting. Members noted that the property of Ms. Chow did not have a direct view on the application site and agreed that she could be allowed to stay in the meeting.

**Presentation and Question Sessions**

38.            Mr. K.S. Ng, STP/HK, presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application – the application was subject to a previous application No. A/H11/98 approved by the Committee on 20.5.2011 for minor relaxation of plot ratio (PR) from 5 to 5.357 for proposed surrender and dedication of land for road widening. Subsequent to the approval, the applicant found that the total area of land to be surrendered and dedicated was actually 80.2m<sup>2</sup> instead of 75.6m<sup>2</sup> and the bonus PR to be claimed should be 0.379 instead of 0.357. As such, a fresh application (No. A/H11/101) for minor relaxation of the PR restriction from 5 to 5.379 was submitted. The application (No. A/H11/101) was approved with conditions by the Committee on 5.8.2011. The applicant had recently discovered that there was a calculation error in the site area during the carving out process of the subject lot. The applicant claimed that given the carving history, the “missing out” area of 1,900ft<sup>2</sup> (equivalent to about

176m<sup>2</sup>) should belong to him and hence the site area should be increased to 1,235m<sup>2</sup>, instead of 1,059m<sup>2</sup> as stated in the two previous applications. In this regard, while the area to be surrendered and dedicated for road widening in the current application would remain unchanged, the increase in site area would result in corresponding changes to the development parameters including the total GFA and number of flats for the proposed development. The current proposed scheme was similar to the previous approved application (No. A/H11/101) in terms of building height (BH) at main roof and floor uses, but differed slightly in the form and shape of the building;

- (b) the proposed minor relaxation of PR restriction from 5 to 5.325;

[Mr. Albert Lee returned to join the meeting at this point.]

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) eight public comments were received during the first three weeks of the statutory publication period. One public comment from a private individual considered that minor relaxation of PR restriction for road widening was agreeable subject to the implementation of traffic improvement measures to cater for the increase in number of flats. The other seven commenters, from a member of the Central and Western District Council (C&WDC), the Incorporated Owners of a nearby building, the Central and Western Development Concern Association and four private individuals, objected to the application mainly on the grounds of increase in development intensity in the Mid-levels area, and possible generation of adverse traffic, environmental pollution, visual and air ventilation impacts. Some commenters further questioned the compliance of the technical requirements under the Buildings Ordinance (BO), the vantage points chosen for the visual impact assessment, and the application did not help improve the traffic condition in the area. The District Officer (Central and Western) advised that members of C&WDC had all along

been concerned about the development intensity in the Mid-levels area. At the C&WDC meeting held on 15.5.2008 when the draft Mid-levels West OZP No. S/H11/14 was discussed, some members considered it necessary to set limits on development intensity to preserve the ridgelines of Hong Kong Island, while others observed the likely adverse impacts of high-density developments on traffic flow, air ventilation and quality, sunlight and slope safety. The C&WDC also passed a motion on 12.1.2004 objecting to any relaxation of PR or BH restrictions for residential buildings in the Mid-levels area; 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 and were summarized below :
  - (i) the current application mainly involved a technical amendment to the previously approved scheme by updating the site area from 1,059m<sup>2</sup> to 1,235m<sup>2</sup>. According to the applicant, the increase of site area was due to the calculation error in the site area during the carving out process of lots. The applicant had also provided a certified survey report to demonstrate that the actual surveyed area (1,259.7m<sup>2</sup>) was slightly greater than the alleged site area in the planning application;
  - (ii) as compared with the previously approved scheme (No. A/H11/101), the area for surrender and dedication for road improvement (80.2m<sup>2</sup>) and the bonus GFA to be claimed (401m<sup>2</sup>) were the same. However, owing to the increase in site area by 176m<sup>2</sup>, there was a corresponding increase in the GFA of 880m<sup>2</sup> (15 units). There was also an increase of one storey with the addition of a basement floor for pump room and water tank. Concerned government departments had no adverse comments on the application;
  - (iii) the District Lands Officer/Hong Kong West and South advised that the Lands Department (LandsD) was not in a position to verify the site area of the private land under the subject planning application as

the various subsections of IL 1216 were carved out under private agreements. Since the Board was not in a position to verify the alleged site area, the applicant should be advised that the approval of the application was premised on the accuracy of the alleged site area to be considered at the building plan submission stage. If changes to the current scheme were required as a result of non-acceptance of the claimed site area by the Building Authority (BA), a fresh planning application to the Board would be required;

- (iv) regarding the concerns raised in the public comments on the increase in development intensity and the possible traffic impact, relevant departments had no objection to the proposed development. The Chief Town Planner/Urban Design and Landscape of PlanD advised that no adverse visual and air ventilation impacts were expected as a result of the development proposal. The Chief Building Surveyor/Hong Kong West of Buildings Department (BD) further advised that no building should be erected in such a manner as to reduce the quantity of light and air available to any other building under BO. With respect to the public comment on the viewpoints chosen, the applicant explained that the vantage points were chosen at the entrance of the local open space easily accessible by pedestrians, at a road junction with high pedestrian flow, and at a closer distance to the application site to demonstrate the eye-level visual impact. For the air pollution problem, the Director of Environmental Protection advised that in view of the small scale of the proposed development, no insurmountable environmental impact was anticipated.

Accuracy of the alleged site area

39. A Member noted that the proposed minor relaxation of PR restriction sought by the applicant was based on its proposal to surrender and dedicate part of the lot area for road improvement and the applicant's claim that there was a calculation error in the site area during the carving out process of the subject lot. This Member asked whether the accuracy of the alleged site area had been verified, and whether the Committee should adopt the revised site area in considering the subject application.

40. Mr. K.S. Ng said that there was only a lease plan attached to the government lease for IL 1216 which had a total site area of 174,754ft<sup>2</sup>. The lease plans for the application site as submitted by the applicant in the further information dated 21.11.2012 were not government lease plans but were plans attached to the assignment documents entered between private parties and registered by memorials in the Land Registry. The various subsections of IL 1216 were carved out by private parties under private agreements. Mr. Ng stated that the land information concerning the subject lot and its adjoining lots was based on the applicant's submission. PlanD did not have any information on other subsections of IL 1216.

41. Noting that IL 1216 had already been sub-divided into a number of sections, the same Member enquired whether effort had been made to verify the accuracy of the alleged site area under application as the "missing out" site area might be due to the discrepancy in the boundary among various subsections. In response, the Chairman said that the Board was not in a position to verify the area of the sub-division of lots and the accuracy of the alleged site area.

42. Upon the invitation of the Chairman, Ms. Doris Chow said that the lease governing the application site was virtually unrestricted except the restriction on offensive trades. Ms. Chow further said that the subject lot was subsequently carved out from the parent lot into a number of subsections under private agreement. Since LandsD was not involved in the process of carving out the subsections of the lot, LandsD was not in a position to verify the site area of private lot under the subject planning application.

*Development history of the application site and its vicinity*

43. A Member opined that since the subject lot was virtually unrestricted, it would be crucial for the Committee to verify the accuracy of the site area before making a decision on the application. This was because BA and the relevant departments would consider the set of building plans to be submitted by the developer based on the approved scheme by the Board. In view of the ambiguity on the site area, this Member enquired whether it was appropriate for the Committee to make a decision on the application.

44. Another Member referred to Plan A-5 of the Paper and asked about the use of Lot

D, i.e. IL 1216 S.B ss.2 S.B at the time when the parent lot was being carved out, and before the adjoining Lot B, i.e. IL 1216 S.B ss.2 S.A, was redeveloped as a private residential development (Rowen Court).

45. The Chairman said that part of Lot D was encroached upon by the adjoining Rowen Court. Some Members raised concern on the possibility that the development potential of that strip of land, i.e. Lot D, might already have been used up by Rowen Court, rendering the claim made by the applicant that his lot area should be increased to 1,235m<sup>2</sup> unsubstantiated.

46. Mr. K.S. Ng stated that both Lot B and Lot D had been combined and developed into Rowen Court with a site area of about 7,600ft<sup>2</sup>. The site area figure was consistent with the information shown on Plan A-5 of the Paper. Given the carving history of the lot, the applicant claimed that the “missing out” site area of 176m<sup>2</sup> should belong to him.

47. A Member remarked that the changes to the site area would have implication on the total GFA and building design under the applicant’s development proposal. Clarification should be made regarding the use of the strip of land in respect of Lot D as there was a chance that BD might not accept this strip of land for the purpose of site area calculation and hence that part of the site might not be accountable for GFA. In this regard, it would be important for the Committee to find out why there was a “missing out” site area of 176m<sup>2</sup> in the subject lot before making a decision on the application.

48. Mr. K.S. Ng said that Lot D, together with Lot B, as shown in Plan A-5 of the Paper had been developed into Rowen Court with a site area of about 7600ft<sup>2</sup>. The Occupation Permit of Rowen Court issued in June 1988 indicated that its PR was about 7.993. In this regard, the development potential of Lot D had already been used up by Rowen Court. Part of the building of Rowen Court had, in fact, encroached upon Lot D. Mr. Ng indicated that he had no information in hand regarding the building situated on Lot B and Lot D before it was developed as Rowen Court.

*Necessity for a planning application*

49. A Member asked if the alleged site area of 1,235m<sup>2</sup> was adopted, whether a planning application to the Board was required for the purpose of implementing the

previously approved scheme under application No. A/H11/101. In response, Mr. K.S. Ng said that should the alleged site area of 1,235m<sup>2</sup> be adopted for the approved scheme under application No. A/H11/101, the resultant PR of the applicant's previously approved scheme would only be about 4.6. As the development parameters of the proposed scheme did not exceed the statutory restrictions of PR 5 for "Residential (Group B)" zone on the OZP, no planning application to the Board would be required.

50. The Chairman drew Members' attention to the fact that the current application was made for minor relaxation of PR as the applicant had proposed to surrender and dedicate an area of about 80.2m<sup>2</sup> for road improvement measures, in return for a bonus GFA of 401m<sup>2</sup>. As a result, planning permission for minor relaxation of the PR restriction from 5 to 5.325 was required. The Committee should consider whether the proposed residential development, together with the corresponding increase in PR claimed by the applicant as a result of surrender and dedication of an area for road improvement, was acceptable in town planning terms.

51. The Secretary said that under Application No. A/H11/101, the Board approved a proposed residential development at the application site which included surrender and dedication of an area for road improvement in return for a minor relaxation of the PR restriction from 5 to 5.379. Subsequently, the applicant found that there was a calculation error in the site area during the carving out process of the subject lot. The applicant claimed that the "missing out" site area belonged to him and had therefore included it in the development scheme. Owing to an increase in site area by 176m<sup>2</sup>, there was a corresponding increase in GFA of 880m<sup>2</sup>. For that reason, the applicant submitted the current application for the Board's approval. The Committee would need to decide whether the applicant's development proposal, with its development intensity calculated based on the alleged site area, was acceptable. With respect to the bonus PR claimed due to the road widening at Babington Path, the Transport Department had confirmed that the proposed road improvement works was essential.

#### Deliberation Session

##### Carving history of the application site

52. Mr. K.S. Ng, by referring to Plan A-5 of the Paper, explained that there was only

a lease plan attached with the government lease for IL 1216, which had a total site area of 174,754ft<sup>2</sup>. According to the further information provided by the applicant, the parent lot IL 1216 S.B ss.2 (Lot A), with an area of 20,900ft<sup>2</sup>, was divided into IL 1216 S.B ss.2 S.A (Lot B with an area of 7,151ft<sup>2</sup>) and IL 1216 S.B ss.2 RP (Lot C with an area of 11,849ft<sup>2</sup>) in 1954. The applicant found that during the carving out process of the lot, there was an error in the calculation of site area of Lot C and an area of 176m<sup>2</sup> had been missed out. Subsequently, Lot C was divided into IL 1216 S.B ss.2 S.B (Lot D, area of 455ft<sup>2</sup>) and the IL 1216 S.B ss.2 RP (Lot E, the subject Lot with area of 11,394ft<sup>2</sup> (1,059m<sup>2</sup>)). In 1988, Lot B and Lot D were developed as Rowen Court with a site area of 7,606ft<sup>2</sup>. The applicant claimed that given the carving history, the “missing out” area of 176m<sup>2</sup> should belong to Lot E and the site area of Lot E should be 13,294ft<sup>2</sup> (1,235m<sup>2</sup>) instead of 1,059m<sup>2</sup> as stated in the two previous applications.

53. A Member noted that the applicant had submitted a certified survey report to demonstrate the actual site area. However, it should be noted that the actual surveyed area as shown in the applicant’s survey report was based on the existing condition of the site. There could be a situation that part of the surveyed area did not belong to the applicant. This Member referred to Plan A-5 of the Paper and said that the dotted red line area (Lot C) on the Plan had included Lot D, where part of the building of Rowen Court fell upon, as part of the applicant’s site.

54. Mr. K.S. Ng clarified that both Lot B and Lot D were not included in the application site. The total land area of Lot B and Lot D, which was equivalent to about 7,606ft<sup>2</sup>, was consistent with the Occupation Permit of Rowen Court issued in June 1988. Mr. Ng further said that only Lot E was included in the current application.

Checking of the site area at building plan submission stage

55. The Chairman said that the applicant claimed that the change in site area was a technical amendment to the previously approved scheme. However, LandsD had advised that they were not in a position to verify the site area of the private lot under the subject application. He asked whether BD would ascertain the site area at the building plan submission stage.

56. A Member understood that BD would not check the accuracy of site area but



relied on the information submitted by the Authorized Person in the process of building plan submission. However, if BD had query on the accuracy of the information provided by the Authorized Persons, they would be required to ascertain the information before the submitted set of building plans could be approved. This Member also doubted that whether BD would accept the strip of land included in Lot D for the purpose of site area calculation.

57. The Chairman said that Members in general had no disagreement to the granting of the bonus PR due to the proposed road widening works. Members also had no objection to the changes in the built form and building bulk of the applicant's development proposal arising from the granting of bonus PR. The remaining issue would be whether the increase in GFA due to the alleged site area was acceptable to Members. Based on the above discussion, it seemed that both LandsD and BD would not verify the accuracy of the site area.

58. A Member said that in making the building plan submission, the Authorized Person should provide the site area information to BD. However, that information should be provided based on the land lease, instead of a land survey report. As IL 1216 was carved out by private parties under private agreements, it should be the responsibility of individual lot owners to rectify the boundary and area of their lots if calculation error or discrepancy was found. The Board would not be in a position to verify whether there was a discrepancy in the site area for the applicant's case.

59. Another Member concurred and said that the Committee should only consider the application based on official information. As the lot was carved out between private parties, the lot owners would have the responsibility to determine and rectify, if necessary, the boundary and area of their lots among each other. The Committee was not in a position to verify the alleged site area for the applicant.

*Implications of the alleged site area*

60. A Member stated that the BD would determine the development intensity for each site in accordance with the provisions of Building (Planning) Regulations (B(P)Rs) and having regard to the classification of the site. As the maximum PR under B(P)Rs would be higher than that of the leases or the OZPs and the lease of the site was an unrestricted one, whether the subject application was approved or rejected by the Committee would determine the maximum GFA that could be developed at the site.

61. Another Member said that for the subject application, there should be no dispute over the granting of the bonus PR due to the proposed road improvement works as it was accepted by concerned departments. The crux of the issue was whether the alleged site area was considered acceptable to the Committee. Based on the information submitted by the applicant, it was hard to determine whether and there was a calculation error during the lot carving out process. Even if the calculation error could be established, it was uncertain to which lot owner the “missing out” area should belong. This Member said that it would be inappropriate for the Committee to approve the application at this stage. This Member also agreed that the Board was not in a position to verify the accuracy of the alleged site area.

62. The Chairman said that the Board had no way to determine the ownership of the “missing out” site area as found in the subject application. He said that consideration might be given to approve the application subject to the stipulation of an approval condition to require the applicant to ascertain the site area to the satisfaction of a government department, i.e. LandsD.

63. Ms. Doris Chow said that the LandsD would have difficulties to ascertain the actual site area in this application as the lot was carved out between private parties. Even if there was a “missing out” area found in the subject lot, the LandsD was not in a position to determine the ownership of that piece of land.

Extent of minor relaxation of PR restriction sought

64. The Vice-chairman said that the extent of minor relaxation of PR restriction sought under the application was calculated using a site area of 1,235m<sup>2</sup> as alleged by the applicant. However, based on the information submitted, the accuracy of that figure could not be verified. Even if there was a “missing out” area during the carving out process of IL 1216, the area might not belong to the applicant. The Vice-chairman continued to say that if the original site area of 1,059m<sup>2</sup> was adopted, the scheme under the current application would result in a PR of about 6.21. Under such circumstances, the extent of relaxation of PR from 5 to 6.21 would be rather substantial.

65. The Secretary stated that the proposed development, with the claim of bonus PR due to the proposed road improvement works, was considered acceptable by the Committee

from the town planning point of view. However, if the site area was maintained at 1,059m<sup>2</sup>, the PR of the proposed development would be about 6.21, and the extent of PR relaxation was not well justified. With respect to the accuracy of the site area, the Board was not in a position to verify the alleged site area. It was noted that the applicant had carried out a land survey to verify the site area and submitted a survey report for consideration by the Committee. The applicant had pointed out in the report that the actual surveyed area was greater than the alleged site area of 1,235m<sup>2</sup> in the planning application.

66. The Secretary continued to say that Members were concerned that approval of the application would result in extra PR/GFA being granted to the applicant in case the alleged site area was subsequently found incorrect. To address Members' concern, PlanD recommended to advise the applicant that the approval of the application was premised on the accuracy of the alleged site area to be considered at the building plan submission stage. If changes to the current scheme were required as a result of non-acceptance of the claimed site area by the BA, a fresh planning application to the Board should be required.

67. A Member said that if the applicant could demonstrate that the "missing out" area of 176m<sup>2</sup> belonged to him, an application for minor relaxation of PR restriction might not be required if the extent of minor relaxation sought did not exceed a PR of 0.379 and the bonus GFA sought did not exceed 401m<sup>2</sup>.

68. The Secretary stated that the planning approval granted by the Board was scheme based. If the site area under the previously approved application (No. A/H11/101) was increased from 1,059m<sup>2</sup> to 1,235m<sup>2</sup>, it would result in a material change to the approved scheme and a fresh planning application would be required.

69. The Vice-chairman stated that since the applicant could not demonstrate that the "missing out" area belonged to the applicant's lot, the Committee might have to consider the minor relaxation of PR restriction sought in the application was 6.21. The Committee could then make a decision on whether the extent of relaxation sought was acceptable.

70. The Secretary said that given the implication of approving the application, it might be prudent for the Committee to defer making a decision on the application pending the clarification on the site area of the application. Members agreed.

71. The Chairman concluded that Members were of the view that a decision could not be made on whether the “missing out” site area of 176m<sup>2</sup> as claimed by the applicant belonged to the applicant’s lot. In this regard, consideration could be given to defer making a decision on the application pending the provision of expert advice from concerned government departments, including the LandsD, on the site area of the application.

72. Ms. Doris Chow stated that the role of the LandsD was in the capacity as a private landlord. However, as the lot was carved out into a number of sections under private agreement, LandsD was not in a position to verify the site area of the private lot under the subject application. She also considered that the involvement of the LandsD in determining the site area of the lot under the subject application might result in legal action against the Government in future. It should be the responsibility of the land owners to determine among themselves the ownership of the “missing out” area, if any.

73. After further deliberation, the Committee decided to defer a decision on the application pending the provision of expert advice from relevant government departments, including Lands Department, on the site area of the application.

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

[The meeting was adjourned for a short break of 5 minutes.]

[Ms. Ginger K.Y. Kiang, District Planning Officer/Hong Kong (DPO/HK), Miss Isabel Y. Yiu, Senior Town Planner/Hong Kong (STP/HK), of Planning Department (PlanD), Mr. C.Y. Chan, Chief Traffic Engineer/Hong Kong (CTE/HK), and Mr. Ernest Yeung, Engineer/Southern & Peak 1 (E/S&Peak 1), of Transport Department (TD), were invited to the meeting at this point.]

**Agenda Item 11**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/254 Proposed Comprehensive Residential and Commercial Development, Rail Station and Depot, Public Transport Interchange, Social Welfare Facilities and Bus and Public Light Bus Termini and Minor Relaxation of Maximum Domestic Gross Floor Area in “Comprehensive Development Area” zone, Wong Chuk Hang Comprehensive Development Area, bounded by Heung Yip Road, Police School Road and Nam Long Shan Road

(MPC Paper No. A/H15/254A)

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74. The Secretary reported that the application was submitted by MTR Corporation Ltd. (MTRCL). Ove Arup & Partners Hong Kong Ltd. (Ove Arup), AECOM Asia Co. Ltd. (AECOM) and MVA Hong Kong Ltd. (MVA) served as consultants for the applicant. The following Members had declared interests in this item :

- |                      |  |
|----------------------|--|
| Prof. S.C. Wong      | - had current business dealings with Ove Arup. He was the Director of the Institute of Transport Studies of the University of Hong Kong and MTRCL, Ove Arup and AECOM had sponsored some activities of the Institute |
| Mr. Dominic K.K. Lam | - had current business dealings with MTRCL, Ove Arup, AECOM and MVA  |
| Mr. Patrick H.T. Lau | - had current business dealings with MTRCL, Ove Arup, AECOM and MVA  |
| Ms. Julia M.K. Lau   | - had current business dealings with AECOM and MVA   |

Mr. Albert Lee	-	being an assistant to the
as the Assistant		Commissioner for Transport, who
Commissioner of Transport		was a Non-executive Director of
Department		MTRCL

75. The Committee considered that the interests of Mr. Lam, Mr. Lau and Mr. Lee in this item were direct and they should leave the meeting temporarily for this item. As both Prof. Wong and Ms. Lau were not involved in the subject application, Members agreed that they could be allowed to stay in the meeting. The Committee noted that Ms. Lau had not yet arrived to join the meeting.

[Mr. Dominic K.K. Lam, Mr. Patrick H.T. Lau and Mr. Albert Lee left the meeting temporarily at this point.]

76. The Secretary reported that the Southern Branch of Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) petitioned against the application and submitted a petition letter just before the meeting. In the letter, the Southern Branch of DAB considered that the proposed development should be rejected mainly on the grounds that it would create wall effect to the surrounding area and adversely affect the air ventilation of the district; and the increase in population would cause adverse traffic impact on the area, worsen the provision of infrastructure and supporting facilities in the Wong Chuk Hang (WCH) District. The Southern Branch of DAB requested that the application site should be developed as a community and recreational hub to meet the needs of the residents. In particular, it was proposed that a public heated swimming pool and a civic centre building should be provided at the site. Besides, the Southern Branch of DAB was also concerned that the proposed public transport interchange (PTI) included in the applicant's submission might not be able to meet the needs of the community. The letter was tabled at the meeting for Members' information.

77. The Secretary went on to say that on 7.2.2013, the Southern District Council (SDC) submitted a letter against the application, and petitioned against the application just before the meeting. SDC raised strong objection to the application and raised concern on the lack of consultation by the applicant before submission of its planning application. The concerns of SDC over the application were that: (a) the proposed development would result

in adverse traffic impact on the WCH area; (b) insufficient information on the design and traffic arrangements of the PTI had been included in the applicant's submission; (c) there was insufficient provision of pedestrian facilities in the development proposal. In particular, there was no footbridge connecting the shopping centre and Shum Wan Road; (d) the increase of the number of commercial/retail car parking spaces from 150 to not more than 200 was considered insufficient; (e) the applicant had not actively addressed the need of the local community regarding the provision of open space; and (f) no response to the need of SDC for a separate indoor performance venue.

### Presentation and Question Sessions

78. Miss Isabel Y. Yiu, STP/HK, said that supplementary information on the comments from the Home Affairs Bureau (HAB) and the additional comments from the Transport Department (TD) on the application, both received on 7.2.2013, had been sent to Members before the meeting. She then presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application – the applicant sought planning permission from the Board for proposed comprehensive residential and commercial development, rail station and depot, PTI, social welfare facilities and bus and public light bus termini and proposed minor relaxation of the maximum domestic gross floor area (GFA) (with the additional GFA for provision of the social welfare facility), at the application site. A planning brief (PB) was prepared by the Planning Department (PlanD) and endorsed by the Committee on 4.11.2011 to set out the broad planning parameters and development requirements for the master layout plan (MLP) submission for the site. There were a total of 14 residential blocks, with building heights (BHs) ranging from 120mPD to 150mPD, on top of a podium. This podium would accommodate the depot, a shopping centre and a car park and have a maximum height at 34.35mPD. The WCH station and PTI would be located on the north side of the development. The proposed development had a total domestic GFA of about 358,675m<sup>2</sup>, including 357,500m<sup>2</sup> for residential portion and 1,175m<sup>2</sup> for social welfare facility. The GFA of the shopping centre was 47,000m<sup>2</sup>. According to

the applicant, the property development of the site was tentatively scheduled to commence in 2015 to tie in with the completion of the MTR South Island Line (East) (SIL(E)) and would be completed by phases. Full completion of the development would be around 2024;

- (b) departmental comments – the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had reservation on the application and concerned about the extensive emergency vehicular access (EVA) on the landscape deck of the proposed development, which would also be used for drop-off purposes bringing vehicles to circulate throughout the podium, dividing the landscape areas into pieces, and would impose hazard or disturbance to pedestrian circulation in the communal open space on the podium. Besides, there were excessive hard paved areas and large non-greening areas on the transfer decks of the residential tower blocks proposed in the landscape master plan (LMP). Other concerned government departments in general had no objection to or adverse comments on the application;
  
- (c) a total of 328 public comments were received during the first three weeks of the statutory publication period, which ended on 30.11.2012. The comments were submitted by the District Development and Environment Committee (DDEC) of SDC, Central and Western Concern Group, the Green Sense, Greeners Action, Tung Wah Group of Hospitals Jockey Club Rehabilitation Complex, the Incorporated Owners (IO) of Grandview Garden, the Southern Branch of DAB, some District Council (DC) members and individuals. Among these public comments, 311 objected to the application mainly on the grounds of adverse traffic impact, inappropriate provision of pedestrian facilities, insufficient provision and poor design of the provision of a civic centre/performance venue. One public comment supported the application and the remaining 16 public comments provided comments on the application which were similar to those raised by the objectors. During the first three weeks of the second statutory public inspection period, which ended on 25.1.2013, 143 public comments, including SDC, Central and Western Concern Group, Civic



Party, Designing Hong Kong Ltd., IO of Grandview Garden, Hong Yip Service Company Ltd., a Legislative Councillor and some DC members, were received. Among these 143 public comments, 140 objected to the application on the similar grounds given by the public comments received during the first statutory publication period. The remaining three public comments provided comments which were similar to those raised by the objectors;

- (d) the District Officer (Southern) objected to the application and advised that the application was discussed in the meeting of DDEC of SDC and in the meeting of the South District East Area Committee (SDEAC) of SDC. At its meeting on 26.11.2012, DDEC of SDC endorsed three motions against the application. At its meeting on 11.12.2012, SDEAC of SDC raised concerns on the application in that the traffic impact assessment (TIA) submitted was not acceptable; MTRCL should build a footbridge connecting Shum Wan Road and WCH MTR Shopping Mall; and it was not proper to use part of the public open space for EVA. After submission of further information by MTRCL with revised proposals in response to SDC's comments, the issue was subsequently discussed by SDC in its meeting on 17.1.2013. At the meeting, SDC endorsed a motion which opposed the application unless MTRCL actively responded to the requests endorsed by DDEC at the meeting held on 26.11.2012. SDC raised concern on the lack of consultation by MTRCL before submission of the planning application to the Board. SDC had further reiterated their concerns over: (i) there would be adverse traffic impact of the proposed development on the WCH area; (ii) there was insufficient information on the design and traffic arrangements of the proposed PTI; (iii) there was insufficient provision of pedestrian facilities. In particular, there was no footbridge connection between the shopping centre and Shum Wan Road and action had not been taken to discuss and negotiate with the concerned land owner/stakeholders for the feasibility of constructing such a footbridge; (iv) the increase in the number of commercial/retail car-parking spaces from 150 to not more than 200 was still insufficient; (v) the increased at-grade public open space only accounted for about 2.7% of the total GFA

and the applicant had not actively addressed the need of the local community regarding the need for open space; and (vi) there was no response to the need of SDC for a separate indoor performance venue. The multi-purpose performance space of about 300m<sup>2</sup> was too small; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper and were summarised below :

#### Compliance with Planning Intention

- (i) the proposed development was generally in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone and the proposed development parameters were in line with the development restrictions stipulated on the OZP and the endorsed PB;

#### Land Use Compatibility, BH and Development Intensity

- (ii) the proposed development was considered not incompatible with the surrounding land uses and the BH of the proposed development complied with the BH restrictions of 150mPD as stipulated on the OZP and set out in the endorsed PB. The proposed minor relaxation of domestic GFA was acceptable as the additional GFA was for the hostels (i.e. Hostel for Moderately Mentally Handicapped Persons (HMMHP)) as required under the PB and the domestic GFA for the residential portion remained the same as that stipulated in the PB;

#### Urban Design, Visual and Air Ventilation

- (iii) the proposed development conformed to the urban design requirements of the PB. Three air/visual corridors were proposed to maintain visual permeability when viewed from two major tourist attractions, Jumbo Floating Restaurant and Ocean Park, and from the Nam Long Shan Road area. Since this property development was associated with railway development, a large portion of the site was occupied by railway station, depot and related transport facilities

which rendered extensive podium unavoidable. To help minimize the building bulk of the proposed development, terraced-podium design with open and permeable car park and edge greening, and building setback along site boundary were proposed. To improve the ventilation performance of the podium structure, design measures such as reduction of the overall podium bulk by lowering the formation level and height of the southern portion, setting back from the road near the junction of Nam Long Shan Road and Heung Yip Road, and elevation of the MTR station above PTI along the northern edge of the podium had been adopted. Both the Chief Architect/Advisory and Statutory Compliance of Architectural Services Department and CTP/UD&L of PlanD had no objection to the application from the visual and air ventilation points of view;

#### Noise Barriers

- (iv) to alleviate the potential adverse traffic noise impact, the applicant had proposed noise barriers/canopies and architectural vertical fins for the affected façades of the residential towers. While the applicant had confirmed that the noise barriers would not encroach onto the air/visual corridors, the scale and extent of some noise barriers might still create visual concern. CTP/UD&L of PlanD had particular concerns over the scale and extent of the proposed traffic noise barriers fronting the residential block T1 which was 10.5m high, and the other fronting the residential blocks T9 and T10 which was 6.65m high and 121m long. In this regard, an approval condition requiring the design and reduction of the height and extent of the noise barriers was recommended;

#### Open Space and Landscape

- (v) according to the PB, the applicant was required to provide an at-grade open space outside the residential portion of the development and open to the public. Since an EVA would have to be provided at the open space, the applicant had enlarged the open space to about 1,300m<sup>2</sup> to compensate the area of about 300m<sup>2</sup> for

the EVA and redesign the open space with more landscaping. With respect to CTP/UD&L of PlanD's reservation on the extensive EVA on the landscaped deck that would be used for drop-off purpose, approval conditions requiring the submission and implementation of a LMP, including tree transplanting and compensation proposal, were recommended;

#### Provision of GIC Facilities

- (vi) one 120-place Integrated Vocational Rehabilitation Services Centre and one 50-place HMMHP would be provided in accordance with the PB's requirements. Both the requirements and the locations were agreed by the Director of Social Welfare. Moreover, 1,500m<sup>2</sup> of commercial GFA was reserved in the shopping centre for the use of social enterprises as required in the PB;

#### Provision of a Civic Centre at the Application Site

- (vii) the comments from the Secretary for Home Affairs tabled at the meeting advised that civic centres were not district facilities. The provision and operation of civic centres involved heavy capital investment and long-term commitment of resources, and hence the Government had to prudently take into consideration various factors in the planning of new facilities to ensure the effective use of resources. The HAB and Leisure and Cultural Services Department (LCSD) did not have any plan to provide a civic centre at the WCH "CDA" site. Besides, all venues managed by LCSD were open for use by the whole community. Apart from LCSD's performance venues, there were altogether five community centres/halls in the Southern District for small-scale performances by performing arts groups;

#### Traffic

- (viii) the Commissioner for Transport (C for T) considered the approach adopted in the TIA for forecasting traffic conditions up to Year 2031 was in order. Given the findings and recommendations of the TIA,

C for T confirmed that the proposed development would not have insurmountable adverse traffic impact on the local traffic. Nevertheless, as this TIA involved long-term traffic forecast based on planning/land use assumptions which might need to be further updated and reviewed as required by TD, an approval condition requiring the submission of a revised TIA as required by TD was recommended. Besides, C for T confirmed that the PTI was adequate to meet the existing and planned public transport requirements. C for T further considered that the covered footbridge connecting the proposed development with Shum Wan Road was not required as it was not justified by pedestrian flow and the at-grade crossing could not be avoided;

#### Environmental

- (ix) the Director of Environmental Protection (DEP) had no objection to the application with respect to the noise, air quality and sewerage aspects. To mitigate the traffic noise impact, an approval condition to restrict the population intake of the proposed residential development prior to the erection of the additional 80m long semi-enclosure under SIL(E) was stipulated;

#### Other Technical Aspects

- (x) based on the technical assessments submitted by the applicant, the proposed development would not generate any significant adverse impacts on the surrounding area. Relevant government departments consulted had no objection to or adverse comments on the application; and

#### Public Comments

- (xi) the applicant had submitted further information in December 2012 to respond the comments of DDEC, SDC and the general public on the application, which were summarized as follows :
  - (a) the provision of a supplementary TIA by expanding the

scope of the TIA to cover more junctions in the wider area of WCH and confirming that the traffic forecast had already taken into account the major tourism projects, residential development at Welfare Road and planned hotel redevelopments in the WCH Business Area. A sensitivity test had also been conducted to assess the traffic impact arising from these possible developments in the future 20 years;

- (b) a revised proposal was submitted to increase the size of the at-grade public open space from 1,000m<sup>2</sup> to 1,300m<sup>2</sup> and redesign the open space with more landscape. Hence, the integration of the EVA into the open space design would not reduce the site area for open space use as specified under the PB;
  - (c) the C for T confirmed that the footbridge between the shopping centre and Shum Wan Road was not required. That said, the applicant agreed to make provision a connection point in the design of the shopping centre to cater for a potential footbridge between the shopping centre and Shum Wan Road in the future; and
  - (d) an area of about 300m<sup>2</sup> would be provided within the shopping centre for multi-purpose performance in accordance with the PB's requirements. Moreover, the applicant agreed to request the operator of the future cinema in the shopping centre to make available one of the cinema houses for performance purpose when required. The Director of Leisure and Cultural Services confirmed that the provision of a civic centre within the "CDA" zone was not required for the time being; and
- (xii) regarding the public's concerns on the adverse visual and air

ventilation impacts of the proposed development, various design measures had been adopted in the proposal to minimize the impacts. On the suggestions to adopt environmental and sustainable building design and provide barrier-free facilities, it was recommended that MTRCL should incorporate these design elements during the detailed building design stage. Whether or not to provide a private swimming pool within the private residential development was a commercial decision. As to the suggestion to split the site into two parts to incorporate subsidized housing, it should be noted that the site was associated with the SIL(E) project and the granting of the right of the property development to MTRCL was a form of financial assistance to implement SIL(E). Whether the site would be subdivided into small sites for tender was a commercial decision. As regards the connection between the proposed development with a wider area, it was outside the scope of the “CDA” development and the requirements as stipulated in the PB.

79. A Member asked about the population figure of the ex-WCH Estate as compared with that of the proposed comprehensive development under application. In response, Miss Isabel Y. Yiu said that there was a total of 10 housing blocks within the ex-WCH Estate, which provided about 5,500 residential units for about 20,000 persons. The proposed development scheme under the subject application would provide about 4,700 flats in 14 residential blocks, and the anticipated population was about 14,170.

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

*Provision of a footbridge and a PTI*

80. Upon the request of the Chairman, Mr. C.Y. Chan, CTE/HK of the TD, explained that the provision of a footbridge connecting Shum Wan Road and the WCH MTR Shopping Mall as requested by the SDC was not necessary. Mr. Chan pointed out that the Nam Long Shan Road/Shum Wan Road junction had to be a signalized junction to handle the traffic flow and the proposed footbridge could not be used to replace the signalized junction or to improve the junction capacity. Together with the low estimated pedestrian flow in the area, TD considered that the proposed footbridge was not justified. Nevertheless, the applicant

had agreed to make provision for a connection point in the design of the shopping centre to cater for the future need of a footbridge across Shum Wan Road. TD would monitor the situation to decide whether such a footbridge was required at a later stage.

81. The Chairman noted that the PTI within the application site was proposed to be provided with landscaped canopy and the applicant had proposed to construct columns to support the landscaped canopy. However, it was learnt that such arrangement was considered not acceptable by TD.

82. In response, Mr. C.Y. Chan said that the technical details for the provision of a landscaped canopy above the PTI could be resolved at the later stage with the applicant prior to land grant.

83. Ms. Ginger K.Y. Kiang, DPO/HK, supplemented that the provision of greening at the PTI canopy was included in the LMP submitted by the applicant for the purpose of MLP submission. Subject to the approval of the Committee, the applicant was required to submit and implement a revised LMP for consideration by relevant government department. The issue would be properly resolved at the detailed design stage.

Response to local concerns

84. Upon the invitation of the Chairman, Miss Isabel Y. Yiu explained the concerns of SDC on the subject application and the responses from MTRCL as follows :

- (a) SDC had been consulted on the draft PB prepared by PlanD for the WCH “CDA” site in July 2011. The PB was subsequently endorsed by the Committee on 4.11.2011;
- (b) after the submission of the current application by MTRCL, the applicant briefed DDEC of SDC on 26.11.2012 regarding the proposed development. DDEC of SDC raised strong objection to the application as MTRCL submitted the revised MLP without prior consultation with SDC, and their main concerns were that: (a) resubmission of a TIA with full details was required; (b) compensation for public open space which would be taken up by the EVA was necessary; (c) the provision of performance venue should



be redesigned as requested by SDC; and (d) there should be the provision of a footbridge connecting Shum Wan Road and the MTR Shopping Mall;

- (c) in response to the comments of SDC, the applicant refined its development proposal and submitted further information as follows :
- (i) provision of a supplementary TIA which expanded the scope of the TIA to cover more junctions in the wider area of WCH and confirmed that the traffic forecast had already taken account of other development proposals within WCH, including Ocean Park Master Redevelopment Plan, and residential development at Welfare Road and planned hotel redevelopments in the WCH Business Area. A sensitivity test had also been conducted to assess the traffic impact arising from the possible hotel and office developments in WCH Business Area up to Year 2031;
  - (ii) a revised proposal to increase the size of the at-grade public open space from 1,000m<sup>2</sup> to 1,300m<sup>2</sup> and redesign the open space with more landscape. The integration of the EVA into the open space design would therefore not reduce the site area for open space use as specified under the PB;
  - (iii) confirmation of C for T that the footbridge between the shopping centre and Shum Wan Road was not required; and
  - (iv) an area of about 300m<sup>2</sup> would be provided within the shopping centre for multi-purpose performance in accordance with the PB's requirements. The applicant further agreed that if a cinema of multiplex design was provided in the shopping centre, the future operator of the cinema would be requested to make available one of the cinema houses for performance purpose (about 300m<sup>2</sup>) when required; and
- (d) the SDC discussed the further information at its meeting on 17.1.2013 and endorsed a motion to confirm its objection to the planning application unless MTRCL would actively respond to the four requests endorsed by its

DDEC at the meeting on 26.11.2012.

85. In response to the enquiry of the Chairman, Mr. C.Y. Chan stated that TD's comments on the application had been included in the Paper. In gist, it was considered that the revised TIA submitted by the applicant was in order and according to the findings and recommendations of the TIA, the proposed development would not have insurmountable adverse traffic impact on the area.

86. In response to the Chairman's enquiry, Miss Isabel Y. Yiu said that a site to the immediate south of the application site at the junction of Nam Long Shan Road and Police School Road was reserved for the development of a community hall. The community hall could also provide performance venue for the local community and Home Affairs Department (HAD) was responsible for the development of the proposed community hall.

87. Mr. Frankie Chou said that the proposed community hall was a HAD project and it was still at the early planning stage.

88. The Chairman said that given the proposed community hall was still at its early planning stage, there might be scope to incorporate the SDC's request for performance venue into the design of the proposed community hall.

89. With respect to the request of SDC for the provision of a footbridge between the shopping centre and Shum Wan Road, Miss Isabel Y. Yiu said that C for T had confirmed that it was not justified taking into account the estimated pedestrian flow and the presence of the existing at-grade crossing. Nevertheless, MTRCL had agreed to make provision for a connection point in the design of the shopping centre to cater for the future need of a footbridge.

90. The Chairman noted that SDC strongly requested for a covered footbridge connecting the proposed development with Shum Wan Road and asked PlanD to explain what their main concern was. In response, Miss Isabel Y. Yiu stated that SDC considered that it was necessary to provide the footbridge to serve the future population of the Southern District which would increase substantially due to the new residential developments at MTR WCH Station site as well as in the vicinity of Sham Wan. With the provision of the

footbridge, the use of at-grade signalized crossing in the area could be reduced. In this regard, C for T considered that even with the provision of a footbridge connecting the proposed development with Shum Wan Road, the at-grade crossing still could not be avoided. According to the applicant, it would be difficult to identify a landing area for the footbridge at Shum Wan Road in accordance with the prevailing design requirements.

91. Upon the enquiry of the Chairman, Mr. C.Y. Chan responded that TD would continue to monitor the crossing facilities in the district to see whether a footbridge was required in future.

### Deliberation Session

#### Traffic impact

92. A Member noted that SDC had raised strong objection to the application and made a number of requests in respect of the provision of both transport, recreational and performance facilities to serve the Southern District in the application site. This Member was, however, of the view that the request of SDC was not justified. With respect to the revised TIA submitted by the applicant, the Member asked whether it had taken into account the planned/proposed developments in the WCH Business Area and whether the proposed development would result in no adverse traffic impact on the surrounding area.

93. In response, Mr. C.Y. Chan said that the applicant had submitted two rounds of TIA report for consideration of TD under the current application. TD considered that the first TIA report submitted by the applicant was not fully acceptable and required refinements. Upon discussion with the applicant, a revised TIA was submitted. TD considered that the approach adopted in the revised TIA report for forecasting traffic conditions up to Year 2031 was in order. Based on the findings and recommendations of the TIA, it was considered that the proposed development would not result in insurmountable adverse traffic impact on the local traffic. Nevertheless, as the TIA involved long-term traffic forecast based on planned/land use assumptions, which might require further updating and reviewing from time to time, it was recommended that an approval condition requiring the applicant to conduct further traffic review when required by TD and to propose and implement traffic improvement measures prior to the completion of the development should be stipulated.

Request for a free-standing indoor performance venue

94. Upon the enquiry of the Chairman, Miss Isabel Y. Yiu said that SDC had long requested to develop a free-standing indoor performance venue like Sheung Wan Civic Centre and Sai Wan Ho Civic Centre, in the Southern District. In fact, when SDC was consulted on the draft PB for the WCH “CDA” site in 2011, the DC made a similar request again. It was stipulated in the endorsed PB that a venue of not less than 300m<sup>2</sup> for launching district events such as performance or ceremonies should be provided at the shopping centre in the proposed development.

95. Miss Isabel Y. Yiu further said that the application site was planned for comprehensive development, with about 60% of the site area reserved for MTR rail station and depot use. As a result, there was not enough space for the provision of a free-standing civic centre. Both HAB and LCSD had explained that civic centres were not district facilities and all venues managed by LCSD were, in fact, open for use by the whole community. In this regard, the Government had no plan to provide a civic centre at the WCH “CDA” site. Nevertheless, apart from the provision of a venue of 300m<sup>2</sup> for performance events in accordance with the PB’s requirements, the applicant had further agreed that if a cinema of multiplex design was provided in the shopping centre, the future operator of the cinema would be requested to make available one of the cinema houses for performance purpose (about 300m<sup>2</sup>) when required.

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

96. A Member opined that as there was an increase of middle class families in the Southern District, there was a need to develop a civic centre in the district. With the completion of SIL(E) in 2015, such civic centre could help ease the need for performance venues/facilities in the Wan Chai, Admiralty and Causeway Bay districts. By drawing upon examples of Sai Wan Ho Civic Centre and Sheung Wan Civic Centre, this Member said that the development of a civic centre at the WCH “CDA” site might add vibrancy to the whole district.

97. Another Member concurred that there might be a need to provide a civic centre in the Southern District and considered that the suggestion made by MTRCL to request the cinema operator to make available one of the cinema houses for performance purpose not

sufficient. This Member said that consideration should be given to provide a footbridge connecting the proposed development with Shum Wan Road as the request was made by SDC which should know the needs of the local community well. TD should be requested to continue liaising with SDC and monitor the situation on that aspect.

98. The Chairman said that while HAB and LCSD did not have any plan to provide a civic centre at the WCH “CDA” site at the present moment, relevant bureaux/departments would continue to monitor the situation to decide whether the development of a civic centre in the Southern District would be necessary in future.

Car parking provisions

99. The Secretary noted that MTRCL had increased the car parking spaces for the shopping centre from 150 to 200 but SDC still considered the proposed increase insufficient. In this regard, C for T commented that the number of car parking spaces for the shopping centre could be further increased to 235 in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). She asked TD to explain their stance on the required number of car parking spaces for the shopping centre.

100. In response, Mr. C.Y. Chan said that TD had no in-principle objection for the further increase of car parking spaces for the shopping centre to the upper limit of HKPSG but the request should be made by the applicant for the agreement of his department.

101. Miss Isabel Y. Yiu stated that SDC members were concerned that the car parking provision for the shopping centre was inadequate and requested that the provision should be further increased. The further increase of the car parking provision could be considered at the detailed design stage provided that it would not affect the overall design and the TIA submitted by the applicant.

102. Upon the enquiry of the Secretary, Ms. Ginger K.Y. Kiang said that as an approval condition on the provision of car parking spaces was recommended, at the detailed design stage, MTRCL could, through the mechanism of compliance with approval condition, make proposal to further increase the number of car parking spaces for the shopping centre up to a level agreeable to TD.

103. The Chairman said that in order to meet the local needs on the provision of car parking spaces within the “CDA” site, PlanD should proactively relay the request of SDC to the applicant with a view to further increasing the provision of car parking spaces for the shopping centre. Members agreed.

104. A Member suggested that consideration should be given to provide additional parking spaces for the coaches in the development scheme. Otherwise, it might result in illegal on-street parking in the vicinity of the application site.

105. The Chairman said that due to the constraint of the existing local road system, there might be difficulties to provide more coach parking spaces. Tourists/shoppers from other districts should be encouraged to use public transport services and the application site was only one station away from the future Ocean Park Station of SIL(E).

106. The Chairman concluded that Members agreed that the application could be approved as the development proposal was in line with the planning intention for the “CDA” zone and conformed to the requirements stipulated in the endorsed PB. Relevant government departments in general considered that the proposed development would not result in adverse impacts on the surrounding area and their technical concerns could be addressed through the imposition of relevant approval conditions. Noting the strong views of SDC on the subject application, the applicant should be advised to explain to them the details of this scheme and address their concerns.

107. Mr. K.F. Tang suggested revising approval condition (f) to read as “the design of the noise barriers to the satisfaction of the Director of Planning or of the Town Planning Board;” as the reduction of the height of the noise barriers might affect the effectiveness of these noise barriers. It was also suggested that PlanD, upon receipt of the noise barrier design, should pass the noise barrier design to Environmental Protection Department (EPD) for comment.

108. The Secretary said that if the approval condition only mentioned the design of noise barrier, the applicant might only submit the materials to be used in the noise barrier for the consideration of PlanD. As the primary concern over the design of noise barrier was on its height and extent, it would be undesirable to revise approval condition (f) to address the

concern of EPD. The Secretary suggested stipulating an additional approval condition on the design and provision of noise mitigation measures to the satisfaction of DEP. Members agreed.

109. 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 8.2.2017, 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 including a revised development schedule taking into account the approval conditions (b) to (h) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan including tree transplanting and compensation proposal and provision of quarterly tree monitoring reports to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of wider building gaps for the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of not less than 1,300m<sup>2</sup> at-grade open space to the satisfaction of the Director of Planning or of the TPB;
- (e) the design and provision of the canopy above the at-grade open space to the satisfaction of the Director of Planning or of the TPB;
- (f) the design and reduction of the height and extent of the noise barriers to the satisfaction of the Director of Planning or of the TPB;
- (g) the design and provision of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;

- (h) the design and provision of vehicular access, pedestrian circulation system, car-parking, loading/unloading and lay-by facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the submission of a further traffic review and the implementation of traffic improvement measures identified therein to the satisfaction of the Commissioner of Transport or of the TPB;
- (j) the provision of a connection point in the design of the shopping centre to cater for a potential footbridge between the shopping centre and Shum Wan Road;
- (k) 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;
- (l) the population intake of the proposed residential development should not commence until the additional 80m long semi-enclosure at the South Island Line (East) as recommended in the application had been fully and properly implemented; and
- (m) the submission and implementation of a revised development programme indicating the timing and phasing of the comprehensive development to the satisfaction of the Director of Planning or of the TPB.

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

- (a) that the approved Master Layout Plan (MLP), together with the set of approval conditions, would be certified by the Chairman of the Town Planning Board (the Board) and deposited in the Land Registry (LR) in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the LR as soon as practicable;



- (b) 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 GFA concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by BA and major changes to the current scheme were required, a fresh planning application to the Board might be require;
- (c) to note the comments of the Chief Estate Surveyor/Railway Development Section, Lands Department regarding the management and maintenance of the public transport interchange, landscaped canopies above bus and public light bus termini, covered pedestrian walkway, footpath along Police School Road and Nam Long Shan Road and at-grade open space at land grant stage;
- (d) to note the comments of the Commissioner for Transport to obtain the agreement among relevant government department on the layout showing the demarcation of the boundaries between the public transport and railway facilities and provide details and programme of the proposed passenger lift and a stair within the property area;
- (e) to note the comments of the Chief Engineer/Railway Development 1-1, Railway Development Office, Highways Department regarding the provision of 24 hours access route via a lift within the property area and make available for public use upon completion of the commercial development;
- (f) to note the comments of the Director of Fire Services in respect of the arrangement of the Emergency Vehicular Access to comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which was administrated by BD;

- (g) to note the comments of the Director of Social Welfare in respect of shortening the access route between MTR station and proposed social welfare facilities;
- (h) the applicant should endeavour to further increase the provision of the car parking spaces for the shopping centre up to the upper limit of the Hong Kong Planning Standards and Guidelines requirement to address the request of the Southern District Council (SDC); and
- (i) to liaise with SDC to explain to them the details of the proposed development.

[The Chairman thanked Ms. Ginger K.Y. Kiang, DPO/HK, of PlanD, Mr. C.Y. Chan, CTE/HK, and Mr. Ernest Yeung, E/S&Peak 1, of TD for their attendance to answer Members' enquiries. They all left the meeting at this point.]

[Mr. H.W. Cheung left the meeting temporarily at this point.]

[Mr. Albert Lee returned to join the meeting at this point.]

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H17/128                      Proposed School (Kindergarten) in "Commercial" zone, 1/F, 35 Beach Road, Repulse Bay, Island South, Hong Kong  
(MPC Paper No. A/H17/128)

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### **Presentation and Question Sessions**

111.            Miss Isabel Y. Yiu, STP/HK, said that replacement page 6 of the Paper had been sent to Members before the meeting. She then presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (kindergarten);
- (c) departmental comments – the Commissioner for Transport (C for T) did not support the application as it might have adverse traffic impact on Beach Road. He further commented that the applicant should provide a traffic impact assessment (TIA)/traffic review for his consideration. The Commissioner of Police (C of Police) was concerned about the picking-up and dropping-off of students on street might cause adverse traffic impact on the surrounding area;
- (d) nine public comments were received during the first three weeks of the statutory publication period. Among them, the one submitted by Designing Hong Kong Ltd. supported the application for reasons that there was a lack of education institutes to meet the demand of residents; and similar application was approved in 2008 for similar use. The remaining eight public comments opposed the application mainly on the grounds of adverse traffic and noise impacts; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The proposed conversion of the application premises into school use was considered not incompatible with the planning intention and the surrounding land uses. However, there were many picking-up and dropping-off of coaches along Beach Road, which was the only vehicular access to and from the shopping centre via Repulse Bay Road. Although the applicant claimed that the traffic generated by the proposed school would not be more than the use of the premises as a supermarket, C for T considered that the difference of traffic impact between kindergarten and supermarket could not be assessed simply by comparing the number of students/staff of kindergarten and the number of customers/staff of supermarket. C for T further pointed out that the additional traffic for picking-up/dropping-off of students might overload Beach Road and hence

a TIA/traffic review was required. C of Police was also concerned about the picking-up and dropping-off of students on street, thus causing traffic impact. As the applicant had not provided the internal transport facilities arrangements and a TIA/traffic review with mitigation measures to support the application, the approval of the application would set an undesirable precedent for similar applications in the area. While one public comment supported the application, there were eight public comments opposing the application mainly on the grounds of adverse traffic impact and that the proposed use would deprive the need of local residents and visitors of the much needed commercial amenities.

112. Noting the small size of the application premises, a Member asked how the operation of a kindergarten would result in unacceptable traffic impact on the road network. The Chairman enquired whether the subject premises had previously been used as a kindergarten.

113. In response, Miss Isabel Y. Yiu said that the proposed school (kindergarten) was on the 1/F of an existing 3-storey commercial building. The application premises was previously occupied by a supermarket but it was currently vacant. The 2/F was currently used for kindergarten and children centre, which was covered by three planning approvals granted by the Committee in 2004, 2005 and 2008 respectively (Applications No. A/H17/105, 113 and 120). The kindergarten with children centre was still in operation at the present moment. Miss Yiu stated that C for T did not support the application as it might have adverse traffic impact on Beach Road. There was also no spare on-street loading/unloading space to support the proposed use. C for T further advised that the loading/unloading demand of kindergarten and supermarket was different and hence the traffic impact between kindergarten and supermarket could not be compared directly. In this regard, a TIA/traffic review should be submitted.

114. Miss Yiu continued to say that C of Police also had reservation on the application and concerned about the picking-up and dropping-off of students on street, which might result in adverse traffic impact. Repulse Bay Beach was a famous tourist attraction but the 1-lane, 1-way Beach Road in its vicinity was very busy and could hardly cope with the large number of coaches frequented the area everyday. It was foreseeable that the traffic situation

would become disastrous if a new school was to open on Beach Road. C of Police further pointed out that there was an existing shopping centre, Beach Centre, located to the immediate west of the subject site, while another completed shopping centre was located to the southeast of the site. Pending the opening of that shopping centre, it was anticipated that more vehicles would be attracted to Beach Road and the traffic situation in this part of the Repulse Bay Beach area would become even worse.

115. In response to the enquiry of the same Member, Miss Isabel Y. Yiu explained that the proposed school (kindergarten) would accommodate a total of 304 people, i.e. 12 teachers, 4 staff and 288 students.

#### Deliberation Session

116. A Member was sympathetic to the application as the application premises was suitable for kindergarten use. There might be difficulties for the applicant to employ a traffic consultant to prepare and submit a TIA/traffic review for the small-scale development. Moreover, it might be unfair to require the applicant to submit a TIA/traffic review for the kindergarten use which was relatively small-scale as compared to the shopping centres in the Beach area. As there was a general need for kindergarten in Hong Kong, this Member said that favourable consideration could be given to the application if the proposed school was considered not incompatible with the planning intention of the subject "Commercial" ("C") zone and the surrounding land uses. This Member, by drawing the example of a kindergarten at Red Hill Plaza, stated that the picking-up and dropping-off of students might not result in adverse traffic impact and cause nuisance to the nearby residents. This Member further said that the morning and afternoon traffic peak hours for kindergarten were usually different from those of the local traffic.

[Mr. H.W. Cheung returned to join the meeting at this point.]

117. Another Member disagreed and said that Beach Road was a very busy road with lots of on-street loading/unloading activities. The opening of a new school would aggravate the existing traffic situation due to the increase of the picking-up and dropping-off of students along Beach Road. This Member also pointed out that as traffic complaints were frequently received by the Police in this area, the traffic impact of the proposed school should be

properly addressed before the application could be approved by the Committee.

118. The same Member considered that the proposed school did not comply with the planning intention of the subject “C” zone which was intended to serve the local residents and visitors in the Repulse Bay Beach area. The proposed school, if approved, would deprive the local residents and visitors of the much needed commercial uses. Although an existing kindergarten on 2/F of the same building was approved by the Committee under Application No. A/H17/120, school buses were used for that kindergarten and its scale was much smaller. The Committee should not approve the current application simply because the application premises had been left vacant for a period of time. If the applicant would like to pursue with the application for the proposed school (kindergarten), a TIA/traffic review should be prepared and submitted to the Board to demonstrate that the proposed school would not have adverse traffic impact on the surrounding area.

119. A Member asked whether a TIA was submitted by the applicant of the kindergarten on 2/F of the same building for consideration by the Committee. In response, Miss Isabel Y. Yiu said that the kindergarten use under Application No. A/H17/120 had included the provision of loading/unloading facilities and the applicant had submitted a traffic review for consideration by the Committee.

120. In response to the enquiry from the Chairman, Mr. Albert Lee said that traffic was the main concern in the subject application. Given that Beach Road was a very busy road in the Repulse Bay Beach area, there was no spare on-street loading/unloading space for additional development. The on-street picking-up/dropping-off of students might overload Beach Road. In this regard, both C for T and C of Police had reservation on the application. Mr. Lee said that in general, the operation of kindergartens would cause traffic congestion to the local road network, particularly during the school rush hours in the morning and in the afternoon. The Transport Department did not support the application as the cumulative adverse traffic impact arising from the proposed school on the nearby road network could not be ascertained and there was no internal transport facilities provided for the applied use.

121. The Vice-chairman said that apart from the adverse traffic impact, road safety problem was also a concern of relevant departments. Unless these two aspects could be properly addressed, he had reservation on approving the application. He agreed that a

TIA/traffic review should be submitted by the applicant.

122. The Chairman concluded that Members were of the view that the application could not be approved in view of the concern on adverse traffic impact and road safety problem arising from the proposed school (kindergarten) use. Besides, the applicant had not submitted a TIA/traffic review with mitigation measures to support the application.

123. 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) the proposed school was located at a shopping centre accessible via Beach Road with busy traffic. Adverse traffic impact arising from the proposed use was anticipated. The applicant had failed to demonstrate that there would be effective traffic measures to mitigate the impact; and
- (b) approval of the application without adequately addressing the traffic problem would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would aggravate the traffic condition of Repulse Bay.

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

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting]

A/H21/135                      Proposed Religious Institution (Redevelopment of Temple) in "Green Belt" zone, Government land, King's Road, Quarry Bay, Hong Kong  
(MPC Paper No. A/H21/135 )

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124. The Secretary reported that on 22.1.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow sufficient time to

prepare further information for the consideration by relevant government departments.

125. 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.

### **Kowloon District**

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

#### **Agenda Item 14**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K/11                      Renewal of Planning Approval for Temporary ‘Public Vehicle Park (excluding Container Vehicle)’ (Vacant Car Parking Spaces only) under Application No. A/K/8 for a Period of 3 Years in “Residential (Group A)” zone, Car Park Blocks and Open Car Parks at Choi Hung Estate, Choi Wan (II) Estate, Fu Shan Estate and Mei Tung Estate, Kowloon  
(MPC Paper No. A/K/11)

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126. The Secretary said that the application was submitted by the Hong Kong Housing Authority (HKHA) and the following Members had declared interests in this item :

- |  |   |   |
|--|---|---|
| Mr. K.K. Ling<br>as the Director of Planning | - | being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA |
| Mr. Frankie Chou                             | - | being an alternate member for the   |



as the Chief Engineer of Home Affairs Department	Director of Home Affairs who was a member of the SPC and Subsidized Housing Committee of HKHA
Ms. Doris Chow as the Assistant Director of Lands Department	- being an alternate member for the Director of Lands who was a member of the HKHA
Mr. Dominic K.K. Lam	- had current business dealings with the HKHA
Ms. Julia M.K. Lau	- being a member of the HKHA and Commercial Properties Committee and Tender Committee of HKHA

127. The Committee considered that the interests of the above Members were direct and they should leave the meeting temporarily for this item. The Committee noted that Mr. Dominic K.K. Lam had left the meeting temporarily. The Vice-chairman took up the chairmanship of the meeting at this point.

[Mr. Frankie Chou left the meeting and Mr. K.K. Ling, Ms. Doris Chow and Ms. Julia M.K. Lau left the meeting temporarily at this point.]

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary 'public vehicle park (excluding container vehicle)' (vacant car parking spaces only) under Application No. A/K/8 for a period of three years to facilitate the letting of the vacant monthly vehicle parking spaces at the application premises to non-residents;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection was received by the District Officer (Wong Tai Sin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

129. A Member asked why the vacancy rate of the car parks in the public housing estates was that high. In response, Mr. Richard Y.L. Siu said that it might be due to the low car ownership rate of the residents and the close proximity of these housing estates to MTR stations and public transport termini.

130. The Secretary stated that another possible reason for having a relatively high vacancy rate in these car parks was that the public housing estates were developed many years ago at a car parking standard different from that today.

#### Deliberation Session

131. A Member, while having no objection to renew the planning approval for temporary 'public vehicle park' under application, opined that consideration might be given to converting these car park premises for residential use so as to meet the housing shortfall in Hong Kong.

132. In reply, the Secretary said that the low utilization of the car parks might be due to its close proximity to the public transport facilities such as MTR station. She stated that the proposal of converting the car parks for domestic use might not be technically feasible. Nevertheless, the Transport Department (TD) would from time to time review the vehicle parking standards in order to avoid over-provision of vehicle parking facilities in the public housing estates. She further said that consideration might be given to converting these car park premises for other commercial uses.

133. Mr. Albert Lee stated that the vehicle parking standards would be reviewed by TD as and when necessary. It was noted that the car parks in some public housing estates completed in early years had a low utilization rate. In this regard, TD would consider the application for letting of the surplus vehicle parking spaces to non-residents, taking account of the individual merits of each application and the traffic situation of the concerned area. Mr. Lee further said that applications for converting the surplus vehicle parking spaces in public housing estates for commercial or retail uses had been received.

[Mr. Patrick H.T. Lau returned to join the meeting at this point.]

134. A Member said that apart from letting the surplus monthly vehicle parking spaces to non-residents, consideration might also be given to letting them to non-governmental organizations (NGOs) for social welfare or community use. This Member suggested that the message should be conveyed to the applicant. The above view was shared by another Member.

135. The Secretary stated that planning applications had been received from HKHA for converting the surplus car parking spaces for other uses by NGOs. She suggested adding an advisory clause to advise the applicant that consideration might also be given to converting the surplus car parking spaces for other uses by NGOs in order to fully utilize the surplus car parking spaces. Members agreed.

136. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 6.3.2013 to 5.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

- priority should be accorded to the residents of Choi Hung Estate, Choi Wan (II) Estate, Fu Shan Estate and Mei Tung Estate in the letting of the vacant vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

- consideration might be given to letting the surplus vehicle parking spaces to non-governmental organizations for other uses so as to fully utilize the surplus vehicle parking spaces in these public housing estates.

[Mr. K.K. Ling, Ms. Doris Chow, Mr. Dominic K.K. Lam and Ms. Julia M.K. Lau returned to join the meeting at this point.]

[Mr. Roger K.H. Luk and Mr. Patrick H.T. Lau left the meeting temporarily at this point.]

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting]

A/K11/210                      Proposed Columbarium in “Government, Institution or Community” zone, Level 4 (Part) and Level 5 (Part) of East Wing and West Wing of Fat Jong Temple, 175 Shatin Pass Road, Tsz Wan Shan  
(MPC Paper No. A/K11/210A)

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138.            The Secretary reported that Knight Frank Petty Ltd. (Knight Frank) was the consultant for this application. The Chairman had declared an interest in this item as the ash of a close relative was deposited and the memorial tablets of several close relatives had been set up in Fat Jong Temple. Ms. Julia M.K. Lau had also declared an interest in this item as she had current business dealings with Knight Frank. As the applicant had requested to defer consideration of the application, the Committee agreed that both the Chairman and Ms. Lau could be allowed to stay in the meeting.

139.            The Secretary said that on 17.1.2013, the applicant’s representative requested for a further deferment of the consideration of the application for two months in order to allow sufficient time to prepare responses to address the comments raised by relevant government departments.

140.            The Secretary continued to say that the application had been deferred once. Since the last deferment, the applicant had made effort to prepare an environmental

assessment and traffic impact assessment to address the concerns from the Environmental Protection Department (EPD) and Transport Department (TD). Nevertheless, both EPD and TD still had adverse comments on the technical assessments, and the applicant was preparing further information to address their concerns.

141. 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. Stephen H.B. Yau left the meeting at this point.]

## **Agenda Item 16**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/284                      Proposed Shop and Services in “Other Specified Uses” annotated  
“Business” zone, Workshop No. 7, Ground Floor, Kinetic Industrial  
Centre, 7 Wang Kwong Road, Kowloon Bay, Kowloon  
(MPC Paper No.A/K13/284)

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### **Presentation and Question Sessions**

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

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

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment was received from an individual during the first three weeks of the statutory publication period. The commenter indicated support to the application as it could meet the needs of the office workers in the area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

143. Members had no question on the application.

#### Deliberation Session

144. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.2.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises, before operation of the use to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to apply to the District Lands Officer/Kowloon East for a temporary waiver

or lease modification;

- (b) to appoint an Authorized Person to submit alterations and additions proposal for the proposed change in use/alteration works to the Building Authority (BA) to demonstrate compliance with the Buildings Ordinance (BO), in particular :
  - (i) all building works/change of use were subject to compliance with BO;
  - (ii) adequate means of escape should be provided in accordance with Building (Planning) Regulation (B(P)R) 41(1) and the related Code of Practice;
  - (iii) the subject premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the related Code of Practice; and
  - (iv) access and facilities for persons with a disability should be provided in accordance with B(P)R 72 and Design Manual : Barrier Free Access 2008;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that, for unauthorized building works (UBW) erected on private buildings/leased land, enforcement action might be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any UBW on the application site under BO;
- (d) to comply with the requirements as stipulated in the Code of Practice for Fire Safety in Buildings 2011 which was administered by BD; and

- (e) to note the comments of the Director of Fire Services that the applicant's attention was drawn to the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises if the application was approved.

[Mr. Roger K.H. Luk and Mr. Patrick H.T. Lau returned to join the meeting at this point.]

### **Agenda Items 17 and 18**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/285 Proposed Shop and Services in "Other Specified Uses" annotated "Business" zone, Workshop No. B5A, Ground Floor of Block B, Proficient Industrial Centre, 6 Wang Kwun Road, Kowloon Bay  
(MPC Paper No. A/K13/285)

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[Open Meeting (Presentation and Question Sessions Only)]

A/K13/286 Proposed Shop and Services in "Other Specified Uses" annotated "Business" zone, Workshop No. B4 (Portion), Ground Floor of Block B, Proficient Industrial Centre, 6 Wang Kwun Road, Kowloon Bay  
(MPC Paper No. A/K13/286)

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146. Noting that the two applications were similar in nature and submitted by the same applicant, and the application premises were located in close proximity to each other, Members agreed that the applications could be considered together.

#### **Presentation and Question Sessions**

147. Mr. Richard Y.L. Siu, STP/K, presented the applications with the aid of a powerpoint presentation and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed shop and services at each of the application premises;



- (c) departmental comments – concerned government departments had no objection to or adverse comments on the applications;
- (d) one public comment from an individual indicated support to each of the applications was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Papers. The public comment which supported each of the applications was noted.

148. Members had no question on the applications.

#### Deliberation Session

149. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 8.2.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises, before operation of the use to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

Application No. A/K13/285

- (a) to apply to the District Lands Officer/Kowloon East for a temporary waiver or lease modification;
  
- (b) to appoint an Authorized Person to submit alterations and additions proposal for the proposed change in use/alteration works to the Building Authority (BA) to demonstrate compliance with the Buildings Ordinance (BO), in particular :
  - (i) the subject premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the Code of Practice in Fire Safety in Buildings 2011;
  
  - (ii) adequate sanitary fitments should be provided to the premises and the remaining portion of Workshop No. B5 in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations; and
  
  - (iii) access and facilities for persons with a disability including accessible toilet should be provided to the premises and the remaining portion of Workshop No. B5 in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008;
  
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that :
  - (i) for unauthorized building works (UBW) erected on private buildings/leased land, enforcement action might be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any UBW on the application site under BO; and

- (ii) the applicant's attention was drawn to the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that BA had no powers to give retrospective approval or consent for any UBW;
- (d) to comply with the requirements as stipulated in the Code of Practice for Fire Safety in Buildings 2011 which was administered by BD; and
- (e) to note the comments of the Director of Fire Services that the applicant's attention was drawn to the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises if the application was approved.

Application No. A/K13/286

- (a) to apply to the District Lands Officer/Kowloon East for a temporary waiver or lease modification;
- (b) to appoint an Authorized Person to submit alterations and additions proposal for the proposed change in use/alteration works to the Building Authority (BA) to demonstrate compliance with the Buildings Ordinance (BO), in particular :
  - (i) adequate means of escape should be provided in accordance with Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011;
  - (ii) the subject premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the Code of Practice in Fire Safety in Buildings 2011;
  - (iii) access and facilities for persons with a disability including accessible toilet should be provided to the premises and the

remaining portion of Workshop No. B4 in accordance with B(P)R 72 and Design Manual : Barrier Free Access 2008; and

- (iv) adequate sanitary fitments should be provided to the premises and the remaining portion of Workshop No. B4 in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that :
- (i) for unauthorized building works (UBW) erected on private buildings/leased land, enforcement action might be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any UBW on the application site under BO; and
  - (ii) the applicant's attention was drawn to the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that BA had no powers to give retrospective approval or consent for any UBW;
- (d) to comply with the requirements as stipulated in the Code of Practice for Fire Safety in Buildings 2011 which was administered by BD; and
- (e) to note the comments of the Director of Fire Services that the applicant's attention was drawn to the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises if the application was approved.

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

[Ms. S.H. Lam, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

### **Agenda Item 19**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K18/296            Proposed Minor Relaxation of Building Height Restriction to allow for One Storey of Basement for Two Car Parking Spaces and Ancillary Plant Room Use in a Proposed Residential Development in “Residential (Group C) 1” zone, 1 Somerset Road, Kowloon Tong  
(MPC Paper No. A/K18/296A)

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#### **Presentation and Question Sessions**

151.        Ms. S.H. Lam, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction to allow for one storey of basement for two car parking spaces and ancillary plant room use in a proposed residential development;
- (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 two public comments were received from Designing Hong Kong Ltd. and a private individual. They objected to the application mainly on the grounds that the proposed development might have adverse traffic impact; create noise and dust during the construction and operation phases; and had adverse impact on pedestrian safety. There were also inadequate technical assessments to demonstrate

that the proposed development would have no adverse impact on the surroundings; 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. Regarding the public comments concerning about the traffic impact and that there were inadequate technical assessments on the traffic, environmental and drainage impacts, concerned government departments had no objection to or adverse comments on the application. The Environmental Protection Department advised that the construction works involved would have limited potential of giving rise to adverse environmental impacts. Regarding the concern about future abuse of the basement area, the proposed basement was to accommodate two car parking spaces and ancillary plant room. The Buildings Department advised that if excessive spaces and associated spaces (i.e. ramp, driveway etc.) were found by the Building Authority during the building plan submission stage, the excessive GFA should be included in GFA calculation.

152. Members had no question on the application.

#### Deliberation Session

153. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.2.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the design and provision of vehicular access and car parking spaces of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (b) the submission and implementation of a revised landscape and tree

preservation proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to maximize the at-grade greening opportunities, especially at the frontage of the development, and to improve the landscape and visual amenity of the proposed development;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that PNAP APP-2 spelt out the criteria on the application of Building (Planning) Regulation 23(3)(b) in respect of car parking spaces, associated ramps and facilities; in assessing whether the car parking space could be disregarded from GFA calculation, the Building Authority (BA) would make reference to the Hong Kong Planning Standards and Guidelines and the advice of the Commissioner for Transport (C for T) and any excessive car parking spaces and associated spaces (i.e. ramp, driveways etc.) should be included in GFA calculation; the granting of GFA concessions for non-mandatory/non-essential plant rooms and services, etc. were subject to compliance with the relevant acceptance criteria, detailed requirements, prerequisites, overall GFA cap, etc. as set out in the relevant PNAPs; and the applicant should appoint an Authorized Person, a Registered Structural Engineer and a Registered Geotechnical Engineer to submit plans for BA's approval;
- (c) to note the comments of the Director of Fire Services that fire service installations and water supplies for fire-fighting should be provided in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment, and the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by BD;
- (d) to note the comments of the Director of Electrical and Mechanical Services

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 to note the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes";

- (e) to note the comments of C for T that the provision of two parking spaces were only acceptable for a single-house residential development; and
- (f) to note the comments of the Director of Environmental Protection to implement the "Recommended pollution control clauses" available in Environmental Protection Department's website; and that if the proposed plant room and the machinery inside had air emissions nuisance, it was subject to the control of the Air Pollution Control Ordinance.

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting]

A/K18/298                      Proposed Temporary Shop and Services (Motorcycle Showroom) for a Period of 3 Years in "Residential (Group C) 6" zone, Garage, Ground Floor, 181 Boundary Street, Kowloon Tong  
(MPC Paper No.A/K18/298 )

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155.            The Secretary reported that Lawson David & Sung Surveyors Ltd. (Lawson) was the consultant for this application. Ms. Bonnie J.Y. Chan had declared an interest in this item as she had current business dealings with Lawson. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Ms. Chan could be allowed to stay in the meeting. Members noted that Ms. Chan had tendered an apology for being unable to attend the meeting.



156. The Secretary reported that on 30.1.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to prepare further information to address government departments' comments on the application.

157. 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 21**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K9/255                      Proposed Private Club in “Other Specified Uses” annotated “Business”  
zone, Unit F, 10/F, Phase 1, Kaiser Estate, 41 Man Yue Street, Hung  
Hom, Kowloon  
(MPC Paper No. A/K9/255)

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### **Presentation and Question Sessions**

158. Ms. S.H. Lam, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed private club;
- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application as the visitors to the proposed private club would be exposed to risks which they would neither be aware of nor prepared to face. The Chief Officer (Licensing Authority), Home Affairs Department

(CO(LA), HAD) had reservation on the application as the proposed private club situated on the 10/F of an industrial building was considered not suitable for use as a club-house due to the high potential risk of fire that would involve. The Licensing Authority would not normally issue Certificate of Compliance for club-house situated in an industrial building (except on the G/F);

- (d) one public comment from the nearby Incorporated Owners (IO) of Loong King Mansion was received during the first three weeks of the statutory publication period. The commenter objected to the application mainly for the reason that the proposed private club would aggravate the choking problem on the already damaged sewer pipe currently shared by the subject building and Loong King Mansion, resulting in adverse impact on hygiene and nuisance to the nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The proposed private club was not compatible with the uses in the subject industrial building. As the visitors to the private club would be exposed to risks which they would neither be aware of nor prepared to face, D of FS raised objection to the application. From the licensing point of view, CO(LA) of HAD commented that the application premises was not suitable for use as a club-house due to the high potential risk of the fire that would involve, and the Licensing Authority would normally not issue Certificate of Compliance for club-houses situated in an industrial building. Besides, one public comment from the IO of Loong King Mansion was received, which raised objection to the application mainly on the concern about the choking problem on the already damaged sewer pipe currently shared by the subject building and the Loong King Mansion.

159. Members had no question on the application.

## Deliberation Session

160. After deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 11.1 of the Paper and considered that it was appropriate. The reason was :

- the proposed private club was considered not acceptable in an industrial building from the fire safety point of view.

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

[Ms. Karen F.Y. Wong, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

## **Agenda Item 22**

### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/681            Proposed Shop and Services in “Other Specified Uses” annotated  
“Business” zone, G/F (Portion) of Nanyang Plaza, No. 57 Hung To  
Road, Kwun Tong, Kowloon  
(MPC Paper No. A/K14/681)

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161. The Secretary reported that Townland Consultants Ltd. (Townland) and CKM Asia Ltd. (CKM) were the consultants for this application. Mr. Dominic K.K. Lam had declared an interest in this item as he had current business dealings with Townland. Prof. S.C. Wong had also declared an interest in this item as he was the Director of the Institute of Transport Studies of the University of Hong Kong and CKM had sponsored some activities of the Institute. As both Mr. Lam and Prof. Wong had no direct involvement in the subject application, the Committee agreed that they could be allowed to stay in the meeting.

### Presentation and Question Sessions

162. Ms. Karen F.Y. Wong, STP/K, presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment from the Chairman of Kwun Tong Central Area Committee indicating support to the application was received during the first three weeks of the statutory publication period; and
- (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.

163. Members had no question on the application.

### Deliberation Session

164. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.2.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations and equipment in the application premises to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and

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

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

- (a) to apply to the District Lands Officer/Kowloon East for lease modification or waiver for the proposed 'shop and services' use at the application premises;
- (b) to note the comments of the Director of Fire Services, including :
  - (i) for fire resisting construction of the application premises, the applicant should be advised to comply with the Code of Practice for Fire Safety in Buildings administrated by the Buildings Department (BD); and
  - (ii) the applicant should note the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' issued by the Town Planning Board; and
- (c) to note the comments of the Chief Building Surveyor/Kowloon, BD to appoint an Authorized Person to submit building plans for the proposed change of use and/or alteration works to the Building Authority (BA) to demonstrate the compliance with the Buildings Ordinance (BO), in particular :
  - (i) adequate means of escape should be provided to the application premises and the workshop/office on mezzanine floor above in accordance with Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011;

- (ii) the application premises should be separated from the remaining portion of the building including the workshop/office on mezzanine floor above by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the Code of Practice for Fire Safety in Buildings 2011;
- (iii) the provision of access and facilities for persons with a disability in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008; and
- (iv) the applicant should note that for unauthorized building works (UBW) erected on leased land/private buildings, enforcement action might be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary and that the granting of any planning approval should not be construed as an acceptance of any UBW on the application site under BO.

[Miss Fiona S.Y. Lung, District Planning Officer/Kowloon (DPO/K), was invited to the meeting at this point.]

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K15/96                      Proposed Comprehensive Development (including Residential, Commercial, Hotel, Government, Institution or Community Uses, Public Vehicle Park and Pier (Landing Steps)) and Minor Relaxation of Plot Ratio Restriction in "Comprehensive Development Area" zone, various Marine/Private Lots and Adjoining Government Land at Yau Tong Bay, Yau Tong, Kowloon  
(MPC Paper No. A/K15/96)

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166.            The application was submitted by Main Wealth Development Ltd. (a joint venture of owners of the application site comprising Sun Hung Kai Properties Ltd. (SHKP),

Henderson Land Development Ltd. (Henderson), Hang Lung Development Ltd., Swire Properties Ltd. (Swire), Wheelock Properties Ltd. (Wheelock), Central Development Ltd., Moreland Ltd., Fu Fai Enterprises Ltd. and Hong Kong and China Gas Company Ltd.), with Townland Consultants Ltd. (Townland), Dennis Lau & Ng Chun Man Architects & Engineers (Hong Kong) Ltd. (DLNCM), MVA Hong Kong Ltd. (MVA), AECOM Asia Co. Ltd. (AECOM) and Ove Arup & Partners Hong Kong Ltd. (Ove Arup) 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. He was the Director of the Institute of Transport Studies of the University of Hong Kong and Ove Arup and AECOM had sponsored some activities of the Institute |
| Mr. Clarence W.C. Leung | - being the Director of an non-governmental organization that had recently received a private donation from a family member of the Chairman of Henderson  |
| Mr. Roger K.H. Luk      | - being the ex-member of the Board of Director of Wheelock  |
| Mr. Dominic K.K. Lam    | - had current business dealings with SHKP, Henderson, Wheelock, MVA, AECOM and Ove Arup   |
| Mr. Patrick H.T. Lau    | - had current business dealings with SHKP, Henderson, Swire, Wheelock, DLNCM, MVA, AECOM and Ove Arup   |
| Ms. Julia M.K. Lau      | - had current business dealings with SHKP, AECOM and MVA  |

167. The Committee considered that the interests of Mr. Lam, Mr. Lau and Ms. Lau in

this item were direct, and they should leave the meeting temporarily for this item. As the interests of Prof. Wong, Mr. Leung and Mr. Luk in this item were remote and indirect, the Committee agreed that they could be allowed to stay in the meeting. Members noted that Mr. Leung had tendered an apology for being unable to attend the meeting.

[Mr. Dominic K.K. Lam, Mr. Patrick H.T. Lau and Ms. Julia M.K. Lau left the meeting at this point.]

#### Presentation and Question Sessions

168. Miss Fiona S.Y. Lung, DPO/K, presented the background of the application. She stated that the Yau Tong Bay “Comprehensive Development Area” (“CDA”) zone had a long history as detailed in the Paper and covered the following main points :

- (a) the original Yau Tong Bay “CDA” zone, covering an area of about 17.31ha, was first incorporated into the OZP in January 1993. Subsequently, pursuant to the Board’s agreement on the development proposal submitted by a project proponent (i.e. the current applicant), the boundary of the “CDA” zone was expanded to about 22.4ha and incorporated into the draft OZP No. S/K15/15;
- (b) pursuant to the Court of Final Appeal’s clarification on presumption against reclamation in January 2004, the Board on 20.2.2004 agreed to review the future development of Yau Tong Bay by taking a ‘no reclamation’ approach as a starting point. However, none of the schemes submitted by the proponent was accepted by the Board. On 7.9.2007, the Board requested Planning Department (PlanD) to submit proposals to amend the Yau Tong Bay “CDA” zone taking account of the views and comments raised by the Board;
- (c) PlanD had subsequently conducted a planning assessment on the Yau Tong Bay “CDA” zone which was considered by the Committee on 7.3.2008. Members generally agreed with the proposed development parameters and the proposed excision of the water area from the “CDA” zone was also



agreed by the Committee on 7.3.2008;

- (d) the revised boundary and development parameters of the “CDA” zone were exhibited for public inspection on 23.5.2008. Subsequently, a Planning Brief (PB) for the Yau Tong Bay “CDA” zone was endorsed by the Committee on 9.4.2010; and
- (e) the current application was to seek planning permission from the Board for a proposed comprehensive development at the application site. The planning application was first submitted in March 2010. The proposed master layout plan (MLP) under the current application was amended several times to address departmental and public comments received, and was now ready for submission to the Committee for consideration.

169. Ms. Karen F.Y. Wong, STP/K, then presented other major aspects of the application with the aid of a powerpoint presentation as detailed in the Paper :

- (a) the proposed comprehensive development comprising 28 residential blocks, 4 hotel blocks, a GIC block with the provision of a public waterfront promenade and two flights of landing steps. The applicant also sought planning permission to relax the plot ratio (PR) restriction from 4.5 to 5;
- (b) the “CDA” site (about 98,954.75m<sup>2</sup>) comprised the applicant’s lots (73,971.79m<sup>2</sup>, 74.75%), dissenting lots (14,734.72m<sup>2</sup>, 14.89%) and government land (about 10,248.24m<sup>2</sup>, 10.36%);
- (c) three planning applications at YTML Nos. 73 and 74 (Wing Shan Industrial Building) in the “CDA” site had been approved and the latest scheme approved on 20.3.2012 was for in-situ conversion of the existing industrial/godown building for hotel, shop and services uses with public waterfront promenade and landing steps;
- (d) each dissenting lot and government site would be allotted with a PR of 5 if the proposed minor relaxation of the PR to 5 was approved;

- (e) among the technical assessments submitted, the one for yacht centre development at Yau Tong Bay was prepared in support of a previously proposed MLP which included a yacht centre proposal at two government sites in the application site. The technical assessment revealed a number of technical difficulties and legal issues, in particular, the breakwater required for safe berthing of boats might be considered as reclamation. Given that there was a presumption against reclamation in Victoria Harbour, the yacht centre proposal deleted from the proposed MLP;
- (f) departmental comments – concerned government departments had no objection to or adverse comments on the application;

[Mr. Maurice W.M. Lee and Ms. Doris Chow left the meeting at this point.]

- (g) the application and the further information subsequently submitted were published for public inspection on 9.4.2010, 15.2.2011, 11.10.2011, 25.11.2011, 23.12.2011 and 16.11.2012 respectively. During the statutory publication periods, a total of 80 public comments from 42 commenters were received, which were summarised below :

Support/No Objection

- (i) 17 commenters including a Legislative Councillor, five District Council (DC) members, Kwun Tong Area Committee, Green Sense and nine individuals indicated support or raised no objection to the application. The Hong Kong and China Gas Company Ltd. submitted six comments with the earlier five indicating no objection to the application and the last one indicating no further comments;

Opposing Comments

- (ii) four owners of the dissenting lots, i.e. lot owner of YTML Nos. 73 and 74 (Wing Shan Industrial Building), lot owner of YTML No. 71 (HK Ice and Cold Store), lot owner of YTML Nos. 2, 3 and 4 (an existing sand depot) and lot owner of YTML No. 25 (an existing

depot with a barging point), submitted a total of 20 opposing comments indicating that the applicant had not reached any consensus with them on the proposed MLP and their comments were summarised as follows :

- (a) the lot owner of YTML Nos. 73 and 74 (Wing Shan Industrial Building) had no intention to redevelop the lots and was prepared to implement the latest approved wholesale conversion scheme. The lot owner also considered that the proposed PR of 5 at his lots had not taken into account the PR 11 of his existing building, and the proposed 25m-wide building gap and waterfront promenade should be measured from the façade of his existing building. As such, the technical assessments in the MLP were prepared based on wrong assumptions. The land/water interface facilities provided in Yau Tong Bay “CDA” was also inadequate;
- (b) the lot owner of YTML No. 71 (Ice Cold and Store) indicated his lot was suitable for independent redevelopment and had no intention to redevelop it into a hotel. The distribution of GFA on a pro-rata basis was unreasonable and requested for (i) a maximum PR of 12 for commercial use or a maximum of 9 for mixed domestic/non-domestic uses; alternatively, rezoning his lot to “Other Specified Uses” annotated “(Business)” or “Residential (Group E)” with his proposed development parameters; and (ii) removal of the proposed 25m-wide building gap;
- (c) the lot owner of YTML No. 25 (existing sand depot with a barging point) requested to develop his lot in Phase 1 and pointed out that it was wrong to assume his lot would jointly be developed with the adjoining lot. He also failed to see the rationale for substantially lowering the building height at his lot; and
- (d) the lot owner of YTML Nos. 2, 3 and 4 (existing sand depot)

intended to develop his lots in Phase 1. He considered that the location of the GIC block next to his lot was not appropriate and the proposed building height at his lot was insufficient to provide adequate flexibility for innovative building design;

- (iii) the Society for Protection of the Harbour objected to the application mainly on the grounds that the development intensity proposed in the MLP was excessive and would create walled development; the Government should ensure that proper public access to the harbour and harbourfront, a promenade with sufficient width and quality would be provided; the MLP should make provisions to accommodate the public access, harbourfront promenade and marine use and other uses for public enjoyment of the harbour and harbourfront; and proper public consultation should be undertaken;
- (iv) Designing Hong Kong Ltd. submitted four comments. Three of the comments in general opposed the lack of boating and water sports uses in the proposed development, the remaining comment supported the inclusion of the marina facilities (in the previous MLP) and considered that the relaxation in building height should be in return for the delivery and implementation of public marina facilities;
- (v) the other ten public comments were received from the Concern Group on the Development of Yau Tong, a school in the vicinity and eight individuals. They objected to the application mainly on the grounds that the proposed relaxation in building height was not acceptable; no public benefits could be observed for relaxing the PR restriction; the proposed development would bring about adverse impacts on the surrounding area; the design and disposition of the development was monotonous and boring; the GIC facilities and public recreation space were too far from MTR station and inconvenient; and there was insufficient information for public

consultation;

Comment Only

- (vi) the Chairman of Kwun Tong District Council (KTDC) submitted four comments, including two opposing comments on the minor relaxation of building height and PR in the previous MLP scheme. His comments on the latest development scheme did not indicate support or objection to the application but expressed concern on the technical feasibility of the proposed development;
- (vii) the MTR Corporation Ltd. commented that the pedestrian connections between the application site and MTR Yau Tong Station should be designed and implemented in such way that they were convenient, direct and weather-proof;
- (viii) the New Hong Kong Tunnel Company Ltd. submitted six comments. It commented that the proposed development should take into account the interface issues between the development and the Eastern Harbour Tunnel area and ventilation building;
- (ix) a nearby school, CCC Kei Faat Primary School (Yau Tong), submitted four comments requesting for the provision of more community facilities in the application site and adjoining government land, and commenting that the noise and environmental nuisance during the construction stage should be minimized and the air and visual quality of the school should not be affected; and
- (x) four individuals raising concerns on the vibrancy, connectivity and continuity of the public waterfront promenade; requesting the early redevelopment of Yau Tong Industrial Area; and requesting PlanD to provide detailed reports on environmental assessment, traffic impact assessment (TIA) and air ventilation assessment (AVA), etc. and conduct extensive public consultation in the district;

- (h) the Harbourfront Commission's Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing was briefed on the application three times. The comments on the latest MLP were that while noting that restrictions like the implication related to the Protection of Harbour Ordinance, wave condition and environmental standards might not be easy to overcome, Task Force members generally considered it more desirable to include the proposed yacht centre to help enliven the Yau Tong Bay harbourfront areas. The proposed scheme, without the yacht centre, might not present a convincing case of fulfilling the Harbour Planning Principles;
- (i) the District Officer (Kwun Tong) advised that Kwun Tong community and KTDC had consistently called for the implementation of a continuous waterfront promenade linking Kowloon Bay and Yau Tong for enjoyment by the general public. As KTDC members had requested for the reduction of the PR of 4.5 at the application site at a KTDC meeting on 24.11.2009, KTDC might have concern on the proposed PR of 5 in the development proposal; and
- (j) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 13 of the Paper which were summarized below :

*Compliance of Planning Intention*

- (i) the proposed development was generally in line with the planning intention of the "CDA" zone of phasing out the existing industrial operation for residential and/or commercial uses and redeveloping the area in a comprehensive manner with the provision of open space and other community and supporting facilities. It was also in line with the Harbour Planning Principles in respect of bringing the people to the Harbour and the Harbour to the people, and creating a quality harbourfront through encouraging innovative building design and a variety of tourist, retail, leisure and recreational activities, and providing an integrated network of open space and pedestrian links;

Land Use Compatibility

- (ii) the proposed comprehensive residential and commercial uses in the application site were more compatible with the surrounding residential developments than the existing industrial operations and open storage uses within the subject lots. It could help improve the general visual and environmental quality of the area. As for other uses under application, the proposed retail uses along the future public waterfront promenade and the proposed landing steps would enhance the vibrancy of the harbour area and facilitate the promotion of water recreation activities in Yau Tong Bay. The proposed GIC facilities including the Integrated Children and Youth Services Centre, Integrated Vocational Rehabilitation Services Centre and Integrated Family Services Centre as requested by the Social Welfare Department could serve the wider community;
  
- (iii) the District Lands Officer/Kowloon East (DLO/KE) suggested to allow both residential and hotel use at the two government sites. As these sites were subject to noise and air impacts from nearby roads, the alternative residential use, supported by technical assessments, could be submitted to the Committee for consideration separately;

Site Area

- (iv) there was discrepancy between the site area in DLO/KE's record and the applicant's proposed site area in the current application. As the actual figure would only be confirmed at the setting out of site boundary at the land grant stage, should the application be approved, the applicant would be advised that if the site area was found to be different from that in the current application, the GFA for the application site should be adjusted correspondingly based on a maximum PR of 5;

Development Intensity and Minor Relaxation of PR Restriction

- (v) the Notes of the OZP for the "CDA" zone stipulated that the

maximum PR of the site could be increased to 5 if the applicant could demonstrate that (a) at least 80% of private land within the “CDA” zone had been assembled or consent from 80% of the private land owners had been obtained; and (b) the proposed scheme could comply with a list of requirements set out in the PB. As the applicant was a joint venture which owned about 83.4% of the application site, the proposed minor relaxation of the PR from 4.5 to 5 complied with the requirements of the PB. Relevant government departments consulted had no in-principle objection to the proposed PR of 5. The dissenting lots and the government sites had been allotted with a GFA equivalent to a maximum PR of 5 based on their individual site areas;

#### Building Height Profile

- (vi) for the proposed gradation of building height in the MLP from 72mPD/60.5mPD at the two western ends to 120mPD, both the Chief Architect/Advisory and Statutory Compliance of Architectural Services Department and Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of PlanD had no adverse comments from the urban design perspective and the visual impact assessment submitted by the applicant. Regarding a public comment for adopting similar building height band for T7, T8 and T9, CTP/UD&L of PlanD considered that there was scope to revise the building heights of these three towers;

#### Urban Design

- (vii) the applicant had spent major effort to improve the townscape of the development proposal by adopting a distinctive stepped height profile and an aerodynamic ‘blade’ design for the building blocks, and avoiding bulky podium structure by putting car parking spaces in the basement level. The more bulky buildings with single aspect building design was mainly due to a need to address the traffic noise issue. The curvilinear design of the podium and provision of wide openings/passage ways at pedestrian level were adopted to blend in



with the future waterfront and enhance the visual/air permeability. It was considered that the applicant had struck a balance amongst architectural design, visual and air permeability, environmental impacts and other technical constraints. In this regard, the CTP/UD&L of PlanD had no adverse comments on the application;

Visual Permeability and Air Ventilation

- (viii) building separation ranged from 25m to 41.2m (average 27.4m) was proposed to enhance the visual permeability and airflow through the proposed development to the inner area. Other proposed air ventilation enhancement measures included truncated design at high level of T11 to T13, permeable podium design for T2 to T5 and T11 to T14, slimmed podium design for T15 and podium garden design for T16 and T17. Besides, the CTP/UD&L of PlanD had no adverse comment on the submitted AVA;

Public Waterfront Promenade

- (ix) the applicant proposed to provide a public waterfront promenade along Yau Tong Bay with an area of about 24,700m<sup>2</sup>, which accounted for 25% of the total area of the application site, and would be surrendered to the Government upon request. A variety of uses and activities would be provided in the waterfront promenade. Both the DLO/KE and the Director of Leisure and Cultural Services had no objection to the proposed arrangement;

Connectivity to the Waterfront

- (x) in the proposed development scheme, the public waterfront promenade would be open for public enjoyment and accessible via the proposed development through two footbridges linking to the MTR Yau Tong Station and six at-grade pedestrian links. Among them, two pedestrian links at-grade would be open 24 hours daily, while the two footbridges would be open to tie in with the operation of the MTR Yau Tong Station and the other links would be open at reasonable hours. In response to the departmental comments, the

applicant agreed to relocate the public vehicle park for the public waterfront promenade to Phase 1 development;

Landing Steps

- (xi) two flights of landing steps were proposed within the “CDA” site, one within the applicant’s site in front of the residential block in T3, and the other in front of the proposed hotel in T15. The latter formed part of an approved planning application (No. A/K15/107) involving the conversion of an existing industrial building for hotel use for the life-time of the building. The Director of Marine had no objection to the landing steps proposed by the applicant. Given that the application site had a long waterfront of 1.2km, the applicant should be requested to explore the opportunity to provide at least one more flight of landing steps to further enhance the vibrancy and marine accessibility as well as to facilitate the promotion of water recreation activities;

Existing and New GIC Facilities

- (xii) as per the requirements of the PB or concerned departments, the existing GIC facilities were relocated elsewhere or reprovisioned within the “CDA” site, and new GIC facilities were provided. The location of the new GIC block for the reprovisioning of Cha Kwo Ling Salt Water Pumping Station and the new social welfare facilities was considered appropriate as it could minimize the interface issues with the public waterfront promenade and allow optimum utilization of land resource. Departments concerned had no objection to the location. The provision of the GIC facilities would be to the satisfaction of respective departments;
- (xiii) the GFA for the GIC facilities and the public vehicle park would be provided in the applicant’s site and included in the GFA calculation of the applicant’s site;

Landscape Aspect

- (xiv) despite that the proposed greening ratio of 60.26% for the public waterfront promenade was lower than the requirement of 80% set out in the PB, it was considered acceptable as the reduction was mainly due to the need to enrich the recreational uses in the promenade;

Environmental Impact and Risk Aspect

- (xv) the Director of Environmental Protection had no adverse comments on the air quality, water quality, ecology and land contamination assessments submitted by the applicant. Mitigation measures had been proposed to tackle the traffic noise impact of the proposed development. An approval condition requiring the design and implementation of mitigation measures for the proposed development with supporting assessments in relation to the traffic noise and industrial/residential interface problems was recommended. For the gas pigging station, no unacceptable societal and individual risk had been identified, and the Director of Electrical and Mechanical Services had no in-principle objection to the application and advised to impose an approval condition to design and implement mitigation measures as set out in the risk assessment report;

Traffic and Transport Aspects

- (xvi) the Commissioner for Transport (C for T) had no adverse comments on the TIA and the provision of parking spaces in the applicant's site and the dissenting lots. He also had no adverse comments on the provision of the public vehicle park for the public waterfront promenade given that the applicant agreed to locate it to the applicant's site in Phase 1. To address the concern of C for T on the provision of the ingress/egress points for T17 (the dissenting lot, YTML No. 71) and T16 and T18 (the government site GLA-437&Ext) when taking into account the design of the future roundabout of the Tseung Kwan O-Lam Tin Tunnel, the approval

condition requiring the design and provision of vehicular access, vehicle parking/loading/unloading facilities and manoeuvring spaces for the proposed development to be stipulated would also cover these lots; and

Management/ Maintenance and Reprovisioning Cost Issues

(xvii) departments concerned raised a number of management and maintenance issues in respect of the proposed at-grade pedestrian access between T5 and T6 to the waterfront promenade, the two footbridges linking to the MTR Yau Tong Station, the landing steps and the GIC block, as well as the reprovisioning cost of the salt water pumping station. From the planning perspective, the provision of such facilities could enhance the vibrancy and accessibility of the waterfront. The applicant agreed to construct the pedestrian access, footbridge and landing steps, and manage/maintain them until they were required to be surrendered to the Government. When these facilities should be surrendered and by which department could be sorted out at the land grant stage. Similarly, the reprovisioning cost of the salt water pumping station and the management/maintenance issues of the new GIC block could be sorted out at the land grant stage;

Other Technical Aspects

(xviii) relevant technical assessments as required under the “CDA” zone had demonstrated that the proposed development would not generate adverse impacts on the surrounding area. Concerned government departments consulted in general had no adverse comments on or no objection to the application;

Response to Public Comments

(xix) the development right of the dissenting lot owners would not be affected as each dissenting lot was self-contained in terms of layout design and provision of open space, transport and other infrastructures and could be developed independently. The

proposed PR of 5, if approved, was applied to each dissenting lot and government site;

- (xx) the planning approval at YTML Nos. 73 and 74 for in-situ conversion of the existing building for hotel use was for life-time of the building only. Upon redevelopment, the lot was subject to the development parameters as shown in the proposed MLP if approved;
- (xxi) for the request to develop YTML No.71 for residential use, as the lot was subject to noise and air impacts from nearby roads, the alternative residential use could be considered in a separate application with the support of relevant technical assessments;
- (xxii) the proposed building height of T1 was coherent with the proposed stepped height profile, while the building height of T8 would be reviewed, together with that for T7 and T9; and
- (xxiii) the other comments/concerns on the development intensity, environmental impacts, yacht centre, landing steps and water recreational uses, etc. had already been addressed in the planning assessments presented above or as detailed in the Paper.

170. The Chairman said that the processing of the subject application had taken a long period of time and considered thoroughly by relevant government departments. Key issues of the development proposal had been suitably addressed by the applicant in the refinements made to the scheme and the remaining issues could be dealt with through the stipulation of appropriate approval conditions as suggested in the Paper.

171. A Member enquired whether there were means to ensure that the dissenting lot owners not included in the joint venture would implement the redevelopment proposal of their lots according to the MLP submitted by the applicant in future. Some owners of the dissenting lots might have their own development plans and would not want to follow the development scheme as shown in the submitted MLP.

172. Miss Fiona S.Y. Lung said that the application site was zoned “CDA” on the OZP. According to the Notes of the OZP, the applicant should prepare a MLP for the whole “CDA” site for the approval of the Board. Given the large size of the “CDA” site, it would be difficult for the applicant to reach consensus with all individual lot owners before making a planning application to the Board. Should the MLP under application be approved by the Board, all the lots within the “CDA” zone should be developed in accordance with the approved MLP. In case the dissenting lot owners intended to develop their sites in a way different from the approved MLP, they could propose amendments to the approved MLP by submitting a section 16 planning application for consideration of the Board.

173. The Chairman stated that individual lot owner might wish to submit their own development scheme in the form of a MLP by way of a section 16 planning application. The Board, in considering the proposed amendments to the MLP, would take due account of whether the amendments made to the approved MLP were acceptable, and whether there were planning merits in approving that development scheme.

174. A Member said that according to the MLP submitted under the current application, the dissenting lots had been allotted with a GFA equivalent to a maximum PR of 5 based on their individual site areas. The same Member asked if the dissenting lot owners submitted another planning application to the Board for developing their own lots, would the development intensity allocated to their lots in the current scheme be applicable.

175. In response, the Chairman said that if the MLP submitted under the current application was approved by the Committee, the future development of the dissenting lots would have to follow the approved MLP. However, the dissenting lot owners could submit another MLP covering the whole “CDA” zone if they intended to vary the development proposal for their own lots.

176. Miss Fiona S.Y. Lung supplemented that the development intensity of the subject “CDA” zone was restricted to a maximum PR of 4.5. According to the endorsed PB, the PR could be increased to 5 through application for minor relaxation of the PR at the section 16 planning application stage if the applicant could demonstrate that (a) at least 80% of the private land within the “CDA” zone had been assembled or consent from 80% of the private land owners had been obtained; and (b) their proposed development scheme could fulfill the

set of requirements under the PB. If the Committee approved the MLP submitted under the current application, the development potential for each individual lot within the “CDA” zone would be increased to a PR of 5. In this regard, should the dissenting lot owners wish to redevelop their lots by themselves, a PR of 5 was already permitted with respect to each private lot within the “CDA” zone.

177. The Chairman stated that subject to the approval of the MLP under application, the development potential of each private lot would be distributed to them taking into account the size of the land holdings and was capped at a maximum PR of 5. However, if individual lot owner intended to develop their lots in a way different from the approved MLP, they would need to submit a fresh planning application to the Board for approval.

178. The Secretary said that the applicant had included all lots including the dissenting lots within the “CDA” zone under the MLP submission, and the proposed MLP had included the type of use, building form and building height, etc. for all the lots. In the implementation stage, unless the dissenting lot owners accepted the MLP submitted by the applicant, amendments to the approved MLP would be unavoidable and the submission of another planning application for the Board’s approval would be necessary. Upon receipt of the application, the Board would consider whether the revised MLP submitted by the dissenting lot owners was acceptable, having regard to the extent of amendments to the approved MLP, the latest planning circumstances and the individual merits of the scheme submitted. Besides, the submission of technical assessments to support the revised MLP might also be required.

179. Upon the enquiry of the Vice-chairman, Miss Fiona S.Y. Lung said that an application for in-situ conversion to hotel, shop and services uses with public waterfront promenade and landing steps at Wing Shan Industrial Building at YTML Nos. 73 and 74, which fell within the boundary of the application site, was approved by the Committee on 30.3.2012 (under Application No. A/K15/107). The proposed uses in that application were for the life-time of the building only, and the PR of the existing building was about 11. Upon redevelopment, the site would be subject to a PR of 4.5 under the “CDA” zone of the OZP, or a PR of 5 under the approved MLP, should the current application be approved.

180. In response to a Member’s question, the Chairman said that if the MLP submitted

under the current application was approved by the Committee, the development/redevelopment of those dissenting lots would also be subject to the governance of the approved MLP. In case they would like to redevelop their own lots in a way different from the MLP, a fresh planning application to the Board would be required.

#### Deliberation Session

181. A Member noted that some government land was included in the application site and enquired if the future use of these sites would be decided by the applicant. In response, the Chairman said that the existing GIC facilities would either be relocated elsewhere or reprovisioned within the “CDA” site, and the future use of the government sites should be in accordance with the MLP, if approved. The development programme of the government sites would be vested with the Government but not the developers.

182. A Member asked in case the dissenting lot owners submitted a completely different MLP for the “CDA” site at a later stage, how should this MLP be considered by the Committee. In response, the Chairman said that the second MLP submitted by the dissenting lot owners would have to be considered having regard to its individual merits and whether the changes/differences made to the approved MLP were considered acceptable and justifiable. Unless the Committee considered that the originally approved MLP should no longer be pursued, otherwise, the chance of approving a completely different MLP was slim.

183. The Secretary said that normally, the dissenting lot owners would only amend the part of the approved MLP concerning their own lots and adopt the other part covering the lots that were not owned by them. She further said that although more than one planning permission could be given by the Board in respect of an individual site, the developer/owner would need to decide on which approved scheme should be taken forward for the purpose of implementation. Theoretically, the dissenting lot owners could submit a completely different MLP for the Board’s approval. However, it was unlikely that such kind of MLP would be approved by the Board, unless with very strong and convincing justifications.

184. The Chairman said that in considering any possible revised MLP submitted by the dissenting lot owners, the Board should take into account all relevant planning considerations and the latest planning circumstances. If the amendments made to the



approved MLP were not justified, it would be rejected.

185. The Chairman concluded that Members were of the view that the application could be approved as the submitted MLP was in line with the planning intention for the “CDA” zone and complied with the requirements stipulated in the endorsed PB. The proposed minor relaxation of PR restriction from 4.5 to 5 was also considered acceptable.

186. 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 8.2.2017, 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, taking into account the approval conditions (b), (c), (f) to (h), and (j) to (q) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised building height profile for Towers 7, 8 and 9 to the satisfaction of the Director of Planning or of the TPB;
- (c) any floor space that was constructed or intended for use as public vehicle park for the public waterfront promenade and Government, institution or community facilities to be provided within the applicant’s site should be included in the GFA calculation of the applicant’s site;
- (d) the waterfront promenade would be constructed, managed and maintained by the applicant, as proposed by the applicant, and open 24 hours each day for public enjoyment until it was surrendered to the Government upon request;
- (e) the surrender of re-provisioned footpath near Tower 12, as proposed by the applicant, to the Government upon request;

- (f) the design and provision of the public waterfront promenade including its public pedestrian access and temporary access to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (g) the design and provision of the road widening and the footpath re-provisioning works at junction of Yau Tong Road and Cha Kwo Ling Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the design and provision of the landing steps, as proposed by the applicant, and additional flight(s) of landing steps within the applicant's site to the satisfaction of the Director of Marine or of the TPB;
- (i) the landing steps would be constructed, managed and maintained by the applicant, as proposed by the applicant, and open at reasonable hours for public usage to the satisfaction of the Director of Marine or of the TPB until they were surrendered to the Government upon request;
- (j) the provision of pedestrian access to the waterfront, footbridges from MTR Yau Tong Station to the proposed development, and public vehicle park for the waterfront promenade within the applicant's lots in the Phase 1 development, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (k) the design and provision of vehicular access, vehicle parking/loading/unloading facilities and maneuvering spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (l) the submission and implementation of a revised landscape master plan including green coverage plan and tree preservation proposal for the development site to the satisfaction of the Director of Planning or of the TPB;

- (m) the design and implementation of mitigation measures for the proposed development with further supporting assessments in relation to the traffic noise and industrial/residential interface problems to the satisfaction of the Director of Environmental Protection or of the TPB;
- (n) the design and provision of mitigation measures for the Integrated Vocational Rehabilitation Services Centre and the Integrated Family Services Centre in the proposed Government, institution or community block in respect of the industrial operation of YTML Nos. 2 to 4 to the satisfaction of Director of Environmental Protection or of the TPB;
- (o) the demolition of the existing Cha Kwo Ling Salt Water Pumping Station, and the design and re-provisioning of the new salt water pumping station to the satisfaction of the Director of Water Supplies or of the TPB;
- (p) the design and provision of the Integrated Children and Youth Services Centre, the Integrated Vocational Rehabilitation Services Centre and the Integrated Family Services Centre to the satisfaction of the Director of Social Welfare or of the TPB;
- (q) the design and provision of kindergarten facilities to the satisfaction of the Secretary for Education or of the TPB;
- (r) the design and implementation of strengthening and rehabilitation works for the seawall supporting the proposed development to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (s) the design and implementation of mitigation measures for the gas pigging station at New Kowloon Inland Lot 6138, and the proposed developments at GLA-NK 534 and YTML No. 71 in relation to the risk associated with the gas pigging station and its underground gas pipeline to the satisfaction of the Director of Electrical and Mechanical Services or of the TPB; and
- (t) the design and provision of fire service installations and water supplies for

fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approved Master Layout Plan (MLP), together with the set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry (LR) in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the LR as soon as possible;
- (b) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by BA and major changes to the current scheme were required, a fresh planning application to the Town Planning Board might be required;
- (c) to apply to the District Lands Officer/Kowloon East for lease modification. However, there was no guarantee that such application would be approved. If it was approved by the Lands Department (LandsD) acting in its capacity as the landlord at its absolute discretion, it would be subject to such terms and conditions, including, among others, payment of premium, as might be imposed by LandsD;
- (d) at the land grant stage, if the site area was found to be different from the current submission, the GFA for the application site should be adjusted based on a maximum plot ratio of 5 correspondingly;

- (e) to consult the Chief Officer (Licensing Authority), Home Affairs Department on the licensing requirements for the proposed hotel;
- (f) 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 BD;
- (g) to note the comments of the Chief Highway Engineer/Kowloon, Highways Department regarding the issues of construction/maintenance/management, design and seeking comments from ACABAS on the two footbridges running across Cha Kwo Ling Road;
- (h) to note the comments of the Director of Marine stated in paragraph 11.1.16 of the Paper;
- (i) to liaise with the MTR Corporation Ltd. regarding the provision of the two proposed footbridges connecting the application site with MTR Yau Tong Station;
- (j) to liaise with the project proponent/consultant of the developments near town gas transmission pipes on the safety requirements during the design and construction stage; and
- (k) to observe the Harbour Planning Principles and Guidelines and consult the Harbourfront Commission's Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing again on the proposed development schemes at suitable junctures.

[The Chairman thanked Miss Fiona S.Y. Lung, DPO/K, and Ms. Karen F.Y. Wong, STP/K, for their attendance to answer Members' enquiries. They left the meeting at this point.]

**Agenda Item 24**

Any Other Business

188.        There being no other business, the meeting closed at 1:40 p.m..